

NEWE SOGOBIA AND THE UNITED STATES OF AMERICA

**Renewal of International Relations on the Basis
of Mutual Government-to-Government Respect**

Rudolph C. Rýser

**Center for World Indigenous Studies
(A Fourth World Documentation Project Reprint)**

**© 1985 Center For World Indigenous Studies
© 1994 The Fourth World Documentation Project**

The United States of America is preparing to take full and absolute control over a territory extending some 24 million acres which has been the historic homelands of Newe Sogobia. By its own decision, the government of the United States has come to agree with the Western Shoshone people that the territory of their homelands which is surrounded by the United States of America is separate from the United States and still under the original ownership of the Western Shoshone. The United States government wishes to purchase all of Western Shoshone territory for about eight-five cents per acre, and it seeks to pay Western Shoshone fifteen cents per acre for sixteen million acres of surface rights. On December 6, 1979 the United States government made this judgement and decided it would pay the Western Shoshone a little more than \$26 million. At the contemporary interest rates prevailing from December 1979 to December 1985, each Shoshone individual would be paid an estimated \$26,000. This would be a one-time-only payment by the United States of America, and if the Shoshone decided to distribute these moneys each person would receive what appears to be a "windfall" in U.S. money.

But, some Shoshone people say that the 24 million acres of Newe Sogobia that the United States wants to buy isn't for sale. Some say that the ancient obligation of the Shoshone to Newe Sogobia, to protect the land and use it according to the laws of the Great Spirit is far more important than a single payment by the United States of America in currency that is only useful in the United States of America. Some say that Newe Sogobia must not be sold, given or traded away to the United States of America or any other state or nation. And, while this discussion is continuing among the Shoshone people (whether to sell Newe Sogobia to the United States or not), the people of Newe Sogobia have not accepted final payment. The money offered by the United States has been placed in an account within the United States government - ready to be distributed to the Western Shoshone. So the decision has yet to be made whether to accept the United States government's offer of more

than \$26 million for the ancient Western Shoshone homelands.

Like many other nations who have dealt with the U.S. government's Indian Claims Commission, the Western Shoshone people find that several thousand dollars in their pocket would be a great "windfall". Who wouldn't want thousands of dollars of free cash to spend any way you want? This is a very appealing proposition. Many nations have accepted U.S. offers of "money for land". The Kalamath people accepted a great deal of money for the richest forests in the Northwest. The Menominee people accepted money for their homelands. And many other nations accepted money for their homelands. Many of these nations are gone like the wind - never to exist again. Still other nations became lost and experienced sickness among their people. Many individuals within some nations became very wealthy while many thousands more became impoverished, with no homes, no food and no way to live. Now, what will the Western Shoshone decide?

There are important alternatives to merely accepting a single payment for Western Shoshone homelands. There are many alternatives to selling, trading or giving Newe Sogobia to the United States of America in exchange for money. These alternatives may not have been thoroughly considered by the Shoshone and it is for this reason that this paper has been prepared.

Instead of each individual among the Western Shoshone being paid \$26,000.00 on a one-time-basis, perhaps individual Shoshone would be more open to receiving a guarantee of \$40,000 each year, a new home, free health services, free education and a job of their choosing for the rest of their lives and the lives of generations to come. A dream? A fiction with no possibility of occurring? Or is this a reality within the grasp of the Western Shoshone people?

Before the coming of the whiteman, the Shoshone had this kind of wealth for hundreds of generations. The Western Shoshone were the governor's of Newe Sogobia - the caretakers of at least 24 million acres of territory. And for being good caretakers, the Western Shoshone were among the most wealthy people in the world. But, since the United States of America and Newe Sogobia came into contact and made agreements, the Western Shoshone have become people who are among the poorest in the world. The Western Shoshone have become people who are among the poorest of the poor. What has changed?

The basic change has been that the Western Shoshone have allowed the United States of America to "take" land, resources and advantage of the Western Shoshone for its own benefit. And the United States of America has given the Western Shoshone nothing in return to replace the "wealth" that it has either taken by agreement or "stolen" without the consent of Newe Sogobia. The result has been that the United States of America has

become wealthy at the expense of the Western Shoshone people and Newe Sogobia. From being among the wealthiest people in the world to being among the poorest, the Western Shoshone have suffered a great deal.

