



FILE: NA-Develop
TRANSNATIONALS
1976-1980

**GREAT LAKES TRIBES
AND
MINING DEVELOPMENT**

A CONFERENCE READER

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A TRIBE JOINS THE THIRD WORLD

AL GEDICKS

Long before Columbus discovered America the Chippewa tribes who inhabited the Lake Superior region had known of copper deposits in what later became Michigan's copper country. Some of these deposits had been worked by a forgotten race of pre-Columbian miners. Reports of rich copper deposits filtered through French explorers and missionaries and in 1771 an Englishman tried unsuccessfully to mine the deposits. But it wasn't until 1842 that the U.S. Congress stole this valuable real estate from the Indians through a treaty by which the Chippewas were forced to cede 25,000 square miles of territory to the federal government. This wholesale robbery impoverished the Lake Superior tribes and enriched several generations of Boston copper-mining families.

Now the great wave of mineral exploration in northern Wisconsin by the giant oil and mining corporations has once again brought the descendants of the Chippewas to the crossroads of history. The members of Wisconsin's Lac du Flambeau reservation have been approached by the Phelps Dodge Corporation, a leading producer of copper, to grant the company exploration, drilling and mining rights on tribal lands. The questions being raised at Lac du Flambeau, and the answers being examined, may point the way toward the consideration of alternative mining development strategies in other Wisconsin and Minnesota communities.

The question of whether, and if so how, to go ahead with mining development in one of the last remaining wilderness areas in the United States is particularly painful for the tribal council of the Chippewa Lac du Flambeau Band. This wilderness area is not only valued for its natural beauty; it can also be an income-generating resource to be developed as the tribal council sees fit. At the same time, the tribe faces many of the economic and social problems that afflict other Indian reservations throughout the United States. Unemployment, underemployment and housing are among the most severe of the Lac du Flambeau problems. There are approximately 800 people on the reservation and 37 per cent of the available labor force is unemployed. That compares with an unemployment rate of 7.8 per cent for nearby Vilas County. Nearly half of those who have found jobs are employed by public agencies whose funding varies from year to year. Almost half of the tribe's population is under 20 years old, because at about that age most of the Indians must leave the reservation in search of education and jobs in the cities. In short, the reservation's economy is stagnating.

But is mining development the answer to these basic economic problems? That depends on what kind of mining development is being discussed. In their attempt to cope with their situation, the Chippewas at Lac du Flam-

beau are asking questions that few in the United States have asked before: who makes the decisions about mining development?; who pays the cost?, and who receives the benefits? These questions have already been raised firmly by Third World countries in their dealings with multinational oil and mining companies, but the mining companies which negotiate such contracts *within* the United States pretend that the questions are not suitable for discussion. Why are they being raised now by the Chippewas?

The analogy between the Third World and Indian tribes in the United States is the key to the answer. There has been an important change in the self-image of both native Americans and the peoples of many Third World countries. In the case of the Third World, this change takes the form of economic nationalism; among native Americans, it becomes a demand for self-determination, for the control by Indians themselves of their own lives and destinies. At a recent conference on Indian Resource Development Alternatives, Charles Lipton, an international lawyer who has negotiated mining agreements for many Third World countries told the assembled delegates that "the mineral leases that you now have, to put it mildly, . . . are miserable. The Indian mineral leases I have seen are among the worst mineral agreements in the world."

A second reason for the changing attitudes about Indian resource development is that mineral deposits are rapidly becoming more valuable. As Third World countries begin using their minerals for their own industrial development, the supplies available to the United States, Europe and Japan become scarce and the price rises. Accordingly, the mining corporations are under pressure to develop mineral deposits within the United States, and resource-rich areas find themselves in an excellent position. Nor is there any reason to fear that tough bargaining will stifle mineral development in the United States. In the case of the Third World, as Guy Erb of the Overseas Development Council has pointed out, "We know that, in spite of very detailed and extremely specific guidelines and regulations, American firms and European firms are falling over one another to do business in Eastern Europe and Communist countries." If Phelps Dodge wants the copper ores in Lac du Flambeau, then it must agree to the terms set forth by the tribal council of the Chippewas, exactly as it agrees to terms set by Third World countries that have minerals to sell. If Phelps Dodge does not want to do business on those terms,

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there are plenty of American and European firms that will gladly take its place.

A third reason for the changing attitudes is a growing awareness on the part of both Indian tribes and Third World countries of the alternatives available to them with regard to the control and development of their own natural resources. Encouraged by the example of the Organization of Petroleum Exporting Countries (OPEC), Indian tribes are considering what they might do other than simply let outside corporations exploit their non-renewable natural resources for a lease fee or royalty. Through the recently formed Coalition of Energy Resource Tribes (CERT), the Northern Cheyennes have held up the strip mining of coal on their reservation and now consider the possibility of developing this coal themselves, either alone or in joint ventures with private corporations. The 30 billion tons of coal on Northern Cheyenne tribal land and the 18 billion tons on Crow tribal land adds up to a reserve greater than that of most governments in the world.

