

# Statement of Facts

December 8<sup>th</sup>, 2024

I'm Richard Galt Morris. I am a direct descendant of a 4/4 Chukchansi woman named Sah-Wah-Yok. There is a lot of history involved with her which I will go into detail in another setting. For the moment, she is proof of my lineal descent as a Chukchansi Native American.

On several occasions, the Tribe has attempted to take away my Citizenship. The latest attempt is in the first set of documents herein. In the context of this document, I have been proven to be an enrolled member of the Picayune Rancheria of the Chukchansi Indians on four separate occasions:

April 3, 1990

April 11, 1996

July 31, 1997

May 7, 2007

I have included the original application from 1989. You will notice that no special requirements are listed on that application. The concept of proving eligibility based upon the original Constitution did not occur until 2004 when the Enrollment Committee created a document to be used as part of an audit. I was never intended to be used as a weapon for tossing people out on their asses.

Pages from October 1992 show the results of the first disputed enrollment issue that arose from Jane Wyatt being recalled from her position on the Tribal Council. She attempted to disenroll enough of the Tribe to stop her removal. The members of the Tribe were certified by the BIA and at that time my name was on that list.

I ask that as you read the information below, you decide if I am entitled to my continued Citizenship with the Tribe based upon the evidence submitted.

December 3, 2024

RICHARD RUSSELL MORRIS



Picayune Rancheria of the Chukchansi Indians  
Attention: ENROLLMENT DEPARTMENT  
49260 Chapel Hill Drive  
Oakhurst CA 93644

Attention:

I am writing to your department today to discuss the recent incident of my disenrollment from the Tribe. I have been informed of this via non-certified mail dated October 25<sup>th</sup>, 2024.

Since this notification I have repeatedly attempted to be given a fair opportunity to prove once again in 35 years that I am, IN FACT, eligible for continued CITIZENSHIP with this Tribe.

I have been shown to be qualified for Citizenship based upon Article III, Section 2(a) in which I applied for Citizenship based upon the "Petitioner" category. My application was approved by the Tribe under the terms of recognition written in the Constitution. This was approved by the Tribal Council led by Jane Wyatt and subsequently sent to the BIA in Sacramento for their records.

I was given a FEDEX letter (tracking number 8185 2248 2058) just recently, unopened. It was only then that I came to be informed that a disenrollment action was being taken against me.

The fact that I did not receive any notification that this action was being taken against me was not my fault. I did not receive any legal documentation stating that my Citizenship was once again being challenged.

My attempts to resolve this matter by contacting the Enrollment Department have proven frustrating and fruitless, with my inquiries being directed to the Tribal legal counsel. His office has not in any way been helpful to resolve this situation.

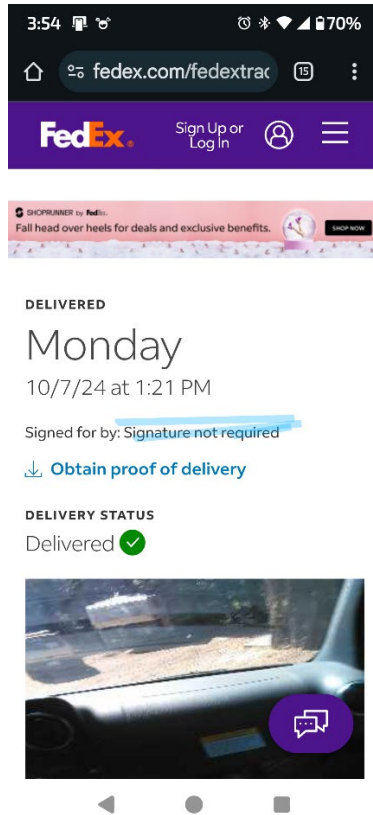
As a result, I feel it's only fair and reasonable that I be granted an actual hearing regarding this matter. Furthermore, any timeline issues should be waived since I did not receive proper notification.

I look forward to your prompt response.

A handwritten signature in cursive script that reads "Richard Morris".

Richard Morris

Incorrect delivery location  
No one signed for pkg





Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

Richard Russell Morris  
44529 City View Dr.  
Coarsegold, CA 93614

DEC 9 2005

Dear Member,

The Enrollment Committee is currently conducting a review of all Tribal Members files pursuant to Resolution No. 2005-11 Enrollment Audit. The Enrollment Committee is requesting you to check one of the following so that you may decide your bases for enrollment. Below is the description for each enrollment criteria that the membership of the Tribe shall consist of:

- a. **Distributee or dependent members of distributees-** in the plan for distribution of the assets of the Picayune Rancheria, as approved by the Secretary of the Interior on June 30, 1960.
- b. **Allottee-** A person of Chukchansi Indian blood who received an Allotment pursuant to the General Allotment Act of 1887, 25 USC §331 *et seq.*
- c. **Descendant of a distributee or dependent member-** A direct lineal descendant of a Distributee or a direct lineal descendant of a dependent member of a distributee.
- d. **Descendant of Allottee-** A direct lineal descendant of a person who received a Allotment pursuant to the General Allotment Act of 1887, 25 USC §331 *et seq.*
- e. **Petitioner-** A Person who applied for membership in the Tribe pursuant to the Constitution of the Picayune Reservation, Section 2.

Please check box:

- Dependent Member or Distributee (Name) \_\_\_\_\_
- Allottee (Name) \_\_\_\_\_
- Lineal descendant of Dependent Member of Distributee (Name of Dependent Member) \_\_\_\_\_
- Lineal descendant of Allottee (Name of Allottee) \_\_\_\_\_
- Petitioner

Please return this letter, as soon as possible, to 46575 Road 417 Coarsegold, CA 93614.  
Attention: Enrollment Department.