The alternative to a "short-term payment" for "wrongs that have been done" to the Western Shoshone is for the Western Shoshone to take back that which belongs to the Western Shoshone and reclaim the responsibility for living as the caretakers for Newe Sogobia. True wealth for the Western Shoshone, as with many other nations in the world, is in fulfilling the responsibility for caring for the land and receiving great wealth from the land. And this wealth is for all time and not for the short time that it takes to spend \$26 thousand. The wealth must be for all Shoshone and not just a few who are lucky. Either the whole nation is wealthy or none are wealthy. This is a rule of natural law - the law of the Great Spirit.

But, before the Western Shoshone can consider alternatives to the offer being made by the United States government, they must decide which path they shall take into the future first. For it is this basic decision that will determine whether alternatives do in fact exist. Here are the paths:

1. Rebuild Newe Sogobia as a free nation able to freely choose its own political, economic, cultural and social future where the Western Shoshone will govern themselves throughout the lands of Newe Sogobia, and all Shoshone enjoy the fruits and benefits of all the lands and resources of the homeland.
2. Accept the decision of the United States to pay each Shoshone a certain amount of U.S. currency, turn over all lands and resources to the United States of America and assimilate the Western Shoshone into the U.S. society as ordinary members of an "Indian minority group" and ordinary citizens of the United States of America.

If it is the decision of the Western Shoshone to follow the second path, then nothing more need be done. This is the path the United States government has chosen for the Western Shoshone and for which the United States government has long worked to achieve. This is the termination or liquidation of Newe Sogobia and the Western Shoshone nation. The only risk in doing nothing and accepting payment from the United States is that the Western Shoshone will forever have accepted the demise of their ancient civilization and the final defeat of the Shoshone nation. If this is worth \$26,000 to each of the Western Shoshone then there is no further need for discussion or debate.

But, if the Western Shoshone decide to enter on the first path, then there is a great deal to do for it is this path that the people of Newe Sogobia have long traveled - long before there was a United States of America in

existence. It is a path of great responsibility and a path that requires great discipline among the people and in their government.

To rebuild Newe Sogobia and for the Western Shoshone to resume their responsibility as the caretakers of the land it must be rebuilt "internally" and "externally". Such an undertaking will require a great deal of effort, but of course, the Western Shoshone have succeeded for thousands of years - there is no reason why the Shoshone people cannot continue the success and resume the prosperity to which they have a natural right.

RECALLING THE CONDITIONS

Newe Sogobia is a country which has existed for the Shoshone for generations upon generations. As a nation with its own cultural, political, economic and legal history the Shoshone remain today as a distinct people from all others. And the lands of the Shoshone remain the ancient homelands of the people. The neighbors of Newe (the Paiute, Chut-pa-lu, Cheyenne and others) have always respected the Shoshone as the proper users and protectors of Newe Country. And for this respect, the Shoshone have always respected the rights and interests of the neighbors around them.

But, during the last one hundred twenty-five years the Shoshone, like their neighbors, have seen the growth and expansion of a state across the lands of many nations and even into Newe Country. Within the life time of six generations of Shoshone a state called the United States of America was established around and on top of Newe Country and the world was told that the Shoshone had removed themselves from Newe onto small parcels of original Shoshone territory and "gave" the remaining portions of their homelands to the United States of America. The United States of America came to claim Newe as territory belonging to it and available for its use. The United States of America established smaller states, counties and cities within and on top of Newe to confirm its ownership of Shoshone land; and for a long time the United States of America and its people acted as if the Shoshone had disappeared.

Many people of the Shoshone remembered that all of Newe still belonged to the Shoshone, and that all of the ancient homelands had never been given, traded or sold to any nation or state - Newe remained Shoshone as it had always been. The leaders of Shoshone had never turned Newe over to any other people. Some of the leaders had made treaties with the United States of America to bring a long war to an end, and they agreed to permit the United States of America the "license" to use certain parts of Newe for "military posts", travel routes, mining and timber extraction and settlements for U.S. citizens who engaged in mining, timber extraction and agriculture. The Shoshone agreed to move from their camps throughout Newe to various reservations, and to accept \$5000 (U.S. currency value) in "provisions and clothes" as "presents" at the

conclusion of the treaty. The United States of America also agreed to pay in currency or provisions the amount of \$100 thousand for the "inconvenience resulting ... in consequence of the driving away and destruction of game" These are the main agreements made by some leaders of the Shoshone in their dealings with the United States of America through the Treaty of Ruby Valley (1863).