However—and this is a fourth reason for the changing attitudes—both the Third World and the American Indians realize that when they try to regain control over their own natural resources they inevitably run up against the determined opposition of the largest multinational corporations and the United States Government. The essential continuity of corporate-governmental collusion abroad and at home is best illustrated by the response of Kennecott Copper Corporation and the U.S. Government to the Chilean nationalization of copper and the leasing of coal lands from the Northern Cheyennes.

No sooner did the democratically elected Chilean Congress vote unanimously for the nationalization of all American-owned copper mines in Chile than Kennecott and other multinational corporations like Anaconda and ITT, in conjunction with agencies of the U.S. Government, began a campaign of economic warfare and political subversion against Chile. These policies, carried out over the three-year period of the Allende government, provided the essential context for the military overthrow of a democratic government. The same collusion between multinational corporations and the U.S. Government can be seen in the behavior of Peabody Coal Company (a subsidiary of Kennecott) and the U.S. Department of the Interior with respect to the leasing of coal on Indian lands.

The leasing policy of the Department of the Interior, while purporting to be competitive, has actually abandoned public responsibility to corporate interests. After a noncompetitive bid, the Northern Cheyennes leased 16,000 acres of their land to Peabody Coal for 12 cents an acre. But in competitive bidding just two years later, two sales in the same area drew six bidders each, and the winning bids approached \$16 an acre: Richard Bodman, Assistant Secretary of the Interior, has admitted that "leasing generally has been on the basis of industry expressions of interest." Moreover, as international lawyer Charles Lipton has pointed out, those Indian coal leases, which provide for a fixed royalty per ton of coal, cannot be considered fair and reasonable because the value of coal is bound to increase during the energy shortage, while the value of the dollar will decrease due to infla-

tion. "That kind of royalty," Lipton continued, "has no relationship to value, let alone profitability, and that kind of royalty has not been seen in international mineral agreements since the end of the colonial era." Peabody Coal has given better deals to foreign governments than it has given to the Northern Cheyennes or the Navajos.

Finally, both in Third World countries and on Indian reservations it has only been in recent years that local expertise has been acquired to challenge the monopoly of technical knowledge possessed by the multinationals. The counterpart to the Arab oil minister returning with an economics degree from Harvard can be seen in the Indians who are returning to their tribes with training in law, economics and geology.

There is, however, at least one important difference between an Indian tribe in the United States and a Third World country. In oil- and iron-rich Venezuela, 1 per cent of the population receives 51 per cent of the national income, while 40 per cent of Venezuela's 12 million people live in economic and social misery, in tin- and cardboard shacks in the cities or in adobe hovels in the countryside. This extreme concentration of wealth and income is inconceivable for the Indian tribes, a good part of whose resources are owned communally. In addition, while many Third World countries have undemocratic governments, Indian tribes are required by federal law to govern themselves democratically. Thus there is a strong likelihood that the benefits of development would be widely diffused among native Americans if Indian tribes regained control of their own natural resources.

But this optimistic appraisal is based upon the continued jurisdiction by native Americans over their own lands. While this right is acknowledged under present law, it would be almost totally wiped away by the passage of Senate Bill 1, the infamous criminal code bill drafted during the Nixon-Mitchell years. That is the conclusion reached after investigation by attorney Alan Parker of the American Indian Lawyers Association. Section 203a of S.1 "would abolish the distinction between Indian country and other types of federal enclaves for purposes of delineating the reach of federal law," reports Parker. While purportedly designed to "achieve uniformity" in federal criminal law, Parker points out, it really amounts in this case to treating native American lands in a way "uniform" with military reservations or national parks, thereby denying the obvious difference that an Indian reservation is a distinct political community where tribally owned land cannot be sold by individuals.

At the local level, the most immediate problem facing the Chippewas at Lac du Flambeau is their lack of knowledge about the nature and extent of their mineral resources—a problem they share with every potential mining area in Wisconsin and Minnesota. Despite the fact that the tribal council does not know the potential value of the minerals in question, Phelps Dodge has asked the tribe to put a price on them. This puts the tribal council at a ludicrous disadvantage, because Phelps Dodge knows well enough what it is undertaking to buy.

This crucial information, to the extent that it is available, is considered the proprietary information of the

mining companies, despite the fact that upward of 50 per cent of the costs of exploration are paid by U.S. taxpayers. Moreover, the same companies that withhold such information in the United States hand it over as a matter of course to the mining ministers of Third World countries. Thus there exists the incredible situation in the state of Wisconsin, according to state geologist Dr. Meredith Ostrom, that 150 years of survey data are in the hands of private companies, and none of them is made available to the state. Under these conditions the state geological survey can be of only limited assistance to prospective mining communities around the state.

And this condition of ignorance is fine for the mining corporations. They have all the information they need to protect their interests, while individual landowners and entire communities have practically nowhere to turn. Even such a simple operation as the compilation of a list of what contracts have been negotiated in Wisconsin and other states would be of immense help to communities that are now being approached by mining companies for exploration and mining rights.

