

Nevada agency

Wells, Nevada
July 24 - 1961

Dear Mr. Ladd

Your letter of July 13, 1961, and I obtain the Map which sending from your office, attached a plat from the Bureau of Land Management records showing those parcels shaded in color are vacant public land in federal ownership around the Wells area.

and my group are very interested in having these vacant land, and in section 28, 29, 30, 32, 33, 34, 35 & 36 in T. 38 N., R. 2 E., MDM, Nevada were available for the use of Indians residing in Wells area, and only we want for this

for the survey of land in severally under the provisions of the act of October 1, 1861, entitled "an act provide for the land in severally to Indians, and the survey classification of any land in severally on the public land in federal lands to Indians of Shoshone tribe, and to extend the protection of the Shoshone Indians of Wells area. article 5, has permitted them to share in the proceeds of consideration, or has taken portion of said lands by the treaty thereof the words are still available.

which already authorized the President of the United States to set aside land a reserve for the Shoshone Indians who were parties to that treaty done at Riverton Valley, Nevada territory.

Let me know as soon as possible.

Sincerely yours

Dear Palawena

P.O. Box 404

Wells, Nevada

Wells

Wells Nevada
August 10-1961

Dear Mr. Mitchell

every public official of the federal Government and of the state of Nevada, is under oath to defend the Constitution of the United States, including all treaties entered into with Shoshone Nations, rush to the aid of the Shoshone Indians at Wells Nevada their land matters.

including restitution for broken pledges, promises and agreements, and state must return of stolen lands from Indians, at present the white man is not interested in lands within country described, the Ruby Valley Treaty of October 1, 1863, (18 Stat. 689) 2 Stat. 856 article 5 provided all the lands, school section or railroad section or public lands they are all within the country described, the white man has worked evil will upon the Shoshone Indians from the beginning.

white peoples did not paid the moneys to Indians for any of said lands or waters are theirs, or under mistake of fact or law, or under circumstances not constituting fair and honorable dealing by white peoples today?

I am writing for all Indians of Wells, area please answer right way.

Sincerely yours

Dave H. Pabawena
P. O. Box 404
Wells, Nevada

Wells

Ned Mitchell
Nevada Officer
Student Nevada

Wells, Nevada
August 10 - 1961

Dear Mr. Mitchell

We has been informed by the New Commissioner, John O. Crow would be appointed acting commissioner of Indian affairs, he will be the first person of American Indian descent to head the Bureau of Indian affairs, and Kennedy Chooses acting head for Bureau of Indian affairs, he would be handle affairs of Indian.

this concerns certain matters which we have discussed with the John Crow New Commissioner of Indian affairs, he has favorable to exchange these land for suitable lands south of Wells, Nevada in these area near by railroad spring he stated, which we informed that these lands is in section 10 T37, on April 14, 1961, during the regional conference at Reno, Nevada. we did notified these group, that they are all agree to exchange these lands for suitable lands near by railroad spring that where they chooses, the treaty of Oct 1, 1863, (18 stat. 689) & Kappler 851, has provided all these things has been set forth in it were described.

this is long ago our forefathers inhabited much of this territory before the white man come in their traditional homelands, and their descendants now occupied these region in accordance with their forefathers footprints were indicate that in version fact.

Now today the white peoples establish the ranches and farms and take the various tributaries which the Indians possessed, and by brute force to drive the Indians out from their homelands place to place, it is unfair do this kind work without the permission or without paid the money to

Indians, or under mistake of fact or law; or under circumstances not constituting
 fair and honorable dealing by white peoples today? ...
 while their resources are being rapidly destroyed by them the spread of the
 white settlement throughout the various country, inhabited by Indians is
 question which is rapidly assuming an important aspect, the pine trees, whose
 nuts they gather for food, are being cut down by white peoples.
 the grass, upon the seeds of which the Indians have largely depended on it, is
 being eaten off by cattle of the settlers, and the various valleys where their stock
 has found pasturage, are being preoccupied by Indians, the white settlers
 has not paid money the Indians for any of said land and grass.
 because Indians claim these regions, the woods, the waters, and the grass as
 theirs, and white man have not paid the money to Indians for these things
 yet, the Indians waiting for such payment for any of said land water and
 grass, and other purposes which is now Public use, that same, are due and unpaid
 and without the consent of the Shoshone Indians, by United States, for railroads
 schools, forest reserves, homesteads, and the Public use, and other purposes
 to, the United States has not paid the Shoshone Indians for any of said land
 from time to time vast areas of the Shoshone Indians area were placed in the
 National forest reserves, without the compensation.
 through the inhabited country by Shoshone Indians, this was occasioned by the
 driving away by the emigrants and white settlers of the sparse game supply
 of the Shoshone Indians and destruction of other natural resources and which

37
provided the Indians source of livelihood, are being rapidly destroyed by the white man and taken every thing from Indians which they possessed by the treaty of Oct 1, 1863 (18 stat 689) 2 Kappler 851, article 5 of which provided all the lands within the country described.