If you need any help or have questions, please feel free to call the Enrollment Department at (559) 683-6633 between 8am and 5pm Monday thru Friday. We will assist you in any way possible. Thank you for your time and cooperation.

Sincerely, *Marjorie Alice  
Milly L. Chapman*

Enrollment Committee



Picayune Rancheria  
of the  
**CHUKCHANSI INDIANS**  
49260 Chapel Hill Drive, Oakhurst, CA 93644 - (559) 412-5590

Richard Russell Morris



*Les Morris  
Central Valley, Calif*

**NOTICE OF CORRECTION OF TRIBAL ROLL**

PLEASE TAKE NOTICE, that pursuant to Article IV, Section 2, of the 1988 Constitution of the Picayune Rancheria of Chukchansi Indians ("Tribe") and Section 10.1.8 of the 2024 Amended Enrollment Ordinance of the Tribe, your name was removed from the Tribal Roll.

October 25, 2024

THE ENROLLMENT DEPARTMENT

*Jon Peoples  
Morris  
Reed  
hearing*

---

*Morris  
Reed*



Picayune Rancheria  
of the  
**CHUKCHANSI INDIANS**

49260 Chapel Hill Drive, Oakhurst, CA 93644 - (559) 412-5590

***Transmitted Via FedEx Tracking: 8185 2248 2058***

Richard Morris  
[REDACTED]  
[REDACTED]

October 3, 2024

**Re:** October 6, 2024 Hearing

Dear Richard Morris,

This notice serves to inform you of the following:

I.

The Hearings presently scheduled for October 6<sup>th</sup>, 2024, have been vacated or cancelled.

II.

Article III, Section 2(a) of the Constitution of the Picayune Reservation (the "Constitution") states that "[a]t any time within one year of this Constitution, any person of Chukchansi Indian blood who believes her/himself to be entitled to membership in the Tribe, and who does not fall within the provisions of Sections 1(a)(1), (2) or (3) of this Article, may petition the Tribal Council for admission into membership." Section 2(b) additionally states that "[t]he Tribal Council may, in its discretion, extend the time for petitions under this section for up to one additional year." Tribal officials, agents, and employees do not possess authority under Article III, Section 2(a) and 2(b) to hold hearings to determine eligibility for membership.

III.

You are not a member of the Picayune Rancheria of Chukchansi Indians because you did not file a timely petition for membership with the Tribal Council within the one-year period specified in Article III, Section 2(a) of the Constitution or any extension thereof of the adoption of the Constitution as specified in Article III, Section 2(b) of the Constitution. For this reason, the period for requesting a hearing has expired and the Hearings presently scheduled for October 6<sup>th</sup>, 2024, have been vacated or cancelled. Your name will be removed from the Picayune Rancheria

of the Chukchansi Indians Tribal Rolls, and you are no longer eligible for any Tribal benefits or services.

IV.

If you disagree with the decision stated in Section III of this notice, you have 14 days from the date of receipt of this letter, which we will presume will be 48 hours from the date of this letter, to submit written proof to the Enrollment Department that you: (1) submitted a timely petition, pursuant to Sections 2(a) and 2(b) of the Constitution, to the Tribal Council requesting a hearing before the Council, (2) the Council held a hearing on the petition, and (3) the petition was approved by a Tribal Council resolution.

If you do not submit written proof of the above items within 14 days of the date of receipt of this letter, which we will presume will be 48 hours from the date of this letter, your name will be removed from the Picayune Rancheria of the Chukchansi Indians Tribal Rolls. If you do submit documents, the Enrollment Department will review these documents. If the Enrollment Department determines that these documents do not constitute written proof, the Department will notify you that the documents that you have provided do not constitute written proof and that your name will be removed from the Tribal Rolls.

If the Enrollment Department finds that the documents that you have provided do constitute written proof, the Department will forward these documents to the Tribe Council for their review and approval.

Sincerely,



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Patricia Eames,  
Director of the Enrollment Department  
Picayune Rancheria

cc: Lester J. Marston, Attorney General  
Picayune Rancheria



Picayune Rancheria  
of the  
**CHUKCHANSI INDIANS**  
49260 Chapel Hill Drive, Oakhurst, CA 93644 - (559) 412-5590

October 22, 2024

Dear Tribal Member,

Today is the Picayune Rancheria of the Chukchansi Indian's first Chukchansi Day Celebration. A day that will be consistently celebrated each year in recognition of all Chukchansi Tribal Members – past, present and future.

To signify this special day, and to honor all of our Chukchansi Tribal Members, and those who had a significant role in the ratification of the Constitution, please accept this monetary gift in the amount of \$3,000.00 on behalf of Tribal Council.

We are proud to share this day with you and your families and look forward to watching the Tribe continue to flourish for generations to come, as one Tribe and for our people.

ENJOY this special day!!