A state apparatus which does not challenge the prerogative of corporate decision making over natural resource development must necessarily reproduce the cycle of poverty and economic depression that follows the exhaustion

of natural resources. Thus Governor Lucey's recent plea for federal aid for northern Wisconsin's "little Appalachia" is little more than an attempt to socialize the costs of previous mining development (unemployment, out-migration of skilled labor, loss of a tax base, deterioration of social services, environmental damage, etc.) without in any way challenging the power of the multinational mining corporations to stage a repeat performance with copper or nickel mining in the future. The public thus pays twice for the private appropriation of nonrenewable resources: once through the exhaustion of human and natural resources in specific mining areas, and again in the form of state and federal taxes which are used to alleviate some of the worst social results of mining depletion.

While Governor Lucey fiddles the tune of "little Appalachia" for a few federal pennies, the multinational mining corporations are transforming the rest of northern Wisconsin into a resource colony, where the benefits of every pound of copper mined will be realized outside the state. Meanwhile the Chippewa Lac du Flambeau Band of Wisconsin may be providing a concrete example of the benefits of formulating alternatives to the development of mineral resources under the ownership, management and control of the multinational mining corporations. □

EVEN-HANDED—IN SPIRIT

WEST EUROPE & THE MIDDLE EAST

BARRY RUBIN

Western Europe is becoming a major diplomatic front in the Arab-Israeli conflict. There, Egypt's President Anwar Sadat has sought weapons and economic aid, an alternative to continued dependence on the Soviet Union. There, increasingly, the Arab states are finding an outlet for surplus petrodollars and, consequently, are building political influence.

While Sadat was touring five Western European countries in April, George Ball, Paul Warnke and Zbigniew Brzezinski—all top advisers to Democratic Presidential candidates—agreed that the United States should seek a Middle East peace settlement by working through its European allies. A number of analysts agree that the vexed Middle East situation gives European leaders a prime opportunity to regain places on the international diplomatic scene.

Obviously, oil plays a key role in Arab-European political relations. The twenty-four member states in the Organization for Economic Cooperation and Development, many in West Europe, will face a \$17.5 billion balance of payments deficit this year—triple their shortfall in the recent past. Despite some recovery, the European Eco-

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mic Community was recently described by Chase Manhattan Bank's economic group as "recession-gripped." A good part of these fiscal woes can be traced to OPEC's quadrupling of the petroleum prices since 1973. Ironically, this development also gave the Arab states a vast inflow of capital for investment or trade, tightening their grip over Western Europe. A U.S. Library of Congress study warns that a six-month petroleum embargo—similar to the one carried out in 1973—within the next two years not only could mean "a domestic economic disaster" for the United States, but "would most certainly spread to Western Europe and Japan, even if those nations would not become [direct] targets. . . . Hopes for a major economic recovery from the current worldwide recession would be dashed under these circumstances."

Western Europe is far more dependent on Arab oil than is the United States. According to 1974 figures, the countries there import 64.7 per cent of their oil from Arab countries (an additional 15 per cent comes from Iran). For Italy, France and Spain, the figure exceeds 80 per cent.

For the Europeans, thus, opening up more trade with the Arabs is not a matter of opportunity but of necessity. As a consequence, these countries may become increasingly subject to Arab political pressure and economic boycott against Israel. Investment works similarly. Saudi Arabia alone now has more than \$14 billion in holdings on the Continent. Trade was a key element in the French attempt to portray themselves as the Arabs' closest friends

Exxon, copper, and the Sokaogon

Tightening the corporate grip in Chippewa country

Al Gedicks

An American Indian legend tells of a young boy so sleepy and slow that he was the laughing-stock of his tribe. According to the tale, whenever the others went out to hunt or fish, the boy was left behind. All alone, he would go to the sea and wash in magic herbs. Day by day he grew more powerful, but he kept his strength a secret until the forests and mountains began to engulf the land and push his people into the sea. The boy then woke up and tamed the land with his bare hands, saying, "It is well that you have only little things like this to worry you." Watching him, his tribe realized that the sleepy little boy they had always taunted was a powerful medicine man.

This bit of folk drama, originated centuries ago, seems to be playing itself out again today in the mineral-rich north woods that ring Lake Superior. Once more the people of the region are being forced off the land they have known for generations. And again it looks as if help may come from a maligned "sleepy boy"—an obscure native American tribal group called the Sokaogon Chippewa.

In the early Nineteenth Century, during the first wave of westward expansion, the United States planned to move the Chippewa and the

neighboring Ottawa Indians south of the Missouri River or west of the Mississippi. But the Government did not anticipate the strong resistance of the two tribes. Their attachment to the land proved so intense that the Government was finally forced to end its fifty-year policy of moving all eastern Indians to the far West.

When an agreement with the Chippewa of the Lake Superior region was reached in 1854, the Government claimed much of the land for itself—but the Indians remained, placed on square tracts, twelve miles on a side. Now, as Lake Superior bands of the Chippewa celebrate the 125th anniversary of the treaty's signing, this new land base is once again being threatened by a new wave of colonial expansion.

