

**Testimony of the Eastern Shoshone Tribe of  
the Wind River Reservation**

**Regarding S. 550, a Bill to Amend the Indian Land Consolidation Act  
to Improve Provisions relating to Probate of Trust and Restricted  
Land, and for other purposes**

**Before the  
UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS**

**Submitted by  
Ben O'Neal, Shoshone Business Council**

**May 7, 2003**

Mr. Chairman, members of the Committee. My name is Ben O'Neal and I am a member of the Business Council of the Eastern Shoshone Tribe of the Wind River Reservation. It is with great pleasure that I present this testimony today on behalf of the Eastern Shoshone Tribe. Chairman Vernon Hill regrets that he could not be here today, but pressing issues kept him at home.

The Eastern Shoshone Tribe of the Wind River Reservation is a federally recognized Indian tribe with approximately 3,500 members. The Wind River Reservation is located in central Wyoming, and is home to two Tribes, the Eastern Shoshone and the Northern Band of the Arapaho. There are also approximately 25,000 non-Indians living within the exterior boundary of the Reservation.

Many members of the Eastern Shoshone Tribe are deeply concerned with the fact that they may not be able to leave their land to their heirs. Provisions within S. 550 address this problem, and it is for this reason that we strongly support its passage.

Title to land within our Reservation is held in various ways, including in trust, in fee patent, as tribal land, or as land held jointly by the Eastern Shoshone and the Northern Arapaho Tribes. Our primary concern today is with property held in trust for individual Indians, and I would like to use myself as an example of one way in which S. 550 would bring relief.

In 1966, I married my wife, who is non-Indian. We were both from ranching families, and in 1972, we started acquiring land and building our own ranch. The first 200 acres we purchased is held in fee patent. It is located on the Wind River

Reservation and contains the home site where my family and I have lived for more than 30 years. We also lease several allotments adjoining this property, allowing us to run enough cattle and operate a ranch in such a way as to have derived our living solely as ranchers.

In 1989, we purchased an 80 acre tract of trust land from an individual Indian. We paid fair market value for this property. This tract adjoins our patent fee ground and added significantly to our ranch. In 1994, my wife and I purchased 240 acres of patent fee land from our neighbors to allow for expansion as our son and daughter expressed an interest in being a part of the ranch operations. At the same time, we also purchased 200 acres of adjoining Indian trust lands from multiple Indian heirs. These lands are all contiguous, and even contain a creek that runs year round, adding further to the value of our property.

Through additional acquisitions, I currently own 1,200 acres of property within the Wind River Reservation. Half of this property is held in trust; the other half is held in fee. I paid fair market value for all of it. Under current law, as a member of the Eastern Shoshone Tribe, and as a landowner, I can only will my trust property to an Indian or to my Tribe; but I would like to leave it to my family.

I am not alone in the fact that my wife and my children are not members of the Eastern Shoshone Tribe. Despite the fact that they have stood by me over the years, and have helped our ranch become a success, current law only permits me to leave my trust property to them as a life estate. I find this unacceptable. My only other option is to remove the property from trust status and place it into fee; something that I do not wish to do.

Individual Indian landowners, such as myself, should have another option. We should be able to determine to whom we leave our land. Indian landowners should have the same right as others within our country to keep property within our families for as long as we choose to do so. This right should not be based upon race or political distinction, just as it should not be based upon religion, or any other similar factor. I support the passive trust provisions within S. 550 because they allow me, and all others like me, to ensure that property stays within our families for a duration of our choosing.

Let me be sure to point out that the Eastern Shoshone Tribe is not seeking to impose this option on everyone. If an Indian landowner wants to give their trust property to the Tribe, they should be able to do so. Our position simply is that there should be an option added to those that currently exist; that we should be able to choose who gets our land.

In the future, if my descendents determine that it is in their best interest to sell this property, the Tribe should be given a period of time in which to exercise a

first right of refusal. They should, however, be required to pay fair market value for it, just as I did.

This raises another concern we have with existing law. Currently, there is little incentive for the Tribe to pay anything of value for trust property. The Tribe realizes that for individuals such as myself, who are restricted to leaving trust property to heirs as a life estate, it is only a matter of time before the Tribe comes into possession of the property, with no payment at all. This eventual outcome serves also to discourage use and improvement of the land. Why would I invest hundreds, even thousands, of dollars to improve the land when I know, in the end, I will not be compensated for my investment. Again, I find this unacceptable, and am pleased that S. 550 works to resolve this issue as well.

As an aside, I find it important to mention our concern with the Tribe's ability to purchase trust property, even if they wish to do so. While purchases on a limited basis would be feasible, financial assistance would be necessary for the Tribe to make larger purchases. We encourage the Congress to ensure funds are available for this purpose.

I also support the idea that should the Tribe not wish to pay fair market value for trust property, the option should be available to sell it to someone who is. It is important to note that this should not be viewed as a reduction of Tribal lands. Many people hear the term "trust property" and they think of "tribal property." This, however, is not the case. My property is trust property. It is held in trust for me, Ben O'Neal. It is not Tribal property. I have spent my entire life working and saving to buy what I have; to make a life for myself and for my family. I should have the right to determine to whom this property is left. My descendents and I should have the right to be dealt with fairly.

On behalf of the Eastern Shoshone Tribe, I again thank you for the opportunity to present testimony today and I encourage passage of S.550.