Nothing in the Treaty of Ruby Valley ever sold, traded or gave any part of Newe Country to the United States of America. Nothing in this treaty said the United States of America could establish counties or smaller states within Newe Country. Nothing in this treaty said the United States could establish settlements of U.S. citizens who would be engaged in any activity other than mining, agriculture, milling and ranching. Yet the United States of America has established political jurisdictions in the form of counties, cities and the states of Nevada, Idaho, Utah and California that overlap into Newe Country. The United States of America did establish settlements of its citizens within Newe Country for purposes other than those provided in the Treaty of Ruby Valley. And the United States of American has used other parts of Newe territory for military purposes other than those stipulated in the Treaty. The United States of America have also used parts of Newe Country that were not included in the Treaty of Ruby Valley.

REDRESSING THE BALANCE

Understandings and agreements between the governments of the Shoshone and the United States have, over time, become more favorable to the interests of the United States of America than to Newe. The Shoshone people have been made to suffer from this growing "imbalance in relations". When a nation is made to suffer losses and damages to its livelihood over time as a result of compacts or agreements made with another nation or state, it is incumbent upon the parties to the agreement to reestablish the original balance in relations, or to make new agreements adjusting to new political, economic and social changes.

The United States of America accorded to itself the responsibility to "preserve, protect and guarantee" the rights and property of nations like the Western Shoshone. This was done by the United States on its own and not as a product of any agreement between Newe Sogobia and the United States. That the United States has violated its own internal commitments under its own laws is one issue. But, that the United States of America has violated its treaty agreements with the Western Shoshone as well is a matter of great importance to the peace and security of Newe Sogobia. That the United States of America has violated an international treaty with Newe Sogobia and gone further to annex Newe Sogobia territory not covered under the Treaty of Ruby Valley is also a violation of the law of nations and established international law. These are extremely serious matters which cannot be taken lightly. And, certainly since these

violations can be directly linked to Western Shoshone suffering, dislocation and damages done to the Shoshone people and property it is essential that the government of Newe Sogobia "redress the balance between the Shoshone and the United States of America".

INTERNAL AND EXTERNAL STRATEGIES

Like all nations Newe Sogobia has an internal world and an external world. The internal world is made up of all territory within established boundaries and the laws that govern this world are determined by the Western Shoshone people. These laws are a direct result of the customary practices of the people and the people's interpretations of natural law. It is through the Shoshone law that the people of New Sogobia are governed. How these laws are derived and how they are practiced is up to the Shoshone people and the Shoshone people alone. Western Shoshone need not "ask" any other government other than their own what the laws are of the land. The customs and practices of Western Shoshone for hunting, fishing, using water, using land, using minerals, timber and other raw materials are the "internal law". Marriage practices, education practices, and other family relations are determined by "internal law" - Western Shoshone law.

Strategies for communicating Shoshone law and enforcing Shoshone law must be determined by Shoshone and Shoshone alone. The government of Newe Sogobia does not have to ask any other nation or state for the right to exercise Shoshone law. Where the actions of other nations or states interfere with the full exercise of Newe Sogobia law steps must be taken to remove that interference. Where non-citizens of Newe Sogobia violate internal law, steps must be taken to enforce the law against them.

When other nations or states interfere with the full exercise of Newe Sogobian governmental powers then this is an external issue that has a direct effect on internal peace and security, and it is the responsibility of the Newe Sogobian government to formulate external policies to deal with the external world that threatens internal peace and stability. When non-citizens violate Newe Sogobian law it is an internal issue that has a direct effect on internal peace and security. Such acts of violation may require that the government of Newe Sogobia enact new laws or simply remove the violators from Newe Country.

In order for internal rebuilding to succeed, Western Shoshone people must decide how Newe Sogobia will be governed now and in the future. In order for external relations to be rebuilt and succeed, the Western Shoshone people and their government must deal with the realities of the world outside Newe Sogobia boundaries. This is the external world.

Newe Sogobia does experience extensive interference in its internal

capacity to govern because the United States government, the states of Idaho, Nevada and California and dozens of counties and municipalities have superimposed their governing and administrative institutions over Newe Country. The laws of these governments frequently conflict with the laws of Newe Sogobia. This is a major issue of importance to Newe Sogobia and requires that the government of Newe Sogobia deal with the United States government to remedy this problem since the United States government is empowered by its constitution to deal with such matters. None of the other "subordinate" governments have the power to deal with these "jurisdictional conflicts".

The government of the United States has extended many of its powers of governance into Newe territory through enactment of its own laws and through many of its administrative agencies like the Department of Defense, Department of Interior, Department of Commerce, Department of Transportation, Department of Energy, Department of Health and Human Services, Department of Treasury and Department of Justice, etc. These agencies of the U.S. government exercise powers within Newe territory that are either contrary to Shoshone law, or they are seriously in conflict with that law. This is a major issue which requires a remedy flowing from decisions of the Newe Sogobia government and the U.S. government.

