

C. Lewis Open Forum BOS 2/9/16

February 9, 2016

To the Board of Supervisors El Dorado County

For the Public Record

On January 26, 2016 this board was presented with documents and information concerning the Sacramento Verona Band of Homeless Indians occupying the Shingle Springs Rancheria. On February 3 2016 there appeared an article "Tribal Lawsuit, Fight Over Name, Land", revealing an ongoing court case that has NOT been settled about the illegal "taking" of the name, "SHINGLE SPRINGS BAND of MIWOK INDIANS".

The El Dorado Council has discovered documents supporting Cesar Caballeros position that the Miwok name was illegally taken. We believe the name gave illegal federal recognition under the Indian Reorganization Act of 1934 to these homeless Indians and friends. The name gave the homeless Indians special access to education and health benefits plus side step the 7 terms and conditions of the Bureau of Indians Affairs and Secretary of the Interior to determine that these people were truly a "tribe".

1. All 23 parcels around the Rancheria are in the name, Shingle Springs Band Miwok Indians, which clouds the title thru falsification of documents in title.
2. Using Congressman Tom McClintock to falsify a congressional act in moving 40 acres of taxpayers land, known as BLM Lands, into trust for the Shingle Springs Band of Miwok Indians not the Verona Band of Homeless Indians.
3. Falsifying an application for 70 acres of land held in title for the Shingle Springs Band of Miwok Indians to be passed to the federal government to be put in "trust".
4. The Verona Band of Homeless Indians entered into numerous contracts with El Dorado County and other entities' falsely signing as the Shingle Springs Band of Miwok Indians.
5. On April 15, 2003 the Board of Supervisors recognized the fraudulent status of these people occupying the Rancheria and made a public statement to that effect. The following elected Board of Supervisors, Jack Sweeney, John Knight, Ron Briggs, Ray Knutting and Norma Santiago blatantly disregarded this information for money and what appears to be self- dealing by two of these supervisors.

At this very moment you, the El Dorado County Board of Supervisors, are processing an EIR document for a project on 34.6 acres of "Trust Land" held by the US Government for the Shingle Springs Band of Miwok Indians. If you proceed with this process before this court case is settled you will be committing maleficence and we will hold you responsible for cooperating in what the courts may determine to be fraud.

Submitted this day, to the Board of Supervisors of El Dorado County by the El Dorado Council representative Carol Louis.

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# Mountain Democrat

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## TRIBAL LAWSUIT

# Fight over name, land

**Amanda Williams**  
Staff writer

The tribal chief of the Indigenous Miwoks of El Dorado County has legally challenged the Shingle Springs Band of Miwok Indians using its trademark name.

The Ninth Circuit Court of Appeals in Pasadena heard the case and granted Cesar Caballero ownership of the trademark in November 2015. According to media outlets, "The district court previously granted summary judgement to the (Shingle Springs) tribe on claims that Caballero infringed on their trademarks and permanently enjoined Caballero from using the marks in any way. On appeal, the Ninth District Circuit disagrees. The tribe did not meet the burden."

As the legal issues continue, Caballero said, "One legal interpretation (of the ruling) is equal rights to the name (Shingle Springs Band of Miwok Indians)."

Caballero was arrested years ago for refusing to release his business license and other documents,

■ See **LAWSUIT**, page A9

## POOCH-APPROVED



Democrat photo by Krysten Kellum  
A morning dusting of snow Tuesday along the El Dorado Trail at Smith Flat doesn't faze 4-month-old German shepherd Tallac, who appears on high alert as he watches the unusual sight. But then, nothing much could ever keep the dog from hitting the trail with his pal Lynn Taylor of Camino, come rain or come shine. Snow fell as low as Cameron Park Tuesday morning and chain control was implemented on Highway 50 east of Cedar Grove.

and do projects working with AutoCAD

motel parking lot. Police are currently at (530) 541-6800.

## Lawsuit *Continued from A1*

which allowed him to do business under the Shingle Springs Band of Miwok Indians, to the tribe formerly known as the Sacramento Verona Band and going by the Shingle Springs Band of Miwok Indians. Caballero was put in federal solitary confinement for 90 days until April 2012, eventually giving in to the requests to sign them over.

"He withdrew the title documents because the casino tribe threatened tribal elders with a second lawsuit pertaining to the trademark case surrounding Caballero," said Kristen Mackey, secretary and volunteer for the tribe who was named in the lawsuit as a defendant.

Paula Yost, legal counsel for the Shingle Springs Band of Miwok Indians, released a statement to the Mountain Democrat asserting that Caballero has not won the lawsuit involving the Shingle Springs band's trademark claims against him.