Sincerely,

Tracey Hopkins  
Tribal Council Chairwoman  
Picayune Rancheria of the Chukchansi Indians

**TRIBAL COUNCIL**

**TRACEY HOPKINS**  
Chairwoman

**MELVIN ESPE**  
Vice-Chairman

**ELENA SANDERS**  
Treasurer

**MICHAEL WYNN**  
Secretary

**MORRIS REID, SR.**  
Member-at-Large

**LAURIE ARRIAGA**  
Member-at-Large

**MARCO ALCANTAR**  
Member-at-Large



THE CHUKCHANSI NATION OF THE PICAYUNE RESERVATION

P.O. BOX 708 COARSEGOLD, CALIFORNIA 93614

TELEPHONE: (209) 683-6633

JANE WYATT - CHAIRPERSON

*Shaw*  
4-10-90



Ms. Nancy Rosales  
Tribal Operations Specialist  
Bureau of Indian Affairs

RECEIVED

APR 10 1990

TELETYPE

RECEIVED  
CENTRAL OFFICE AGENCY  
1990 APR -9 PM 12:33

April 3, 1990

Dear Nancy:

This letter is in response to your telephone conversation of April 2, 1990 with the Tribal Business Manager, Mr. Bill Snow. The Chukchansi Nation of the Picayune Reservation opened its membership roles in October of 1989. Response was tremendous; and our membership committee has reviewed some six hundred applications, and the recommended to the Tribal Council that the applications be approved for membership. The Tribal Council approved the applications by a unanimous vote during the regular meeting in February of 1990.

As you know, the Picayune Rancheria was terminated in 1963 and the Tribe received re-recognition in December of 1983. Known as one of the Tillie Hardwick Tribes, it has been formally operating for the past two and a half years. During this time the Tribal Council has faced many hard decisions on its path to self-determination. The seven members of the Tribal Council maintain that the future of the Chukchansi Nation is dependent on the diverse talents of its members. The increase in membership provide a large pool of talents from which the Tribe can draw. Included with this letter you will find a list of the names of

TRIBAL COUNCIL MEMBER

- |                           |                                 |                          |                          |                                 |                                   |                                 |
|---------------------------|---------------------------------|--------------------------|--------------------------|---------------------------------|-----------------------------------|---------------------------------|
| JANE WYATT<br>Chairperson | HOLLY WYATT<br>Vice-Chairperson | MORRIS REID<br>Secretary | HENRY JONES<br>Treasurer | MARILYN EDDY<br>Member at Large | JUANITA LAWTON<br>Member at Large | RUBY CORDERO<br>Member at Large |
|---------------------------|---------------------------------|--------------------------|--------------------------|---------------------------------|-----------------------------------|---------------------------------|

THE CHUKCHANSI NATION OF THE PICAYUNE RESERVATION

the members of the Tribe to date. The list is 18 pages long and there are a few names that need some corrections to the input of our data base. The Tribal Staff will be working on these corrections over the next few weeks. I hope this list will be of use to you and if I can be of further assistance please do not hesitate to call myself or our Business Manager Mr. Snow at the Tribal Office.

Kind regards,

*Jane Wyatt*

Jane Wyatt, Chairperson

JW/bs

# The Chukchansi Nation of the Picayune Reservation Membership Roll

First Name	Last Name	City	State Membership . ID	Date of Birth
KELLY	FLECK	FRESNO	CA	4/7/57
Kim	Fleck	Redondo, Beach	Ca.	4/13/55
Mark	Fleck	Torrance	CA	4/9/60
JASON	FRANCK	SANTA ROSA	CA.	11/21/68
Richard	Galt	Oakhurst		1/25/72
Chelena	Gann	Mariposa	Ca.	2/27/84
DEBRA	GANN	MARIPOSA	CA.	6/5/63
Jason	Gann	Mariposa	Ca.	7/31/82
Kayla	Gann	Mariposa	Ca.	9/13/86
Norman	Gann	Mariposa	Ca.	10/29/78
Richard	Gann	Mariposa	Ca.	11/19/82
Vincent	Gomez	Fresno	Ca.	6/29/85
Julia	Gonzales	Clovis	Ca.	7/20/70
Rosie	Gonzales	Fresno	Ca.	1/9/69
Tamera	Gonzales	North Fork	Ca.	4/9/66
Zennia	Gonzales	Fresno	Ca.	12/1/49
Beniny	Gonzales Jr.	Clovis	CA	5/15/70
Desiree	Gonzalez	Downey		5/18/89
Yvette	Goode	Coarsegold	CA	11/5/50
DESIREE'	GOSS	SHREVEPORT	LA.	6/25/84
Dustin	Graef	Fresno	CA	11/5/79
Kellene	Graef	Fresno	CA	9/15/60
Sara	Graef	Fresno	CA	1/19/82
Annabelle	Graham	Coarsegold	Ca.	4/16/44
CHRISTO	GRAHAM	OAKHURST	CA	1/15/65
	<del>Graham</del>	<del>Oakhurst</del>	CA	1/15/65
Dustin	Graham	Coarsegold	Ca.	4/6/71
Jennifer	Graham	Coarsegold	Ca.	1/12/73
Jennifer	Graham	Coarsegold	Ca.	1/12/73
John	Graham	Fresno		10/10/39
Max	Graham	Oakhurst	CA	1/14/64
Paul	Graham	Fresno	CA	8/24/34
Sam	Graham	Coarsegold	Ca.	2/11/68
Vincent	Graham	Coarsegold	Ca.	9/20/65
Virgil	Graham	Coarsegold	Ca	1/12/42
Barbara	Graham/Camach	Fresno		8/28/82
Priscilla	Graham/Camach	Fresno		8/25/80
Christy	Guerrero	Clovis	CA	4/11/70
Samatha	Hale	Oakhurst	Ca	3/21/89



Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

P. O. Box 269 • 35686 Highway 41 • Coarsegold, CA 93614 • (209) 683-6633 • FAX (209) 683-0599

Date: April 11, 1996

Dear: Richard Morris

This letter is to verify your enrollment process is nearly complete. I have now received evidence, from the Department of the Interior, that you are Chukchansi. (I have enclosed a copy of these papers for your records.) I have also enclosed a letter which states you are a Member of the Chukchansi Tribe. Again, all the aforementioned forms should be kept in a safe place for your future use.

