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Straw**  
A WEEKLY ANARCHIST SHOW

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## Stop Evictions at Winnemucca Indian Colony

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On Tuesday, December 13th, I spoke with Kyle Missouri, a resident of the Winnemucca Indian Colony in Humboldt County, Nevada where a longstanding conflict between residents and the Winnemucca Tribal Council has come to a head recently with the evictions of elders, youths, and other residents into the snow. We talk about his family's roots in the Indian Colony, some background on the place and the conflict with the so-called Roja Council, the contested lithium mine at Thacker Pass and the court challenge to evictions, banishment and house demolition this Thursday, 12/15/22. Check our show notes for links to other sources of information, ways you can show up and places you can donate.

The following interview (Dec 25th's episode) features Jim J. Ayers, a 42 year resident in 6 generations of lineage at Winnemucca Indian Colony facing eviction by the Tribal Council.

Search for this interview title at **<https://thefinalstrawradio.noblogs.org/>** to find links to further resources on this topic, featured music, the audio version, and files for printing copies of this episode.

## Kyle Missouri

**The Final Straw Radio:** Could you please introduce yourself for the audience with any name, location information, preferred gender pronouns, anything that will help get the audience awareness of who you are?

**Kyle Missouri:** Yeah, no problem. My name is Kyle Missouri. I was born in Winnemucca, Nevada. The first few years of my life, I lived in McDermott. But then I moved back to Winnemucca because that's where my grandma's lives, and she has a house there. So that's where I grew up. And at the moment, I'm unemployed, because it's been stressful and I've been worried about leaving my house, because there were points, with this whole thing going on, that people were afraid their house might just get destroyed when they're gone.

**TFSR:** Yeah. And so like, this is kind of just going to be standing alone, I can do a little introduction, but for the sake of introduction to what's been happening, can you talk a bit about why you're afraid of house destruction or eviction going on? And, yeah, you've already mentioned that your grandma lives there, but you also live there as well, right?

**KM:** It's actually considered her main residency, because it's her house, that's where she gets her mail and stuff, too. But she stays in Reno, but in her daughter's house, for medical reasons, because she's 88 years old right now.

**TFSR:** But what happened this week, to make you afraid that a house is gonna get destroyed?

**KM:** Okay. Well, I mean, there's a lot leading up to it. But specifically this week, what I believe it was December 2, we had a court appearance, which I didn't know about until afterwards. And I assumed it was a status update on the ongoing court case that's been going on. But to my surprise, I learned later on, from Facebook, that there was an order put in place for evictions, banishment, and a fine of \$100 a day starting from December 11, 2021. So right now it's over \$36,000. And they've known just to come in and do whatever they want, make up rules and just go by him.

**TFSR:** So can you give some context for the Winnemucca Indian colony? Like, what the deal is with it, how it came to be? Who all lives there and the like?

**KM:** Yeah. See, the Winnemucca Indian Colony has been there for a long time,

water. So they could slap those condos up real quick, start renting them out and make more money. So by us sticking around there, messing them up, messing up their plans. You know what I mean? I'm gonna mess up their plans because I'm not leaving. I belong there. I got proof: I got birth records, I got death certificates of my Indian heritage and my family. Those guys, that Judy Rojo, the tribal council lady, claims she is related to me, but she isn't. That's what she claims. She claims to be related to me and then tells me I'm a non-Indian, a squatter, a trespasser. Ain't that something.

**TFSR:** People have been asking you in court scenarios for her to prove it, right?

**JJ Ayers:** Yeah. She won't prove it either. That's what we need. That's how we won the Ninth District Court and the Supreme Court. Because those guys asked her, "Where's your blood? Where's your Indian card?" And asked if she ever lived on the Indian colony. She answered no to all those and then we beat them in the Ninth District Supreme Court. They were supposed to shut down and they never did. So, by all rights, Judy Rojo and her tribal council have been in contempt of court for three years now, because they never stopped doing their business.

I have a restraining order against Judy Rojo, Bob McNichols, and all their tribal council, and the BIA police. They won't recognize it, they say it's no good. I got that from a judge in Oklahoma City. She was an Indian judge. Her name was Marsha Harlan. She gave me that restraining order when we first started fighting with these idiots. I still have copies of it, but nobody abides by it. They just come and do whatever they want. They don't give a shit.

See it's funny. Those guys don't have to abide by the law, but we do. And I don't get it. How come Judy Rojo and Bobby Nichols and their tribal eligible members don't have to abide by Indian law? But the elders that lived here all of our lives, have to abide by it and move out. That just don't make sense to me at all. I don't get it. Nobody else gets it either. But these guys are just doing whatever they want. And we need to stop them in their tracks because this ain't right. This ain't human. They've violated every civil rights we have. They're still violating more of them right now as I speak.

**TFSR:** I'm really sorry that y'all are going through this.

**JJ Ayers:** I really appreciate your help.

**TFSR:** Good luck, JJ.

**JJ Ayers:** Thanks for listening to me.

**TFSR:** I can definitely direct folks to the resources that I did last time, and then check in with Sandra too, because she's connected.

You were saying before that you're having to move all this stuff and pack stuff up and keep vigilant. So it's got to be real hard to think about those extra things.

**JJ Ayers:** I don't got no help with gas money. I don't even have no muscle help, because they won't let nobody go into the Indian colonies to help me. And yet, they want me to move everything out in a couple of hours. They're like, "We'll give you a couple hours to move your stuff." I lived there since 1980. How could I move my stuff in a couple of hours? There ain't no way.

**TFSR:** Since the stay on house destruction and eviction, have they been destroying more houses? Or are they holding off until the courts?

**JJ Ayers:** As soon as they get us out of our houses, they're going to bulldoze down all of our houses and probably build condos and rent them to the lithium miners. Probably that's my guess. That probably won't even be in Indian colony after they run all the Indians off. They'll probably change it to a white man's "Water Canyon Estates" or some BS or something like that. A close gated community. That's what I'm thinking they're gonna do.

**TFSR:** Is something like this happening on their reservation too, or is this just the Indian colony that you can tell?