"Rather, two of the three members of the Ninth Circuit appellate panel decided the matter needed to return to the federal district court (Judge Mendez) for further disposition on the ground that disputed issues of fact precluded the grant of summary judgment in favor of the tribe, as he had previously ruled. (The third member of the panel would have affirmed Judge Mendez' grant of summary judgment and ruled the tribe was entitled to prevail as a matter of law, without further proceedings)," Yost explained. "Summary judgment is appropriate where there are no disputed factual issues material to resolving a particular claim, meaning the party can prevail as a matter of law and without the need for a trial."

"Fundamentally, Mr. Caballero has confused his right to use the tribe's trademarks with the right of federal recognition," Yost concluded. "In short, the

case is hardly over."

"Every single point they had sued Cesar for was reversed. The dissenting decision was the court was half right and half wrong. It's like the prosecution was siding with the defense," said Geof Peabody, a Placerville resident and friend of Caballero.

Richard Lawson, chairman of the Tribal Gaming Committee, sides with Caballero and the fight for his tribal people.

"The group of people on the rancheria hired me as the initial chairman of the tribal gaming committee for the casino and infrastructure," Lawson told the Democrat. "I'm from this county and I started asking about the families of the Indigenous Band of Miwoks and I kept getting these really hostile answers. Finally I asked, 'Who are you guys?' And they said, 'We are not Miwok; we are Maidu' — very different group of people. I thought to myself I am signing a lot of legal documents as if I know they are the Shingle Springs Band of Miwoks and they are not so it was best for me to leave and I did."

"The people occupying our land need to prove whether they are Miwok. If they are not, they need to make plans, civilly, to leave," said Caballero. "Whether it's a chicken farm or a casino, it's our land. We need the county Board of Supervisors to declare documents null and void."

Caballero has certified through the federal Bureau of Indian Affairs that he is the grandson of Joseph A. Blackwell, a Miwok. The document states, "Therefore, based on the stated relationship and the information shown in the records in this office, Cesar Caballero has been determined to be a descendant of individuals listed on the Judgement Fund Roll of California Indians and his tribal

affiliation is Miwok"

"I want them to stop using our identification number, assets and resources for our elders and our children," Caballero said. "We do not have access to food and game anymore to feed our people. That land they are occupying is entrusted to us, the real Shingle Springs Band of Miwok Indians."

Caballero claims an area parcel document, the fee to trust land, was entrusted by the U.S. government to the Historic Shingle Springs Band of Miwok Indians, which includes where the rancheria now sits and another parcel located directly below it.

"There are two parcels, both of which were for the Shingle Springs Band of Miwok Indians, which remains for the real documented Miwok," Caballero maintains.

Amy Ann Taylor, general counsel of the occupying Shingle Springs Band of Miwok Indians, disagrees, explaining that when the Sacramento Verona Band adopted the Shingle Springs Band of Miwok Indians name and moved up to the land in trust by the U.S. government they earned legal rights to the land. Taylor also said the parcel located below the rancheria belonging to Caballero's ancestors was sold some time ago.

According to documentation from the Bureau of Indian Affairs, "The Shingle Springs Rancheria, containing 160 acres, more or less, was purchased March 11, 1920, and title was taken in the name of the United States of America for the use and occupancy of the Sacramento-Verona Band of Homeless Indians."

The 160 acres were originally purchased in 1920. Another square parceled out was called the El Dorado Rancheria, purchased in 1915, what Taylor suggests

belonged to Caballero's ancestors. "In 1966 the El Dorado group ... sold the land," Taylor said.

"When they sold their land they basically lost their right to being an Indian," tribal administrator Ernest Vargas said.

Caballero sent a letter in late January to the Pacific Regional Office, Bureau of Indian Affairs, asking for its mediation regarding the dispute between "myself, Cesar Caballero, representing the Historic Shingle Springs Miwok Indian Tribe and the Single Springs Band of Miwok Indians." According to Caballero, the BIA has acknowledged receipt of the letter but no further action has been taken.

"He has been alleging that (he is the tribal chief of the Shingle Springs Band of Miwok Indians) for years," Taylor said of Caballero.

"The tribe was located in Sacramento in 1916 by a BIA special agent named John Terrell and identified them as the Sacramento Verona Band and what he considered as homeless. The special agent thought that the tribal members needed a place to live and over the course of four years negotiated the purchase of this rancheria and moved the Verona band up here," she continued. "This tribe never contends they are originally from here; they were moved up to the hills."

According to Taylor and Vargas, a census of the Indians at and near Verona in Sutter County, shows that Chairman Nicholas Fonseca is a descendant of Parmelia Adams, a "matriarch" of the tribe. "She spoke the Maidu and Miwok language," Taylor said.

"In this tribe you have to be of biological (lineal) descent," Vargas explained. The tribe does in-house DNA testing to prove heritage, Taylor added.