

Nevada Standoff

Politics, passions and profits divide the Western Shoshone

By Jeff Hinkle

THEY ARE SPREAD ACROSS NORTH central Nevada, divided into the Te-Moak, Yomba, Ely and Duckwater tribes. The Te-Moak themselves splinter further into the Battle Mountain, Wells, South Fork and Elko bands. And there are more still, clusters of enrolled members living on the Fort McDermott, Duck Valley and Fallon reservations.

They are the Western Shoshones, and depending on whose figures are consulted, there are between 3,000 and 10,000 tribal members. But even those numbers can spark an argument.

That is because tensions are high these days among the Shoshones, and the friction has little to do with tribal affiliations. Rather, says enrolled Te-Moak member John Wells, the dividing line is much more clear-cut.

"There are basically two groups right now," he says. "There are those who want the settlement and those who don't. Both groups are making trips to Washington. Both groups are lobbying hard. Passions are high."

The settlement in question is a proposed cash distribution to all tribal members. Originally a \$26 million dollar reparation granted to the Shoshones by the Indian Land Claims Commission decades ago in exchange for millions of acres of land, that windfall has now swollen to \$138 million.

And while interest has accrued, so has the bad blood. For years, many Shoshones have argued that the money should be put to use for the betterment of the tribe. But the cash remains frozen in trust because others say accepting it will only legitimize what they see as a century-old land-grab where Uncle Sam illegally confiscated millions of acres of tribal terrain.

On one end of the spectrum are people such as Wells and Raymond Yowell, a rancher and head of an organization called the Western Shoshone National Council. It is simple, they

say: the U.S. government has no right to the property.

Over the years that assertion has picked up support from legal scholars and watchdog groups. Both the Organization of American States and the Indian Law Resource Center say a careful reading of the 1863 Ruby Valley Treaty — which is at the heart of the debate — shows that 19th century Shoshones never re-



Indians protest the auction of cattle seized by the Bureau of Land Management from a member of the Western Shoshone Tribe. The cattle auction punctuates the tension among factions of the Western Shoshone over whether the tribe should accept the federal government's settlement of an illegal land grab a century ago. AP Photo/Debra Reid

linquished their land to the feds. Therefore the tribe remains the rightful owner of 23 million acres of land that stretches beyond Nevada to include portions of Idaho and California. But there are the hundreds of Shoshones who disagree. Backing them up is the BIA and a number of key court decisions — including a 1989 Supreme Court verdict — that support the federal government's claim to the land.

This past summer, Washington lawmakers got an earful from both sides as Shoshone leaders and spokespeople convened in Washington

to address the Senate Indian Affairs Committee, which is considering a bill introduced by Sen. Harry Reid, D-Nev., that would spur final distribution of the money. If the bill passes, checks for approximately \$20,000 would be mailed to every Shoshone, settling the matter.

But for Yowell and his followers, Reid's proposal is moot because the Indian Claims Commission never had the authority to approve a cash settlement.

Nancy Stewart, a Fallon-based Shoshone who co-chairs a group called the Western Shoshone Steering Committee, disagrees and says Yowell's stance is simply making things hard for their people.

Stewart was among those who testified in Washington this summer. She went there, she said, to give voice to the 1,647 Shoshones who voted last June in favor of the distribution.

Only 156 Shoshone voted against the settlement last summer, and she blames Yowell for the handful of holdouts that are delaying the settlement. Those people, she told lawmakers, are being deceived. "Telling the Shoshones they still own the land is a shameful deceit perpetuated by a minority."

But Yowell makes no apologies for his views or his position.

"I don't care how many thousands of Shoshones vote in favor of the settlement," says Yowell. "... I represent the Shoshone people. I was selected to be the tribal leader by people who believe in the Shoshone Nation. We represent the Shoshones that signed the Ruby Mountain Treaty."

Stewart, however, says she and other Shoshones question the motivations of those who are fighting the settlement.

In a letter she penned last April to Sen. Ben Nighthorse Campbell, vice-chairman of the Indian Affairs Committee, she charges that "special interests" within the tribe are raising money on behalf of the Shoshones, yet "no one knows who gets the donations." What's more, posted on the Internet are requests for tax-deductible donations of — among other things — gold, jewelry, medical supplies, binoculars, generators, well-digging equipment, hand tools, laptop computers as well as night-vision goggles to the Corporation of Newe Sogobia in Spring Creek, Nev.

Wells, a Las Vegas contractor and president of the Corporation of Newe Sogobia, admits that his non-profit works hand-in-hand with Yowell's Western Shoshone National Council, but, he says, the group is not actively seeking donations of any hardware, gold or money.

