

STATEMENT TO THE UNITED NATIONS WORKING GROUP

WESTERN SHOSHONE NATION

Geneva, Switzerland  
July 30 - August 4, 1984

31.7.

WGIP 84/NAH.USA/2

Thank you for allowing us to appear before you today. I am Virginia Sanchez and appearing with me is Kathleen Millett. We are here to represent the NEWE, also known as the Western Shoshone Nation.

The Western Shoshone Nation has sent delegates before us. You may recall our elder Millard Dick, Raymond Yowell, Chairman of the Sacred Lands Association or Pearl Dann, a young woman who spoke before the Fourth Russell Tribunal in November of 1980.

Our homelands are located within the Western region of the area now known as the United States of America. Our homelands encompass over 24 million acres and extends through the Eastern portion of the State of Nevada, and into parts of California, Utah and Idaho.

The NEWE have existed in our homelands since the time of creation. I shall speak to you of Creation in our own language.

The creator carried a basket full of various people placing them in the different areas after crossing the big waters. Although dropping a few into the big waters, the Creator carried many over. The NEWE were at the bottom of the basket. The Creator looked at us and said, "Even though you do not look like much, you will be the strong ones and your way of life will be known forever. In whatever you do, do for the good of all. Respect every living thing on earth for this is the way of Creation."

This is why the NEWE still believe in and acknowledge the Eagle, our our great guardian, spirit helper and guide. The Eagle continues to guide our way. The old ones say,

"One must have a strong heart, strong will and a clear mind, then you will walk through life the right way. Pray to be shown the way and prepare yourself, for these are the things that will make you who you are."

With all these truths the NEWE, the Western Shoshone people will continue to live our way, in our homelands.

In the early 19th century, 1827 the invasion began in our homelands. Fur traders a people seemingly without conscience or standards of behavior began occupying the land without regard for our people. Their primary focus was furs disregarding the impact upon the people, animals and lands. From this time on more invaders moved across the lands. Settlements were built up along the trails, the way of life of our people was disrupted.

The environment of our homelands is highly arid, desert like. Water is scarce; to our people water is sacred, precious and very important. *The settlers moved in, invading prime spots of rivers, streams and springs, forcing our people away from a basic necessity of life. Within forty years, many of our plant foods were threatened. Our people hadn't the proper food for existence, as before.* In 1860, the United States government came to our people seeking to make a treaty. In 1863 the U.S. entered into a formal and binding treaty called the Treaty of Ruby Valley, a treaty of "peace and friendship". The treaty gave the U.S. government the privilege to travel through areas of our homelands without fear of being molested. In keeping with the traditional principles of the Shoshone, they were permitted limited use of the lands, but we did not cede our homelands. *Following the signing of the treaty, the Shoshone were subjected to a violent transformation from a free to colonized people.* The Treaty of Ruby Valley was the Western Shoshone giving limited rights to the Americans. A treaty of peace and friendship.

The rights of the Western Shoshone existed long before the Revolution. long before the Magna Carta, the Declaration of Independence, before the U.S. Constitution and long before the birth of Jesus of Nazareth. Our rights are not derived from the treaty. Our rights are derived from the beginning of Creation. The Treaty of Ruby Valley still stands today. It has not been done away with by *either* side. We, the Western Shoshone have honored our part of the treaty. The United States government has not.

This is an important time for the Western Shoshone to present our concerns before the international community. *Within the next several months,* the Supreme Court will decide the Dann case, the outcome of which will be a major factor in determining the strategy that our people will use to insure our continued existence into the twenty-first century. In 1973, the Interior Department's Bureau of Land Management, in refusing to recognize that the Western Shoshone never ceded or relinquished title to their homelands, filed a trespass suit against Mary and Carrie Dann for grazing cattle on Shoshone lands. This has become the test case for Western Shoshone title to our homelands. In May 1983, in the Ninth Circuit Court of

Appeals decision, the court ruled in favor of the Dann sisters and reaffirmed that under United States law that our title has never been extinguished. The Interior Department appealed this decision to the Supreme Court.

During the oral argument in the Ninth Circuit Court of Appeals, U.S. vs Dann, an analogy was offered by a Judge of the Court. The suggested analogy was that of an insurance company that happens to honor an illegal claim. Supposing that a neighbor goes to your insurance company and files a claim stating that your house was destroyed by fire. It so happens that the insurance company honors the neighbor's false claim and the neighbor collects for the damages. When you find out what has transpired, you are very upset and immediately notify the company that your house was not destroyed by fire and furthermore the wrong party was paid. Rather than admitting to the mistake and seeking to recover the money, the insurance company asks a court to order that the house be set on fire in order to confirm reality to the mistake. This is what the United States is trying to do to our people. To pay us for something that didn't happen and then claim that everyone should assume it did because we were paid. We have never agreed to give up title to the land and we have never accepted payment for it. Nor have we agreed to make a claim for the money for loss of our land rights. The land and the people are one. It is our existence, the basis for our way of life.