The next step to the enrollment process will be the issuance of your Chukchansi Membership Card. This card will be a photo identification style therefore we will have to take a picture. **YOU MUST CALL AND MAKE AN APPOINTMENT TO HAVE YOUR PICTURE TAKEN.**

If you live out-of-town you may submit a picture via mail to the Tribal Office. This picture must be 1" x 1 1/2" in size. The requirements for having your identification card made if you live out-of-town are as listed:

1. Picture 1" x 1 1/2"
2. Name written on the back of the picture
3. Date of Birth
4. Current mailing address

Identification cards will not be issued to minors. However, if a parent comes in for their picture to be made please inform me you have minor children and I will issue their Chukchansi roll numbers while you are in the office.

**NOTE: THE PERSON THIS LETTER IS ADDRESSED TO IS THE ONLY PERSON ELIGIBLE TO HAVE THE IDENTIFICATION CARD MADE.**

Respectfully,

Linda Sawlsville  
Enrollment Specialist



Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

P. O. Box 269 • 35686 Highway 41 • Coarsegold, CA 93614 • (209) 683-6633 • FAX (209) 683-0599

To Whom It May Concern:

Date: APRIL 11, 1996

Richard R. Morris, is a member of the Picayune Rancheria of the Chukchansi Indians and has requested our Tribal Government to write a letter on his/her behalf to identify and recognize him/her as a federally recognized member.

This letter serves as the official notification to your office that Richard R. Morris, is a federally recognized member of the Picayune Rancheria of the Chukchansi Indians.

Should additional information be required, please contact the Tribal Office at (209)683-6633.

ROLL# 000195

Sincerely,

Gilbert D. Cordero,  
Tribal Chairman

cc: Enrollment File

GDC:ls  
CTO:10/94

From Bryan Galt

ELIGIBILITY VERIFICATION OF APPLICATION

FOR

EDUCATION/TRAINING OR EMPLOYMENT ASSISTANCE

Name of Applicant Richard Morris  
Date of Birth 1-25-72

Eligible Under the Following Requirements:

- Enrolled Member of a Federally Recognized Tribe
- Descendant of 1/4 degree or more of Chukchansi Indian Blood of an enrolled member
- Possesses at least 1/2 degree of Indian Blood.

See Family Chart for More Information  
(on reverse)

Not eligible (see other side)

**COPY**

Enrollment Specialist  
Verification by S. Saulsville  
Date 7-31-97

**COPY**



Picayune Rancheria  
of the

# CHUKCHANSI INDIANS

46575 Road 417 Coarsegold, CA 93614 (559) 683-6633 FAX (559) 683-0599

## ENROLLMENT ELIGIBILITY

Date: May 7, 2007

**COPY**

Name of Applicant: Richard Russell Morris

Date of Birth: [REDACTED]

Social Security #: [REDACTED]

Address: P.O. Box 1152, Coarsegold, CA 93614

Home Telephone: (559) 760-5780

Business Telephone: .

## ELIGIBILITY STATUS

- Enrolled Member of the PRCI with the following roll number: 000195  
 Not Enrolled

## VERIFICATION BY:

- Enrollment Specialist: Patricia Eames Date: 5-8-07  
 Tribal Chair \_\_\_\_\_ Date: \_\_\_\_\_

**COPY**

REQUESTED BY: Ben Harjo - CIHA

DATE: 5/7/07

**COPY**

Dear Applicant:

Over the past six months, the Enrollment Committee has reviewed the original applications developed in 1989 to determine their compliance with the Tribal Constitution & Enrollment Ordinance.

To meet the requirements of the Constitution & Enrollment Ordinance, a revised application was developed and unanimously approved by the Tribal Council on April 22, 1997.

IN ACCORDANCE WITH THE CONSTITUTION AND ENROLLMENT ORDINANCES OF THE CHUKCHANSI TRIBE, THE FOLLOWING REQUIREMENTS MUST BE MET TO BE ELIGIBLE FOR MEMBERSHIP IN THE CHUKCHANSI TRIBE:

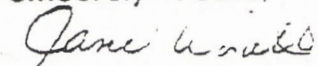
1. Be a DESCENDANT of a person Chukchansi blood who had a special relationship with the TRIBE not shared by Indians in general. (Constitution)
2. Must submit acceptable proof of BIRTH and PARENTAGE:
  - A. Birth Certificate
  - B. Baptismal records
  - C. Death Certificate
  - D. Copy(s) of Probate records
  - E. Marriage Licenses
  - F. Affidavits
  - G. Paternity statements
  - H. Adoption records
  - I. Bureau of Indian Affairs records
3. Not be enrolled with any other TRIBE.

All questions must be answered, unanswered questions is cause for returning the application as incomplete.

Each member in the family must submit their own applications regardless of age.

Upon approval an enrollment card will be issued. Should you need further information or assistance please contact the Tribal Office; 1-800-676-0683.

