

**Turtle Mountain, North Dakota
August 1993**

COMMUNIQUE NO. 16

President William Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

The Traditional Circle of Indian Elders and Youth calls your attention to the continued violation of treaties entered into with Native Nations by the United States. In particular, we are most immediately concerned with the Western Shoshone Nation, and request that the United States cease physical assaults upon their people and homelands. We request that you resolve your land rights dispute with them through negotiated settlement rather than by force. In addition, we recommend that you explore the development of a forum, such as a bilateral commission, which would review, assess, and make recommendations with regard to treaties and the rights of indigenous people.

The Traditional Circle of Indian Elders and Youth is a unique body of the representatives of traditionally governed nations, elders, spiritual leaders, medicine people, and youth. These entities are not represented in any other national organization, nor are our interests generally put forth by federally recognized governments created by the United States (i.e., Indian Reorganization Act tribal governments). We recognize that you have met with a number of Indian leaders, but our worldviews and concerns are often minimally represented, if at all. Internationally we are recognized as an important group, but domestically our voices are often not requested or heard.

One of our principal concerns is the continuation of the unjust policies of the United States with regard to the abrogation of treaties entered into between the United States and Native Nations. The United States Constitution recognizes treaties as the supreme law of the land. Treaties are defined as an agreement between two or more states which establishes a relationship under international law between them. The change or termination of a treaty depends upon the consent of the contracting parties, and, if unilateral, amounts to a breach of the treaty. There is a legally binding obligation on all parties. Article Ten of the Pan American Convention on Treaties stipulates: No state can relieve itself of the obligation of a treaty or modify its stipulation, secured through peaceful means, of the other contracting party. Treaties with Native Nations were negotiated on a peer nation-to-nation basis, and are equal under the law to treaties entered into with any other country.

Many of these treaties recognized the rights to our homelands which by far predate the founding of the United States. In addition, the forced removal of our people and the unlawful seizure of our homelands violate international covenants against genocide.

We are appalled by the treatment of traditional Native Americans by the United States. This treatment severely threatens our ability to live the way of life given to us by the Creator. Our rights to the free exercise of our religious practices continue to be violated. Treaties which have guaranteed our fishing rights have been violated in the Northwest. Traditional Seminoles are homeless within their own territory without the land necessary for them to continue their way of life. The rights of the traditional Hopi to their homeland are unrecognized by the United States. Treaties of peace and friendship which recognized Native rights to our homelands, such as treaties with the Lakota, Haudenosaunee, and Western Shoshone, continue to be neglected.

Each of our Native nations, and particularly the traditional peoples within them, is suffering from treatment by the United States. We are often landless, homeless, impoverished, and lacking medical treatment. We would prefer to continue to provide for our own needs and to live a self-sufficient lifestyle as we once did, rather than depend upon others to meet our needs. Often Indian Reorganization Act tribal governments act in collusion with the United States to deprive us of our homelands, rights, and way of life. The United States has targeted our lands as repositories for the nation's high-level radioactive waste, and several of these United States-created tribal governments are working with them to contaminate and destroy our homelands.

As traditional people, the wisdom that is contained in our way of life is often quoted by environmentalists, native and non-Native politicians, and others as the basis for a new way of living upon the earth which is based on balance, harmony, and peace with all of Creation. As traditional people, we actively work to ensure the healing and strengthening of our peoples and nations and the homelands upon which we depend for our survival. We recognize that we are inseparable from the lands from which we draw our sustenance, and upon which we depend. The reality is, however, that our survival and way of life is relentlessly threatened by the United States and others who would seize Native lands, resources, and rights.

Throughout the history of the United States, we have witnessed the actions of past administrations which have violated their own laws by violating the sanctity of treaty agreements entered into with autonomous sovereign Native Nations. Although these treaties still stand in full force and effect as originally consented to, our rights under these treaties continue to be violated. For example, we are deeply concerned at the treatment of the Western Shoshone Nation by the United States, and urge your administration to take direct peaceful action with the traditional Western Shoshone to resolve this issue.