Today our people are being arrested and prosecuted for hunting violations within our homelands. These lands have been used continuously since creation for hunting, fishing and gathering. Yet the State of Nevada, Bureau of Land Management and B.I.A. officials have intimidated many of our people into believing that we no longer have and cannot exercise our rights as Western Shoshone people within our homelands. Restrictions by government officials try to keep us from continuing our ways of life, to go out on the land to pray and obtain our foods as we have done for generations. The lives of our people are based upon a spiritual and practical relationship with the earth and we know that all aspects of the peoples lives come from the earth.

The United States is forcing us to violate our own laws. They do this by setting standardized Wildlife Codes and Regulations. The codes and regulations are restrictions that do not honor or coincide with our hunting and gathering seasons. This causes an imbalance and disharmony to our way of life. They have placed restrictions which force our people from gathering on our traditional spiritual

sites. We are repeatedly questioned, asked to define and publize our sacred lands sites by the government for economic development purposes, which is against our spiritual ways. Our people still practice our healing and purify- ing ceremonies, but are being force to regulate them. Our way is to pray for the plants and animals whose lives were taken so the human beings might live. Our prayers are given continuously and will not be regulated by state or federal regulations.

The American system exploits the lands for economic profit regardless of the destruction to the land and resources; and seemingly looks to move us from our land by depriving us of our basic food supplies.

Many of our people have been forced into dependency living on small reservations, dependent upon the U.S. for food, shelter and the illusion of economic stability.

A group of our people living in the town of Wells, Nevada, have been lied to and tricked into adopting an elective system as a governmental system, by the B.I.A. They were told that if they did not conform they could not be recognized.

The federal assistance programs generates and breeds dependency and proverty through providing meager allowances each month. The moneys are guaranteed to individuals as long as they do not rise above the income level criteria, which is proverty level. On the one hand this may sound generous, but this program has actually caused some of our people to live in proverty. It has stripped some of our people of self-respect, self-dignity and self-worth. It has set standards for some our people to merely exist from day to day, waiting for the small amounts of money. This is an illusion of stability. But we have not given up. Our Elders speak to us with knowledge and wisdom. Through teachings of the elders and the vitality and strength of our youth, we have a unification, one which finds stability in the land.

We are also being faced with threats of economic progress by the U.S. which has devastating impacts upon the land and the people. Oil drilling is of gigantic magnitude within the Rail Road and Pine Valley areas of our homelands. The Bureau of Land Management allows private parties to file for property leases to drill for oil within our homelands, in terms of thousands of acres per week.

The United States is looking to place a nuclear waste test site south of the Duckwater

community.

Furthermore, the lands surrounding the railroads are being considered as public domain and the government has plans to sell these lands. *These areas for the test site and the public domain are within our homelands.*

Our Shoshone community elementary school at Duckwater received verbal threats from the B.I.A. two weeks ago, stating possible closure. The threats were based upon erroneous, nonexistent information and the B.I.A. officials were acting solely through improper procedures if such as act were to occur.

The Western Shoshones have formed a united Western Shoshone entity of traditionalists and elective system groups called the Western Shoshone National Council. The National Council requested negotiations with the U.S. government in March of this year. The U.S. government replied by stating that a negotiations task force would be premature.

The United States clearly contradicts itself within its own legal system. Since the law has been clearly stated in a series of Supreme Court cases spanning over a century, that once aboriginal title is shown to exist, it remains until such time as Congress, by explicit language, extinguishes it. The United States can only prove its case by showing an act of Congress extinguishing Western Shoshone title. Why then has ~~the~~ United States Department of the Interior petitioned to the Supreme Court to hear the Dann Case?

Our people are being threaten with extinction. (The United States is stealing our homelands.) Our homelands are sacred to us, our people have survived on the earth for thousands of years without visible destruction to the surrounding environment. The people took only what was needed for survival and treated all of life with respect. The people and the land are inseparable. (The United States is trying through devisive means of institutions and law to end our culture and nationhood.) It is their nature to use their laws and institutions not only to gain control of our lands, but also our minds and our self-esteem.

Our work as Western Shoshone people is to carry on to insure our survival as a distinct people of the world. Our work is the re-emergence of the Shoshone Nation in which we are recreating caring communities, developing alternatives to the current systems based on our traditional principles and values, re-establishing

a healthy relationship between human beings and the environment and by continuing our cultural/spiritual ways. We are working towards a future, a better world for our children to grow as a distinct indigenous people. To know who they are as NEWE.

We will continue to protect the basic principles upon which the Shoshone life is based and will continue to insure the survival of our people. We are reclaiming the responsibility for the well being of our communities. This in effect is directing our communities toward true sovereignty.

The United States speaks to other Nations of economic power, but continue to disregard these human rights with those Indigenous Nations within the boundaries of the United States. We are aware of the International Covenants and Laws which speak to the desired behavior of Nations in regards to human rights, and we would like the international community to know this and recognize our position. Our rights as a people to determine our own future without interference by the United States must be honored. The United States must give up the laws that are allowing it to steal our land. The United States must stop the practice of openly and freely violating treaties. This applies to all native nations, as well as Canada and other governments that dominate indigenous people throughout the Americas.

Our people ask for recognition by the Working Group to acknowledge that the human rights of our people are being violated. We seek to determine our own future. We seek to draw attention to the fact that the United States definition of "self determination" in regards to Native Americans, is in violation of "self determination" as defined in the Universal Declaration of Human Rights.

Thank you.