Sincerely Yours,



Jane Wyatt  
Tribal Chairperson

Submitted for Audit



CHUKCHANSI GENERAL TRIBAL ENROLLMENT APPLICATION  
Please print

I AM REQUESTING:

REGULAR MEMBERSHIP: \_\_\_\_\_ ARE YOU NOW AN ENROLLED MEMBER OF ANY TRIBE OR BAND? YES \_\_\_ NO \_\_\_ DON'T KNOW \_\_\_ IF YES, CURRENT ROLL NUMBER: \_\_\_\_\_

ADOPTIVE MEMBERSHIP: \_\_\_\_\_ ARE YOU AN ADOPTED ENROLLED MEMBER WITH ANY TRIBE OR BAND? YES \_\_\_ NO \_\_\_ DON'T KNOW \_\_\_ IF YES, CURRENT ROLL NUMBER: \_\_\_\_\_

1). NAME OF APPLICANT: \_\_\_\_\_  
LAST FIRST MIDDLE MAIDEN

2). ADDRESS: \_\_\_\_\_  
CITY COUNTY STATE ZIP

PHONE: \_\_\_\_\_ SOCIAL SECURITY NUMBER: \_\_\_\_\_

PERSONAL DATA

3). SEX: MALE \_\_\_ FEMALE \_\_\_ DATE OF BIRTH \_\_\_ / \_\_\_ / \_\_\_ PLACE OF BIRTH \_\_\_\_\_

4). DOES YOUR NAME APPEAR ON ANY INDIAN CENSUS ROLL? YES \_\_\_ NO \_\_\_  
DON'T KNOW \_\_\_ IF YES, CURRENT ROLL NUMBER \_\_\_\_\_

5). MARITAL STATUS: SINGLE \_\_\_ MARRIED \_\_\_ DIVORCED \_\_\_ SEPERATED \_\_\_ WIDOWED \_\_\_

6). IN ORDER THAT YOU MAY BE GRANTED MEMBERSHIP WITH THE CHUKCHANSI TRIBE, DO YOU FULLY UNDERSTAND THE MEANING OF AND HERE IN AGREE TO RELINQUISH, TO THE EXTENT NECESSARY, YOUR MEMBERSHIP RIGHTS WITH ANY OTHER TRIBE OR BAND WITH WHICH YOU ARE NOW AFFILIATED? YES \_\_\_ NO \_\_\_ IF NO, STATE YOUR OBJECTIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN UNDER SECTIONS I, II, AND IIIA IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF (APPLICANT) \_\_\_\_\_ (FOR APPLICANT) \_\_\_\_\_ DATE \_\_\_\_\_

Submitted for Audit

SECTION III - ACTION BY THE TRIBE (BAND)

WE, THE UNDERSIGNED, AS MEMBERS OF THE ENROLLMENT COMMITTEE, HEREBY CERTIFY THAT THIS APPLICATION FOR MEMBERSHIP WAS RECEIVED ON \_\_\_\_\_ 19\_\_\_\_ AND THAT THE INFORMATION CONTAINED THEREIN, AND ALL SUPPLEMENTAL INFORMATION OTHERWISE PRESENTED, HAS BEEN EVALUATED AND THAT THE APPLICANT IS HEREBY DETERMINED:

\_\_\_\_ ELIGIBLE FOR MEMBERSHIP UNDER AUTHORITY OF THE TRIBAL COUNCIL

\_\_\_\_ INELIGIBLE BECAUSE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BASED ON THE ABOVE DETERMINATION THIS APPLICATION FOR MEMBERSHIP IS HEREBY APPROVED \_\_\_\_ DISAPPROVED \_\_\_\_ AS OF \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF

\_\_\_\_\_  
SIGNATURE OF

\_\_\_\_\_  
SIGNATURE OF

\_\_\_\_\_  
SIGNATURE OF

\_\_\_\_\_  
SIGNATURE OF

\_\_\_\_\_  
SIGNATURE OF

APPEAL RIGHTS:

INFORMATION CONCERNING ANY APPEAL RIGHTS, RELATIVE TO THE ABOVE DETERMINATION, TO WHICH THE APPLICANT MAY ENTITLED SHALL BE MADE AVAILABLE TO HIM UPON HIS REQUEST.

FORM #  
4/2/91

*Submitted for Audit*

RECEIVED OCT 29 1992

# CALIFORNIA INDIAN LEGAL SERVICES

510 - 16th Street, Suite 301

Oakland, California 94612

Telephone (510) 835-0284

Fax (510) 835-8045

Directing Attorney

Jay B. Petersen

Staff Attorney

Margaret B. Crow

October 23, 1992

Gilbert Cordero  
Tribal Chairman  
Picayune Rancheria of Chukchansi Indians  
P.O. Box 269  
Coarsegold, CA 93614

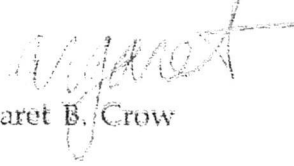
Re: Appeal of Recall Election

Dear Gilbert:

Congratulations! Enclosed is a copy of the opinion of the Area Director affirming the Superintendent's approval of the results of the recall election. There is a thirty day period in which Jane Wyatt may appeal this decision to the Interior Board of Indian Appeals. We will represent the Tribal Council in any further appeal in this matter. If you have any questions about the opinion, please give me a call. Also enclosed is the formal dismissal of Jane Wyatt's appeal of the BIA's refusal to recognize the "Provisional Council."

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES

  
Margaret B. Crow

MBC:le  
Enclosures



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Sacramento Area Office  
2806 Cottage Way  
Sacramento, California 95825



RECEIVED

OCT 20 1992

OCT 21 1992

California Indian Legal  
Services, Oakland

CERTIFIED MAIL NO. P 423 394 976  
RETURN RECEIPT REQUESTED

Mr. Howard L. Dickstein  
Dickstein & Merin  
2001 P Street, Suite 100  
Sacramento, California 95814

Dear Mr. Dickstein:

On June 4, 1992, we received a Notice of Appeal dated June 1, 1992 from Jane Wyatt appealing the May 28, 1992, decision of the Superintendent, Central California Agency, concerning the Picayune recall election held on April 3, 1992. On July 5, 1992, a Statement of Reasons dated July 2, 1992 was received from you on behalf of Jane Wyatt and Holly Wyatt. Subsequently, we received Answers of Interested Parties in support and in opposition from your office and California Indian Legal Services (CILS). In addition a motion to strike was received from CILS.

