



PETER D. LEPSCH
401 9TH STREET, N.W.
SUITE 700
Washington, DC 20004
T: (202) 440-4887
E: plepsch@ndnlaw.com
www.ndnlaw.com

November 29, 2023

Harley Long, Superintendent
Central California Agency
Bureau of Indian Affairs
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

Via Certified Mail and E-mail:

harley.long@bia.gov

Dear Superintendent Long:

Several members of the California Valley Miwok Tribe informed us that you requested their assistance in identifying participants for the Central California Agency (“Agency”)’s Constitution Committee. As you are aware, we represent the only duly enrolled members of the Tribe, governed by the General Council, the last recognized government of the federally recognized Tribe. The General Council are not merely members of the “eligible groups” described by Secretaries Washburn and Newland. They are tribal members and have been recognized as tribal members by the BIA and several courts.

In response to your email, the Tribe and its members will not assist the Agency in identifying individuals who are willing to participate in drafting a new constitution for the Tribe. The Tribe continues to assert that the Agency’s Constitution Committee is illegitimate, not authorized by federal law, and an offensive intrusion upon the sovereignty of the Tribe and its members. No federal agency may force an Indian tribe to adopt any form of government—least of all, the form of government developed by, for, or at the behest of the Agency.

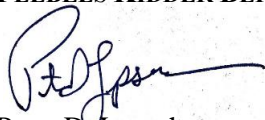
As you are aware, the 2015 Washburn and 2022 Newland Decisions mandate that the Burley family participate in any reorganization of the Tribe (*see* footnote 23). Similarly, Regional Director Amy Dutschke invalidated a reorganizing process that did not include the Burley family on September 11, 2017. Notably, all three of those decisions pertained to a reorganization process driven by potential members of the Tribe, not by the federal government itself. A federal process of forcing the Tribe to reorganize its government without participation by the Tribe’s enrolled members is likewise invalid.

The Tribe continues to be open to the possibility of a Tribe-led resolution to the Agency’s concern that some individuals who have not applied for membership are nonetheless not included as enrolled members of the Tribe. We understand that there is a greater community of Miwok people throughout the Central Valley and beyond—and that there are several Miwok tribes to which they might belong. Perhaps the Agency’s efforts would be better invested in working with all Miwok people to coordinate tribal, cultural, and community benefits?

Please contact me if you have questions or would like to discuss further.

Sincerely,

PEEBLES KIDDER BERGIN & ROBINSON LLP

A handwritten signature in black ink, appearing to read "P. Lepsch", written over a light gray circular stamp or watermark.

Peter D. Lepsch

PDL:se

Cc: **Via E-Mail**

Brian Newland, Assistant Secretary
Amy Dutschke, Regional Director
Robert Anderson, Solicitor
Joel Williams, Deputy Solicitor, Indian Affairs
Matthew Marinelli, Department of Justice
Darren Modzelewski, Senate Committee on Indian Affairs