No matter what lands the Indians will selected school section or railroad section or lands of said treaty those lands within the country described, as required by the said treaty of October 1, 1863, article 5 has permitted them to share in the proceeds of or consideration, or has taken portion of said lands by the treaty thereof, and the words still available.

the right or ownership or occupancy recognized in the said Indians by the treaty of Ruby Valley, United States has disposed of a large part of the said land to the settlers and others, or has seized and converted a large part of the said land to its own use and benefit, without any compensation to the said Indians, including without limitation moneys payable under treaty of Ruby Valley, Oct 1, 1863, 18 stat 689, 2 Kappler 851, art. 7;

said Shoshone Indians, that ^{they} could not obtain none of this Government promises, and by that reason Indians said that they are still inhabited much of this state, and by reason of the failure of United States, that same were due and unpaid.

in the conclusion of this treaty done at Ruby Valley, Nevada Territory in the year of 1863. Kappler 851, art 3, has been the subject of considerable correspondence with the leaders of a large group of Western Band of the Shoshone Nation of Indians of this area of country.

Sincerely yours,
David Palamena

June 4, 1961

Sept 27, 1961

Wells, Nevada

Dear Gentleman,
 We, the undersigned the Members of the Western Band of the Shoshone Nation of Indians of Nevada, and individual Members thereof. It is hereby given this statement, which the Indians their resources are being rapidly destroyed by the spread of white settlement throughout the country, inhabited by Indians is a question which is rapidly assuming an important aspect, the pine trees, whose nuts they gather for food, are being cut down by the white settlers, the white settlers did not paid the Indians for it, the grass, upon the seeds of which Indians have largely depended on it, is being eaten off by the cattle of the settlers, and the Valleys where their stock has found pasture, are being preoccupied by Indians, the white settlers has not paid the Indians for any of said land and grass.

Because the Indians claim this lands, the woods, the water, and the grass are theirs, and white man have not paid the Indians for these things, and without the consent of the Shoshone Indians, by United States for railroad, and schools, forest reserves, homesteads, and other purposes, the United States has not paid the Shoshone Indians for any of said lands, from time to time vast areas of the Shoshone Indians area were placed in National forest reserves, without the compensation of said Indians.

There is only one way our forefathers inhabited much of this country before the white man came in this traditional homelands, now today the white peoples establish ranches every where in this region, and by brute force to drive the Indians from their traditional homelands, it is unfair do this kind of work without the permission, the lands was set forth in the treaty of 1863 (18 stat. 689) 2 Kappeler 451, said Shoshone Indians, that they have not obtain none of this Government permission, for that reason Indians said, that they are still unoccupied much of this state, and by reason of the failure of the United States.

Conclusion of this treaty done at Ruby Valley in the year of 1863, (18 stat. 689) 2 Kappeler 451, has been the subject of considerable correspondence with the leaders of the 22 groups of the Shoshone Indians in area of country.

With kindest personal regards,
 Sincerely yours,
 Signed by tribal leaders:

Albert Stanton,
 Jim Schriebe,
 P.O. Box 44,
 Wells, Nevada

11/20/61

Dear Gentleman,
 We, the undersigned the Members of the Western Band of Shoshone Nation of Indians of Nevada, and individual Members thereof,
 It is hereby given this statement, for the purposes of your consider, and we bring in your attention an issue of violation of honorable procedure and good faith in internal and international relation.

and we refer to the current invasion of the territory of the Shoshone Nation of Indians and by white peoples of the state, to deprive these Indians of their lands, in violation of the treaty of Ruby Valley, negotiated in 1863, including restitution for broken pledges, promises and agreement, and return of stolen lands from the Indians, who has working federal government in this area, that they do not qualified the Government promises in this area, or discontinued, the federal official has worked his evil will upon the Shoshone Indians from the beginning, also nothing was done.

May we suggest that you consider this situation in connection with our former chief his name is John... and others, who negotiated the Ruby Valley treaty, and our former chief has permitted to share it... of, or consideration, or has been portion of... the former chief has selected this area, which is known as 1872 in 62E.M.D.M. Nevada, before the white man coming in their traditional homeland, the former chief Band has been living on this tract many years past, and established many camps around this area, is in T.37, and the Indians are still living on this same area today.

and we are require for the former Chief... and we like to return his tribal rights in possession, said the Indians in Wells Area.