According to the Statement of Reasons, you disagree with the Superintendent's decision that the April 3, 1992, recall election was valid because of the following: (1) The election purporting to recall the provisional tribal council is null and void because it was not conducted pursuant to an election ordinance, as required by the Constitution of the Picayune Rancheria (2) The Bureau of Indian Affairs should not recognize the recall of Jane Wyatt and Holly Wyatt because the voters were not members of the Tribe and the signatures on the petition were fraudulent, rendering the entire recall null and void. (3) Members of the tribal government cannot waive provisions of the Constitution and failure to follow those requirements does not defeat a later claim of unconstitutionality. (4) The Bureau of Indian Affairs should not recognize an election that violates the constitution of the Tribe.

According to available records, the Tribe is operating under a Constitution (non-IRA) ratified by the voters on October 22, 1988. Article III of the Constitution governs tribal membership. The Superintendent was advised that there is an Enrollment Committee who accepts enrollment applications and makes recommendations of approval or disapproval to the Tribal Council.

Although Section 4 of Article III includes a provision for the adoption of a membership ordinance by the Tribal Council, records reveal that such a document has not been adopted. However, the governing body (Tribal Council) has been authorized by the Constitution to accept members under Section 2 but may adopt a membership ordinance under Section 4. Therefore, in the absence of an ordinance, any actions taken by the Tribal Council to enroll members may be accomplished pursuant to Section 2. Such members accepted by the Tribal Council, as were those individuals approved by the Tribal Council in February of 1990, would be members, and if 18 years of age or older, qualified voters.

Likewise, in the absence of an election ordinance as specified in Article VII, Section 6, the Tribal Council, as the governing body, has been delegated the authority to conduct elections as long as the elections are conducted in a manner not in violation of specific provisions of the Constitution. To hold otherwise would prolong the terms of office and the general membership would have no other process to elect its leadership.

The records indicate there are 370 qualified voters. Signatures of 204 voters appear on the recall petition and 146 voters participated in the recall election. Based upon the number of qualified voters, over 51 percent signed the petition for the recall of Jane Wyatt and over 30 percent participated in the recall election. Therefore, the recall actions were consistent with the Constitution's recall requirements. Based on our need to recognize tribal officials to conduct government to government relations, we determine the action to recall Jane Wyatt as valid. This determination does not include the removal action for Holly Wyatt as only the recall was appealed. Your appeal of the validity of the April 3, 1992, recall election is denied.

**WITNESS**

Our decision to uphold the Superintendent's May 28, 1992 determination may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310 - 4.340. Your Notice of Appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to: (1) the Assistant Secretary - Indian Affairs, 4140 MIB, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your Notice of Appeal sent to the Board of Indian appeals must certify that you have sent copies to these parties. If you are not represented by an attorney, you may request assistance from this office in the preparation of your appeal. If you file a Notice of Appeal, the Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a Notice of Appeal.

Sincerely,

Amy L. Dutschke  
**Acting** Area Director

Enclosure

cc: Superintendent, Central California Agency  
1824 Tribute Road, Suite "J"  
Sacramento, CA 95815

(On behalf of Tribal Council)  
Margaret B. Crow w/enclosure  
California Indian Legal Services  
510 - 16th Street, Suite 301  
Oakland, CA 94612  
by Certified Mail No. P 423 394 975

BEFORE THE AREA DIRECTOR  
SACRAMENTO AREA OFFICE  
BUREAU OF INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR

In the Matter of the Appeal of  
JANE WYATT RE: April 3, 1992 Election

ANSWER OF  
INTERESTED PARTY  
IN OPPOSITION TO  
APPEAL

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INTRODUCTION

The Tribal Council of the Picayune Rancheria of Chukchansi Indians (hereinafter "Tribal Council"), through its attorneys, California Indian Legal Services, was served with the appeal filed herein by Jane Wyatt.<sup>1</sup> On July 6, 1992, the attorney for the Tribal Council received a Statement of Reasons filed herein by Howard Dickstein, the attorney for Jane Wyatt and Holly Wyatt. The appeal challenges the decision of Harold Brafford, Superintendent of the Central California Agency, to recognize as valid the recall election conducted on April 3, 1992. This response to the Notice of Appeal and Statement of Reasons is filed pursuant to C.F.R. § 2.11.

The Tribal Council, acknowledged by the decision of the superintendent on May

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Although the Statement of Reasons filed in this appeal designates the appeal as being on behalf of Jane Wyatt and Holly Wyatt, the Notice of Appeal was filed by Jane Wyatt only. The recall election involved only the recall of Jane Wyatt as Chairperson. Holly Wyatt was removed from her position on the Tribal Council through separate provisions of the Tribal Constitution. See Article X, Section 1. The Statement of Reasons reflects the appellants' confusion over this point. See, Statement of Reasons, p. 9, first full paragraph.

13, 1992, has standing as an interested party to this action, within the definition of 25 C.F.R. § 2.2. According to this provision, "[i]nterested party" means any person whose interests could be adversely affected by a decision in an appeal.<sup>2</sup> The Tribal Council is the party that would be most severely and directly affected should the Area Director assume jurisdiction and render a decision favorable to Appellant. Thus, as an interested party, the Tribal Council wishes to express its views regarding the jurisdiction of the Bureau of Indian Affairs to review matters related solely to the internal affairs of the Picayune Rancheria of Chukchansi Indians which are therefore governed by the doctrine of tribal sovereignty.