This time, the prize is not copper, fish, or timber alone, but control over the vast mineral and energy resources of the region. And the mining interests now threatening Chippewa lands are old hands at the game. Their expansionary push in the upper Midwest has its roots in the revolt of Third World raw-material producing countries.

As former colonies in Asia, Africa, and Latin America begin asserting control over their non-renewable natural resources, and as competition from Western Europe and Japan for the remaining resources mounts, multinational mining and energy corporations are returning to colonial dominions at home and abroad for cheap raw materials. Now that Chile and Argentina are run by brutal military regimes installed and supported by the United States, American multinational cor-

porations could hardly ask for a more politically stable investment climate. Already, Exxon has invested \$107 million in two Chilean copper mines, as if to signal the international investment community that Chile is once again available for resource colonization. The exploitation does not stop at Third World borders; today the phrase "political stability" crops up time and again in reference to resource colonization schemes within the United States.

The University of Wisconsin's Institute for Environmental Studies reports, "The Lake Superior region combines extensive sulfide ore resources [copper, nickel] and political stability, making it attractive to producing firms." Exxon's investment in Chilean copper and its plans for the Upper Midwest are but two chapters of the resource colonization story. It's a familiar tale: **All major decision-making power is removed from the hands of those to be directly affected, and reserved for a handful of multinational mining and energy corporations.**

In May 1976, Exxon Minerals announced its discovery of one of the world's largest and richest deposits of copper-zinc near the small northeastern Wisconsin town of Crandon. Exxon was coy about the size of the lode; company officials claimed it amounted to just seventy-five million tons. But a U.S. Forest Service geologist says other mining companies are calling the Crandon discovery the richest in the world, exceeding the 125-million-ton lode now being exploited in Ontario, Canada.

Whatever the exact size of the de-

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posit may be, it represents a crucial part of Exxon's diversification into the copper business. "By the mid-1980s," states the *Engineering and Mining Journal*, "Exxon may become a significant producer of copper and zinc at facilities based on the massive sulfide deposit discovered by the company at Crandon, Wisconsin."

More than forty major energy and mineral corporations are scrambling after Exxon to obtain energy, water, and mineral resources in northern Wisconsin, northeastern Minnesota, and Michigan's Upper Peninsula. Hundreds of thousands of acres of land in the three states are being leased for exploration, drilling, and potential mining of copper, nickel, lead, chromite, zinc, vanadium, phosphate, and uranium.

Geologists believe that the valuable mineral deposits found along Lake Superior probably extend under the Great Lakes as well, and mineral interests are also eyeing those potential supplies of copper, sand, gravel, manganese, natural gas, and oil. Thanks to publicly funded studies of underwater copper mining in Lake Superior by the University of Wisconsin's Sea Grant Program, they may also be able to mine under the lake, after they have exploited the resources around it.

The staggering profits to be made would at once reverse some of the setbacks the multinationals have suffered at the hands of Third World economic nationalists and tighten their corporate grip on the world's remaining resources. For the Indian and white communities that depend on the natural environment for their economy and culture, transforming the Lake Superior region into an energy-resource colony could spell the end of agriculture, dairy farming, cranberry production, wild ricing, forestry, fishing, and tourism.

Such a threat is nothing new, especially to Indians of the region. Many of these tribes are still recovering from the social and environmental devastation brought by the mining and logging booms of a century ago. When copper, iron, and lead were first found on these Indian lands, Thomas Hart Benton, an articulate visionary of American expansion, ordered a list of the area's tribes to determine "the practicality of extinguishing their title." A series of

treaties ensued, culminating in the treaty of 1854, which secured mining rights for the U.S. Government to all of Chippewa country. The Lake Superior tribes were crowded onto land then considered worthless for mining. Ironically, the Chippewa, Potawatomi, and Menominee tribes were resettled in an energy- and mineral-rich area geologists call the Canadian Shield. Today, rich deposits of copper, nickel, zinc, vanadium, and uranium are believed to lie under and adjacent to at least seventy of these "worthless" Indian reservations.

'... the impact of uranium mining ... is staggering'

Of all these bands of Indians, the Sokaogon Chippewa perhaps have the most to lose in the resource-colonization process. The group is the smallest of Wisconsin Indian tribal groups, and has been one of the poorest for the past century. Left out of the Government's 1854 treaty with the Chippewa, the Sokaogon band later signed their own deeds to land and tribal status, only to have the documents vanish in a stormy Lake Michigan shipwreck.

The group has been battling ever since for legal rights to the land that history says it owns. Today, the Indians hold just 1,900 acres at the headwaters of one of northern Wisconsin's major rivers, the Wolf. The land is a mix of timber, second-rate farmland, swamp, and water—only the smallest fraction of the 92,000 acres promised the group a century ago. But the Indians have managed to put it to use, especially the water-covered areas, in keeping up a centuries-old tradition: the gathering of wild rice.

So important is the annual wild rice harvest to the Sokaogon that their reservation site was especially chosen for its proximity to six ricing lakes. Today only one of those lakes, Rice Lake, still provides the Indians with rice. Even so, the Sokaogon still prize their unpro-

ductive land: It is the burial ground of their Chippewa forebears who fought bloody battles with the Sioux for certain rice varieties.

