

this hearing and for the support of Nevada's Congressional Delegation in the House, Congressman Jim Gibbons and Congressman Jon Porter and in the Senate, Senator Harry Reid and Senator John Ensign. The companion bill in the Senate was passed last year in the 107th.

I am here to present testimony for the Steering Committee in favor of H.R. 884, the "Western Shoshone Claims Distribution Act". The Shoshone people are aware that the Resource Committee will have "mark-up" on the Bill. The Steering Committee would like to propose AMENDMENTS the following Sections:

- * Under Section 2, (2) Certain Individuals Ineligible.

After the words "..." a per capita payment from any other judgment fund" add the words "based upon an aboriginal land claim." (Note: the Bureau of Indian Affairs Tribal Services concurs with this change.)

- * Under Section 3, (A)(A): after the words "An Administrative Committee" to add the words, "exclusively comprised of Western Shoshone..."

- * Under Section 3, (2)(B): at the beginning after the word "the" add the words "Western Shoshone" to read--"The Western Shoshone Administrative Committee..."

- * Under Section 3, (2)(B), (v) to be revised from "The Western Shoshone Business Council of the Duck Valley Reservation" to read "The Western Shoshone Committee of the Duck Valley Reservation".

As others will address various issues--I will speak about that which is not a ways so apparent to people on the fringes of a problem, the subtle factors that has lead to the people's support of this Bill and factors in the past that have acted to delay support for distribution--the good, the bad, and the ugly. I hope this will give you some insight about the people for whom you are about to make a very important decision--either to vote in favor of H. 884 as is, or to change, or to allow to die in Committee.

First, THE GOOD:

- * THE SHOSHONES ALLEGIANCE TO THE UNITED STATES. Despite "minority" news reports to the contrary last, draws attention to issues of discrimination¹, the Shoshone people are thankful that they live in this country and are proud of their participation in various global military conflicts to promote and preserve the nation's security, freedom and peace. Yes, there does exist a dark period in the history of the displacement of the Shoshones to reservation in the late 1800's, as part of Indian removal west across the United States that were repeated 53 times by 1964. Unfortunately, in a conflict of cultures the five 1863 Shoshone treaties of "Peace and friendship" were eventually and gradually taken advantage of by unscrupulous individuals, both non-governmental and governmental. In regard to Indian title to the land, the U.S. Supreme Court observed that "such extinguishments raise political, not justiciable, issues."

² Likewise, in another case, it was further stated that "... the doctrine is not open to inquiry in the courts", that "the exclusive right of the United States to extinguish" Indian title has never been doubted"³. Concerning "recognized title", in the Sac and Fox Tribe v. United States the court stated, "... Congress, acting through a treaty... must grant legal rights of permanent occupancy within a sufficiently defined territory. Mere executive "recognition" is insufficient as is a simple acknowledgment that Indians physically lived in a certain region", such as in the Western Shoshones treaty of 1863. In some treaties, the United States recognized title by relinquishing its claim to a specific area and promised to protect the Indians within the borders of their land, such as the Sioux treaty. This was not stated in the "Treaty of Ruby Valley" under "Article V".⁴

⁴ In 1974, when a group of Shoshone people attempting to stop the court proceedings filed a motion for rehearing on the findings of title by the SCC (1962), according to a 30 day time limit under the "Rules of Procedure", they were 11 years too late⁵. In the end, Congressional action is the only way to restore tribal title. With the passage of time, assimilation, reorganization, and relocation the vast "majority" of Western Shoshone people have laid their feelings to rest. The outcome of the 1998 and 2001 referendums for distribution is symptomatic of the

peace, justice and just justice they desire.

11X Las Vegas Review Journal, "Indians Ask U.S. to protect Rights" Las Vegas, Nevada, 2000.

12X United States v. Santa Fe Pacific Ry., 314 U.S. 339, 347 (1947)

13X Beecher v. Weiberly, 50 U.S. 517, 518.

14X 1863 Treaty of Ruby Valley, Article V: It is understood that the boundaries of the country claimed and occupied by said bands are defined and described by them as follows:

15X ... ToMoak Bands of Western Shoshone Indians, Nevada, and Western Shoshone Legal Defense and Education Association" v. United States, decided 2/20/75.

