

1 Kelly F. Ryan (CA SBN 195921)  
THE RYAN LAW FIRM  
2 A Professional Law Corporation  
139 E. Olive Avenue, 1<sup>st</sup> Floor  
3 Monrovia, California 91016  
Telephone: (626) 568-8808  
4 Facsimile: (626) 568-8809

5 Joseph L. Kitto (DC Bar No. 469760)  
P.O. Box 819  
6 Lower Lake, CA 95457  
Telephone: (707) 533-3502  
7 Facsimile: (707) 284-1069  
Email: kitto@sovsys.net

8 Attorneys for Plaintiff  
9 THE MISHEWAL WAPPO TRIBE OF ALEXANDER VALLEY

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 MISHEWAL WAPPO TRIBE OF ALEXANDER  
VALLEY,

14 Plaintiff,

15 v.

16 SALLY JEWELL, in her official capacity as Secretary of  
17 the Interior; KEVIN WASHBURN, in his official capacity  
18 as Assistant Secretary of the Interior; and DOES 1-50,  
inclusive

19 Defendants,  
20  
21

Case No. 5:09-cv-02502-EJD

Hon. Edward J. Davila

**DECLARATION OF SCOTT  
GABALDON SUPPORTING  
PLAINTIFF'S MOTION  
REQUESTING STATUS  
UPDATE OF PLAINTIFF'S  
AND DEFENDANT'S CROSS  
MOTIONS FOR SUMMARY  
JUDGMENT**

1 I, Scott Gabaldon, hereby declare and state:

2 1. I am the Chairman for Plaintiff, the Mishewal Wappo Tribe of Alexander Valley, and I  
3 submit this declaration in support of Plaintiff's Motion Requesting Status Update of Plaintiff's  
4 and Defendants' Cross Summary Judgment Motions. The facts set forth herein are within my  
5 personal knowledge, and if called upon to testify to these facts, I would do so competently.

6 2. The Tribe has suffered the loss of several elders that have had key roles in attempting to  
7 have the Tribe's federal recognition restored. The loss of these elders and the impending loss of  
8 several others have caused a change in the circumstances by which the Tribe operates internally.  
9 An update on the status of our latest efforts would be very beneficial.

10 3. On June 23, 2012, Vera Guillory passed away due to heart complication. She participated  
11 in the Tribe for over 20 years as an original Board member. Vera will be missed but more  
12 importantly, the loss of her contribution will be very difficult to replace.

13 4. On July 3, 2009, Frank Salsedo passed away. Frank Salsedo was born in 1929 and  
14 represented the Tribe as the traditional Chief until he passed away. He was well known as a great  
15 leader and his example cannot be replaced.

16 5. On January 24, 2012 Richard Salsedo passed away. Richard Salsedo was an original  
17 Mishewal Wappo Board member until his failing health forced him to step down. He was widely  
18 known and loved by many. He set the standard for conduct and perseverance. He was one of our  
19 elders that led the struggle for restoration. His absence is a tremendous loss. His wisdom and  
20 knowledge will live through those who survive him.

21 6. Now, Gilbert Salsedo, another tribal elder, has been diagnosed with a terminal illness. As  
22 a result, he may die in 2 days, 2 months, or 2 years. Attached as **Exhibit "A"** is a copy of Gilbert  
23 Salsedo's letter to the court.

24 7. Accordingly, I respectfully request that this Court provide the parties with a status  
25 update.

1 I declare under penalty of perjury under the laws of the United States of America and the  
2 State of California that the foregoing is true and correct, and that this Declaration was executed  
3 by me this 6<sup>th</sup> day of October, 2014 in Santa Rosa, California.

4  
5  
6 

7 Scott Gabaldon  
8 Chairman,  
9 The Mishewal Wappo Tribe of Alexander Valley  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A

I am Gilbert Salsedo and I am a Mishewal Wappo Indian. I was born on September, 6<sup>th</sup> 1938 to my mother, Helen Emma Martinez- Salsedo and father Gilbert Jacob Salsedo. I grew up a Mishewal Wappo Indian descendent and visited the Rancheria often.

When I was young my mother came home from a meeting with the Bureau of Indian Affairs in Sacramento and all she could say was that the Bureau thought we were just a bunch of stupid Indians. We are not stupid just ignorant of the process and not being educated like they promised to do for us. After that meeting my mother told us kids to never again speak our language. She told us to tell people we were Mexican cause if you don't, the government will hold you down like they always have done to the Indians in this country. Growing up in Northern California as a Wappo Indian was such an embarrassment and caused us so much shame that it was better to pretend we were Mexican. Although Mexican people were treated poorly, it was far better than we got. Despite that I was and still am proud of my heritage being a Mishewal Wappo Indian but the Bureau made it a bad thing.

I served in the United States Navy and returned home in 1958 and the Bureau told us vets that if we stayed on the Rancheria, the government would put us through school to get an education. I had just gotten out of the military serving my country and wanted more education. So, even though the Rancheria life was very, very rough, I figured I could handle it since I had just gotten out of the military. I thought the educational benefit would be worth it. On the Rancheria, there was no water, no electricity, and no sewer. How did they expect my family and elders to live out there without these utilities and services? It was inhumane. I couldn't live like an animal anymore and left which was apparently what the Bureau wanted us to do in order to reclaim the land.

My mother often told us that one day we would reclaim our lands and the right to be Wappo Indians.

I have lived a long time now and have been diagnosed with a terminal illness. I may have 2 days, 2 months or 2 years the doctor said it's in God's hands now. I have 12 brothers and sisters and there are only five of us left with in my family. I do not know when I will pass like my family has recently, but I do know I would dishonor my mother, my elders and my family if I did not at least ask that the Courts to decide our case and let it be settled once and for all. I have had a good life. I have 2 sons and 2 daughters and am married to the same woman for 54 years. I regret nothing but the fact that I have not been able to declare myself Wappo publicly since the federal government does not recognize us as a Tribe any longer. We Wappos have lived with this disgrace since the 1960's and although we have tried different ways to regain our status with the United States, this effort is likely our last. I would like to humbly request, as my last wish, that we at least be informed of the status of the case. I ask the Court to do this for all of us, especially since some of us have died waiting and others of us will soon.

Respectfully



11/5/14

Gilbert Salsedo