All this will change if Exxon goes ahead with its mining plans: The copper discovery site is on the twelve-mile-by-twelve-mile square of land the Sokaogon claim under the lost treaty; the main lode is less than a mile from the actual reservation and just south of the creek that feeds Rice Lake.

This spells disaster for wild ricing, and Chippewa leaders are fighting to save their fragile, low-lying lands from copper-hungry Exxon. Young, university-educated Indians, like tribal council member Dan Poler Jr., are returning to the reservation to take their stand against Exxon for the land that symbolizes their culture.

"I want to be able to pass on my Chippewa heritage to my son and daughter, just as my father and grandfather passed on this heritage to me," Poler says.

Poler is well aware of the far-reaching effects a mine would have on the environment and on the tribal group's social fabric. When sulfur-bearing rocks, such as the copper-zinc ores at Crandon, are brought into contact with air and water, they become sulfuric acid, a dangerous substance not easily contained.

The Sokaogon fear the sulfuric acid, and other pollutants, will poison their reservation's fish and plant life—most importantly, the wild rice. And nothing would keep the pollutants from traveling downstream along the Wolf River and into the lakes and marshes that stretch across northeastern Wisconsin, eventually contaminating the watershed.

While Exxon refuses to disclose its plans for a zinc smelter, the high cost of transporting the ore makes such an operation in northern Wisconsin a virtual certainty. **The resulting damage is easy to predict, since it has already occurred in other copper boom areas. Acid rains have destroyed normal plant and animal life near the Sudbury smelters in Ontario. In Iron River, Michigan, acid mining wastes have seeped into the city's water supply and eaten away sewer pipes.**

But what is harder to predict, and what Exxon and its competitors aren't

talking about, is the threat to the area posed by a more attractive copper-mining byproduct—uranium.

Developers have known since the 1950s about several uranium and thorium prospects in the Precambrian rocks of Wisconsin and upper Michigan. These rock formations stretch north across Ontario, where they have already been exploited near Elliot Lake, the site of Canada's largest uranium mine. A 1969 geologic study by the Atomic Energy Commission concluded that some of the uranium prospects in Wisconsin and upper Michigan "may contain important long-range, low-grade resources of thorium and uranium."

Since the late 1960s, thorium has been considered a possible future nuclear fuel for use when uranium supplies are exhausted. More recently, President Carter has proposed thorium as a fuel for fast breeder reactors, a technique already tested by the U.S. Navy.

Wisconsin is one of the nation's "hot prospects" for uranium exploration, according to Michael Mudrey Jr. of the state's Geological and Natural History Survey. Although the mineral interests are not publicizing it, more than 14,000 acres in northern Wisconsin were leased specifically for uranium exploration between April 1978 and February 1979. Since then, the total acreage leased for uranium exploration in the state has grown substantially: One day after President Carter opened 55,200 acres of Wisconsin's Chequamegon and Nicolet National Forests for "multiple uses," Kerr-McGee Corporation took out uranium exploration permits in the Nicolet forest.

Uranium prospecting extends beyond Wisconsin. More than 126,000 acres have been leased for exploration in Minnesota. In upper Michigan, the Tennessee Valley Authority and a subsidiary of International Nickel Co. have jointly bought mineral rights to some 200,000 acres. Several companies, including Kerr-McGee, Western Nuclear (a division of Phelps Dodge), and Exxon have already begun drilling for uranium in Michigan and Wisconsin. With at least 421,000 acres now leased for exploration and develop-

ment, the quiet Lake Superior region has, unnoticed, become one of the nation's twelve most-favored sites for uranium operations.

Despite the enormous potential economic, political, and environmental impacts, the companies involved have managed to withhold results of their drilling activity from the public. The Noranda Exploration Company is a case in point; the firm recently won an injunction against enforcement of a Wisconsin law requiring mining companies to file field reports with the state. In doing so, Noranda escaped a maximum \$50,000 fine.

Why would Noranda risk litigation simply to avoid reporting its geological findings? Not so much to prevent competitors from learning trade secrets as to keep the public in a state of ignorance. In fact, the Lake Superior region's geology is well known to the multinational mining and energy corporations, since the Federal Government provides them with low-cost geologic information through such programs as the National Uranium Resource Evaluation. The Department of Energy has already spent \$1 million trying to assess Wisconsin's uranium

potential. Mining companies can substantially reduce exploration costs by letting these Government reports tell them where to drill.

What the various mining firms don't want to tell the public is that mineable uranium has been discovered in Wisconsin's copper sulfide deposits. The Department of Energy estimates that some 127,000 tons of uranium ore could be recovered by the year 2000 as byproducts of phosphate and copper mining nationwide. Wisconsin's copper and the rich sedimentary phosphate deposit of upper Michigan may well contain a good part of this projected uranium supply.

If the environmental threat posed by copper mining alone is serious, the added impact of uranium mining on such a vast scale is staggering. Once the ore body is penetrated, naturally occurring radioactivity in the form of radon gas and various solid elements would be released into the air and groundwater, where they would be picked up by plants, animals, and people.