I. THIS APPEAL SHOULD BE DISMISSED BECAUSE THE RECALL ELECTION WAS CONDUCTED IN COMPLIANCE WITH THE TRIBAL CONSTITUTION AND IN ORDER TO RENDER A DECISION ON THE MERITS THE BUREAU OF INDIAN AFFAIRS WOULD BE REQUIRED TO INTERPRET TRIBAL LAW.

A. Whether a formally adopted election ordinance is a prerequisite to a valid recall election requires interpretation of internal tribal law and should be decided by the tribal government.

The Bureau of Indian Affairs (BLA) and the Interior Board of Indian Appeals (IBLA) have long recognized the right of Indian tribes initially to interpret their own governing documents and to resolve their own internal disputes. While it is true that the Bureau of Indian Affairs is obligated under its trust responsibility to determine who, for the purpose of relations with the Bureau, is the legitimate tribal representative, it has also been held that, in administering the government-to-government relationship with the tribe, deference should be given to the tribe's

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<sup>2</sup> The Statement of Reasons identifies Jane and Holly Wyatt as 'interested parties' but in fact Jane Wyatt is the Appellant. See Statement of Reasons, p.5.



reasonable interpretation of its own documents. See, Wheeler v. United States, 811 F.2d 549 [40 Indian L. Rep. 2028] (10th Cir. 1987); Reese v. Minneapolis Area Director, Bureau of Indian Affairs, 17 IBLA 169 [16 Indian L. Rep. 7051] (July 6, 1989).

As in the case at hand, Reese v. Minneapolis Area Director involved an appeal of the decision of the Superintendent of the Minnesota Agency not to intervene in a tribal election dispute. The Area Director affirmed the Superintendent's decision. The Bureau's position was that tribal law did not provide a role for the BIA in tribal elections and therefore, neither the BIA nor the Board had authority to review the results of the election. Before appealing to the BIA, appellants had exhausted the internal appeal procedures of the Tribe. The appeal to the Bureau was based on the argument that the tribal constitution did not specifically provide for any appeal procedures. Therefore, the internal tribal review of the election results by an extra-constitutional appellate body (an Election Board) violated the constitution and was invalid. The IBLA found that the creation of the appellate body (i.e., the Election Board) was not violative of the tribal constitution, leaving to the Tribe the initial right to interpret its own constitution.

Similarly, based on Appellant's arguments, review of the results of the recall election in this case would require that the Bureau interpret certain provisions of the tribal constitution. The position of the Tribal Council is that the recall process was conducted in compliance with the recall provision of the Constitution, Article X, Section 2. The recall provision does not require thirty days notice or a written statement of charges. Nevertheless, Jane Wyatt was provided with notice in writing

well in advance of the recall election through receipt of the February 15, 1992 letter to Mr. Brafford. In addition, the recall petition and recall election were publicized within the community of which Jane Wyatt is a part. Indeed, she is not claiming a due process violation such as a lack of notice.

It is true that Article VII, Section 6 provides in part for the adoption of an Election Ordinance which would include "procedures for resolving election disputes. It is also true that Article X, Section 2 provides in part that "[t]he election shall be held in a manner prescribed in the Tribe's Election Ordinance. . . ." The Tribal Council disagrees that the Tribe "lacks the capacity to hold an election on the recall of a member of the Tribal Council in a fair and legitimate manner." Statement of Reasons, p.7. The Tribe has the ability to act in its governmental capacity so long as such actions are not directly in violation of the Tribal Constitution. The recall election was held in a manner consistent with the Tribe's governmental authority.

The question of whether a formally adopted Election Ordinance is necessary in order for recall proceedings to be valid is a matter of internal tribal law. In keeping with well established doctrines of tribal sovereignty and self-determination, it must be left to the governing body of the tribe to determine the meaning of its own constitution. In furtherance of these two principles, "[b]oth the Bureau and the Board attempt to refrain from becoming involved in such intra-tribal disputes unless a federal question is raised which requires the Department to take action or make an administrative decision." Bowen v. Acting Portland Area Director, Bureau of Indian Affairs, 20 IBLA 263 [19 Indian L. Rep. 7001] (September 23, 1991).

5. Whether a formally adopted enrollment ordinance is a prerequisite to the valid enrollment of tribal members requires interpretation of tribal law and should be decided by the tribal government.

Membership in the tribe is governed by Article III. Sections 1-4 of the Constitution. Section 2 (a) governs petitions for membership and provides as follows:

At any time within one year of the date of ratification of this Constitution, any person of Chukchansi Indian blood who believes her/himself to be entitled to membership in the Tribe, and who does not fall within the provisions of Section 1(a)(1), (2) or (3) of this Article, may petition the Tribal Council for admission into membership. The Tribal Council (emphasis added) shall review such petitions and determine whether the petitioner has, has had, or is the descendant of a person of Chukchansi Indian blood who had, a special relationship with the tribe not shared by Indians in general. If the Tribal Council determines that the petitioner is eligible for membership under this provision, the petitioner shall be accepted as a tribal member with all rights and responsibilities of membership, and her/his name shall be added to the Base Membership Roll.

Section 1(4)(b) provides that "[a]ll applications for membership from any person of Chukchansi Indian Blood shall be submitted to the Enrollment Committee, which shall rule on the application pursuant to the Enrollment Ordinance, adopted by the Tribal Council." It is not obvious whether the above sections, when taken together, mean: (1) that the enrollment ordinance must be formally adopted in order for membership petitions approved within its provisions to be valid; and/or (2) that the Enrollment Ordinance must be applied in order for approval of memberships to be valid. Thus, the implementation of the membership provisions raise questions requiring interpretation of the constitution. As such, these questions have been decided by the tribal government under principles of tribal sovereignty and self-determination.