**JJ Ayers:** Well, I don't know. I'm not on the reservation. All we have is an Indian colony.

**TFSR:** I guess, I thought that was the larger place that Kyle was mentioning.

**JJ Ayers:** 320 acres. They didn't let nobody move up there. They just got a construction business that sells gravel. They are trying to build an administration building. They got a \$900,000 grant to build houses. They got six houses up, they're starting to build. They already built two on the 20 acres. The 20 acres is smack center in Winnemucca, Nevada. It's right in the center of town. So that's some prime land that those guys are trying to take from us.

**TFSR:** They aren't even offering like, "Hey, y'all can move over to this other spot." It's just, "You're not our problem. Get out!"

**JJ Ayers:** Those 320 acres up there, they don't got no water, no power, no sewer, nothing like that. But where we're at, all of us have that hooked up already. So that's why they want to build where we're at, because they got power, sewer and

even before what they're saying. It's a spot where Native Americans have always been, but they didn't take a census on it and try to establish a colony until I believe 1916, where they had a list of people who are living there and names. But originally, the colony -- or reservation I believe it was at first -- was a two spots that was purchased outside of the town of Winnemucca. But there was nothing out there, people couldn't live out there, and it was too far from town to work. So later on, I believe 1928, around that time the president bought a parcel of land from the railroad company for homeless Native Americans in Nevada.

**TFSR:** Can you talk about some of the nations that live around there? And like when you say "homeless Native Americans" does that mean that folks that were kicked off of reservations, or that whatever lands were "given" were sort of retracted for the railroad? Or how does that work?

**KM:** Well the biggest reservation closest to Winnemucca would be Fort McDermott, which was originally a US Army fort during the roundup of Native American people. So they settled a lot of them there. And then once things kind of eased up, you know, from the government, Native Americans kind of just spread out, looking for work and places to live. And a lot of them ended up in McDermott. And there was a people, originally they called them the "sagebrush eaters", and they used to live in that area, because it's a range called the Santa Rosa mountains. They have the Humboldt River right there where they fished and caught ducks and stuff like that for nutrition. But in this area, it's mostly Western Shoshone and Northern Paiute. And that's a majority of this area, the Great Basin Native's,

**TFSR:** If you have an answer to this, that'd be super helpful, but in terms of like, what's the difference between a colony reservation? Is there one, or is it just like the size?

**KM:** See for my understanding is a reservation is like a larger land spot given to the Native Americans to establish a settlement basically, and a colony is something like within city limits,

**TFSR:** Oh okay.

**KM:** Because like, there's a few colonies here in Nevada. One of them is in Reno, which is the Reno-Sparks Indian colony, and it's like, right inside town and city limits, just a certain little spot that is established. And another good example is Ely, Nevada. They have two separate portions kind of like Winnemucca does, they have a reservation and they have a colony. The colony is right there in the middle of the town by the main street. And the reservation is just on the outskirts of the town.

**TFSR:** You mentioned the lawsuit at the beginning and that being the cause of

these evictions that are happening and that have been escalating recently. Can you talk about what the lawsuit revolves around and who's engaged in it and against whom?

**KM:** Okay, well, the main lawsuit, I believe, is just for the right to who controls the Winnemucca Indian colony, who has been established as the council and trying to find who actual members of the colony are. Because they're basing the registration -- I haven't seen the registration -- but they're saying that it's based on people who descend from the Native Americans who were here in 1916, who took the census, and who are at least a quarter blood Paiute or Shoshone, who don't have any lands on any other reservation.

And the people who are fighting us as the residents, her name is Judy Rojo, her daughter Misty Dawn Rojo, and they have a contractor by the name of Bob McNichols. And apparently he was a longtime employee of the BIA, and he owns a company called RezBuilders. And they're against the residents who've been here, and some of these residents were provided agreements with the council to move here. Because they were trying to fill the spots up to establish a government for the Winnemucca Indian colony.

**TF SR:** And so you mentioned the BIA, so that's the Bureau of Indian Affairs, and that's kind of like, the management agency by the federal government of Indigenous communities that are recognized, right?

**KM:** Yes.

**TF SR:** And police force, and whatever, that imposes federal law.

**KM:** Yes.

**TF SR:** So for instance, I think, to give an example of your grandma, you had mentioned in that B & B Indigenous podcast the other day that she had gotten the opportunity to buy her residence in the colony, and had paid that off, had lived in the community for over 40 years, had raised your father and raised you all, and now you've been taking care of her since then on that property. So she has her roots there. She worked in the hospital, as, did you say she was a nurse for a long time?

**KM:** Yeah, she was a nurse at the Humboldt General Hospital in Winnemucca.

**TF SR:** A lot of this activity revolves around representation and supposed autonomy within relation to settler colonial authorities. For the audience to understand about the question of "legalism" around that: can you talk about the Winnemucca tribal council? You've mentioned Rojo, she sits on it, but sort of like, anyone else that's memorable, how they got to be there and where they live, and if they're resi-

All my family, they outnumber how many legal voters the tribal council has. I got like 48 family members that could vote. They only have 29 eligible voters. So that's why they're trying to get me out of there, because they know I could be in power over the dispensary or we can, our family.

The residents should be in control over that stuff. That's what I'm saying. You know what I mean? It's not just 'I,' it's not just me, It's we, us. All of us elders that lived here forever, we should have say what's going on on this Indian colony. Instead of having any say, we got booted to the street with crooked cops, crooked counsel, crooked lawyers, crooked judges. They all passed those ordinances so we could get removed. And it ain't right. I got a lawyer named Sandra Freeman, she's from Colorado. She represents me, but my son, and my sister and my brother, they all need lawyers, because they don't have any representation. So they got kicked off the Indian colony on December 2. But we never left. My family is still up there. We just barricaded the doors and we don't answer the door. When the cops come we won't answer it. We just stay in the house.

**TF SR:** That's hard. What's the weather like out there right now?

**JJ Ayers:** The weather is super cold here. It's been below freezing for the last two weeks. It's been in single and teens for the low. My waters been frozen for a week straight. We have to haul water. I have animals.

