

1. Primary role of Shoshone women is healthcare, language, and spiritual leadership.
2. Shoshone women primarily transmit indigenous knowledge through the creation of community at traditional gatherings including Shoshone Reunion, Shoshone spiritual gatherings, language classes and Cultural Sharing events. Shoshone women are the carriers of life and knowledge of the environment. In recent years the role of women has included more western science needed to understand then address what has happened to the Shoshone people's homeland as a result of United States and United Kingdom secret testing of weapons of mass destruction (WMD) within the unceded homelands of the Western Bands of the Shoshone Nation of Indians defined by the Treaty of Ruby Valley.<sup>1</sup> Shoshone women observed adverse health consequences known to be plausible from exposure to radiation and sought the cause. In 1992 Shoshone women, with help from the Childhood Cancer Research Institute and the traditional government of the Western Bands of the Shoshone Nation of Indians, began investigation the effects of WMD. Without any warning, advise or support from the United States or the United Kingdom believed to be the source of the radiation adversely affecting the Shoshone people, the investigation sought to answer Shoshone community questions of what happened to them. The investigation looked at plants, animals and the activity of the Shoshone people that increase risk of exposure to radiation. Researchers from the Clarke University were brought to the Western Bands of the Shoshone Nation of Indians to investigate, as one of the first national collaborative research projects--diet, mobility, and shelter. Researchers were taken hunting, gathering, cooking and to spiritual gatherings akin to going to a church in other religions. Important risk factors were observed and documented. Researchers reevaluated the United States Department of Energy 1990 Off-Site Exposure Review Profile (ORERP)<sup>2</sup> and found, based upon lifestyle differences, that it was inappropriate to use for the safety and protection of the indigenous Western Shoshone people. Researchers found lifestyle differences contributed significantly to increased exposure to radiation than other Americans.<sup>3</sup> DIET: What we ate and how much-- Shoshone custom of hunting, gathering, and cooking food such as deer, antelope, and rabbit that the Shoshone people hunted and ate more of the wild animals including thyroid that absorbed radiation. MOBILITY: Where we went and what we did there— Tribal gatherings, spiritual gatherings and wood gathering for fire at events and in our homes increased risk of radiation exposure. Shoshone custom is to use dead wood because the green pinyon trees (live) are our staple food source. However, the dead wood may come from trees exposed to radiation and when burned in religious "sweats" healing and cleansing ceremonies or burned for heat in home fires, increased risk of exposure from a unique exposure pathway. SHELTER: Where our homes are located, what they are made of, and location or origin are important. Living lifeways in Shoshone communities cannot be removed from the land or water that is the people's identity.

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<sup>1</sup>Treaty of Ruby Valley, Consolidated Treaty Series Volume 127 (1863)

<sup>2</sup><https://pubmed.ncbi.nlm.nih.gov/2211124/>

<sup>3</sup>[https://www.researchgate.net/publication/12522733\\_The\\_Assessment\\_of\\_Radiation\\_Exposures\\_in\\_Native\\_American\\_Communities\\_from\\_Nuclear\\_Weapons\\_Testing\\_in\\_Nevada](https://www.researchgate.net/publication/12522733_The_Assessment_of_Radiation_Exposures_in_Native_American_Communities_from_Nuclear_Weapons_Testing_in_Nevada)

3. NO. The US does not support Shoshone women or address violations of women's basic human rights that are emblematic of American systemic racism. The United States has interfered with the exercise of basic human rights of the Western Bands of the Shoshone Nation of Indians by the Organization of American States (OAS), Inter-American Commission on Human Rights decision in the case of Mary and Carrie Dann.<sup>4</sup> The United States has failed to respond to the Committee on the Elimination of Racial Discrimination under Early Warning Urgent Action,<sup>5</sup> the first time in history the UN issued Decision 1 (68) against the US. The US President has failed to create the promised treaty reservation authorized by Article 6 of the Treaty of Ruby Valley.<sup>6</sup> The US Courts have sanctioned the Western Bands of the Shoshone Nation of Indians by the use of religious bias in the adoption of the Doctrine of Discover,<sup>7</sup> claiming that the first Christian nation discovering a land of heathens and infidels had ultimate dominion and absolute title. Finally, the US Congress' use of "plenary power" to legislate over the Shoshone to dismiss indigenous rights with no due process or remedy.
- a) Cancer has been a core mortality of the Shoshone people, now with an overlay of Covid-19.
  - b) Shoshone women applied the knowledge gained in radiation health effects research to protect Shoshone land and people by creating awareness of nuclear threats and hazards. Under the leadership of Shoshone women, the Native Community Action Council (NCAC) was created and achieved intervenor standing in the US Nuclear Regulatory Commission, Atomic Safety Licensing Board Panel, Docket 63-001, Yucca Mountain producing the only ownership<sup>8</sup> contention of the proposed Yucca Mountain nuclear waste repository; and a contention that the US Department of Energy did not use an appropriate lifestyle context for determining radiation protection standards at Yucca Mountain and, therefore, not protective of the indigenous Shoshone people.<sup>9</sup> The US Nuclear Regulatory Commission continues to license Yucca Mountain and other proposed nuclear waste storage facilities based upon a final deep geologic repository for US commercial nuclear waste at Yucca Mountain in violating Shoshone territorial integrity, increasing radiation risk of exposure and without the consent of the Western Bands of the Shoshone Nation of Indians.
  - c) Shoshone women led protests on Shoshone treaty homelands at the Nevada National Security Site, formerly the Nevada Test Site where the US secretly detonated 928 nuclear WMD, 24 jointly with the United Kingdom pressing the WHO and the GA to request for an opinion on nuclear weapons that resulted in the July 8, 1996 Advisory

