

Wells

Nov. 18, 1962

Tribal Chiefs Are Protesting Move of Wells Indian Colony

(Editor's Note: Residents of the local Indian Colony are not taking kindly to the recent proposal that they be moved from their long-established settlement in the southeast section of the city to a new location near the Union Pacific railroad tracks on the north side of town. In a letter left at the Wells City Hall they have expressed some of their sentiments. This letter is being published below verbatim).

In the Wells Area
Nov. 18, 1962

This relates to the language we heard from the Elko County Commissioner and previous correspondence regarding the re-establishing the local Indian colony on the North side of town for a new location there.
On October 28, 1962 we has been discussion this problem with the Nevada agency of Stewart, Nevada and we decided on both sides

to reject the new location. It is not available, it was without consent of Indians, this Indians in the Wells area at no time gave up or relinquished their possessory rights to the soil.

First let me stated this, there is original, our grandfathers who signed the Ruby Valley treaty in 1863, and they has been accept this area which is known as T-37, within few years after the Ruby Valley treaty signed, and they has been living on this area for long time. It was before the City of Wells established on the land, but only the ranchhouse was establish on the land during that time.

and we the Government has been living on this same for many years past, and we build many cabins on this area that would be improve the lands in this area, and we holding or occupied the lands in this area basis on the treaty of 1863 (18 stat. 889) this constituted complete the Indian title to the lands had been recognized and acknowledged by administrative officials of the Government was by the treaty of 1863 (18 stat 889) confirmed by the congress.

On October 18, 1962 chief commissioner Arthur V. Watkins announce the Shoshone Indians,

whose lands much of central Nevada, running from near the Nevada-Idaho border to the California border and slightly beyond into California death Valley region, the commissioner also called for proceeding to determine of these some 16 million acres of lands, and further held the lands were taken without compensation and as a result the white peoples should pay the Indians for the lands they used and together with the interest thereon as required.

Sincerely yours
signed
Albert Stanton Sr.
Jim Charlie
Dave Pahawana and
with others

Wells
REPORT ON MEETING AT WELLS, NEVADA
NOVEMBER 26, 1962

On November 26, 1962, Superintendent Baldwin, Mr. Robert Holmes and myself met with Mr. Dave Fabreza and Mr. Albert Stanton and fourteen (14) other adult Indians at Wells, Nevada. The meeting had been prearranged to talk with the Wells Indian group about the encroachment of their homes on private lands and to explain to them the extent of our investigation and possible solutions for curing the trespass. Mr. Gene Fargalley, Mayor of Wells, Nevada, and Mr. and Mrs. Virgil Birdsell, owners of the land on which the Indian homes are located, were also in attendance.

The meeting opened with a short statement of our purpose in attending and a brief history of our investigation including the possibility of the city or county furnishing eight lots within the city limits of Wells and as an alternate the withdrawal of public domain land as individual Indian homesteads. Upon arrival in Wells, Nevada, we stopped at the city offices to borrow a city map and there met Mayor Fargalley who was prepared to attend the meeting. Upon direct questioning if he had been invited by the Indians he replied in the affirmative stating that he had offered City Hall facilities to the Indians for their meeting, but they preferred to meet at the Indian Camp. As we pulled away from the city offices enroute to the meeting, Mr. and Mrs. Birdsell joined the group and we assumed that they had also been invited.

After the introductions and a few opening remarks setting the stage for discussion Mr. Stanton assumed us of making a deal with the Mayor stating that we stopped there first. We explained our purpose in calling at the city offices and asked the group if they preferred that the Mayor be excused. Mr. Stanton decided the Mayor could remain, but should not be permitted to speak. Asking if they had any objections about the presence of Mr. and Mrs. Birdsell, Mr. Stanton, who was the dominant voice of the Indian group, stated that they had no business with white people. We suggested that Mr. and Mrs. Birdsell excuse themselves which they did.