That's another thing. I got four dogs and they're trying to tell me I gotta get rid of my dogs or they're gonna haul them off to the shelter if they catch them. So it's been really hard up here for us. We're just looking for some legal help and maybe some funds so we can get through the winter.

It's the worst time of the year Christmas, we will get booted to the street. I can't believe these guys. They are heartless, man. These guys have no souls. All they think about is money, money, money, that's it. They stole all of our money and they're trying to take more of it. Now, they're not happy with that, they want to take our homes away. Kick us out to the streets.

**TF SR:** For anyone that's listening that is a lawyer or that knows a lawyer, if your lawyer's in Colorado, did they just have to be barred at a federal level or specifically around...?

**JJ Ayers:** I think they got to be educated in the Indian law and tribal courts.

**TF SR:** Should they reach out to Sandra and the Water Protector Legal Collective? Or is there a better place for them to put their attention?

**JJ Ayers:** Sure, I think that's a good start. They can talk to Sandra, my lawyer, or the WPLC in the Nevada legal systems. They're representing some of the elders on the Indian colony.

served hand to hand, none of them. A couple of people up here don't even have lawyers. They didn't even know they were getting kicked off the Indian colony. They just came in with the BIA police and herded them out like a bunch of cows out of the roundup corral. They were like, "You guys gotta leave. We don't care where you leave. We don't care what to do, but you're not staying here." Elders had to leave their medicine, their clothes, everything in their homes. They just had to leave right then and there. So that's another big issue we're having, trying to get a medicine and their clothes and food and lodging. We don't have none of that and they kicked us out right before the holidays. Those young kids, they don't even get a Christmas tree or no presents. All the Indian kids have got ran off.

**TF SR:** Where are those elders and folks staying right now? Are they still in the motels?

**JJ Ayers:** Yeah, all of us are pitching in and we got a GoFundMe for the Winnemucca Indian colony. We've got them in motels, but it's been hard, because we're not getting that much money for them. We're still trying to feed them, we're taking the meals and stuff. Whatever we could afford. All of us are disabled, so most of us lived off of commodities. They stopped the commodities on the Indian colony back in 2012, they won't even let the Indians get commodities on the Indian colony, we had to go to our church, or to a senior citizen place a block away, to meet the truck to get our commodities. These guys are messed up bad.

**TF SR:** Is the GoFundMe that you mentioning get the SSSM to Winnemucca Indian colony' fundraiser? I see somebody posted it in December. I'll post that for sure and share that. Hopefully, that will get more donations. There's a CashApp too that folks have been sharing, I know the water protector legal support was passing around \$DefendWIC.

**JJ Ayers:** Those guys are raising money for motels and food for the elders.

**TF SR:** Yeah. So you're packing up stuff right now so that if an eviction happens, you at least have your stuff, it doesn't get destroyed, is that right? Or are you planning on leaving?

**JJ Ayers:** Yes. I'm just not listening to their laws. They'll probably beat me up and taze me too any day. So I'll probably be in jail. I probably won't even be able to talk to you next. But the cops haven't rat-packed me yet, but I'm sure they will. Because I'm like seventh generation on that Indian colony. They named the streets after my great grandmother and stuff. I'm staying at my son's place, that's where my great grandmother died, in her house. My other grandma died right across the street from there. Her name was Irene Leyva. So I've been up here all my life. You know what I mean? Since 1980. It's been a long time.

dents of the colony itself?

**KM:** Umm, with Judy, and Misty Dawn Rojo, I believe, originally from, not originally, but they have a property in Chino, California. There's a guy named Shannon Evans, I'm not sure, I've never met him -- I've never even met Judy Rojo or her daughter. And there's a couple other people by the last name Magiera and I can't remember the last one. But as long as I've been in the colony and I've been living there for almost 30 years, I've never met those people. I've never seen them. I don't know who they are. I've heard stories of Judy Rojo, saying that she's full blooded native, but then I've heard other stories saying that she's a Hispanic woman. And the Magieras and I think Shannon Evans were considered caucasian.

**TF SR:** But somehow they came into the leadership of this government recognized tribal council that makes decisions on the property?

**KM:** Yeah, exactly. And to my surprise, every legal court we've gone to we've always asked, "Hey, can we get proof that she's Native American?" Because as a Native American, when you're born into the reservation and enrolled, they give you a CDIB, which stands for "certificate degree of Indian blood", and it shows your blood quantum. Because a lot of funding and stuff like that -- federal funding that goes to the reservations -- goes by percentile. There's a school in California called Sherman Indian High School that only allows Native American students in but they actually have to be at least a quarter blood of Native American.

**TF SR:** So like, I understand that to be kind of a way to prevent other communities from taking advantage, like making claims towards the resources -- as meager at times as they are -- that are provided, but like access to/profits off of businesses that are run at times, casinos or medical programs that are offered to members of the nation, right?

**KM:** Yes.

**TF SR:** So I think I read somewhere that the colony is about 20 acres. How many people have been living on the colony? How many people have resided there? Roughly.

**KM:** Right now, maybe a little less than 30. Because like I said, the colony's broken up into two parts. The 20 acre spot is in the middle of the town and then I think it's 320 acres on the outskirts of the town.

**TF SR:** The Tribal Council is technically in control of, in terms of how the federal government looks at them, both of those or they just for the, for the colony, like the small 20 acre.

**KM:** They're actually looking at both of them but our concern is 20 acres because that's where we live. That's, you know, where we've been established for years.

**TFSR:** Yeah. Yeah, that makes sense.

**KM:** And on the other outskirts they opened up a marijuana dispensary through federal funding. And like I said, with the blood quantum, it's usually supposed to help cases like this. Fraud, basically. Receiving money under false pretenses.

**TFSR:** Did they open the dispensary as a tribal business that would go to benefit the common needs of people in the community, such as elders?

**KM:** Yes. Yeah, they even had a vegetable garden, too. Because there's certain residents that are allowed to stay in the colony then. And then there's us, the residents who are evicted and banned.

