

WESTERN SHOSHONE CLAIMS DISTRIBUTION STEERING COMMITTEE
1799 Weyumb Street, Elko, Nevada 89801

SENATE INDIAN AFFAIRS COMMITTEE - TESTIMONY (S. 958)
107TH CONGRESS

Nancy Stewart, Vice Chairman

Mr. Chairman, committee members, I am Nancy Stewart, member of the Western Shoshone Claims Distribution Steering Committee¹ and representing the chairman of the Steering Committee who is disabled, Mr. Larry Piffero. My role on the volunteer non-paid Committee was to serve as a center for information in mid-Nevada to interested Shoshones seeking news.

I am here to present testimony for the Steering Committee in favor of S. 958, the "Western Shoshone Claims Distribution Act". We are grateful to the Senate Committee for authorizing this hearing and for the support of Nevada's congressional delegation in the Senate, Senator Reid and Senator Ensign and in the House, Congressman Gibbons.

As others will address various issues -- I will speak about that which is not always 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 S. 958 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 that draws attention to issues of discrimination², 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 freedom and peace. Yes, there does exist a dark period in the history of the displacement of the Shoshones to reservations in the late 1800's, as part of Indian removal acts across the United States that were repeated 53 times by 1868. Unfortunately, in a conflict of cultures the five 1863 Shoshone treaties of "Peace and Friendship" were eventually taken advantage of by unscrupulous individuals, both non- governmental and governmental. With passage of time, assimilation, reorganization, and relocation the vast "majority" of Western Shoshone people have laid their feelings of betrayal, anger, and disappointment to rest. The outcome of the 1998 referendum for distribution is symbolic of the peace and closure they desire.

> THE SHOSHONES VIEW THE CLAIMS AWARD AS AN APOLOGY OF SUBSTANCE offered by the United States via the U.S. Indian Claims Commission that was that was 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 1951. It was fraught with numerous attempts by "majority" dissidents to remove the suit from the judicial process. Had the withdrawal been successful, there would be no court award claims today.

> **THE CONTINUING HOPE OF THE SHOSHONE PEOPLE**,...Now the Shoshone people look to Congress to conclude the claims after 39 years of litigation (1951-76 & 1974-89), 51 years of debate, and 99³ or more years of faith that the claims would be finalized. 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 S. 958 will be passed within the allotted time.

1. "Fallon Shoshone Claims Committee, Resolution, 97-F-063", Official Representative Body; Powers to Negotiate. FPST 1997

2. Las Vegas Review journal, "Indians Ask U.N. to Protect Rights". Las Vegas, Nevada. 2000.

3. Johnny, Ike. Member, Fallon 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. For those unable to attend, a letter for the record accompanied by a notarized signature and tribal I.D. was

accepted, 97% favored distribution. Voting--state or reservation--is a basic civil right. It is a sampling of people on questions. Having a 100% turn out of eligible voters during a referendum is nonexistent. The BIA estimates there to be approximately 5,062 enrolled Shoshone members of which 34% participated in the straw poll, combining the letters sent directly to BIA and the people counted during the referendum -- 1,645 cast a yea and 59 cast a nay. The results at the on-site poll produced 1,230 voting "yes" (96%0 for distribution and 53 voted "no". No reservation has ever put the question of distribution on their annual Election, therefore, the Steering Committee felt the question of whether or not the people actually wanted their court award was necessary to determine a mandate of the Shoshone people.

> **A REALISTIC SHOSHONE OUTLOOK.** It is time to put behind the disappointment in the failure of the tribal system of government and their inability to coordinate their inter-tribal efforts to produce a comprehensive plan for distribution and to settle this issue. It was this, the instability and manipulation of tribal politics, that gave impetus to the formation of a "people's committee" or the Steering Committee in 1998. At a publicly held meeting concerning the Shoshone legislation in Elko, NV, with half of the gymnasium and the center filled with Shoshone people, in a standing vote of confidence in the Bill and the Steering Committee only three people stood opposing the legislation. In Fallon, NV, no one stood against the Bill.

Second, THE BAD:

> **THE DEATH OF ELDERLY BENEFICIARIES** who had basic needs and were forgotten in never ending controversy and litigation. Their dreams and hopes for a better future were never realized. A distribution could have provided something as simple as a new mattress. This growing resentment against those who oppose the claims distribution was

obvious when at a public meeting on the Distribution Bill the three people who opposed, also members/employees of the "minority organization", were loudly booed when speaking.

> **TRIBAL ELECTIONS ARE BASED ON KINSHIP NOT ON ISSUES**, issues such as the "Claims", unemployment is high on isolated reservations, 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 issues.

