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Timbisha Shoshone Tribe files lawsuit to stop Act of Congress

WASHINGTON, D.C. -- The Timbisha Shoshone Tribe filed a lawsuit today to stop an Act of Congress that threatens to take a fund of money belonging to the Timbisha Shoshone and the Western Shoshone Nation as a whole.

The lawsuit – against the Secretary of the Interior and the Secretary of the Treasury – seeks to overturn an Act of Congress, called the Western Shoshone Claims Distribution Act, which will confiscate a judgment fund belonging in part to the Timbisha Shoshone of the Western Shoshone Nation and distribute the fund to individuals according to rules created by Congress. This Act of Congress takes the Timbisha Shoshone’s funds without due process or compensation and violates the Fifth Amendment to the Constitution.

“The Timbisha Shoshone, not Congress, should be the one to decide how the money is to be used,” said Robert T. Coulter, executive director of the Indian Law Resource Center and lead counsel in the suit. “Congress believes that it can do as it pleases with the property and funds of Indian Nations, including taking property and funds without any compensation. This is obviously wrong, and it hurts all Indian Nations.”

The Timbisha Shoshone have faced decades of unfair treatment on the part of the United States government, leaving the Timbisha Shoshone government with few community resources. Timbisha people have lived since time immemorial in and around what is now known as Death Valley, California, and its homelands include lands now known as the Death Valley National Park as well as lands in what is now known as Nevada. The Indian Claims Commission awarded a judgment of approximately \$26 million in 1977 for the supposed taking of the Timbisha Shoshone and other Western Shoshone lands. The funds were appropriated and placed in the U.S. Treasury in trust for the Western Shoshone Identifiable Group in Docket No. 326-k., including the Timbisha.

“This is a precedent setting case that will not only make us stronger as a government, it has the potential to create a framework to help other Indian nations in the future,” said Joe Kennedy, Chairman of the Timbisha Shoshone Tribe. “We want to make sure Congress abides by its own laws in the United States Constitution when dealing with sovereign Indian nations.”

The money in question has never been distributed, because up to now the Western Shoshone Nation has been insisting that their lands were not legally taken and that they want to have a settlement of their land issues with the United States.

“Another important fact in this case is that not all members are eligible for the distribution,” said Kennedy. The plan created by Congress will mean that some members will be completely excluded from receiving any proceeds of the judgment, even though they suffer from the legacy of the federal government’s wrongful actions. “Instead of taking this financial distribution now, we need to work towards our legal rights over our lands that truly belong to the Timbisha Shoshone and the rest of the Western Shoshone Nation. If we take this money, the U.S government will say that it has fully paid for our lands even though it goes against the U.S. Constitution, our right to property, due process and equality under the law and would be a blatant human rights violation.”

A successful lawsuit could mean that Congress could not in the future take Indian property and funds unless it complied with the Constitution and paid fair compensation. Indian Nations could have much greater ability to manage their affairs if they could stop the United States government’s illegal taking of their property.

“We believe we can win this case and rid federal law of a very harmful and unjustifiable doctrine that has deprived Indian nations of their rights for generations,” said Coulter.

The Indian Law Resource Center is a non-profit Indian legal organization that does not charge for its legal work. The Center is funded by foundations, Indian nations, and individual contributions. No federal funds are accepted. The Center has been responsible for a number of major cases including the successful case on behalf of Mary and Carrie Dann before the Inter-American Commission on Human Rights.

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About the Indian Law Resource Center

The Indian Law Resource Center is a non-profit law and advocacy organization established and directed by American Indians. The Center is based in Helena, Montana and also has an office in Washington, DC. We provide legal assistance without charge to Indian and Alaska Native nations who are working to protect their lands, resources, human rights, environment and cultural heritage. Our principal goal is the preservation and well-being of Indian and other Native nations and tribes. For more information, please visit us online at www.indianlaw.org or www.facebook.com/indianlawresourcecenter.

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