The United States government has established military posts within Newe Sogobia territory in accordance with the Treaty of Ruby Valley. But, the U.S. government has also established posts within Newe Sogobia territory not covered under the Treaty of Ruby Valley. Indeed, the United States has come to use a great deal of Newe territory in many ways that exceed the original understandings under the Treaty of Ruby Valley.

All of these issues and many more are subjects of negotiations between the nation of Newe Sogobia and the state of the United States of America. These issues matter and these are issues which affect the external relations of Newe Sogobia.

WHAT ARE SOME ISSUES BETWEEN NEWE AND THE U.S.?

The National Council of Newe Sogobia began to conduct discussions with representatives of the United States government to determine an equitable settlement of the long-standing dispute. These discussions have centered on alternative offers by the United States to "expand" existing reservations within Newe Sogobia, the right of Shoshone to fish, hunt and use parcels of land outside reservations for grazing cattle. Distribution of moneys initially offered by the United States has also been an issue. These issues have been considered important to the process of formulating U.S. legislation which will ensure Shoshone interests. In the light of our discussion earlier, these "issues" are really beside the point. The United States government has no authority to determine whether

Shoshone can or cannot hunt and fish or graze cattle within Newe Sogobia. And for the United States to propose that reservations be "expanded" is an equally empty gesture since the United States does not own any land inside of Newe Sogobia to expand reservations with. If the United States owned the territory of Newe Sogobia it would not be offering to buy that land in the first place.

The overriding issue which should occupy discussions and ultimately negotiations between the Newe Sogobia and United States of America is whether the United States and its subordinate political entities (states, counties, cities, etc.) will continue to be permitted inside Newe Country. And if the United States is permitted to continue use of portions of Newe territory, under what circumstances and conditions may the United States use these parcels and for what purposes.

The government of Newe and the government of the United States have begun "discussions", but they have not begun "negotiations". And, so far, these discussions have only dealt with "diversions" which avoid the central issue of controversy: The political relationship between Newe Sogobia and the United States of America and the extent to which the United States will be permitted to enjoy the right to use portions of Newe territory. These are the primary issues for negotiations between Newe and the U.S. Unless these issues are resolved between the two governments, there can be no settlement satisfactory to either party. While there is technically a treaty of peace, this condition is not guaranteed. For the only alternative to negotiating a peaceful settlement of differences between Newe and the United States is through war. Obviously, neither party wishes to renew warfare. So the only option is formal government-to- government negotiations.

NEGOTIATIONS AND MUTUAL RESPECT

The United States government negotiated the Treaty of Ruby Valley with some representatives of Newe Sogobia, and it is through this treaty that the United States of America gain rights to use certain portions of Newe territory within an area of about 40% of Newe Country (primarily in the northern portion). The United States of America did not receive any rights to use any lands or resources in the southern portion of Newe territory which constitutes about 60% of the whole country. Despite the limited conditions for use of lands in the north and despite the non-existence of any grant to the United States by Newe in the South the United States government has, contrary to the law of nations, come to occupy nearly all of Newe country.

Shoshone use of Newe territory has been reduced to less than one-half of one percent of the total territory. Meanwhile, the United States has come to use about eight percent of Newe for its on military posts and facilities, and most of these are outside of the Ruby Valley Treaty area. About

sixty-five percent of Newe territory has fallen under the control of the United States government through its Bureau of Land Management within its Department of Interior. The remainder of Newe territory has been placed under other U.S. government agencies or under the control of local state, county or municipality jurisdictions.

The United States government has recently asserted that "the established date of taking" where the United States became the holder of title over Western Shoshone lands was December 1879. And the United States has asserted that it is prepared to pay the Western Shoshone in excess of \$26 million (at 1863 currency values) for the lands taken. This is a nonsensical proposition.

If the date asserted by the United States itself is 1879, then it should be offering payment to the Shoshone in 1879 dollars. If the United States government were dealing honestly with the Shoshone it would be offering modern-day values for modern-day land. The offer that would be more realistic, assuming the Shoshone were prepared to ignore violations of the Ruby Valley Treaty, would be in the neighborhood of \$40 billion. On a per capita basis of distribution, the United States should be paying each Shoshone roughly \$20 million each. This is a far cry from what is being offered at the rate of 1863 dollars.

From this discussion it should be obvious that the United States government is currently offering the Western Shoshone less than one-half of one percent of the contemporary value of the land. The United States of America has already received billions of dollars in resources and use from Newe territory just in the last 125 years. Despite this obvious benefit, the U.S. government is only prepared to offer the Shoshone less than a penny of actual value for each acre of Newe territory.