When the ore is then separated from the rock, uranium milling wastes still retain 99 per cent of the original radium and 85 per cent of the total radioactivity initially in the ground. To



Deborah Bright

date, no proven method of isolating these materials from the environment exists.

In its technical project on the proposed copper mine, Exxon deliberately withheld vital information about the possibility of uranium production. The firm also dismissed accountability to the regional Indians by saying, "The Mole Lake [Sokaogon] Indians may have to accommodate new pressures coming from both the mine development and the newcomers."

With that, Exxon offered the group \$20,000 for the right to explore on the 1,900-acre reservation, with the option to lease for mining if it liked what it found. At the same time, Exxon began making other offers—including one of \$200,000 for just forty acres of corporate-owned timberland a mile away.

The Sokaogon rejected Exxon's offer, reasserted its right to its twelve-mile square of land, hired a lawyer for advice on mining affairs, and formed its own watchdog committee. The tribal band that few had noticed before was now the major barrier in the path of the mighty oil company.

As news of the Sokaogon's opposition to Exxon spread, other citizens realized that what copper sulfide would

do to wild rice it would also do to the small farms of the region. Opposition began to grow in non-Indian communities.

The Sokaogon action had an impact on a battle already in progress 120 miles away in the rural Wisconsin town of Grant. There, the Rusk County Citizens Action Group was fighting construction of an open-pit copper mine by the Kennecott Corporation. As Roscoe Churchill describes it, he and his neighbors faced economic disruption, pollution, and dislocation at the hands of Kennecott—a fate much like that of the Sokaogon.

"Lo and behold, the tax rate that year was 73 per cent higher than it had been before," he recalls. "And the town of Grant was the only township that had a mine proposed. People who had been paying \$300 or \$400 on their farms were now paying \$700 or \$800. We wanted to know the answer."

By the time the answer came, Kennecott had already disrupted life in Rusk County, where 84 per cent of all income is from dairying. "Eleven farms are gone," Churchill says. "That's an important thing in a small community; they could have supported hundreds of dairy cows. Now those farms are being sharecropped or rented out. The buildings are gone, the far-

mers are gone, the farm families are gone.

"So they talk about new jobs—mining jobs. Well, here were twenty jobs that were destroyed right there. How much of an economic boon is that to a community?"

The damage could have been much worse, however. Shortly after the Sokaogon rejected Exxon's offer, the coalition in Rusk County won local zoning resolutions that drove Kennecott from that area before actual mining began. Both legal help and moral support came from the Indians miles to the east, Churchill says.

But although Kennecott has disappeared from the Rusk County farmlands, Churchill points out that the company still holds land in the area and may be back.

"I think all the companies have been hanging on the edges, waiting to see what will happen to Exxon," says Churchill.

Kennecott's setback at the hands of an aroused citizenry shows that resource colonization entails serious contradictions. The more information that trickles down to the people, the greater the power of public opposition to resource-colonization plans. As evidence of the extreme hazards of copper and uranium mining leaks out, it is clear that public knowledge of these dangers may interfere with Exxon's plans to take up in eastern Wisconsin where Kennecott left off in the West.

Exxon's assumption is that its social impact is minor, or that human beings are infinitely adaptable. But if the alliance between the dairy farmers of Rusk County and the Sokaogon Chippewa Indians is any guide to the future, that assumption will be challenged. Exxon may soon be faced with an anti-colonial revolt unprecedented in the United States.

"Our aim has been to keep this mine from getting started until we have the kind of laws that will protect us in Wisconsin," Churchill says.

"The thing that's come out of this is that the people have become a cohesive unit. This is a big change in our lives; we never had to deal with a big corporation before. It's been a real education."



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Menominees concerned about possible mining pollution

By Ed Wagner
SEL Staff Writer

KESHENA — The Menominee tribe is concerned about the pollution of the Wolf River as the result of the Exxon Corporation mining operation in Langlade County and they met with the oil company officials last night in Keshena in an attempt to get some answers.

● Exxon: Pollution

Cont. from page 1

The Exxon people explained that wastes from the operation are held in tailing ponds that are lined to prevent leakage.

"Can you guarantee the holding ponds will not leak?" asked Fish. Again Exxon noted they will do the best possible to assure they will not pollute the Wolf River. "We will make an attempt to make it as right as possible," said a representative of the firm.

Louis Hawpetoss said the water quality in Menominee County must be considered and suggested that Exxon pay for monitoring the water and pay for the equipment for monitoring.

Hawpetoss said Exxon is the developer and they should pay for the monitoring in Menominee County. He said he would not trust monitoring by the mining firm or the DNR, indicating the DNR has no jurisdiction in Menominee County.

Dickie said, "The state has no jurisdiction over Menominee County. We have our own tribal courts, motor vehicle registration, laws and issue our own drivers license. We are separate from the state."

Hilary Waukau was concerned about the impact on the Wolf River that flows through nine counties.

Fish later inquired if Exxon plans to mine uranium in the Crandon Area.

Russell answered by saying there was no uranium in the Langlade County area.

Twenty-three persons attended the meeting last night, five of them representing Exxon.