* THE SHOSHONES VIEW THE CLAIMS AWARD AS AN APOLOGY OF SUBSTANCE offered by the United States via the U.S. Indian Claims Commission established after the injustices to the American Indian became more widely known to principled contemporary politicians following World War I. The Shoshones enthusiastically filed their case for the wrongs done in 1851. It was fought with numerous attempts by some "minority" dissidents to change the litigation strategy in the judicial process. Had a withdrawal been successful, there would be no court awarded claims today.

* THE CONTINUING HOPE OF THE SHOSHONE PEOPLE," Now the Shoshone people look to Congress to conclude the claims after 41 years of litigation (1951-77 & 1974-89), 53 years of debate, and 99

6 years of faith of the elders that the claims would be finally won. Now they are placing their trust in an extremely difficult course to traverse--the Congressional legislative process--with the hope it will not let them down and H.R. 884 will be passed within the allotted time.

16X Johnny, Ike, Enrolled member of the Pa. or Paiute Shoshone Tribe, 99 years old.

* DEMOCRACY IN ACTION. The Shoshone people were pleased to finally get the opportunity to be heard at the ballot box through a straw poll. Tribal voter eligibility lists and required individual identification was employed to determine Shoshone affiliation. Those unable to attend their reservation's polling site were allowed with proof of tribal enrollment to request an absentee ballot. A few Shoshones who chose not to enroll in an IRA tribe but wanted to vote were allowed to complete a "Letter for the Record" after certifying that they had not received any other claims award, offered a photo I.D. and stated their degree of blood. In 1995, 98% favored distribution.

The results were 1,230 voted "yes" and 53 voted "no". In 2002, 91% favored distribution with 1647 "yes" and 156 "no". It was estimated that approximately 80% of the eligible enrolled adult Shoshones participated in the straw poll. Of the seven reservations / colonies, NONE has ever put the question of distribution on their annual agenda as an advisory question in the last 26 years after the award was confirmed. Therefore, the Steering Committee felt the question needed to be answered to determine the direction of the Committee on distribution.

17X Official Tally, "Referendum for the Western Shoshone Claims Distribution Act", 2002.

* A REALISTIC OUTLOOK. It is time to put behind the disappointment in the failure of the tribal system of government and their inability after 26 years to coordinate their inter-tribal efforts to produce a comprehensive plan for distribution to settle this issue. It was the instability and manipulation of tribal politics by those opposed and their lawyers, that gave impetus to the formation of a "people's committee" or the Western Shoshone Claims Distribution Steering Committee in 1999. It is the CIVIL RIGHT of a concordant group to submit a bill to congress, to hand together and take action. At a publicly held meeting concerning the legislation in Elko, NV, 10/21/99; with half of the gymnasium and the center filled in a division of the

house's a vote of confidence in the Bill and in the Steering Committee was called for. Three people stood opposing the legislation and the Committee. In Fallon NV, (9/12/99) no one in a gym half full stood against the Bill or Committee.

Second, THE BAD:

* THE DEATH OF ELDERLY BENEFICIARIES who had basic needs and were forgotten in the never-ending noncontroversial litigation. Their dreams and hopes for a better future were never realized. It was their generation that was fraught with a multitude of social and economic problems in an era of little opportunity. A distribution could have provided something as simple as a new mattress. The growing resentment against those who oppose the claims distribution was obvious when at the public meeting on the Bill the three who opposed the bill were loudly booed when speaking.

* TRIBAL ELECTIONS ARE BASED ON KINSHIP NOT ON ISSUES,"

issues such as the "Claims", unemployment remains high on isolated reservations (Yomba, Duckwater, South Fork, Duck Valley). Jobs are scarce with the exception of tribal jobs and having a tribal job means voting family members to office. Therefore, much time and energy is spent on electing relatives to council seats, not on a representative's stance on issues.

* THE CHANGING FACES OF DEMOCRACY. Elections cause change-- in leadership, objectives, and stalling negotiation's progress in the government-to-government process. Democracy is good in one sense, but has its weaknesses also. Constant change in tribal leadership means the end to long range goals and partially why no one comprehensive distribution plan ever materialized. When given a deadline to develop a plan under the 1973 Indian Judgment Funds Act in 1980, they failed. This tribal political instability was to the advantage of the state's core "minority". More recently (1997), it was also to the advantage of the Steering Committee's ability to move the claims issue forward, to obtain the consensus of the Shoshone people and to promote resolutions of support from the majority of tribal governments--some resolutions have vacillated with new councils the last seven years. However, the people's desire to have their court award distributed on all reservations never changed. Where a tribal government, "for, by and of the people" did not exist in representing the distribution of the claims, the people organized petition drives so that they might be heard over their councils. Where a petition was necessary to support distributing the claims, endorsement ranged on two reservations at 85% and 90% (Yomba and South Fork councils has never supported the claims distribution due to councilmen's cattle interests).