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<sup>4</sup> Organization of American States, Inter-American Commission on Human Rights REPORT N° 113/01 CASE N° 11.140 MARY AND CARRIE DANN, UNITED STATES, October 15, 2001.

<sup>5</sup> <https://law.arizona.edu/western-shoshone>

<sup>6</sup> 18 Statute 689-692.

<sup>7</sup> [www.38plus2productions.com](http://www.38plus2productions.com)

<sup>8</sup> <https://www.nrc.gov/reading-rm/doc-collections/cfr/part060/full-text.html#part060-0121>

<sup>9</sup> <https://www.epa.gov/radiation/public-health-and-environmental-radiation-protection-standards-yucca-mountain-nevada-40>

- Opinion on the Legality of the Threat or Use of Nuclear Weapons.<sup>10</sup> That effort led to the current Treaty on the Prohibition of Nuclear Weapons.<sup>11</sup>
- d) No opportunity to secure food.
  - e) Western Shoshone individuals raised livestock as contemplated by the Treaty of Ruby Valley. In 1971 the United States Bureau of Land Management confiscated horses and cows owned by individual Shoshone herdsman without compensation, blaming Western Shoshone herdsman for destruction of land that was caused by radioactive fallout from US/UK nuclear weapons testing as in the case of the Mary and Carrie Dann. No other support or resources are provided by the United States for growth and development of the Western Bands of the Shoshone Nation of Indians.
  - f) No land is provided by the United States as guaranteed by the Treaty of Ruby Valley, Article 6, for the protection, growth, and development of the Western Bands of the Shoshone Nation of Indians. All United States federally funded actions to use, occupy or dispose of nuclear material must be required to prove ownership.
  - g) Western Shoshone women continue to struggle for empowerment in Western Shoshone communities because the US has not implemented the provisions of the Treaty of Ruby Valley, Article 6 for the protection, growth, and development of the Western Bands of the Shoshone Nation of Indians. Every effort has been to stop nuclear weapons testing and the proposed Yucca Mountain high-level nuclear waste repository, acts of the US to inflict risk, threats and hazardous conditions intended to bring about the destruction of the Western Bands of the Shoshone Nation of Indians.
- 4) The main obstacles women face is that once educated at college or university they return home and have no employment or business opportunities. The US has failed to create the Western Shoshone treaty homeland, a reservation under Article 6 of the Treaty of Ruby Valley, for the safety, protection, growth, and development of Shoshone indigenous community. It is the continuance of US practice to assimilate and terminate the Indian reservation system that is forcing the most educated Shoshone people, women, and their children to leave in search of employment.
  - 5) Without the treaty homeland there is no community to transmit knowledge to. Once away from their original home, women have no opportunity to transmit to indigenous children. Authentic knowledge shared outside indigenous community is culturally appropriated by other Americans.
  - 6) The mining industry has paid for Western Shoshone involvement and paid individuals as consultants to give knowledge that now belongs to the mines. The mines then create propaganda to demonstrate the benefits of mining Shoshone sacred lands. It is a perversion of the traditions, custom and laws of the Western Bands of the Shoshone Nation of Indians.
  - 7) The US must restrain colonial acts that exploit the land women and children need to obtain identity and maintain identity. The land and the water are the identity of the Western Bands of the Shoshone Nation of Indians.