Which already authorized the President of the United States to set aside land for reserves for the Shoshone Indian who were parties to that treaty.

We have discussed certain matters with the John Crow New Commissioner of Indian Affairs, and he has a favorable to obtain these lands south of Wells, Nevada in that area near by railroad spring he stated, also he said do not argument with these Indians do what they said, that would be fair dealing, he stated.

and the white peoples taken up this land by secret order our feet without the notified these Indians, it is unfair do this kind worked without the permission or without paid any money to Indians, or under mistake of fact or law, or under circumstances not constituting fair and honorable dealing. Now days

the white peoples do by deceit and brute force to drive the Indians from their traditional homelands without any compensation. It is true that many individual white peoples deal with the Indians pretty much as they please, not constituting fair and cheating, or robbing the Indians of their lands, homes, and other peoples hereto.

Here is, in general ruling today, in order to eliminate the use of any Indian occupied lands hereto, and with regard to land grabber and removal of non-Indian from the Indian traditional homelands.

and authority to remove from the Indian land, and the Superintendent of Indian Affairs, and the Indian Agents and Subagents, shall have authority to remove from the Indian country all persons found therein contrary to law, and the President is authorized to direct the military force to be employed in such removal, this is the duty of, who has working a Federal Government in this area, also duty of proper authority of United States.

This is long ago our former chief inhabited much of this territory before the white man coming in, by the treaty of October 1, 1863, 19 Stat. 699 - Kappler 851, article 3 of this treaty has provided all the land, school section or railroad section of public land and other lands within the country described shall be belonging to Indians from the beginning and the white peoples do not paid any money to Indians for any of said lands and waters, and that the white peoples are not interested in any land hereto, within the country described, of course, they are foreign peoples, were, in fact, this is our traditional homelands, is to T. 17N, R. 02E. 4300ft. Nevada, where the white man coming in this Valley

where, in fact, and the white peoples intend to produce a convention or infraction of treaty law of the United States, or to disturb the peace or tranquillity of the United States. Now we want to much law with regard to land grabber and removal of non-Indian for violation of such laws.

has been the subject of considerable correspondence with the leaders of a large group of Western Band of the Shoshone Nation of Indians of this area. Answer as soon as possible.

Sincerely yours,
 Albert Stanton
 Jim Charley
 P.O. Box 44
 Wells, Nevada
 (signed by tribal leaders)

AGREEMENT, O. H. CITIZEN As a voter and taxpayer you are directly responsible for the employees you vote into office and support with your taxes.

Since daily newspapers and other public communications, media, and holding you the whole truth about expensive, illegal and harmful activities of your employees in regard to international relations with certain sovereign Indian nations, the following report has been printed as a public service by Indian People and United States People United. For additional information on the Stand for Land and Life, Truth and Justice in other areas of this Great Island, contact: Chief of Thomas Banyacya
 Independent Hopi Nation
 Box 11
 Tsalali, Arizona

SHOSHONE NATION LEADERS of the Wells, Nevada area wrote the following 2 letters expressing their public release during the Ushpah (Goshute) meetings at June 2nd and Sept. 30th, 1961. Additional copies of these letters may be had by contacting the Tribal Leaders themselves. For a brief but very enlightening and useful booklet of official U. S. legal documentation supporting the principles of the following 2 letters, ask any Shoshone Nation Chief or leader, or their helpers for a copy of "U. S. Recognizes Sovereignty of Shoshone Nation."

Benefits of the very significant Goshute Meetings held in June 2nd and Sept. 30th, 1961 may be obtained from any Coastline Leader through Duster McCurdy, Ushpah, Utah.

TEST OF SCIENCE

If address provision on letter makes clear promise, purchase, rental and description of an item, the item is to be delivered with your money in the hand. If no such provision is made, the item is to be delivered only if you pay for it. Letter to Allen Adams, 1951, Wells, Nev. 12-19-61.

FREEDOM
 I want to see every man, woman and child
 free to live and work as he chooses.
 —ARTHUR LINKS



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Nevada Agency
Stewart, Nevada

IN REPLY REFER TO:

Realty
Dave Fabawena
Gual.

November 6 - 1961

Superintendent
Nevada Indian Agency
Stewart, Nevada

Dear Sir:

During your Mr. Mitchell's visit to Wells, Nevada on October 15, 1961 we the undersigned, Albert Stanton and Dave Fabawena, selected on behalf of the Wells Indians the following described lands to be withdrawn for the use and benefit of the landless Wells Indians:

S $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 6; N $\frac{1}{2}$ and SE $\frac{1}{2}$ Sec. 3; N $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16 and all of Sec. 18 in T. 37 N., R. 62 E., MDN, Nevada containing approximately 1520 acres.