* COUNCILMEN OR LEADERS THAT REPRESENT SPECIAL INTEREST

GROUPS OR HAVE A SELF INTEREST. Some leaders / councilmen opposed to the claims distribution have BLM cattle trespass charges amounting to a million dollars or more. ⁸ They work through their lawyers

and the news media to defeat distribution of the award as a reason to continue to use the land by claiming it is still "Shoshone land" as "the people do not want the money" or "refuse to take the money"--in total disregard of the of the U.S. Supreme Court decision

⁹ and the decision of the Shoshone people per the two straw poll referendums. Information is power and the control of information coming through tribal offices is tightly guarded as to what is told or not told to the people. When information is kept from the Shoshone people or twisted it limits their ability to make well informed decisions and retards the decision making process. Telling the Shoshones they still own the land is a shameful deceit and only causes confusion and creates controversy. Of course, some will say there is money to be made in an atmosphere of controversy.

⁸ [http://www.alphacdc.com/wsdp/\[W.S. Land Rights and Grazing\]](http://www.alphacdc.com/wsdp/[W.S. Land Rights and Grazing]) W.S. Defense Project. No date.

⁹ Nordwall, Wayne. BIA Area Director. Memorandum "W.S. Claims Distribution". Phoenix, AZ, 1998.

* CONTROL OF THE FOUR CHAIRMEN OF THE "SUCCESSOR TRIBES"... controls the government-to-government relationship in negotiation, a subtle mechanism. The "minority" leadership and their

lawyer(s) have utilized this process over the years. It resulted in the "majority" opinion being suppressed, "the people being put on the "back burner". This political manipulation and maneuvering was evidenced most recently after the August 2, 2002, Senate hearing. In an illegal meeting of the four Te-Moak band chairs, several resolutions were passed against the people's voice or straw poll.

¹¹ Once the people heard about this outrage in the largest band, Eiko, the Eiko council passed a resolution to not recognize the "illegal" resolutions. ¹² Even today, this is not widely known due to the control of information to the people by four leaders involved. An added drawback, is the lack of a tribal newspaper on various reservations.

110\ Eiko, NV, Te-Moak Council Meeting. Flyer mailed to Fallon Supervisor: "Cattle Over People, WSN01", 1999.

111\ Letter to Senator Inouye, Senator Campbell, and Committee on Indian Affairs by Felix Ike, Te-Moak Tribe chairman, 8/19/02. 2pp.

112\ Eiko Band Council, Resolution No. 2002 ECB-28. Eiko, NV 8/28/02. 3 pp.

Third, THE UGLY:

* THE LACK OF FAITH IN TRIBAL ACCOUNTABILITY due to questionable accounting/ budgeting procedure and little to no public reporting mechanism ¹³ are reason people do not want any hold-back for tribal programming. The Steering Committee has received numerous comments on how if a hold-back of funds was implemented in the Bill with no restrictions, such as interest only to be expended plus categories for use, the capitalization to the tribes will not be able to be found in seven to nine years as has happened with other Indian national court awards.

113\ Reno Gazette Journal (Reno, NV), "25 Month Prison Sentence for Embezzling Tribal Money" (Backwater), 1997.

* PRETENTIOUS DECLARATIONS BY THOSE OPPOSING DISTRIBUTION OF THE CLAIMS. Federally recognized IRA tribes have their own Constitution and By-Laws. They are independent of each other. For an organization to declare that they are part of a "nation" of people is questionable. No one single entity is a sole representative of the various Shoshones around the state. Yet, the Western Shoshone National Council (WSNC) ⁴ has made such preposterous claims of "representation". The majority of Shoshones see this organization(s) with limited numbers attempting to assert themselves into the governmental process or negotiations or into the news media on behalf of the "Western Shoshones", in a sense displacing the officially recognized IRA governments. The WSNC goes on to use the "Western Shoshone-name in international forums. Their term "traditional government of the Shoshone nation" or "Western Shoshone nation" is misleading. Most non-Indians or institutions will interpret this to mean an "elected" government, which is quite different than being a registered Nevada non-profit corporation. In addition, donations (money, gifts of real property, clothes, trucks, night vision goggles, etc.) being requested over the internet in the name of the "Western Shoshones" is debatable when most Shoshones are unaware of the contribution.

