



Link Shadley
2437 East 10th Street
The Dalles, OR 97058

September 3, 2006

June Avelar
Enrollment Committee Chairperson
Pit River Indian Tribe
37118 Main Street
Burney, CA 96013

Dear Ms. Avelor:

I respectfully request an Appeal Hearing on the disenrollment action as provided by Article V of the Enrollment Ordinance, Pit River Indian Tribe, for the following reasons:

1. I strongly object that this disenrollment action is final.
2. I meet the requirements of the Constitution for "Base Membership Roll" exactly and completely with a direct ancestor on the 1928 California Roll.
3. The Ordinance is clear in requiring a hearing before the full Tribal Council. The word 'hearing' was never used (see attached letter from the Tribe dated July 20, 2006). I responded to an invitation to "meet" with the Tribal Council.
4. Article V, Section 503: "Applicant shall be given the right to have representation at such hearing." Notice was not provided to my legal council, nor was time given for preparation. I specifically requested that an Elder, Gloria Hursey, be present and this was denied and she was excluded from the Tribal Office (to stand in the hot sun on the sidewalk, I might add, until my wife bought a chair from the hardware store across the street – how can we treat Elders this way?).
5. The full Tribal Council was not present – only 6 Band Councils were in the meeting, Tribal officers were excluded.
6. You, June Avelar, Chairperson of the Enrollment Committee, state the reason for disenrollment action is "The person obtained membership rights by fraud, deceit or misrepresentation." This is totally false. You were present at an October 2005 Enrollment Committee meeting where all the members were shown my original file containing the application for membership and documenting my family tree and direct lineage from a full blood, Madesi Band, Pit River Indian who is on the 1928 CRN. It matched exactly with the information I had brought to the meeting, and again presented to the ad hoc committee meeting on July 29, 2006. There is no 'fraud.'

7. Section 503 (c) of the Enrollment Ordinance seems to have been ignored. "...2) set for[th] the membership requirement which the Committee found that the applicant failed to meet;..."

8. Section 503 of the Enrollment Ordinance requires, "If insufficient evidence is available to permit the Enrollment Committee to make a determination, a written notice shall: a) indicated the information needed by the Committee..." I have never been notified of any missing or insufficient information.

9. Article VIII, Section 802 states, "The burden of proof for disenrollment of a tribal member is upon the Enrollment Committee." Your letter of August 4, 2006 reads, "Your loss of membership, in this case, is supported of Article VIII, Section 801 of the Pit River Tribal Enrollment Ordinance, Section a), which states that "grounds for disenrollment" includes, but are not limited to, cases where; "The Person obtained membership rights by fraud, deceit, or misrepresentation." Fraud, deceit or misrepresentation are intentional acts and you have shown no evidence to substantiate this allegation.

I have seen no proof that my father was not enrolled in the Pit River Tribe, nor that I am not a direct descendant of Chu-Tit-Whe (Susan Suthermire) and her daughter, Susan Suthermire Orr (Waters) who is on the 1928 CRN. At the meeting on August 4th, 2006, Matt Elmore stated that we (Hazel Harding and I), "Can always be proud that you are Madesi Band, Pit River Indians." That is all we have ever claimed, and that is what we have documented over and over.

10. You quote portions of the Enrollment Ordinance in your letter, yet at the meeting on August 4th, it was stated that the Constitution was the controlling document, and the Ordinance would be ignored. You cannot 'pick and choose' language out of context. You and I, the committees and the Council must follow the Constitution and Ordinances in their entirety and the Council has no authority to change or ignore these codes without the full vote of the Membership.

11. I meet the criteria for "Base Membership Roll" exactly. The Enrollment Committee and the Council cannot ignore that. "Article III, Membership, Section 2. Base Membership Roll. ... c. He/She is listed as a Pit River Indian on the 1928 Census Roll and is at least ¼ Indian blood or descendant thereof." This language was adopted in the original Constitution and confirmed by the full Tribal Membership. You have no legal, moral or cultural authority to ignore this fact.

History: What started as a simple attempt to get the Band to clean up their enrollment process and rolls, has mushroomed into this vendetta. The Band first sent out an illegal notice of disenrollment based upon a rumor that some of the Shadley family were enrolled Klamath. We quickly proved this wrong with letters from the Klamath Tribe. By then, Matt Elmore and his family, including the Chairperson of the Enrollment Committee, realized they had angered a large percentage of the Madesi Band by this action. The 'challenge list' grew to over 200 people, about 1/3 of the Madesi Band. Next we were told that we were not descended from Madesi Band. Genealogical records, BIA documents and the Tribe's own rolls proved this wrong. Then we were told we did not have an ancestor on the 1928 Roll – copies of the original roll were provided to prove that we did.

Getting somewhat desperate, the Elmore family and Gene Preston then took a new reading of the Constitution, ignored the Enrollment Ordinance and twisting the meaning of the full Tribal Membership vote on descendance and told us that we had to be either ¼ blood or born of enrolled parents, and they were using the 1983 list as the only proof of enrollment. Many of our ancestors died before 1983. There were many rolls for many purposes prior to 1983 and most of these burned up in 1972. You continue to ignore the fact that I meet the criteria for "Base Membership Roll" precisely.

This has become a simple struggle for power driven by greed on the part of the Elmore family and they will use intimidation, threats, lies, rumor and illegal actions to get their way. The full Tribal

Council must stand up to this illegal action and respect the Constitution and Ordinances, and protect the Membership and our future generations.

If this is not possible, then I must turn to the full Membership in the near future for resolution.

Sincerely,

Link Shadley
Madesi Band, Pit River Indian

Cc: Jessica Jim, Chairperson
David Shaw, Attorney
BIA
Marie Que
Jolee George
Gwen Wolfen
Ross Montgomery
Matt Elmore
Lilian Lego
Anna Barnes
Patricia Preston
Sheila Montgomery
Marina Martinez
Melvin Wolfen
Leland Rhoades
Delores DeGarmo
Robert Boyce