If the government of Newe were to examine the extent to which the United States has made free use of Newe territory it would become obvious that the United States has been getting a very good deal for its commitments in the Ruby Valley treaty. Indeed, the United States has been able to use the Ruby Valley Treaty as the means by which it has come to occupy the remaining 60% of Newe territory. This is clearly an added benefit to the United States.

Since the United States already occupies 99% of Newe Sogobia it would seem very unlikely that serious negotiations with Newe would be a high probability. Yet, as it is obvious that the United States is at least willing to "discuss" a settlement the potential does exist for serious negotiations between the two governments. But, even if serious negotiations were to become a reality would they be based on mutuality and respect? In all probability the answer would be no unless the Western Shoshone "up the ante" or otherwise raise the price for negotiations.

During the present discussions with the United States representatives of Newe Sogobia have focused on what can only be considered "internal" issues which, in point of fact ought not even be on the table for discussions with the United States. Land rights, hunting and fishing rights, and other such matters are purely "internal" interests of the Shoshone. The United States government does not have the power to grant or deny these rights to Shoshone living within Newe Sogobia territory. Only the Shoshone can grant or deny these rights. These internal issues should be "non-negotiable" since they are matters of right only among the people of Newe Sogobia.

During the discussions the U.S. representatives offered the "possibility that various of the Indian Reservations within Newe territory might be expanded" as a part of a "settlement". This cannot be considered a serious proposal since all of Newe already belongs to the Shoshone.

In the light of these brief observations, one must conclude that the first three rounds of discussions between Newe representatives and U.S. representatives have been points of testing, but in no way can these discussions be considered serious negotiations. The framework for resolving the Newe dispute with the United States is too imprecise and too loose to ensure a satisfactory conclusion. The present discussions should be "downgraded" to "technical discussions" while the Newe National Council considers approaches and methods for building a more acceptable framework for government-to-government negotiations at the highest levels of both governments.

BUILDING A FRAMEWORK FOR MUTUAL NEGOTIATIONS

Negotiations between nations and states ought not be very much different than negotiations between states. The mere fact that negotiations are considered as a method of resolving a dispute suggests that, 1. Neither party wishes to resolve the dispute through force of arms. 2. Both parties are prepared to compromise for the sake of achieving a mutually satisfactory agreement. 3. Both parties stand to gain from negotiations and both stand to lose if the negotiations are unsuccessful. If these conditions exist in the present context, then it is conceivable that a negotiated resolution of the dispute between Newe Sogobia and the United States of America.

What is the nature of the dispute between Newe Sogobia and the United States of America? First of all, the United States has learned after fifty years of prodding by the government of Newe Sogobia that a little more than one-third of the State of Nevada, a small portion of Idaho, a sliver of Utah and a piece of California do not belong to the United States. This area of real estate is in fact the ancient homelands of the Western Shoshone who call it Newe Sogobia. Twenty-four million acres or 42,682.7 square miles of Newe country had been unlawfully confiscated

by the United States of America and placed within its territorial domain. The people of Newe Sogobia have implied by their decision not to accept \$26 million for their land that there are many other questions concerning the rights and welfare of the Western Shoshone which must be resolved before a settlement can be concluded. This is a classic political confrontation between a nation which is the original occupant of a territory and a state which seeks to take control of the territory. This is the issue over which the Western Shoshone and the United States fought a war in the late 19th century and it was this war that provided the motivation for the Treaty of Ruby Valley.

U.S. INTERESTS IN NEWE SOGOBIA

This territory has become economically, politically and strategically important to the United States due to these facts:

- Within the last eighty years, the United States of America has organized and established state jurisdictions with their subordinate county and municipal jurisdictions within Newe Sogobia - thus politically annexing Newe Territory to the United States.
- U.S. government agencies and private U.S. companies have established substantial economic control over Newe Sogobia through mining, timber extraction, wholesale and retail commercial businesses, agriculture and ranching. In addition, the U.S. has made extensive use of Newe Sogobian water located in the sub-surface aquifer. Minerals, timber, grazing land and water have contributed handsomely to the development the major cities of Las Vegas, Reno, Los Angeles, Phoenix and Albuquerque. In excess of 50,000 non- Shoshone now live within Newe Sogobia territory. This economic activity extends throughout the Ruby Valley Treaty area as well as the non-treaty south.
- Major areas of Newe Sogobia are being used as primary military and strategic facilities for the defense of the United States of America. U.S. Air Force training facilities, and operations bases have been established in the non-treaty south of Newe. Rocket launching facilities for nuclear testing in the Pacific Ocean and various underground nuclear testing facilities have also been established in the non-treaty south. In addition, the United States uses the Yucca Mountain area of Newe for the storage of nuclear waste and vast areas of Newe airspace for testing rockets and jet aircraft. Portions of Newe territory are used for landing and launching space craft as well.
- Despite the appearance of its terrain Newe Sogobia has become a central political, economic and strategic asset to the United States of America. Indeed, the United States government has located some of its most sensitive strategic facilities inside Newe territory giving it an importance to the security of the United States of

America far greater than is immediately apparent.