114\ Information on Those Opposed to Distribution--Who are They and What do They Represent?

* THE "ITIGANTS OPPOSING DISTRIBUTION, unlike the changing faces of elected officials, these faces never change". They were at the Interior Department negotiation meetings in 1982, 1984, 1985, 1986, 1994, and former Congressman Vucanovich's House hearings in 1990 and 1992--all of which failed. Some are still here today in opposition, probably not with a "good faith plan", but to undermine the "majority" opinion and as always to stop distribution.

* NEWSPAPER PROPAGANDA BY SPECIAL INTERESTS that tout the

Shoshones are opposed to this or that¹⁵ when in fact the average Shoshone knows nothing about nor have they agreed to what is published. This same propaganda was used in the past to say, "the Shoshones don't want the money they want their land". This is why a straw poll had to be completed to reveal the truth about the interest of the Shoshone people, descendants and beneficiaries of "The Western Shoshone Identifiable Group" court award 326-K.

15) Reno Gazette Journal (Reno, Nev), "W.S. Oppose 3-22 Fighter", 1993.

* THE UNENDING DEBATE BY MINORITY OPPONENTS over land title, mineral rights, religion, air, etc" has kept the Shoshones' right to their court award or a tribal plan in limbo. The latest development is the presentation to staff members of the Indian Affairs Committee (7/26/02) of a 2001 international report by the Inter-American Commission on Human Rights (Case No. 11,740--Mary and Carrie Dann), which the United States rejected "in its entirety". The case that has been before the U. N. Commission since 1993, the U.S. Supreme Court (1995), after demanding that payments into trust for the Shoshone people allocated fair settlement of all claims and the extinguishments of aboriginal title, left the door open for "individual aboriginal title". The Danns could have pursued this avenue, but the lawyers for the Dorns withdrew their case from the U.S. court system in 1991. Now the anthropologies mentioned in the Commission's report, partly that the Danns "be afforded resort to the courts for the protection of their property rights", reiterates what probably should have continued to be litigated in 1991. Given the past history and the years of prior suit by the Dorns (1974-1989), the Federally financed opportunities for land settlement negotiations amounting to over a million federal dollars, and the Indian title issues before the U.S. courts in past case law" it is best to separate the land issue (reservation by reservation) from the monetary distribution and, in following the people's wishes, distribute 326-K, 326--A-1 and 326--A--3.

FINALLY, the aforementioned factors both negative and positive have contributed to the present status of the Western Shoshone Claims. The Shoshones have endured much in their quest for justice and finality. The 1946 Indian Claim Commission Act passed by Congress gave the Indian people their day in court to air grievances suffered. The limitation was "no one should be allowed to litigate a claim forever." It was not the intent of Congress to leave claims hanging in limbo for over 52 years. We now rely on the judgment of Congress, whose 1993 agreement is a rarity, to end this long standing claim. The Steering Committee on behalf of the "majority opinion" respectfully requests that the Resource Committee pass H.R. 884, as soon as possible back to the full floor of the House for consideration in the interest of the long sought judgment and closure our people deserve. Thank you.

[GRAPHIC] [TIFF OMITTED] T0772.010

[GRAPHIC] [TIFF OMITTED] T0772.011

[GRAPHIC] [TIFF OMITTED] T0772.012

The Chairman, Thank you.
Chief Yowell

STATEMENT OF RAYMOND YOWELL, CHIEF,
WESTERN SHOSHONE NATIONAL COUNCIL

Mr. Yowell. Good morning, Mr. Chairman, although it is afternoon now, and Committee members.

My name is Raymond D. Yowell, a citizen of the Western Shoshone Nation. I presently hold the office of Chief of the Western Shoshone National Council, which is the government of

the Western Shoshone Nation.

Due to the limited time set for this testimony, the Western Shoshone Government has prepared this supplemental to its main opposition testimony for presentation at this hearing.