**TFSR:** Is that banishment and eviction based on their claim that folks don't have a paper trail or that you're just on a place that they have eminent domain over? What are they claiming with that?

**KM:** Well, a lot of times that they've asked us in court is if we're enrolled in another reservation. Most of us are because there's no enrollment in Winnemucca. But there's no rule against dual enrollment in Winnemucca. But most of us are enrolled in McDermott, which is 69 miles north of here. A couple of people are in Lovelock, and I think there's some from Summit Lake. But the people who are on the colony -- I'm related to pretty much everyone there -- but they're allowing certain individuals to stay while evicting others who are against what they were doing.

Her basis is saying that we have no claim, that we don't have any eligibility to be part of the tribe. Even though we do, my grandma was just telling me stories about her mother, who when she was a child, she'd come to Winnemucca and spend time with her brother who lived on Winnemucca, and their mom. And my great grandmother was born in 1899, so you can only imagine how far back it goes.

**TFSR:** Yeah, that definitely would predate the 1916 or 1928 dates.

**KM:** Yeah, exactly. And then she talked about other relatives, because there's a list of actual people on the census. And she'd look at it and say, "oh, yeah, we're related to them, we're related to them". And I'm like, "of course, it's a small area". We're pretty much related to everybody in this area. I mean, I got family in Owyhee, another reservation up by Idaho, Pyramid Lake. I have family, Reno Sparks, I have family and Lovelock. I have family in McDermott. I have family in California, in the Pitt River.

But what she's doing, it amazes me, it really is colonization unfolding in front of everybody. It's non-native people -- and we're assuming non-native because

By then your places burned up. My place, they didn't even try to put out. They just let it burn. It burned from one in the afternoon till 11:45, maybe 12 at night. It caught up three other times early in the morning. They had to come and spray water on it again.

But after they burned down my house, then they got a court order to ban me from going on to the property to get my stuff that didn't get burned up. They got cameras on the tribal building right across the street from my lot, and if I got caught going up there, they're gonna hold me to contempt of court.

**TFSR:** You lost a couple of animals in that fire too, right?

**JJ Ayers:** I lost three dogs and a cat. Me, my girlfriend, Ed and my son, the four of us were living there. We lost everything we own. Everything, clothes, papers, titles, everything got burned up except for a few items in the yard that the flames didn't get. Not one of these tribal Indians tried to help us after we lost everything. They didn't even bring us a case of water, didn't bring us no food. Nothing. You know what they did? They got a court order to kick us off the reservation. How's that? That's pretty low life to me, I think.

**TFSR:** Yeah. It seems like there's been stuff going through the courts for a bit around these banishments and around evictions. I had spoken to Kyle last week, and I think that might be who you're talking about who took his grandma to the doctors and got attack.

**JJ Ayers:** They tased him and beat him up. He's in jail. He's just getting out today. They sent him over to Reno Jail on Park Boulevard, and he's just gonna get out of jail today. I don't know what his bail was but I'm sure was a whole bunch. They dropped the trespassing charge and just got him for resisting arrest and not obeying the police officers orders or something like that.

**TFSR:** Kind of sounds like the same thing, but it's funny how they just trump up a bunch of charges all at once.

So, the next step, the next legal step, at least, is the ITCAN Court that had a hearing last Thursday. They decided to change the link on the Zoom meeting for it, I guess beforehand. Was there a conclusion from that? Or the judges still discussing it?

**JJ Ayers:** We've got it in appeals court right now. And that's another thing. They do court over a phone and all of us senior citizen Indians up here... we don't have very good phones and we can't even go on court to listen to our damn court, and what's going to happen. Another thing, when they served us papers to evict us off the Indian colony and stuff. They never served them to hand in hand. They threw them out in the damn street and zip tied them to the fences. Not one of us got



prove it. But there was three big fires up here on this Indian colony. Barbara Mill's house. She died and somebody burned down her house. I think it was Judy Rojo and Bob McNichols.

Then they are building a Tribal Administration Building, because we got 20 acres in town, and we got 320 acres up by water Canyon. They were building a Tribal Administration Building. They're building some low income houses up there, too. They got about six of them built now.

**TF SR:** Is that for tribal members? Or is that for someone else?

**JJ Ayers:** They said it was supposed to be for tribal members, but they're kicking all their tribal members out of there, so I don't know. For their eligible tribal members, none of those people even live in Nevada, and none of them could even prove they're Indian. But that's their eligible voters. They got 26 eligible voters. And when we were on council, we had like 170 people that could vote. So these guys are really coyote and they're just banking all that Indian money in from the dispensary in our smoke shop. Then they found out they can't sell cigarettes because they didn't have a cigarette license. We had a cigarette license, our tribal council, so they bulldozed down our trailer after they sold out all of our cigarettes and put us out of business so we can make no more money.

**TF SR:** Jimmy, did you mention that when like 30 or 40 people came out from California, did you say that they were like American Indian Movement, AIM, working with the BIA?

**JJ Ayers:** Yep, it was American Indian Movement (AIM). Today, they say they close that chapter and those guys don't act like that anymore, but I really don't know. I don't really know those guys that well, you know what I mean? I imagine they got chapters all over just like a biker gang or something like that, I would think.

**TF SR:** Do you know where that chapter was from? The one that they said they closed?

**JJ Ayers:** California somewhere, Northern California. That's all I know.

They built those houses up there. They burned down my place, burned down Barbara's place, they burned down the Tribal Administration place. I'm pretty sure it was them, because all the fires have the same trademark. There was a big loud boom and then 30 foot flames in the air. Plus the fire department, they wouldn't let the fire department put it out until the BIA cops give them permission to go on the Indian colony. He had to come from McDermott, which is 40 minutes away.

Meanwhile, the fire has burned in full steam for 40 minutes, by the time the firemen put their hoses out and hook up to the deal, that's another two hours.

they refused to prove it, even though every member on the colony could prove because we were given an ID card saying we are -- but it's non natives coming, taking Natives off Native American land to use for their own funding, for their own good. Because I don't know what the money is, they got COVID money too from the American Health Program. And then they got an EPA funding to clean up the reservation and I'm not even sure what else they have.