U.S. interest in Newe Sogobia is clearly significant. And it is obvious just why the United States government is eager to "resolve the question of ownership concerning Western Shoshone lands". The United States is eager to establish its own firm title over the land so as to ensure its continuing control and use of the territory. When the government of Newe Sogobia declined to accept the \$26 million Indian Claims Commission settlement proposal U.S. control and title over Western Shoshone lands came into doubt. Further doubt was cast on the probability that the United States could continue to exercise its jurisdiction and carry out economic and strategic activities within Newe Sogobia. Under the present circumstances, the United States government clearly has an interest in negotiations to resolve the question of ownership.

SHOSHONE INTERESTS IN NEWE SOGOBIA

Newe Sogobia also has a major interest in the political, economic and strategic future of its territory. Not only is Newe Sogobia the ancient homelands of the Western Shoshone, it is the sole source of livelihood for all the Western Shoshone. As the original caretakers of Newe territory the Shoshone have fundamental obligations to the land - without the homelands, the Shoshone people will cease to exist as a nation. It is, therefore, in the interest of Newe Sogobia to negotiate with the United States of America to clarify the jurisdictional questions, economic benefit questions and strategic questions which arise as a result of U.S. use of Newe territory.

The cultural realities on which Shoshone existence is based are found in the territory. Shoshone customs, economic life, social life, political life and spiritual life are all bound up in the forty-two thousand square miles of land and water that constitute Newe Sogobia. If the connection with these ancient realities were severed, the Shoshone would cease to exist as a people.

Regaining control and influence over Newe Sogobia is essential to the role of the Western Shoshone as the first caretakers of the land. Such control and influence is also essential to the physical survival of the Western Shoshone people. Reestablishing the direct link between the land and physical well being among Shoshone is crucial to reestablishing physical and spiritual health. The temporary break in this link which came as a result of growing U.S. control and influence inside Newe territory has contributed to the decline in Shoshone quality of life. Regaining full political, economic and cultural control over Newe Sogobia is indispensable to the continuing existence of the Shoshone.

OPTIONS FOR DISPUTE RESOLUTION

Newe Sogobia and the United States of America have three options for bringing their current dispute to a conclusion. These include:

1. Continuing the Indian Claims Commission Settlement procedure and gaining a U.S. government legislative enactment which provides guarantees for Shoshone economic, social and legal rights in exchange for 99% of Newe Sogobia.
2. Establish formal government-to-government negotiations between the United States government and the Newe Sogobia government based on existing international standards for relations between nations and states resulting in the formulation of a bi-lateral treaty establishing the basis for future political, economic and strategic relations.
3. Abandon all provisions of the Treaty of Ruby Valley thus returning relations between the United States and Newe Sogobia to a state of war.

Options one and three are real though they actually imply failure from the outset. Option #1 suggests that the Western Shoshone are prepared to virtually "give over Newe Sogobia" to the control and perpetual use of the United States of America in exchange for a small amount of currency, greater dependence on the United States government and U.S. "recognition" of certain Shoshone "rights" to the use of land, fishing, etc. While such a move may seem "easier" it actually constitutes the final defeat of the Western Shoshone and their total abandonment of Newe Sogobia.

Option #3 suggests that the Western Shoshone are prepared to defend an absolute right to control and use Newe Sogobia even at the expense of expelling the United States from Newe territory. Reestablishing the state of war between Newe Sogobia and the United States would reflect the inability of Newe Sogobia to diplomatically resolve differences with the United States.

Option #2 constitutes the only viable alternative to total defeat and violent confrontation. It is upon this path that the government of Newe Sogobia has set its course. But, in the light of U.S. behavior during the last eight months, and a new effort by the United States to "end discussions through completion of the Dann case" (presently before the U.S. courts) it would appear that the United States government is not wholly committed to the idea of negotiating a solution with Newe representatives. The "negotiations path" has not produced very much movement during three earlier rounds of discussions, and it would appear that maneuvers are now underway to "close down the process all together" and finalize the Indian Claims Commission decision of

December 1979.