In accordance with the rules of this Committee, the required number of copies of this supplement and our opposition main testimony has been filed with the clerk of this Committee.

All the elements of our main opposition testimony are reaffirmed. We stand opposed to H.R. 884. This supplemental testimony will address and point out the events that have transpired recently in connection to the Western Shoshone territorial rights issue.

ICC Docket 326 A. The last event to happen in the overall U.S. Indian Claims Commission process is a hearing of record that was held on the territory of the Western Shoshone Nation. This hearing took place in July 1980 at Elko, Nevada. At this hearing of record the Western Shoshone asked the Federal hearing officer, "By what U.S. Law did the United States acquire the territory of the Western Shoshone Nation?" Because the hearing officer could not answer the question, the Western Shoshone rejected the monetary award from the ICC, Docket 326 K, stating, "Keep your money until you [meaning the United States] can show us how you acquired our territory."

I testified at the hearing of record, and I also asked the exact same question of the hearing officer. Again, when the hearing officer could not answer my question, I also rejected the monetary award from ICC Docket 326-K. Today, 23 years later, the United States has not answered the question put to it by the Western Shoshone.

Since the hearing officer would not show how the United States acquired the territory of the Western Shoshone Nation, and since the Western Shoshone, myself included, rejected the monetary award from Docket 326 K, the Western Shoshone territory remains in the property of the Western Shoshone Nation, rightfully under Western Shoshone control and jurisdiction.

Based on this fact, Western Shoshone cattlemen, myself included, and in compliance with Article VI of the 1863 Treaty of Peace and Friendship made with the United States, stopped paying the U.S. Government for grazing our cattle on our own Western Shoshone lands. We withheld grazing fees to show the United States that there was a problem with its claimed ownership of the territory of Western Shoshone Nation. From the very start of our nonpayment for grazing our cattle on our own Western Shoshone land, the Western Shoshone stated to the U.S. Government that if it could not answer the question of how it acquired the territory of the Western Shoshone Nation, then the best way to move toward a solution would be through negotiation between our two Nations.

Confiscation of Western Shoshone Cattle. In May 2002, armed agents of the U.S. Bureau of Land Management came in the early morning hours and confiscated cattle belonging to me and to Mr. Byron Tybo. The BLM did this without answering the question first put to the Federal hearing officer at the 1980 hearing of record, "By what U.S. Law did the United States acquire the territory of the Western Shoshone Nation?" In September of 2002 armed agents of the BLM came in the early morning hours and confiscated the cattle of Mary and Larric Reno, and did so without answering the above question.

In 1924 Congress declared Indians to be citizens of the United States. If from the point of view of the U.S. Congress we are U.S. citizens, then this means that our property cannot be taken from us without a court order. But when the BLM agents were taking our cattle, we asked them if they had a court order. They said they did not have a court order and took our cattle anyway. The BLM theft of our property is a gross violation of our civil and human rights and robs us of our *livelihood*. It is also a violation of our 1863 Treaty vested

right to be agriculturists and herdsmen.

U.S. Supreme Court Ruling on U.S. v. Dann, 1985. In 1974 the United States sued two Western Shoshone sisters, Mary and Carrie Dann, for trespass, the allegation being made that they were grazing their cattle on Federal public land. After going back and forth in U.S. Federal Appeals Court several times, the case reached the U.S. Supreme Court in 1984. The Supreme Court ruled that because the U.S. Secretary of the Interior had accepted the monetary award from ICC of Docket 326 K as a trustee for the Western Shoshone, the Dann sisters could not defend on the grounds of original Western Shoshone title. The U.S. Supreme Court specifically based its decision on an erroneous assumption that the ICC had filed its final report with Congress.

OAS Investigation, Docket 326 K. In 1992 the Dann sisters petitioned the Organization of American States, OAS, to look into their treatment by the United States. The Danns were joined in the petition by the Western Shoshone TRP Reservation Tribal Councils and by the Western Shoshone National Council. In December of 2002 the OAS released its report, stating that United States, through its U.S. Indian Claims Commission process has violated the human rights of the Western Shoshone, that the ICC process lacked due process of law, and that the property rights of Western Shoshone had been ignored. The United States has to this date failed to remedy the violation put forth in the OAS report though asked by the OAS to do so.