**TF SR:** This conflict has been going for a long time, and it seems like the conflict around questions of legitimacy and tribal governance has been going on for a couple decades in terms of that tribal council. But the Winnemucca colony lies near to Thaker Pass, which is a traditional territory, as you said, like a number of Indigenous nations in and around so-called Humboldt County, Nevada. Importantly, there are deposits of lithium clay, and that industry and the settler state want to be used for things like phones, for laptops, for electric cars, home solar relays, like those are just the things that I can think of off the top of my head that lithium is getting mined for on large scale, and other so called like "green energy" things. Is there any relation do you think between the push to "cleanse out" certain people from the colony? Do you think that there's any relation to the push to open this mining process, or do you think it's just another tension in the community?

**KM:** I've never haven't seen anything like that. But I've heard rumors and, you know, just speculating, just kind of seeing things that are happening, it did seem like that. Because there were rumors going around that she was going to destroy all the houses and then she wanted to build condos and stuff to help the miners go back and forth from work.

And then the timing was kind of weird, just recently, because next month they have a Thacker Pass argument going on. And we just get hit with this out of nowhere. At one point -- I believe that they said, I can't be 100% -- but they said that they were for the mine. Then later on, when this started getting more outreach, they were saying, oh, no, they're against the mine. And that the BLM didn't confer with the Winnemucca Indian colony, because a lot of the people from the colony are from McDermott, who are fighting against Thacker Pass.

But like I said, we're all related. So, it's a whole family thing, everybody. We got people from Hawaii at Thacker Pass, we got McDermott, we got Pyramid Lake. AIM was out there. There's a bunch of different organizations trying to go against that. But to me, it's oddly suspicious how it's happening. Because when you're going to the mine that they're building, or they want to build, Winnemucca is the biggest town to it. Because there's Winnemucca, then there's actually the town of McDermott. And it goes right to the mine, so either they're gonna stay in McDermott, or they're going to stay in Winnemucca?

**TF SR:** And it seems funny if the council, like, government that's supposed to be representative of the community...there's no consent discussion around like, "Well,

what do you all think about this thing?” Doesn’t sound very democratic.

**KM:** Oh, no. I’ve seen a couple of meetings in McDermott when they’re talking about it, and it just seemed completely, from what I saw, it was everybody against it. Except there’s a certain couple that were trying to vouch for it. But usually what it all comes down to is just money. That’s the, that’s the main thing that happens.

I’ve read articles on the Thacker Pass, and out of curiosity I go and look at the comments. And then maybe 90% of the comments were just talking about money, or how much someone invested or how much they think they should invest or asking why it’s being postponed, “it should be open already”. And that’s everybody’s concern. They don’t care about, you know, pretty much tribal sovereignty. Because they’ve had an appeal set in for considering it a historic land spot for the Northern Paiute Shawnees. But that was denied by the federal court.

**TFSR:** Like they don’t recognize it.

**KM:** Yeah, they said there’s just not enough evidence to base it on that.

**TFSR:** In that same interview that I was mentioning, the Facebook Live that you participated in, I think it brought up the display of red dresses symbolizing missing and murdered Indigenous women that were being displayed that were removed by either private contractors or law enforcement or something. And you talked about rumors, at least, that the land that’s cleared that people are being evicted from now, could be condos that would be used for housing miners. I mean, that’s basically what they call a “Man Camp”, right?

**KM:** Yeah.

**TFSR:** Can you talk about some of the concerns to your understanding of, like, why bring in the missing and murdered Indigenous women symbology to this and like, what people are afraid of with a Man Camp coming into the neighborhood?

**KM:** See the man camp, I think, I’m pretty sure that was debunked. There was a guy who actually had a record of showings where they actually wanted to put it. They do want to put in a Man Camp, but it’s not going to be on the colony. But I believe it’s going to be somewhere else. But it’s still dangerous. My brother used to work in the Dakotas, he worked on the pipelines there at one point, and he said guys will just get drunk on their days off, go cause problems on reservations and leave. He said they take advantage of the women there and abuse the guys and all that kind of stuff. He said he got tired of it. He quit and came back to Nevada.

But what the red dresses were up just to show solidarity for us supporting the missing and murdered Indigenous women. Because it’s a sad thing and it happens in these situations do lead to it. And the residents are ones who told me

them off for like three days, but she was an old lady and she needed her medication and stuff. So, finally she had to come out and then they took over our smoke shop too. After they took over our smoke shop, they were telling us that we didn’t have no rights and they’re going to kick us off to Indian Colony. They were the new tribal council.

How they got power is by a BIA superintendent. These people that took over the Indian colony never ever lived on the Indian colony. None of them are even from Nevada. All of them are white folks, they don’t got no tribal enrollment numbers or no Indian ID cards, and they’re in current control of our Indian colony today as we speak. Judy Rojo’s the name of the tribal chairman, but she thinks she’s like a president or something. She don’t even go by the Indian bylaws that we have. All Indian colonies have bylaws. She don’t go by no bylaws, she makes up her own laws as she goes. She got a bunch of crooked lawyers, crooked judges, she hired her own police, she has her own private police, and she has the BIA police in her pocket to do her dirty work for her.

The reason she got power is because... We took them to the Ninth District Court and we beat them. They were supposed to stop and turn the colony back over to us back about three summers ago. They never did, they just kept on rolling with their businesses. They started a marijuana dispensary shop under the name of Winnemucca Indian Colony, also. They’ve been making a million dollars a year off that place probably. They’ve been running that Dispensary for 13 years now.

So now they changed the name from the Winnemucca Indian colony. We had a deal. They were supposed to get 60% of the profit and they were supposed to give 40% of the profit to the residents on the Indian colony which was back then like 26 families. Now it’s down to like 24 families. A lot of people died from old age. But out of 20 some odd families, they kicked out 14 families. The families that refused to sign their contract and pay \$400 a month to rent. There’s like five families up on the Indian colony right now that pay their rent and they could stay there. But everybody that didn’t pay their rent was getting evicted. They kicked us all off.