We have been informed that these are the only available public lands in this township and range. We hope to be able to obtain water from the city of Wells from a pipeline that runs through a portion of the SW $\frac{1}{4}$ Section 16, T. 37 N., R. 62 E., MDN, Nevada. Since there is a water pipe line crossing through a portion of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 16 it is our desire to consolidate all of our holdings in and around this water supply. We have, therefore, selected the other available parcels in Sections 3, 6 and 18 of this township and range with the intention of exchanging these lands if possible with the owners. Also the Section 3 lands are close to town in the event some of our people wish to locate near the city area.

As you know there are 20 adult of Indians living on the private land of Mr. Virgil Birdzell and there are 13 of homes which the land owner has asked be moved. We request that you give this withdrawal action your immediate attention.

Johnny Stanton

Dave Fabawena
Dave Fabawena

Alfred Stanton

Albert Stanton
Albert Stanton

Roderick Stanton

Jim Christie

Mary Stanton

Johnny Bird

Rosie Fabawena

Assumption

Jack Joel
Ellen M. Bied

Jamie M. Pabawena

Ressie Pabawena

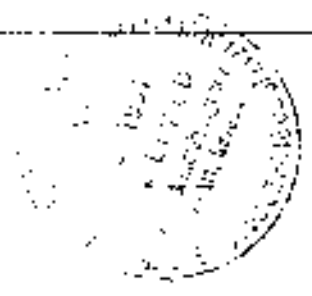
Johnny Will

Steven Johanne

Martia Johanne

L. M. Mign Johanne

Walter Mign



UNITED STATES GOVERNMENT

Wells
Memorandum

TO : Chief, Branch of Tribal Programs

FROM : Research and Reporting Section

SUBJECT: Indians living in and near Wells, Nevada

DATE: JAN 2 1962

9576-36 (Rev. 10-66)
14961-52 REV. 3/3
16471-53 REV. 2-60
15843-58-MJ. 30

Presently, about 70 persons in 14 Indian families live in or near Wells, Nevada. Approximately two-thirds live in the town and the others camp on private lands a few miles away. They say that they are Western Shoshone Indians whose ancestors participated in the treaty of October 1, 1863 (18 Stat. 689; LI Kapp. 851) made at Ruby Valley with the Bands of Western Shoshone Indians. That treaty authorized the President to set aside lands within the Western Shoshone Country for their use.

During the early 1950's, the Indians living near Wells alleged that they had title to the lands on which they were living because of that treaty provision. A determination was made that their camps were on private lands. They then requested that the United States provide lands for them, a request which is now before the Bureau.

For several years following the 1863 treaty, the Bureau regarded all of the Western Shoshone Indians in northeast Nevada as one large group comprised of many small roaming units or camps. Accordingly, the Duck Valley Reservation, also known as the Western Shoshone Reservation, was created by Executive Order of April 16, 1877 which set aside about 243,000 acres of land on the Idaho border some 200 miles northwest of Wells "as a reservation for the Western Shoshone Indians." This reservation was later expanded by Executive Orders of May 4, 1886 and July 1, 1910. Following the creation of the reservation, the Superintendent reported that relocating all of the Western Shoshone Indians on the reservation would be a difficult task lasting several years. This was primarily due to the frequent moving of the Shoshone camps.

The railroads attracted the Indians. They provided the Indians with free transportation and occasionally employment. Various railroad lines, including the Southern Pacific along which the towns of Winnemucca, Battle Mountain, Elko, and Wells were located, provided free transportation for several years to those Indians who carried proper identification.

One large group of Western Shoshone Indians continued to live in Ruby Valley several hundred miles southeast of Duck Valley. An Executive Order was issued on September 16, 1912 covering more than 5,000 acres

of land which it "set aside for Paiute and Shoshone Indians, and such other Indians as the Secretary of the Interior may settle thereon." Even at that late date, several groups or camps of Indians did not move thereon but continued to live elsewhere, mainly along the railroads.

A few years later 160 acres of land were set aside by Executive Order of March 23, 1918 for certain Shoshone and Paiute Indians residing near the town of Elko and such other Indians as the Secretary might place thereon. Funds for the purchase of additional lands near Elko were provided by the Acts of January 1, 1931 (46 Stat. 1046) and April 4, 1931 (46 Stat. 1556).