Immediately thereafter, Mr. Stanton with an emotional word from Mr. Fabreza demanded in loud and disconnected language that we give their lands back to them in compliance with the Ruby Valley Treaty of October 1, 1863. They reminded us in no uncertain terms that we were surely visitors from the shores of Europe and the land was originally theirs before our forefathers decanted them out of it. At one point, they demanded proof for the land on which our homes were located. It was not possible to make any statements or offer explanations until Superintendent Baldwin demanded their attention.

The Superintendent explained to the group that the Bureau of Indian Affairs does not do all things for Indians stating as a key point that the U. S. Public Health Service and a separate department concerned with Indian health and for non-reservation Indians the State furnished welfare and education.

Mr. Salatin informed the group that from the record the Bureau of Indian Affairs was not able to defend the Wells Indians claim to any land. Mr. Stanton retorted that since the Indians were here first that it was not possible for the whiteman to own the land. They had never bought it nor had they compensated the Indians for it. The Superintendent then reminded the group that the Indians Claim Commission had recognized the wrong that had been done and had ordered payment to the Indians as compensation. It was suggested that they write their Claims Attorneys concerning the status of their claim and the manner of distribution of any moneys involved. The group was familiar with the Claims case and referred to two lengthy newspaper items appearing in the 10/17/62 issue of the Salt Lake Tribune and the 11/17/62 issue of the Elko Free Press.

Mr. Stanton, as self-appointed spokesman for the group, was arrogant and on several occasions referred to the dishonesty of BIA employees. Once the term "scoundrel" was used by him. He persistently interrupted the remarks of the Bureau speakers and finally the Superintendent reminded the group that unless the name calling was stopped and the meeting conducted in a courteous manner, there was no point in continuing the hearings and he and his staff would leave. He asked that the group furnish their names for our record, but Mr. Stanton refused. Just before leaving, however, he asked for and we furnished the names of the BIA personnel in attendance.

After vehemently refusing to consider the possibility of relocating to lots in town, we asked how many people needed homesteads. After some discussion, Dave Johnson stated that there were 200 people who would come back to Wells if land were available. He reminded the group that the land which was available for withdrawal was limited as to acreage; it was scattered, and in our judgment was not suited for agricultural uses. When asked how they would get water for irrigation purposes, Mr. Stanton said they would get water; when asked where they would get the machinery to farm the land, they said the Government would furnish it under the terms of the treaty; when asked who would build the roads into the lands for access, they said it would be taken care of; when asked who would build their houses, they said they would use cheap lumber and do it themselves. When asked what kind of title they expected to receive, they asked for a trust title so they would not have to pay taxes.

Before the meeting was over, we asked Mr. Bergolley to ask the Indians about a poster that had been shown to him by the Indians purporting to show that the Washington Office supported their claim to lands in the Wells area. After some talking, Mr. Johnson handed us a letter of August 9, 1962 under file reference Deal Group, West, Ariz. and Dep. 3501-01, signed by Mr. John Crow, with copies to the Area Director, Phoenix, and the Superintendent, Nevada Agency. Upon examination, we discovered that the second line of the second paragraph had been changed in ink to read, "The existing record does not support your claim to original or other-----", (underlining supplied). The copy of the letter read "The existing record does not support your claim to original or other-----", (underlining supplied).

We showed Mr. Stanton and Mr. Fabawena our copy of the same letter showing where the letter had been changed to alter its meaning. When Mr. Baldwin stated that the letter had obviously been altered and asked who was responsible, he was informed by Mr. Stanton that it came from Washington that way. Shortly thereafter, a duplicate copy of the letter was produced by Mr. Stanton and no changes had been made. Thereafter, he advised that they would write to Washington and find out about the changed letter. The Superintendent informed the group that Mr. Stanton and Mr. Fabawena were not being fair with their people if they had advised them of the changed meaning of the letter. Thereafter we departed advising that we would report the entire matter to the Washington Office.

Subsequently we reviewed the situation with Mr. and Mrs. Birdsell. They were uncertain as to what course of action to follow, however, they implied they might go to the courts to have the Indians evicted.

