

The Western Shoshone Distribution Bill - H.R. 884/S 618

Key Points

- * **HR 884/S 618 is an attempt to legitimize the theft of Western Shoshone lands and to initiate massive corporate giveaways of the land and its resources.**
 - This bill distributes money awarded for an alleged extinguishment of title to 24 million acres of land, the vast majority of which is currently classified as “public” lands. The issue of title to the land and accounting for resource extraction is the subject matter of current litigation, *Western Shoshone v. U.S.*, 03-CV-2009, U.S. District Court, D.C.
 - This bill would open the way to large scale privatization of lands held sacred by the Western Shoshone and currently used and occupied by the native people for grazing, gathering medicinal and food plants, hunting and fishing, and ceremonial purposes. The stage is already being set for corporate giveaways and largescale privatization of the lands. For example: H.R. 2869 would work to give away Western Shoshone lands to major mining interests such as Placer Dome; HR 2772 would encourage large scale expansion of geothermal energy production with no provision for Western Shoshone cultural beliefs or compensation for use of the hot water; Senator Reid’s office has drafted the Northern Nevada Public Lands Management Act which creates a process for large scale privatization of the same lands.
 - The land produces 2/3 the gold in the U.S., making it the third largest gold producing area in the world, behind South Africa and Australia. Due to the enormous wealth of minerals, a 1999 USGS report sited the area as the number one investment opportunity for extraction companies.
 - Energy companies are lining up for access to the vast geothermal resources with Senator Reid calling the area the next “Saudi Arabia” of geothermal energy production.
 - In a November 2003 letter sent to Secretary of Interior Gale Norton, Congressman Grijalva (AZ) raised serious concerns about the real intent of the bill and the involvement of the federal government and mining, energy and nuclear industries in presenting a misleading picture of the issues to the public and to members of Congress. (Copy available at www.wsdp.org).

- * **Western Shoshone people oppose HR 884/S 618.**
 - A majority of the tribal councils and all of the traditional Western Shoshone oppose the distribution of money until the resolution of the land issues.
 - In 1980, at the formal Hearing of Record, the claims money was rejected because the U.S. could not demonstrate how it had legally acquired title to the land. Since that time, there has never been any vote of the Western Shoshone on the bill. The straw poll ballot referenced by Congressman Gibbons and Senator Reid was never authorized or certified by any Western Shoshone government. Despite a request by Congressman Tom Udall (NM), Interior has failed to provide any documentation of its statements that a “majority” of people are in favor of the bill.

- * **HR 884/S 618 underscores fundamental human rights violations against the Western Shoshone.**
 - The Western Shoshone have never received a hearing on the issue of title. The only issue decided by the U.S. Supreme Court in *U.S. v. Dann* was whether or not “payment” had been made when the money was accepted by the Department of Interior on behalf of the Western Shoshone. The Supreme Court said “yes”, Interior serves as a “trustee” to the Indians and Interior’s acceptance equals acceptance by the Western Shoshone, thereby triggering a statutory bar to litigation on the issue.
 - Last year, after 10 years of briefings and hearings, an international judicial body (the Inter-American Commission on Human Rights) found that the process used by the U.S. violates Western Shoshone rights to property, to due process, and to equality under the law.

- Amnesty International has issued a formal report on the situation and has called upon the United States to adhere to the international ruling of the Inter-American Commission.
- The Department of Interior continues acts of armed surveillance and threats of impoundment against Western Shoshone. (In the past Congressional session, hundreds of cattle and horses were forcibly seized by the Department under military-type tactics.)

* **What the Western Shoshone Nation is asking for is reasonable.**

- From the beginning, the Western Shoshone have asked for good faith negotiations with the United States. Their request is simple: to sit across the table and talk on an equal level.
- Complex negotiations occur in the corporate world everyday and if the U.S. were to commit the appropriate political will, a process could be decided upon that would satisfy all concerned.
- The cost to the taxpayer would be less than continuing the dispute and may in fact save monies which would otherwise be spent in ongoing enforcement actions against Western Shoshone and monies wasted or not realized in private sweet heart deals with corporations and land developers.