The BIA police beat up one young man, he’s probably about in his late 30’s. Beat him up. He had to take his grandma to Reno to the hospital and then when he tried to come back home to her home, they wouldn’t let him even go through. They got the colony barricaded off. They guarded one entrance on Bell Street and then on South Street, there’s only two entrances on the whole Indian colony. They got South Street locked with these big chain link fences and a padlock and cement blocks. That streets totally blocked off. They said that they got the Indian colony locked down to all public people except for approved residents.

So they won’t let the mailman come on here. They won’t let the electric people come on here. I tried to get wood delivered to my place, my son’s house, and they stopped the wood delivery. I could get no propane either. Same thing with propane. I tried to get propane delivered. No way they won’t let nobody go through. They said we don’t need propane because we don’t live there no more. My house got burned down. I don’t know. I think they burned it down, but I sure can’t

## Jim J. Ayers

**TFSR:** Would you please introduce yourself to the audience with your name, your location, preferred pronoun, any sort of affiliation that would help them understand who you are.

**JJ Ayers:** All right. My name is Jim Ayers. Jimmy J Ayers. I was born and raised in Winnemucca, Nevada, I lived here all my life. I'm 63 years old. And I've lived on the Winnemucca Indian colony since 1980. I grew up and went to school here, worked here all my life, and we never had no problems on the Indian colony. I was a tribal chairman a couple of times for the tribal council. I've been on the tribal council several different times. That's where I'm from.

**TFSR:** So you if you were on the tribal council a couple of times, and you were the chairman, can you talk about what happened in 2012 or 2011 with the tribal council and why it is that they're now deciding that people like you and your neighbors aren't allowed to be on the Indian colony?

**JJ Ayers:** Okay, In 2012 we had a tribal council. It was Jeremy Ayers, Linda Ayers, Alan Amber, Cheryl Applegate-Lawson, and Rosemary Thomas. We were the official tribal council in 2012.

Well, one Sunday, about just before noon we were all sitting in church and we had an alarm system on our Tribal Administration Building and our alarm system went off. My sister says, "Oh, I'll be back to church. I'm gonna go shut it off." She ran over there and by the time she got there, Judy Rojo and Bob McNichols, and all these goon squads that are kicking us off the Indian colony right now were over on our tribal building, they broke into the building and changed the locks. My sister went over there and they were going to try to throw her in jail for resisting arrest. They did eventually, but they didn't get her for like three or four hours, because in her office, she has a steel door, and she just went in there and locked the door. They can't get her out of there. But there was some guys from AIM from California, there was probably about 30 people armed with tasers and guns and everything and they were going to take over our Indian colony.

So what they did is they went in that tribal building and took all the files and records and our computers and all of our tools. Just took everything out of that building they could put it in a U-Haul and hauled it off. Then they went over to our smoke shop because we had a tobacco shop, we were selling cigarettes there for at least 20 to 30 years. We had a whole bunch of money from selling cigarettes in the bank. They were trying to take over our cigarette shop, but the gal in the cigarette shop did the same thing. She locked the door and they can't get in there. She held

because I've missed it, but the residents are saying they're tearing down the red dresses. And for what reason? If Judy Rojo is saying that she's Native American, why would she do that? Why wouldn't she approve of that? And we put it on the fences to show another sign, because Judy Rojo actually built a barbed wire fence, a six foot fence around the colony blocking people. Then at one point, there was a gate up there. I got locked out one time when I was coming home.

**TFSR:** Who was manning the gate?

**KM:** Bob McNichols.

**TFSR:** This private contractor who works with Rojo?

**KM:** Yeah. Like I said, he's the owner, CEO, whatever he'd like to call himself, of the RezBuilders.

**TFSR:** Mhm. So getting back to the folks that were evicted -- you don't have to name anyone you don't want to -- but can you talk at least about the kinds of people that have been evicted? What's happened to their property? And a little more about where are they at right now and what kind of conditions are they in?

**KM:** As of right now, they are surviving on donations that people have sent because of stories that they're hearing or they see it firsthand. Right now they're staying in a motel, in the casino, I believe. And they're all there just trying to wait to see what happens.

From the beginning, one person last year, I believe it was, [her] house [was] completely destroyed. They gave her, like, a couple hours to get what she wanted and they destroyed it pretty much right in front of her. And in doing that, they actually punctured a fuel line, a gas line, and they left it open. Another time they were ripping a railing off someone's trailer. They shut off people's power, they shut people's water off. They tore someone shed down. They just tried to clear everything out. And they kept saying that they have the authority to do it when they actually never did. And most of these people, like I said, are elders. They are older people that are on disability, they can't work. One of them, he had a generator hooked up to his house to keep himself warm. I gave him firewood, when I had a tree that I cut down, I gave him firewood.

They're usually on disability, Social Security. My neighbor's on disability, but at least he got to stay because he's not very mobile. And then there's small kids. And I know a couple of them are on the spectrum, I believe. And they don't know what's going on, you know? They're just wondering why they can't go home. They destroyed a house last year -- which was put on Facebook, a lot of people saw them while they were destroying the house -- they destroyed it and they kicked the guys out. And then they didn't allow them to get all their stuff, but they threw all their

stuff on the ground and told them they could pick it up later.

Then there was a building on there for tribal meetings, stuff like that -- they've had court there at times before -- that they turned into a jail. They put in a wall, they put in cells. And I don't even think there would be any kind of regulation on that. I don't think that'd be approved by any kind of authority. Because you have to have certain things to be able to be considered a jail, and government operated. And I don't think they'd even be able to do that in that small area.

**TFSR:** Otherwise, it's just kidnapping.

**KM:** Yeah, it's just locking someone in a house, basically. Or a building.

**TFSR:** I think it's worth noting that, I mean most people are not homeowners, most people are renters in this country, to my understanding. That causes a lot of destabilization, and a house is a way that working class people can actually save some money for themselves or maybe build up a little bit of economic stability. And so going in and demolishing people's houses without recourse is a terrible burden on people that, as you said, in a lot of cases are already on disability or unemployment or on social security because they're retired, because they're too old to work. Yeah, that seems like a really dangerous position to put people in.