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<sup>10</sup><https://www.icj-cij.org/en/case/95>

<sup>11</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-9&chapter=26&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-9&chapter=26&clang=_en)

- 8) There is no support or protection domestically or internationally for the Western Bands of the Shoshone Nation of Indians advocating for an end to secret nuclear weapons testing in our country.
- 9) It is too easy for other non-indigenous people who want to be involved to out preform indigenous women who live in isolated communities. International organizations today benefit and obtain the Nobel Prize for the abuse and suffering by the Shoshone people exposed to radiation in nuclear fallout from US/UK WMD testing on our land. They came to the Nevada National Security Site, formerly the Nevada Test Site on Western Shoshone territory and learned from the Shoshone women who led protests pressing for the WHO and the GA to seek an advisory opinion on the illegality of nuclear weapons testing. We pushed the issue and today have the Treaty on the Prohibition of Nuclear Weapons but, sadly the US has not signed, and international organizations do not mention the Shoshone down-wind victims still in need of registries, monitoring, and surveillance for adverse health consequences from exposure to radioactive fallout from WMD.
- 10) No.
- 11) The Western Bands of the Shoshone Nation of Indians has little capacity to address impediments to women's involvement in political planning or decision making because the US is exploiting the Shoshone nation for mining, nuclear weapons, and high-level nuclear waste. We have no capacity or reservation where Western Shoshone women, children and families can safely live, grow, develop, and manage self-determined government without US interference in the internal affairs of the Western Bands of the Shoshone Nation of Indians.
- 12) We are unaware of and data gathering at any level.

## APPENDIX

### **Reply of the United States to Questions from the UN Committee on the Elimination of Racial Discrimination**

**Lorne W. Craner, Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor ; Ralph F. Boyd, Jr., Assistant Attorney General**  
Reply of the United States to Questions from the UN Committee on the Elimination of Racial Discrimination  
Geneva, Switzerland  
August 6, 2001



Mr. Chairman, Mr. Rapporteur, Distinguished Experts and Honorable Members of the Committee:

Q: What is the United States position on its 1863 treaty with the Shoshone tribe? Is the United States discriminating in the protection of property rights with respect to the tribe, including seizing the tribe's lands and allowing the land to be used for dumping radioactive material? (also by Mr. Tang and Mr. Thornberry)

A: As is the case with the Shoshone, many Native American tribal land claims are based on aboriginal title that creates enforceable property rights in tribes against third parties or states. The doctrine of aboriginal title is a judicially created doctrine rooted in colonial concepts of property ownership that arose from conflicting claims between the European colonists and Native Americans over land which was lightly populated due to the migratory nature of some tribal lifestyles. The claims were first addressed in the U.S. Supreme Court decision *Johnson v. McIntosh*, 21 U.S. (8 Wheat.) 543, 574 (1823), which held that as a result of European discovery, the Native Americans had a right to occupancy and possession, but that tribal rights to complete sovereignty were necessarily diminished by the principle that discovery gave exclusive title to those who made it. As a result, the tribes' ability to sell or convey the property was subject to the approval of the sovereign.

Consultation is not consent but when done, should be according to the UN Declaration on the Rights of Indigenous People with free, prior informed consent of Indigenous people affected--a right of self-determination, and in the planning and implementation of projects on our lands. The law needs to be enforced and resources directed to indigenous communities for clean-up efforts and proper enforcement.

Our nation is being destroyed by nuclear weapons testing and nuclear material disposal. The pattern and practice of the Department of Energy and cooperating agencies inflict conditions intended to bring about the destruction of Shoshone Nation, violating peremptory norms in International Law that the United States has acceded to under the Proxmir Act in 1988 (18 USC 1091--GENOCIDE).

In 1990, the Department of Energy created "cultural triage" used in the Yucca Mountain nuclear waste repository project defined as, "the forced choice decision-making by and ethnic group to a development project" claiming Indians were involved in Yucca Mountain development. Cultural triage features are, that it is forced upon ethnic Native Americans for development." Federally recognized Indian tribes are deemed by the US Supreme Court as incompetents under the superintendence of the Secretary of the Interior and therefore cannot consent. It is the US that is wholly responsible for the outcomes. The systematic use of cultural triage is ethnic cleansing, an American genocide.

Origin is important. Shoshone individuals must be followed for health consequences. We need collaborative research funding, monitoring, surveillance, and registries for Shoshone downwinders affected by radiation from nuclear weapons. We need radiation exposure compensation re-authorization (RECA). We need the President to create a Shoshone homeland under Article 6 of the Treaty of Ruby Valley. All federal actions must be required to prove ownership of federally funded project sites.

Finally, nuclear weapons are illegal under the new International Law, the Treaty on the Prohibition of Nuclear Weapons, which entered into force January on 22, 2021. We can protect our environment, our Mother Earth, by ending our obsession with nuclear weapons of mass destruction and join the Treaty on Prohibition of Nuclear Weapons. Thank you.