On April 3, 1990, Jane Wyatt as Chairperson submitted to the Bureau an 18-page

list of new tribal members. She stated that the membership committee had received six hundred applications for membership and that in February 1990, the Tribal Council had unanimously voted to approved the reviewed applications. See Exhibit 6 to Statement of Reasons. Thus, at that time, and since that time, the Tribe has interpreted its governing documents to permit the expansion of the membership rolls. Since that time, the Tribe through the actions of Jane Wyatt as Chairperson, has treated these individuals as tribal members and, significantly, received federal grants based upon this new membership roll. It would appear that when it has been to Ms. Wyatt's advantage to claim the expanded membership roll as valid, she has done so; but now as a matter of political expediency, she disavows the roll. There is no legal basis for Jane Wyatt to now ask the BIA to invalidate actions taken by her and the Tribal Council over two years ago nor is it the subject of the instant appeal.

II. EVEN IF THIS APPEAL COULD BE DECIDED ON ITS MERITS WITHOUT INTERFERING WITH TRIBAL SOVEREIGNTY IT SHOULD NOT BE SO DECIDED UNTIL APPELLANT HAS EXHAUSTED INTERNAL TRIBAL REMEDIES.

The recall election which gave rise to this appeal was an internal tribal matter and involved the interpretation of a provision of the tribal constitution. In such matters, "[t]he Board undertakes to interpret tribal law only where there is a clear necessity to do so. . . ." Forrest v. Sacramento Area Director, Bureau of Indian Affairs, 18 IBLA 372 [17 Indian L. Rep. 7037] (July 19, 1990) (quoting, Sahmaunt v. Area Director, Anadarko Area Office, Bureau of Indian Affairs, 17 IBLA 7013 [16 Indian L. Rep. 7013] (January 30, 1989)) "This is particularly true when. . . tribal remedies have not been exhausted." Wright v. Aberdeen Area Director, Bureau of Indian Affairs, 17

IBLA 296 [16 Indian L. Rep. 7109] (September 21, 1989) (citing Freese v. Sacramento Area Director, 17 IBLA 241 and 17 IBLA 250 (1989); Estate of Mary Dodge Peshlakaj v. Navajo Area Director, 15 IBLA 24 [13 Indian L. Rep. 7093] (1986); Pueblo of Zuni Concerned Community Citizens Committee v. Acting Deputy Assistant Secretary, Indian Affairs (Operations), 14 IBLA 30 [13 Indian L. Rep. 7013] (1986)).

Appellants in this case have not made any attempt to exhaust internal tribal remedies. They have not appealed any aspect of the petition or election to the Tribe itself. Although Jane Wyatt knew or should have known of the special election on the question of recall, she chose not to participate.

If she believed that the recall petition was defective, this matter should have been brought to the attention of the Election Committee, the General Council, or the Tribal Council (of which she was the Chairperson at that time). Ms. Wyatt chose not to participate in the tribal process but rather to wait and later attempt to challenge tribal actions through this appeal.

A tribal official who receives notice of proceedings to remove her from office but who fails to exhaust tribal remedies may not challenge the tribal action in a Department of Interior forum. Totenhagen v. Area Director, Minneapolis Area Office, Bureau of Indian Affairs, 16 IBLA 9 [14 Indian L. Rep. 7080] (November 19, 1987) ("The federal courts and [the IBLA] have recognized that respect for tribal self-government requires that tribal remedies be exhausted before a federal forum may entertain a challenge to tribal actions or authority."). In an appeal from a decision recognizing the results of a tribal election, the Board has further held that where an Indian tribe resolves an

election dispute in a valid tribal forum, neither the BLA nor the IBLA may disregard the resolution reached by that forum. Smalley v. Eastern Area Director, Bureau of Indian Affairs, 18 IBLA 459 [17 Indian L. Rep. 7111] (September 27, 1990).

CONCLUSION

The Superintendent has acted appropriately in recognizing the recall election of April 3, 1992 as valid. For the foregoing reasons, the Sacramento Area Director of the Bureau of Indian Affairs should not take jurisdiction in this cause, thereby affirming the superintendent's decision that the recall election of April 3, 1992 was valid.

Respectfully submitted,

July 31, 1992  
Date

Margaret B. Crow  
MARGARET B. CROW  
California Indian Legal Services  
510 - 16th Street, Suite 301  
Oakland, CA 94612  
(510) 835-0284

DECLARATION OF SERVICE BY MAIL

Re: In the Matter of the Appeal of JANE WYATT RE: April 3, 1992 Election

I, the undersigned, declare:

I am a citizen of the United States, over the age of eighteen years with my place of business at 510 - 16th Street, Suite 301, Oakland, California 94612, employed in the County of Alameda and am not a party to the within action.

On July 31, 1992, I served the attached:

**ANSWER OF INTERESTED PARTY IN OPPOSITION TO APPEAL**

in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as follows:

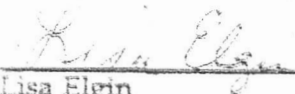
Howard L. Dickstein  
Dickstein and Merin  
2001 P Street, Suite 100  
Sacramento, CA 95814  
Counsel for Appellant

Ron Jaeger  
Area Director  
Sacramento Area Office  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

Harold Brafford  
Superintendent  
Central California Agency  
Bureau of Indian Affairs  
1824 Tribute Road, Suite J  
Sacramento, CA 95815-4308

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 31, 1992, at Oakland, California.

  
\_\_\_\_\_  
Lisa Elgin