Enclosed is a picture of typical terrain and cover in the vicinity of Wells, Nevada. The Bureau of Land Management grazing district office records in Elko, Nevada indicate that none of the vacant public land in the Wells area as shown on the attached plate would be suitable for agriculture primarily for lack of water. In most instances, the land is undulating and in very heavy alkaline.

In good conscience, we do not believe that all the Wells Indians fully support the leadership of Albert Stanton and Rowa Fabawena. It is our judgment that some of the Indians do not want a 150-acre allotment and would prefer a town location. Attached is a letter from the District Attorney, Elko County, suggesting that certain vacant lots in Wells could possibly be conveyed to a government body for Indian use. These parcels are serviced with all utilities. Even if the Indians would accept the lots, the problem of housing would remain.

Ed Mitchell
Real Property Officer

P.S. Enclosed is a recent news clipping from the Wells paper in connection with a communication from the Wells Indians to the Mayor of Wells. In addition, we are enclosing for the record colored prints of the Indian camp houses.

Wells

Commissioner of Indian Affairs
John L. Crow
Washington 25, D.C.

(Wells, Nevada
Dec 8 - 1962

Dear Mr. Crow:
Commissioner of Indian Affairs

This relates to your letter of Aug 9, 1962 and regarding rights of my group to having a public lands withdrawn for their use or by a homestead allotment. There is no further action has been taken on the project of platting of the area, although representatives from the Indian Bureau located at Stewart, Nevada they has been failed to do so, and have no authority they said, agency said he will bring another federal Government to platting of the area he stated.

and that we and the other Indians involved furnish all assistance possible to the area director and his staff in their efforts to help this Indians.

We rather have the public lands for our use, and for homeste and agriculture purposes and kind of the Indians wants, and these language has not done yet by the Indian Service, they has been contrary to the evidence.

Now be sure setting apart a suitable portion of the public lands upon which they may be concentrated and so provided for that they need. Shoshone Indians at no time gave up or relinquished their possessory rights of occupancy to the lands described herein, and we need your help on the lands problem.

The way of life of these Indians was disrupted and they were deprived of their lands without compensation, or under mistake of fact or law, or under circumstances, not constituting fair, which had been occupied from time immemorial by Shoshone Indians, was without their consent, and in violation of their treaty rights, or to disturb the peace or tranquility of the United States Government. said Indians answer as soon as possible.

Sincerely yours
Dane H. Palavena
P. O. Box 404
Wells, Nevada

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RECEIVED
DEC 13 1962
WASHINGTON, D.C.



Wells

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Nevada Indian Agency
Stewart, Nevada

IN REPLY REFER TO:

Real Prop. Mgmt.
Dave Pabavens - Unal.

Jed

BUREAU OF INDIAN AFFAIRS
RECEIVED
DEC 14 1962
PHOENIX

DEC 12 1962

Mr. W. Wade Eead
Area Director, Phoenix, Arizona

Dear Mr. Eead:

The attached report of a meeting at Wells, Nevada, held on November 28, 1962 reveals our latest attempt to deal with the situation at Wells.

This was a distressing experience and one in which the spokesmen for the people were seemingly unable to accept reasonable explanations. They entirely rejected the spirit of helpfulness which was extended by the Mayor of the City of Wells, Nevada, and our own staff members. They can only demand that which they believe is their right under the Ruby Valley Treaty and their own interpretation of that treaty.

Their desire to locate on 160-acre public domain allotments does not seem to us to be in any sense a feasible plan nor do we feel that relocation to the allotments would be accomplished. The needs of the Indians would not likely be met nor would the trespass situation be actually solved.

We do not feel that public domain allotments can be made available which would provide proper and adequate homesites for even the residents of the Wells Indian campsite. Their desire is to gain allotments for Shoshone people long since departed from their area and situated in such places as the Fort Hall Reservation in Idaho.

We will welcome your suggestions as to what should be our next effort in helping these people and know that you also are awaiting a response to your letter of October 31, 1962 to the Commissioner.

Sincerely yours,

W. Wade Eead
Superintendent

Enclosure