Meeting at the Courthouse in Keshena, were several members of the tribe that felt the operation would pollute the Wolf River, not just in Menominee County, but the entire 9-county area of the Wolf River Basin, including Shawano County.

After two-hours of discussion, Robert Russell, project manager for Exxon, said, "We want to create a system that has no potential in changing the Wolf River in any way."

Russell noted that considerable studies have been made and are continuing to be made every day and the final answer will come in the environmental impact study that will pinpoint what will be done to prevent pollution and other possible effects of the operation.

Exxon representatives gave a brief outline on the progress being made on the proposed plant near Crandon. They said they made the major discovery of mostly zinc and copper deposits back in 1976 and at the present time they have 30 people employed at Crandon, some 20 professional people, and the impact study should be completed by the summer of 1981 and turned over to the Department of Natural Resources. Projecting other dates, it was estimated construction could start in 1983 or 1984 with production getting underway in 1987 or 1988.

They plan on hiring some \$50 people, half of them locally, with an annual payroll of \$20 to \$25 million. Exxon officials said they would like to hire as many local people as possible, and estimated the operation in Langlade County would run for some 30 years.

They explained that they may find other reserves when they get to the bottom of the mine. They said there was no guarantee on how long the mine would operate, indicating it

is just like any other business.

Gordon Dickie Sr. said he was concerned about the contamination of the Wolf River Basin and the Wolf River watershed. He also noted that dust is a big factor because there is no control of the wind.

Exxon noted that they are continuing to make scientific studies on all aspects of the operation in accordance with State of Wisconsin, DNR and Federal regulations and these studies are now being evaluated and will determine if there will be any impacts on the local areas.

They also said they will work closely with the DNR on the project and will be as open as possible in communicating with the interested parties.

"I'm concerned with the down-river impact that could be created," said Kenneth (Bum Bum) Fish. He, like the others, got the answer that they are doing everything possible to avoid any impacts and that the environmental impact report will show what they are doing to prevent pollution of the Wolf River.

Exxon noted that water discharge laws are very strict and they will install the best water treatment plant as possible to comply with all the regulations.

"We know there is going to be pollution," said Earl Wescott, "But what about the future-say 40 years from now?" Exxon said there is a bill before the state legislature right now that calls for a plan to start a fund for such possible impact emergencies, by using the corporations taxes to meet the problems with the money accumulating each year.

Cont. on page 4, col. 2.

Corporations mum on plans to deflower Wisconsin

This is the first article in a two-part series about uranium in northern Wisconsin. Mining corporations are fighting to keep their field reports secret, making it impossible for environmental groups to analyze the dangers of uranium exploration. Such exploration has been linked to cancer deaths in New Mexico. The corporations are also pushing a bill which does not hold them strictly liable for mining-related health problems.

By Steve Brunsmann of the Cardinal Staff
* In an Oneida county courtroom this week, the state will present its case against the Noranda Exploration Co. In July, Noranda won a restraining order against enforcement of a Wisconsin law requiring mining companies to file geologic filed reports with the state. According to the state geologist's office here, Noranda may be searching for zinc.
* A limited-liability mining bill, that would set up a state fund for recovering small claims against mining companies through the Dept. of Industry, Labor and Human Relations, is being rushed onto the floor of the state Legislature. The bill, as drafted, does not hold mining or energy

companies strictly liable for mining mistakes.

THESE ARE JUST TWO of the puzzle pieces in the developing Wisconsin mining and uranium futures games. Considering the mad scramble going on among multinational energy companies over exploratory drilling and mining leases in northern Wisconsin, uranium and mineral resources are shaping up as the only game in town.

The scramble started four years ago when Exxon announced the discovery of one of the world's biggest deposits of copper and zinc near the town of Crandon, in northeastern Wisconsin. The Exxon discovery was paralleled by a Kennecott Corp. plan to open a large open pit copper mine near Ladysmith. Much of the copper ore found near Ladysmith was four percent copper.

Captivating promises of economic development and jobs for northern Wisconsin's depression economy were made. In the early 1900s, northern Wisconsin was the scene of intensive iron mining. When the mining companies fled to South America in search of cheap labor, (Continued on page 5)

Mining: big bucks for state, nature gets screwed

(continued from page 2)
low taxes and higher profits, the towns collapsed. It is a collapse from which the north country has never recovered. Unemployment today runs three times the national average in northern Wisconsin. Exxon's metal discoveries and Kennecott's open pit mining plans caught the state unprepared. In 1976, the state's copper tax law, drafted by Kennecott lawyers, passed through the Legislature without criticism. Before Kennecott could start hauling away its Ladysmith copper, however, the Rusk County Board refused to issue a mining permit, temporarily blocking the company's efforts to exploit the area's mineral resources.
TO ADD INSULT to injury, the Legislature in 1977 slapped one of the nation's highest mining taxes onto the books. Despite the heavy-handed lobbying of Exxon Mining and Kennecott, legislators eyeing money for state coffers passed a net proceeds tax. The progressive tax ranges from no tax on

proven uranium reserves, already refuses to acknowledge the existence of uranium deposits on its Crandon holdings. With the price of uranium skyrocketing from \$6.50 in 1973 to more than \$50 per pound today, the pressure for Exxon and others to start mining in the state is intense.