> **THE CHANGING FACES OF DEMOCRACY.** Elections cause change-in leadership, objectives claims negotiation's 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 who comprehensive claims distribution plan ever materialized. When given a deadline to develop a plan under the 1973 Indian Judgement Funds Act in 1980, they failed. That is why we are here today. This tribal political instability was to the advantage of the stable core "majority". It was also to the advantage of the Steering Committee's ability (1998 to present) to move the claims issue forward, to obtain the consensus of the Shoshone people and to promote resolution of support from the majority of tribal governments.

> **COUNCILMEN OR LEADERS THAT REPRESENT SPECIAL INTEREST GROUPS OR HAVE a SELF INTEREST.** Some leaders opposed to the claims distribution have BLM cattle trespass charges amounting to thousands of dollars⁴. They work through their lawyers 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"-- in total disregard of the U.S. Supreme Court decision and the decision of the Shoshone people⁵ per the referendum.

4. [http://www.alphacdc.com/wsdp/\[Western Shoshone Land Rights and Grazing\]Western Shoshone Defense Project](http://www.alphacdc.com/wsdp/[Western Shoshone Land Rights and Grazing]Western Shoshone Defense Project). No date. 5. Nordwall, Wayne. BIA Area Director. Memorandum: "Western Shoshone Claims Distribution". Phoenix, Arizona, 1998.

> **CONTROL OF THE FOUR CHAIRMAN OF THE "SUCCESSOR TRIBES"** controls the government to government relationship in negotiations, a subtle mechanism. The "majority" leadership and their lawyers has utilized this process over the years. It resulted in the "majority" opinion being suppressed⁶, the people being put on the "back burner".

Third, THE UGLY:

> **THE LACK OF FAITH IN TRIBAL ACCOUNTABILITY** due to questionable accounting/budgeting procedure and little to no public, reporting mechanism⁷ -- one reason people donot want a 20% hold back for tribal programming. The Steering Committee has received numerous comments on how, if the 20% or more were to be added to the Bill with no restriction such as interest only to be expended plus categories for use, the 20% will not be able to be found in seven to nine years.

> **PRETENTIOUS DECLARATIONS BY THOSE OPPOSING DISTRIBUTION OF THE CLAIMS.** Federally recognized IRA tribes each have their own Constitution & 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) ⁸ has made such claims of "representation". The majority of Shoshones see this organization(s) limited numbers attempting to assert themselves into the governmental process of negotiations or the news media on behalf of the "Western Shoshones", in a sense -- displacing the IRA governments and using the "Western Shoshones" name in international forums. Their term "traditional government of the Shoshone nation" or "Western Shoshone Nation" is misleading. Most people or institutions will interpret this to mean an "elected" government, which is quite different than being a registered Nevada Corporation. In addition **donations** (money, gifts or real property, clothes, trucks, etc.) being requested over the Internet in the name of the "Western Shoshones" by any organization or corporation is debatable when most Shoshones are unaware of the contribution.

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

> **NEWSPAPER PROPAGANDA BY SPECIAL INTERESTS** that tout the Shoshones are opposed to this or that⁹ when in fact the average Shoshone knew nothing about nor have they agreed to what is published. This same propaganda was used in the past to say "the Shoshone 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 interests of the Shoshone people.

> **THE UNENDING DEBATE BY OPPONENTS** over land, mineral, religion, fishing, water, air, etc..., has kept the Shoshones' right to their court award or tribal plan in limbo -- some say this "all or nothing" land issue attitude (2/3's of the state of Nevada's public lands) of the opposition to distribution was due to greed and others say "they got lost within their self".

FINALLY, the aforementioned factors both negative and positive have contributed to the present status of the Shoshone Claims. The Shoshones have endured much in their quest for justice and finality. They now rely on the judgement of Congress. With only eight months remaining in this second session, the Steering Committee on behalf of the Western Shoshones' "majority opinion" requests that the Indian Affairs Committee **pass S. 958, as is, as soon as possible back to the full floor of the Senate for consideration.** Thank you.

process - with the hope it will not let them down and S. 958 will be passed within the allotted time.

6. Elko, Nevada. TeMoak Council Meeting. Flyer mailed to Fallon committee: "Cattle Over People, WSNC", 1999.

7. Reno Gazette - Journal (Reno, Nevada), "25 Month Prison Sentence for Embezzling Tribal Officer". 1997.

8. Ibid. "Western Shoshone Land Rights and Grazing - Who is the Western Shoshone National Council?", p.1.

9. Reno Gazette-Journal (Reno, Nevada), "Western Shoshone Opposes F-22 fighter", 1999.