Newe Sogobia's main thrust, he says, is to work at the national and international levels,

negotiating treaties with the tribe. He says they also work to limit the corporate mining interests in the area that have reaped decades worth of wealth from the land.

Although the IRS has strict requirements regarding non-profits, the agency shows no records for Neve Sogobia dating back to at least 1996. Wells attributes this to poor past management of the organization. But he promises those problems are being rectified.

Yowell says the corporation has received only a “trickle” in donations since its inception in 1993. And to this day no laptops, night-vision goggles, gold or binoculars have ever arrived, he says.

So why would an Indian organization request such paraphernalia?

“You need night-vision goggles when the BLM comes out in the middle of the night to take your cows,” says Yowell.

He ought to know.

On the morning of May 24, officials from the Bureau of Land Management confiscated 136 of Yowell’s cows and calves and another 19 head of cattle that belonged Alvin Tybo, both of whom are part of the Te-Moak Livestock Association. The cattle were grazing on land that is managed by the BLM. One week later the cattle — which Yowell estimates had a value of more than \$100,000 — were auctioned off by the BLM for less than \$28,000.

Agency officials defend their actions.

“There has been a longstanding trespass going on out there,” says Jo Lynn Worley of the local BLM office. “We’ve sent out notices of trespass to Yowell, notices of impound year after year. This has gone on for decades. Meanwhile, others Te-Moak ranchers have agreed to federal terms and conditions and have taken out valid grazing permits. But Yowell and the others ignored the federal terms.”

Vince Garcia is one of those Te-Moak ranchers who have been playing by the rules. His cattle roam the BLM-managed land with the government’s blessing since he has a federal permit. In fact it was Garcia who — in a fit of frustration — dropped the dime on Yowell and his cattlemen cronies.

“I pressed the BLM into [confiscating the cattle],” says Garcia. “We’ve paid our permit fees for three years and Yowell and his people have been pushing out our cattle so theirs could graze. He’s gotten 20 years worth of warnings and I finally stood up to him.”

Again Yowell makes no apologies. Sure his cattle have been grazing on the land for years, he says. The land belongs to his people, he says, which is why he and his colleagues have refused to pay grazing fees since 1984.

Following the confiscation and sale of his livestock, Yowell fired off a series of letters to members of the Senate Indian Affairs Committee demanding a full-blown investigation. Included in his allegations are charges that

someone forged his signature on a document consenting to the auction. Yowell says he is also considering legal action aimed at federal and state officials who were involved in the cattle roundup.

For some, that May morning brought to mind a 1992 incident where two other Shoshone activists — Carrie and Mary Dann of Crescent Valley, Nev. — went head-to-head with the BLM over unpaid grazing fees. Agency officials tried to remove a herd of the Danns’ livestock while the sisters protested.

Wells says the incident put like-minded Shoshones on notice.

“To date, the BLM has never shown us how it gained access to our land, so we don’t pay BLM fees,” he explains.

Although she says the recent run-in with the BLM is a separate issue, Tessa Hafen, Reid’s press secretary, says it does demonstrate the difficulty in working with certain factions of the Shoshones.

“Sen. Reid has always been willing to work with tribal governments, but no one from the Western Shoshones have come to him to discuss a feasible option. For those in the tribe that talk about giving back a third of the state — well, that’s just not feasible.”

But Wells disagrees. He says his group has tried in the past to talk with Reid, but they have been told them that Shoshone in-fighting is a “tribal matter.”

Now Wells wonders why the senator is fast-tracking legislation to resolve the settlement question.

One possibility may be Reid’s financial ties to the mining interests that operate in the disputed territories. According to the Center for Responsive Politics, in the most recent election cycle Reid has taken more than \$110,000 in campaign dollars from mining companies, making him the second largest Democratic recipient of mining money on Capitol Hill.

Hafen declined to comment on Reid’s heightened interest in the tribe’s politics or the suggestion that mining money may be influencing his concern.

Doug Hock, spokesman for Newmont Mining — which is Reid’s top mining contributor — says it is unfair to suggest their campaign contributions may be influencing Reid’s policies. But, he admits, Newmont — which is the largest gold mine company in the world and anticipates extracting nearly 3 million ounces of gold out of the Shoshone region this year alone — would benefit from an end to the Shoshone fight.

Whatever the reason for the bill, if it passes — and many predict it will — Wells says he will fight the legislation in court. And if settlement checks are mailed out, Wells says his response would be simple.

“I’ll send it back,” he says. □