By Executive Order of June 18, 1917, separate tracts of lands were about the same time set aside for the small groups of Indians residing near the towns of Winnemucca and Battle Mountain, respectively. A little later, by Executive Order of February 8, 1918, additional land for homeless Shoshone Indians residing near Battle Mountain was set aside.

The Superintendent of the Carson Indian Agency, Alida C. Bowler, submitted on April 21, 1936 a summary of the land needs of homeless Indians in Nevada (file 62442-1935 Carson 310). Land to cover the needs of the Shoshone of northeast Nevada was stated as 12,000 acres on the South Fork of the Humboldt near Elko, for 600 individual, landless Indians in 150 families. Funds with which to purchase this land were to be made available under the Indian Reorganization Act of 1934.

The same file mentioned above contained a letter written by Superintendent Bowler in 1936 indicating that the Nevada State Planning Board was opposed to the Indian Service purchasing land in Nevada for the landless Indians. One of the reasons given was that providing land for the homeless Indians would be detrimental to the interest of the ranchers and others who employed Indian labor.

The Western Shoshone Indians appear to acquire a great amount of interest in and attach much sentimental value to land upon which they live or camp for any period of time. Those living near Wells have stated that they do not wish to leave the lands of their forefathers, lands which they say they have used and occupied for hundreds of years.

The following files contain information on the Indians in and near
Wells, Nevada:

9576-1936 Carson 066
14961-1952 Nevada 313
16971-1953 Nevada 260
15893-1958 Nevada 308

This report was prepared by Guy Lovell.



Program Officer

Wells

United States
Department of the Interior
Bureau of Indian Affairs
Washington 25, D. C.

Wells, Nevada
July 19-1962

Dear Mr. Bruce:

I am writing to you this time, as you know, Mr. Jim Chalety and Mr. Albert Stanton and I was in your office on May 7, 1959, also we discussed with members of the staff of the branch of Realty, Central Office same day.

The primary purpose of our visit was to visit that land be set aside as a reserve for the Shoshone Indians residing near Wells, Nevada under the provisions of the Ruby Valley Treaty of October 1, 1863 (US Stat. 459), which authorized the President of the United States to set aside land for a reservation for the Shoshone Indians who were parties to that treaty.

We also inquired about the status of 160 acres in two sections, half South half of section 16, which is occupied by our group and our cabins on this land, and this Indians has been living on this tract, before the City of Wells established on the land also before the surveyor general surveying this territory, and before the white man arrival here in our traditional homelands.

A check of the records of the Bureau of Land Management at Washington office indicates that the W 1/2 of section 16, is state-owned land, and the E 1/2 of section 16, was patented to one W. W. Birdzell, since the Bureau of Land Management records only, indicates that title was paid from the United States.

You were asking Mr. Burton Ladd, Superintendent of the Nevada Agency, to inform the Washington office of the present status of the 160 acres, which is now occupied by the Shoshone Indians under the treaty rights, wish to know whether or not, that Mr. Ladd to inform your office of the present status of the 160 acres.

Also I heard about the W. W. Birdzell sold the E 1/2 of section 16, to his son Virgil Birdzell he owned now, and this young man dealing with Mr. Ladd and other federal officials of Nevada Agency and they sell this land to Virgil Birdzell, we heard, which we reside in for many years past, and Mr. Burton Ladd he trying to move us out from this land, and we remain in land, we heard Mr. Ladd is out of his office now.

On July 19th Mrs. Virgil Birdzell said that our cabins has not on the Mr. Birdzell property only one cabin was on the land she stated.

and we needed your help on this matters can you furnish us the official letter so we can straighten the matter with Mr. Birdzell.

Mr. Virgil Birdzell said he owned one hundred acres land of which we residing on for many years past, this is federal official dealing without our consent, in violation of the treaty of Cadiz Valley, Negotiated in 1863, which is tranquility of the united states, and in violation of the united states constitution, the treaties laws of the land, and all treaties made, or which shall be made, under the authority of the united states, shall be the supreme law of the land.

But no honest or faithful white man official cannot be found to correct a treaty breaker, any local, county state or federal official who violates any expressed, implied or recognized right of the Shoshone Indians or occupancy to the land, life or liberty, as solemnized in the treaties of 1863.

automatically breaks his sacred oath to support the principles and provisions of the constitution, such an illegal act, it is not regard as legal.

I has been writing two letter to central office, one letter in 1961, and other one in 1962, and they never answer those letter yet, I want you to answer this as soon as possible, do not hesitate to write.

Sincerely yours
 David Robinson
 P. O. Box 404
 Wells, Nevada