**KM:** Yeah. And specifically with my grandma she was part of a program called the Mutual Help and Occupancy Program, and it's for low income Indigenous people to actually purchase a house. And that's what she did back in the 70's, she got approved for it, she started paying for the house and once all the payments were up to pay for the house, the deed was signed over to her. But they're still saying that nobody's allowed on there but her. I was like, how does that work? She has family, she had three kids. And then right now I just found out today that they boarded up my windows and my door and my house, because I'm out of town right now. So I am going tomorrow, which is Wednesday, I'm going back, because that's my expected time, and I'm going home. I don't care what they say, I'm gonna go take down all the boards, whatever they did and go home. That's where I pay my bills. I was raised there. I was born in Winnemucca.

But other people are probably gonna get it worse because they brought their own trailers here. Some of them did, some of them brought their own trailers here because they were told they could stay here. And the then-counsel said, "Alright, here's your spot, hook everything up, and you should be good". And that's what they did. And now they're just destroying them.

And the thing is, everything that they say is lies. And it's amazing how they go through court. Because at one point, Miss Judy Rojo was saying that she was related to the past chairman [JJ Ayers], then she was just saying that the chairman was her mentor, then she went back to saying her chairman. Then she was saying who she's related to on the roster from 1916, then it kept changing. And she just

They have no tie to the colony or this and that and they're allowed to stay. Just because we spoke out against it, we're the ones evicted. Just like any kind of tyranny or dictatorship that happened, you start speaking up against something that's more powerful than you, they try and silence it.

**TFSR:** Yeah, and once people's homes, with all of their family heirlooms and their, whatever, get destroyed, that's not something that can just be replaced with a court order. A stay of demolition won't bring back someone's family photos, or the walls that have kept them sheltered for so long that generations have lived in together... yeah, it seems super time sensitive.

**KM:** And like you said, yeah, there's no price on that, you can't pay a price on a memory. I go through my house still and I remember all the old stuff that I had when I was a child. I remember when it looked like this, or when this changed in the house. Who was staying where, because several people live in the house: me, my little cousins, my dad, my great grandmother, my grandmother, my brother. Pretty much all my family has stayed there at one point. And that was the house that we all went to as children to play, that's the place we'd go to spend time with family. It was always home. Now we're in the process of losing that. Which we shouldn't be able to legally anyways, we have all the paperwork but they keep denying them.

Because every Memorial Day, when I was a kid, we'd go to McDermott to clean our graves and pay respect to the ones that passed. Then we'd stay in McDermott a little bit, then we come back to Winnemucca and then all just sit there and eat and talk and catch up. Thanksgivings, we've had Christmases, and I'm sure the same goes for the rest of the families. They've had their Christmases, they've had family arrangements, they've had losses. Now they're losing more stuff they might hold dear that that person left them.

**TFSR:** Yeah. Well, Kyle, thanks a lot for talking. I'm gonna get this up and out as soon as possible, probably won't be before tomorrow morning, but I really appreciate you taking the time to speak with me and I hope that this helps get word out. Wish you good luck and please keep in touch if you have other things you want us to pass along.

**KM:** Okay, I appreciate it. Like I said, anything helps at this moment. Just hope someone could hear it. I'm going back tomorrow and I'm gonna film it if they try and arrest me. I'm gonna put it on my Facebook Live.

**TFSR:** We'll definitely link to your Facebook then. All right, have a good night and good luck.

**KM:** Alright, thank you. You too.

part of it. We don't live to conquer, we live to be with it. Because that's what we do. The earth takes care of us and we take care of the earth. But now it just seems like people are just destroying everything, destroying homes, destroying connections, destroying the land for personal gain.

**TFSR:** Yeah. Yep. And extraction and displacement are really, really tightly connected, right?

**KM:** Yeah.

**TFSR:** So, you said there's the InterTribal Court of Appeals of Nevada hearing in the morning on December 15th. There's information about how to get onto the Zoom call that'll be in the show notes for this and that also is up on the Water Protector Legal Collective website for folks who want to see that, which is calling for a stay of the eviction and banishment, which that lower court already denied.

You've mentioned Cash App and sending donations, I'm sure that there's information about donations for legal support for funding the lawyers, because it does cost money to file paperwork and do research. And getting videographers down there and media to cover this. Is there anything that we haven't talked about in this, anything at all that you want to bring up?

**KM:** From the legal sense not really. There's still, to me, there's still a lot of hearsay. And I've tried to stay out of this for so long, like just lay low. I wasn't trying to play the social media game, I was trying to go by the legals, get the paperwork in, get evidence, and hope for the best. But at this point it seems like that's gone nowhere so that's what I've been trying to do, is just get this out in the public. To let people actually see what's going on, so they actually see what colonization actually is. And what it does. Right now it's destroying these houses and these families. They're living in a motel right before Christmas and it's heartbreaking. They don't know what to do. They don't have the money, they don't have the legal assistance, they don't have much of anything.

The best thing to do is just get the word out, and maybe the right attorney, or anybody, could hear something and see what they can do from their point. Because I'm not a professional in anything. I'm not a host, I'm not a journalist, I'm not a lawyer, I'm none of that. I'm just one guy who's just trying to live in peace.

But I think the main thing right now, because it's snowy in Winnemucca, and it's cold, it's just to make sure they have a place to stay where they don't have to worry about being in the cold, because they don't have a homeless shelter in Winnemucca. It's just Indigent Services. And sometimes they don't even approve you for that. And the people in Winnemucca just kind of stood by and watched it. Probably expecting someone else gonna do something. But it didn't work out that way and now look at it. They closed up the colony again, they evicted these elders, they evicted kids, and they kept a certain specific few who they like to stay on the colony, even though they're in the same position as us.

refuses to give up information to prove it.