Thus, the U.S. Supreme Court in 1985, ruling on the case, U.S. v. Dann, used an Indian Claims Commission process against the Danns that has been found to be in violation of Western Shoshone human rights.

The Indigenous Law Institute's Finding on the ICC's Failure to File a Final Report with Congress on the Western Shoshone Case. In January of 2003 the Indigenous Law Institute issued its finding that the U.S. Indian Claims Commission failed to file a final report with Congress regarding the Western Shoshone case. Docket 326 K, Section 21 of the ICCA, Report of Commission to Congress, requires such a report in order to provide Congress with the information it needs to make an informed judgment in every case. The ILI report reveals that the Indian Commission did not complete its work as required by law. The Indian Claims Commission failed to fulfill a legally required ingredient of finality in Section 22(a) of the ICC Act. Therefore, an essential part of the statutory basis that Congress has set up for a distribution of the monies in Docket 326 K remains unfulfilled.

The Amnesty International Report. In May of 2003, Amnesty International issued its report on the Western Shoshone case, and found that violations occurred in the ICC process concerning Western Shoshone human rights. The violations were lack of due process of law, violations of Western Shoshone human rights, and violations of Western Shoshone property rights. This report gives added credibility to what the OAS and ILI reports reveal about the ICC Docket 326 K.

Recommendation. A distribution bill came before this Committee on Docket 326 K. The Committee at that time wisely rejected taking action on it by not bringing it out of Committee. With the above referenced reports now bringing to light the major problems with the ICC process as it pertains to the Western Shoshone territorial rights issue, we request that this Committee not take action on bill H.R. 884, but to let it die the death it deserves in Committee.

Thank you very much.

[The prepared statement of Mr. Yowell follows:]

Statement of Raymond D. Yowell, Chief,
Western Shoshone National Council, on H.R. 884

Good Morning Mr. Chairman and Committee Members.

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All the elements of our Main Testimony are reaffirmed. We stand opposed to H.R. 884. This Supplemental Testimony will address and point out events that have transpired recently in connection with the Western Shoshone Territory's issue.

I.C.C. Docket 326-K

The last event to happen in the overall U.S. Indian Claims Commission process is a hearing of record that was held in the Territory of the Western Shoshone Nation. This hearing took place in July of 1980 at "Elko, Nevada." At this hearing of record, the Western Shoshone asked the Federal hearing officer, "By what U.S. law did the United States acquire the Territory of the Western Shoshone Nation?" Because the hearing officer could not answer the question, the Western Shoshone rejected the monetary award from the I.C.C., Docket 326-K, stating, "Keep your money until you [meaning, the United States] can show us how you acquired our Territory."

I testified at the hearing of record, and I also asked the exact same question of the hearing officer. Again, when the hearing officer could not answer my question, I also rejected the monetary award from I.C.C. Docket 326-K. Today, twenty three years later, the United States has not answered the question put to it by the Western Shoshone.

Since the hearing officer could not show how the United States acquired the Territory of the Western Shoshone Nation, and since the Western Shoshone, myself included, rejected the monetary award from Docket 326-K, the Western Shoshone Territory remains the property of the Western Shoshone Nation, rightfully under Western Shoshone control and jurisdiction.

Based on this fact, Western Shoshone citizens, myself included, and in compliance with Article 4 of the 1863 Treaty of Peace and Friendship made with the United States, stopped paying the United States Government for grazing our cattle on Western Shoshone lands. We withheld grazing fees to show the United States that there was a problem with its claimed ownership to the Territory of the Western Shoshone Nation. From the very start of our non-payment for grazing our cattle on our own Western Shoshone land, the Western Shoshone stated to the United States Government that if it could not answer the question of how it acquired the Territory of the Western Shoshone Nation, then the best way to move towards a solution would be through negotiations between our two Nations.

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In 1924, Congress declared Indians to be citizens of the United States. If, from the point of view of Congress we are U.S. citizens, then this means that our property cannot be taken from us without a court order. But when the BLM agents were taking our cattle we asked them if they had a court order. They said that they did not have a court order and took our cattle anyway. The BLM theft of our property is a gross violation of our civil and human rights, and robs us of our livelihood. It is also a violation of our 1863 Treaty vested right to be agriculturalists and herdsmen.

U.S. Supreme Ruling On U.S. v. Fann (1980)

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