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6 MR. WELLS: Good evening. My name is John
7 Wells. I'm here tonight delivering comments on behalf
8 of the Western Shoshone National Council. The Western
9 Shoshone Nation believes that the Preliminary Site
10 Suitability Evaluation and all documents produced to
11 date are deficient. The Western Shoshone Nation has a
12 fundamental problem with the DOE's disregard for the
13 proper role of Native American nations based on our
14 inherent sovereignty, historical relations,
15 international treaties and the U.S. Constitution. All
16 too often consulting is consisting of brief
17 conversations with individuals from Native American
18 communities, after decisions are made, and policy is
19 employed.
20 The cultural differences needed to be
21 resolved by the DOE are at least as serious and
22 difficult to deal with as they were 200 years ago. The
23 Western Shoshone government understands the intended
24 approach of the DOE to solving problems of high-level
25 nuclear waste is to use science, not politics. Science

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1 is intended to provide knowledge and to inform

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2 politicians in the creation of policy. However, it is
3 politics that directs and funds the efforts of the DOE.
4 And so today, we are here to address both politics and
5 science before the Secretary of Energy decides to
6 recommend Yucca Mountain to the President.
7 The DOE claims it is following the direction
8 of Congress under the Nuclear Waste Policy Act. We are
9 sure that Congress appreciates the administration's
10 unwavering loyalty to congressional legislation.
11 However, our view is that the rights, responsibilities
12 and duties of Americans, including members of Congress,
13 is unambiguously defined by the Constitution.
14 Constitutional authority and prohibition against
15 alienation of title to the Western Shoshone property
16 interests exists in the following documents: The
17 Northwest Territorial Ordinance of 1787. "The utmost
18 good faith shall always be observed towards the
19 Indians. Their land and property shall never be taken
20 from them without their consent. And in their property
21 rights and liberty, they shall never be invaded or
22 disturbed."
23 U.S. Constitution, Article 6, paragraph 2.
24 "This Constitution and laws of the U.S. which shall be

25 made in pursuance thereof and all treaties made or

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1 which shall be made under the authority of the U.S.
2 shall be the supreme law of the land, and the judges in
3 every state shall be bound thereby, anything in the
4 Constitution or laws of any state to the contrary
5 notwithstanding."
6 Treaty of Guadeloupe Hidalgo, 1848, 9 Statute
7 922. "Special care shall be taken against those
8 invasions, against the Indians, which the United States
9 have solemnly obliged themselves to restrain."
10 Act of Congress organizing the territory of
11 Nevada. 1861. "Providing that nothing in this act
12 contained shall be construed to impair the rights or
13 property now pertaining to the Indians in said
14 territory, so long as such rights shall remain
15 unextinguished by treaty between the United States and
16 the Indians." The Treaty of Ruby Valley, 1863.
17 "Treaty of peace and friendship."
18 As for the scientific process, the Western
19 Shoshone government finds it limiting. This hearing
20 tonight is limited by obtaining information from a
21 small number of communities in the vicinity of Yucca

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22 Mountain. Due to the limited notice of these hearings,
23 and the focus by the DOE of holding hearing in the
24 vicinity of Yucca Mountain, many Western Shoshone
25 communities are unable to provide testimony here today.

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1 We believe that the DOE does not want to know
2 the truth. But we will tell you the truth that it's
3 caused serious harm to our society. The truth is
4 relevant. And for the DOE, their truth is from the
5 origin in a culture of secrecy. The DOE has created
6 consolidated groups of tribes to act on behalf of
7 Native Americans instead of the elected tribal
8 governments. The DOE has appointed its own
9 subcontractors, former employees, and paid others as
10 part of this consolidated group of tribes. The DOE has
11 developed cultural triage, a study protocol to
12 deliberately destroy our living culture and pursuant of
13 its intended development. The DOE has poisoned our
14 lands with 828 underground nuclear weapons tests. The
15 DOE has killed our people with fallout from 105
16 above-ground weapons tests.
17 To understand the geology of Yucca Mountain,
18 the DOE has only to look at the underground test area

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19 to understand how the existing radiation in the soil
20 and ground water will act. The enduring purpose of
21 nuclear technology is the development of weapons of
22 mass destruction. The DOE nuclear legacy of widespread
23 radioactive contamination must be considered. We are
24 already aware that the DOE has contaminated the ground
25 water at the Nevada test site. We need to know where

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1 the plumes are. What the ground water flow is. How
2 the radiation is transported. And what the lifestyles
3 are of those who can consume the water.
4 MODERATOR LAWSON: 30 seconds, please.
5 MR. WELLS: The public has need and a right
6 to know the extent of present contamination, whether
7 they are at risk from present contamination from the
8 DOE which is responsible. The DOE develops consequence
9 scenarios of radiation exposure, isolated from the true
10 real world, past exposure of our people, and the
11 probable risks of our communities from radiation
12 release in transport or on site. For the Western
13 Shoshone Nation, our truth is that of a proud ancient
14 people who have existed in the Great Basin for 1,000
15 generations. We have fought wars against invaders to

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16 our territory, and in 1863, allied ourselves with the
17 United States by treaty emanating from international
18 law. The Treaty of Ruby Valley. We were not conquered
19 by the United States. Our property was not taken by
20 the United States. We did not sell our property to the
21 United States. And were never put on reservation. We
22 are today as always have been, a free people with our
23 own aspirations for growth and development. We wish to
24 follow our dreams and aspirations and not have our
25 lives and that of our future generations cut short by

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1 radioactive contamination.
2 Our experience with nuclear hazards is as
3 victims, advocates and as scientists. We have
4 experienced the adverse health, social and economic
5 effects of radioactive contamination downwind from the
6 Nevada test site. Our unfortunate experience as
7 downwind victims informs our policy against the
8 proposed high-level nuclear waste repository at Yucca
9 Mountain, no matter how much is spent.
10 MODERATOR LAWSON: Wind it up.
11 MR. WELLS: As victims, we live with the
12 stigma of past radiation exposure that has not been

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13 considered by the DOE. Cumulative health effects are
14 not considered by the DOE. The DOE is trespassing on
15 Western Shoshone lands, paying nothing for the use of
16 Western Shoshone property. The burden for United
17 States nuclear development is being paid by the Western
18 Shoshone Nation. Benefits such as grants equal to
19 taxes, jobs, research grants and knowledge pass over
20 the Western Shoshone people to nonnative communities
21 and contractors. We believe institutional racism
22 conceived long ago to be an ongoing policy of the DOE.
23 Environmental justice is a new concept, developed to
24 address the past inequities of government development.
25 We are not waiting for the DOE to employ
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1 environmental justice principles. We will state for
2 the fact as they are, the DOE practices environmental
3 racism. And we are the victims of that racism here in
4 the Great Basin.
5 Democracy is the best form of government on
6 earth. It is good for electing leaders. But not for
7 deciding who you will dump nuclear waste upon. The
8 failure of the DOE is a failure of the United States
9 nuclear waste policy. The previous comments are

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10 provided on the basis of inherent government authority
11 of the Western Shoshone National Council, as a
12 legitimate protector of the rights and interests of the
13 Western Shoshone people, to ensure that Western
14 Shoshone public health, safety, property are protected
15 because the United States law provides too little
16 protection for Western Shoshone people. Thank you.