And the thing is, that was asked by the Ninth Circuit Court before, they still never answered. And they lost in the Ninth Circuit Court. So, we're still amazed on how this is still going on with these lower courts, because we just got lowered to another court from a CFR court, because there's different levels of courts. Then I got the update yesterday that we have another stay on the order of eviction, on Thursday, which is the 15th, in the morning for oral arguments, to say this is wrong.

**TFSR:** Yeah, cuz the last day order was denied by a court and then they basically said, "Alright, it's out of our hands until it gets argued in the next court".

**KM:** Yeah.

**TFSR:** And in the meantime, people's houses are being destroyed while it's still being argued.

**KM:** See, I'm not sure if they're being destroyed yet. They might be waiting, but they're restricting access to the colony. Even the people who live in Winnemucca, the BIA was pulling people over without no probable cause, just because they drive on the colony to get pulled over. And they were arresting people. I've seen him tow someone's car.

**TFSR:** Like, obviously things are going to come to another head on Thursday when there's these oral arguments court proceedings. Stopping the permanent eviction of people from homes is paramount. And it sounds like from what I understand, during the evictions, the Feds from different agencies were brought in and some people are already facing charges, who maybe can't be on the ground without facing additional charges. So, there's already a bunch of people who would be there, at least protesting or whatever, trying to stop these evictions or destruction of houses if the tribal council decides to move forward with that.

How can people who are in the area who are not already engaged offer help? What would you like for them to do?

**KM:** Well, like I said on my podcast, the B&B Indigenous [Podcast], right now the biggest thing that we need is legal help. Because what we have is NLS, Nevada Legal Services, which has been fighting this case with us this whole time. It's basically a public defender's office. So they're probably overloaded on cases, they got to go to different areas just to defend other people. So they don't have time, especially in case of this scope because this has been going on for decades. Legal help would probably be one of the biggest things so we can actually fight, even if we lose the stay, or we could still file more motions.

Which, I've filed some motions on my own when I first got involved in

2020 again, because I was gone for a little bit, and I wasn't actually representing till last year. So a lot of the time I was getting advice from the NLS on how to do my paperwork. But now it just seems, like I said, they have case overloads. We just needed a lot more legal help.

And, of course, we need a place to stay for them. They've contacted Winnemucca, like indigent services, and they said they could help to a certain point. And we've had people donate already. But the thing is, I don't know if the money's being distributed equally. Not equally, but you know, but who needs it most and who needs what. Because they do have a Cash App, but I'm not sure who actually manages that, because I've never needed help with the financial side. But right now, they don't have anywhere to go so they're staying in motels and you know how motels are, they could be expensive. You know, they need food, they need water, shelter. They probably need gas because someone's still got to go to the store and do stuff and with the price of gas nowadays...

But I do have a Cash App, and they're saying that it's everybody's, so that's all I have right now.

**TFSR:** And if you want to name that Cash App, then that's great, I'll put it in the show notes, too.

**KM:** Yeah, it's **\$defendWIC**

**TFSR:** And I saw that the Water Protectors Legal Collective is helping out on this and they've been doing some updates on their site, which is good. Which doesn't mean that you don't need more legal help.

**KM:** Yes, that'd actually probably be the better place to reach them because they have different setups due to legal reasons. I think there's a link on there to show exactly direct support for the elders.

**TFSR:** Oh awesome. Cool, cool.

**KM:** So, people could just go to that, too.

**TFSR:** I saw one thing on social media requesting for people to come and witness, especially video videographers, people who could record it. And it sounds like you've been doing a lot of work to talk and get the word out about what's going on. There's also this Instagram page where you can see short interviews, it's @Neweneensokopa (Newe'neen So'ko'pa), that has a lot of interviews with folks and photos from the colony. But interviews with folks who are in hotels who have been evicted talking about their story and their struggle.

And so do you need journalists to go out there? And do you want other media to be contacting you? Like, I'm kind of surprised that I haven't heard some-

thing like this on Democracy Now! which has a pretty big reach.

**KM:** Oh, yes! Yeah. Last year we had a member who contacted KOLO 8-TV news which is out of Reno, Nevada -- he contacted them to try and tell our story, but Judy Rojo kind of shoved her way in and just told her side of the story, and didn't listen to any of the residents and then KOLO 8-TV just ran a story on it. And then even with the local newspaper, it was Humboldt Son at the time, I think it switched, but they ran the article too which basically showing favoritism towards Judy Rojo. With false claims of drug addicts and violent people and stuff like that. And I went on there and said "how are you going to say these people are violent and stuff when they're old? They could barely get around, what are they gonna do?" But Judy Rojo insists that they're violent. When that gate was up, she was insisting that they were ramming into the J rail or threatening people with a gun when nobody was even there.

**TFSR:** Yeah, there's a couple of stories on the Nevada Independent that are pointed to from the Water Protectors Legal Collective, which I think seem pretty even handed, and sort of point out some of the points where the conflict is stemming from.

**KM:** Yeah. Because I've tried to ask the newspaper to run something and they were going to do it until Judy Rojo sent them another letter of what she wanted to publish, and then the newspaper said they don't want to be involved with this.

**TFSR:** Yeah.

**KM:** They're not going to run stories either way. So that silenced us at the same time with the community. We didn't get an opportunity to say who we are and what we do. We didn't get to tell our story, even though they just painted a bad picture saying lies and everybody seem to be believing them.

**TFSR:** Or the media platform was just like, "This sounds complicated. We don't have the resources or interest in order to try to figure out who's telling the truth in this", or some sense of "fairness" of hearing both sides of a story, or whatever that is.

**KM:** Yeah, see, I was kind of assuming that too. And then that's what I was thinking with the whole lithium mine thing too, because I think more eyes are going to be on that than anything, especially Nevada. Because they've had tons of supporters. And I'm, you know, I'm glad for that. And I hope they could get more because that's wrong too. All this is going down and it's wrong. And it's all for money.

Native Americans, we didn't have money like that when we were first here. We lived by what we had, what we took from the land, we only took what we needed. We didn't try to take more than we needed to destroy the land because we're a