The 1863 Treaty of Ruby Valley represents one of the most flagrant violations of treaties entered into between the United States and Native nations. The Treaty of Ruby Valley, a treaty of peace and friendship, recognized the territorial boundaries of the Western Shoshone homeland. They have never relinquished their homelands by treaty or any other means to the United States. In 1973, grandmothers and sisters Mary and Carrie Dann were served with trespass notice by the Bureau of Land Management for grazing their livestock on land which they have used since time immemorial. They refused to comply, and their case was litigated throughout the federal court system. Ultimately, the Supreme Court ruled against them.

At no time did the federal courts permit testimony regarding the underlying issue of their title and rights to the land. The court ruled that the United States-established Indian Claims Commission arbitrarily determined that the date of taking was the date of seizure of their lands. This commission, created supposedly to redress Native Americans for the loss of their lands already taken, was utilized to seize the lands which had never been taken by the United States. Thus, the finding of a minor administrative commission was used by the United States to justify its abrogation of the treaty with the Western Shoshone.

For the past 10 years, the Western Shoshone have refused to accept the forced judgment award for their lands. Exhausting their legal remedies, and meeting with indifference by the United States to negotiate a fair and equitable settlement of their rights, the Western Shoshone are peacefully resisting efforts by the United States to forcibly remove them from their homelands.

In August of 1991, the Bureau of Land Management notified the Dann extended family that it intended to “forcibly impound and auction” livestock grazing on lands without federal permit. The Western Shoshone National Council announced that it would use non-violent resistance to stop the United States from invading their territory. Federal agents have attempted several forced removals of Western Shoshone livestock.

In November of 1992, 50 law enforcement officials, including United States marshals and federal agents, laid siege on the Dann ranch for five days. Clifford Dann, brother of Mary and Carrie, in an act of desperation, doused himself with gasoline and threatened to set himself on fire - he was subdued and violently arrested. Clifford was convicted of assaulting a federal officer and sentenced to nine months in jail and a \$5,000 fine. This month the United States has issued notice that it will forcibly enter Western Shoshone territory at any time.

It is important to note that more than 80% of the disputed lands are considered in the “public domain” by the federal government, and are being used by the federal government for supersonic testing, mining of strategic minerals, gold mining, nuclear testing, and proposed for the nation’s high-level radioactive dump.

The Western Shoshone situation is reminiscent of the forced removal of Native peoples from their homelands over the past 500 years, including the infamous Trail of Tears. This situation has the potential to escalate in public visibility as did the injustices against Native people brought forth at Wounded Knee, Alcatraz, Big Mountain, and Ganiyeh. The Western Shoshone will not be moved from their homeland nor will they accept forced monetary payments.

We hope that it is not the intent of the new administration to continue the injustices perpetrated by past administrations against our people. We appeal to you as a President who represents a new vision based upon principles of environmental and human rights. We must have our rights to our homelands, recognized and guaranteed in binding treaty agreements, accorded the respect which international law and the laws of the United States mandate.

The Traditional Circle of Indian Elders and Youth urges you to take the following immediate measures:

1) That the federal government cease and desist from the physical assault upon, and invasion of, Western Shoshone territory, peoples, and livestock and that a final resolution of this injustice be negotiated immediately by peaceful means with the traditional and other Western Shoshone; and that

2) The United States explore the development of a process or forum, such as a bilateral commission on treaties, and that the rights of indigenous peoples be implemented. Our lawyers are developing this concept which will be formally submitted to you at a later date. It is proposed that such a commission would be mutually formed and implemented by Native peoples and the United States representatives.

We are also calling upon the American people, and asking them to act by calling on their representatives in Washington to stop the forced removal of the Western Shoshone from their homelands.

It is clear that without your intervention the unjust and devastating policies of past administrations will continue. As a man committed to the equitable treatment of all peoples, we urge that you explore and initiate means to resolve the injustices against the first peoples of the Americas.

Thank you for your attention to this matter.

We are, respectfully,

The Traditional Circle of Indian Elders and Youth