Because of U.S. interests in Newe Sogobia it would appear that Newe Sogobia is not without resources and capacity to "force a framework for negotiations" to achieve a mutually satisfactory resolution of the land dispute. Indeed, Newe Sogobia actually "holds most of the cards" in the dispute with the United States of America. The United States has already recognized Western Shoshone original ownership of Newe Sogobia, and by implication she has recognized the shakiness of her claims to Newe Sogobian territory. While the United States would like to quietly take possession of Newe Sogobian territory, the real issue of whether the United States can remain inside Newe Sogobian territory must be raised. This is the overall question which must be resolved. This issue can only be resolved through government-to-government negotiations based on mutual respect. The established process and procedures for the conduct of mutually desirable relations between nations on the basis of equality and mutual respect through the instrumentality's of government must provide the framework for negotiations. This is the most fundamental express of government-to-government relations.

Particular principles which guide the conduct of government- to-government relations include:

- There exists at least two separate and distinct entities which meet on the basis of political equality to discuss, negotiate and mutually agree on:
 - a. principles and procedures for dealing with one another,
 - b. an agenda of issues and concerns which each party believes requires intergovernmental cooperation and action,
 - c. mutually acceptable methods and procedures for implementing negotiated agreements, and
 - d. acceptance of the idea that both parties accept the basic concept of mutual respect, cooperation and compromise, sovereign equality and reciprocity.
- The successful conduct of government-to-government relations requires that each party accept the sovereignty of the other, unconditionally.
- Internal interference is strictly prohibited by either party. Good faith may serve as the foundation for agreement, but a third party observer or arbitrator may be necessary to ensure agreement compliance.
- Government-to-government relations are by definition bilateral

(only two governments) unless multi-lateral relations or negotiations are first formalized.

These principles are generally applicable to relations between all nations and between all states. It is, however, only a recent tendency in relations between nations and states that these principles are being applied. The government of Canada began in 1982 to conduct discussions with Indian Nations using some but not all of these principles. The Nicaraguan government began in 1984 to apply some, but not all of these principles in their negotiations with the Miskito, Sumo and Rama Nations. In each of these instances, the Indian Nations accepted the principles completely, but the state government did not.

Unlike the two example states just cited, the United States government has already made a formal declaration of its commitment to conducting relations with Indian governments on a government-to-government basis. The United States first announced its commitment to these principles in 1979 when it pledged to apply Principle VIII of the Helsinki Final Act to its dealings with Indian nations. The commitment was made more explicit when President Ronald Reagan announced on January 14, 1983 his commitment to conducting relations with Indian governments on a government-to-government basis. Unfortunately, despite these rather positive circumstances, no Indian government has fully tested the United States on its commitments to the Helsinki Final Act member states. No Indian government has actually tested President Reagan's 1983 Indian Policy Statement. The circumstances and conditions surrounding the Newe/U.S. controversy could be an important test for the United States government and a major Indian government.

OPTIONAL STRATEGIES AND TACTICS

To effectively deal with the government of the United States, the Newe government must have political leverage sufficient to cause the United States to seriously negotiate a mutually satisfactory solution to the present dispute. An overall "Political and Legal" strategy is essential to achieving the necessary leverage as well as achieving the full respect of the U.S. government. The political strategy must contain both internal and external elements and it must be intimately linked to the legal strategy. The legal strategy must be directed at advancing certain political objectives and aiding in the process of building political leverage. The combined affects of the political and legal strategy must be directed at the conduct of bi-lateral negotiations with the United States on the basis of government-to-government procedures.

STATEMENT OF NEWE SOGOBIA STRATEGIC GOAL

To establish a mutually acceptable and balanced political relationship

between Newe Sogobia and the United States of America where Western Shoshone can fully govern themselves and their territory without doing harm to the United States of America - in a climate of mutual coexistence.

ELEMENTS OF POLITICAL STRATEGY

INTERNAL: Rebuild Western Shoshone cultural, economic, political and social institutions to govern Newe Sogobia and maximize economic and social self-sufficiency and prosperity among peoples living in Newe Sogobia. Organize a political consensus among peoples living in Newe Sogobia supporting the government of Newe Sogobia.

EXTERNAL: Organize political and diplomatic ties between Newe Sogobia and selected states (Possibly: West Germany, Norway, Yugoslavia, Tanzania, Vanuatu, Sweden and Lesotho) and selected nations (Possibly: Belau, Kwajalene, Lummi, Miskito, Sumo, Rama, Haudenosaunee, Yakima and Kanak).

ELEMENTS OF LEGAL STRATEGY

- **DANN CASE:** Delay final decisions concerning the disposition of land in this case as long as possible to maintain the unsettled character of U.S. or "private" land ownership.
- **RAILROADS:** Consider initiating a lawsuit concerning the legality of U.S. rail ownership.
- **NUCLEAR WASTE:** Consider initiating a lawsuit concerning the legality under U.S. law of locating nuclear waste repository at YUCCA Mountain. (Generally institute lawsuits to call into question certain asserted U.S. rights for the purpose of blocking economic or strategic activities within Newe territory.

TACTICS

Having created political and legal obstacles to U.S. final annexation of Newe Sogobia take steps to:

- Cause the U.S. White House to become the principle representative of the United States government in discussions and negotiations with Newe Sogobia through arranging a communication from a local (cooperative) congressman (or members of a delegation) to the President of the United States urging: "That the White House designate a principle negotiator with the rank of Ambassador to represent the United States in Negotiations with the highest ranking representatives of Newe Sogobia.
- At the January meeting with representatives of the United States, delegate a low-level mission to meet BIA officials with the

expressed purpose of "down-grading" these meetings to "discussions" for the purpose of conveying messages between Newe Sogobia and the United States. The January session should be used by Newe representatives to present a series of proposals to the United States for 1. establishing a framework for negotiations, 2. establishing procedures for the conduct of negotiations and 3. listing a range of primary topics for discussions and subsequent negotiations.

The "down-grade Newe delegation" should be comprised of Senior and Junior political and administrative officials. It should be constituted as the "technical delegation" A formal "negotiating delegation" should be formalized but not made present at the "down-grade" discussions.

- The Political Leadership of Newe who will be present in Washington D.C. should be prepared to meet in discussions with diplomatic representatives of selected state governments at their embassies in Washington D.C. A message should be sent to the Secretary of the Interior and the White House transmitting the proposals being issued at the technical discussions meeting. This message would indicate that the Western Shoshone National Council is prepared to meet with "appropriate" representatives of the United States in April 1986.

The Political Leadership should call a news conference near the close of their visit in Washington D.C. to announce the present status of discussions between the Newe government and the U.S. government and the Leadership should announce the near-term negotiations conditions and goals.

- Plans should be made for a technical delegation to meet with representatives of selected nations to lay the basis for future talks and perhaps negotiations of alliances during the period of January 1986 - April 1986.

The central focus of all efforts must be to establish unity and security internal while building political and legal pressure on the United States government externally - through diplomatic initiatives, use of the press and initiation of legal suits within the U.S. court system. The combination of these efforts should initially be aimed at ensuring political support at home and building a workable and acceptable framework for government- to-government negotiations with the United States at the highest levels of government. The Newe government should expect that negotiations will take at least five years and perhaps longer to conclude.

Center For World Indigenous Studies
P.O. Box 2574

Olympia, Washington U.S.A. 98507-2574

THE FOURTH WORLD DOCUMENTATION PROJECT

A service provided by

The Center For World Indigenous Studies

www.cwis.org

Originating at the Center for World Indigenous Studies,
Olympia, Washington USA

© 1999 Center for World Indigenous Studies

(All Rights Reserved. References up to 500 words must be referenced to
the Center for World Indigenous Studies and/or the Author)

Copyright Policy

Material appearing in the Fourth World Documentation Project Archive is accepted on the basis that the material is the original, unoccupied work of the author or authors. Authors agree to indemnify the Center for World Indigenous Studies, and DayKeeper Press for all damages, fines and costs associated with a finding of copyright infringement by the author or by the Center for World Indigenous Studies Fourth World Documentation Project Archive in disseminating the author(s) material. In almost all cases material appearing in the Fourth World Documentation Project Archive will attract copyright protection under the laws of the United States of America and the laws of countries which are member states of the Berne Convention, Universal Copyright Convention or have bi-lateral copyright agreements with the United States of America. Ownership of such copyright will vest by operation of law in the authors and/or The Center for World Indigenous Studies, Fourth World Journal or DayKeeper Press. The Fourth World Documentation Project Archive and its authors grant a license to those accessing the Fourth World Documentation Project Archive to render copyright materials on their computer screens and to print out a single copy for their personal non-commercial use subject to proper attribution of the Center for World Indigenous Studies Fourth World Documentation Project Archive and/or the authors.

Questions may be referred to:

Director of Research
Center for World Indigenous Studies
PMB 214
1001 Cooper Point RD SW Suite 140
Olympia, Washington
98502-1107 USA

360-754-1990
www.cwis.org
usaoffice@cwis.org

OCR Software provided by Caere Corporation