The pressure the oil companies have applied to gain a foothold in the state through exploration leasing, which has pushed ahead largely unnoticed, has led to the resurfacing of the mining companies in state government and the courtroom.

The idea that Noranda may have hit upon a big deposit--and would rather keep the public in the dark--is not improbable

Noranda won a court case backing its refusal to obey a state law which requires mining companies to file non-interpretive, general field reports with the state. Noranda claims the law violates corporate confidentiality--a company's right to prevent the competition from learning its trade secrets.

The state and environmental groups, on the other hand, view the case much differently. Tom Evans, of the state geologist's office in Madison, which is fighting Noranda over the mining law, said the state has the right to Noranda's drilling records. Evans maintains disclosure is clearly in the interests of the public.

RAY RHODER, A LAWYER who will argue the case for the state, thinks there is more involved in the Noranda decision. "Essentially, the court is deciding the

constitutionality of the law in Noranda. If Noranda should win at the circuit and appellate levels, the way is paved for Exxon and other mining companies to refuse to turn over information.

The idea that Noranda may have hit upon a big deposit--and would rather keep the public in the dark--is not improbable. The Mining and Metal Recovery law itself is not a freedom of information act for the public. Under the law, each mining company is required to submit to the state geologist a general report of mineral samples within a year of any exploratory drilling. Based on this information, the state geologist may ask for a sample of all drill cuttings.

Registration of reports and drilling samples, however, does not mean public access. The mining law that Noranda is battling in court provides for a three-year "classified" status for the sample field reports and a ten-year confidentiality status on samples of all drill cuttings. The public, outside of the state geologist and the Dept. of Natural Resources, which uses the reports for environmental impact statements, can remain in the black about metals or uranium discoveries for 13 years.

Since the 1976 discovery of copper and zinc by Exxon, not one document has been made public.

KATHLEEN FALK, legal counsel for Wisconsin's Environmental Decade, called corporate confidentiality "an outrage." Falk said the confidentiality rule makes it impossible for the public or environmental groups to challenge environmental impact statements drawn up by the DNR with restricted information.

"Why should the mining companies and the DNR alone have access to, and information about, the state's mining resources' falk said.

Al Gedicks, director of the Center for Alternative Mining Development Policy, contends the mining and energy companies are using the Noranda case in an attempt to completely withhold results of drilling activity from the public.

"On the one hand," Gedicks said, "mining and energy companies like Noranda and Exxon are being supplied with low-cost or free information through the Dept. of Energy and the University, the cost of which is borne by the taxpayer. Then companies like Noranda are turning around refusing to allow public access to information."

"THE CORPORATE confidentiality clause of the state law is, in the final analysis, collusion between the state and the mining companies," Gedicks added.

Gedicks said the fact that mining companies are drilling exploratory shafts in an area of the state which might contain uranium is dangerous. Research by the University's Geological and Natural History Survey Dept. shows exploratory

"The corporate confidentiality clause of the state law is in the final analysis, collusion between the state and the mining companies."

--Al Gedicks

Exxon and the other mining companies will mine the deposits, regardless of the tax situation

mines with revenues less than \$100,000 to a 20 percent tax on revenues greater than \$30 million. Kennecott threatened to sell its Ladysmith mine, one of the richest copper deposits in the world. Exxon officials threatened to let the minerals stay in the ground unless the tax was weakened.

Despite the threats, the net proceeds tax still stands. But Exxon and the other mining companies will mine the deposits, regardless of the tax situation. This corporate change is linked to a new discovery--uranium.

Using low-cost geologic information provided by the federal Dept. of Energy, the mining companies are scouring the precambrian rock of northern Wisconsin for nuclear fuel.

It is uncertain exactly how much land is already in the hands of these mining companies because exploratory mining leases are filed with the county governments and not the state. Records gathered by the Madison-based Center for Alternative Mining Development Policy during the period from April 1978 through February 1979, are revealing. Amoco Minerals during that period contracted leases for 36,000 acres in Florence County, 7,400 acres in Forest County, and more than 58,000 acres in Marinette County. Other companies buying up minerals leases include Exxon, Western Nuclear, Getty Oil and Transcontinental Oil.

THE STATE GEOLOGIST'S office has called Wisconsin a "hot prospect" for uranium exploration. Exxon, which controls almost five percent of the nation's



drilling is taking place in at least five northern counties.

In December, Gedicks called for a moratorium on exploratory drilling in the state until proper background radiation, the ionizing radiation normal to a region, can be determined.

Gedicks, in testimony before the state Legislative Mining Committee, cited numerous studies which have linked uranium exploration, mining and milling with increased health risks among nearby populations.

"IT IS TIME THAT decision-makers in Wisconsin pay attention to the mounting evidence concerning the hazards of uranium exploration and declare a moratorium," Gedicks told the state Mining Council.

Despite Gedick's appeal, the Mining Council decided that exploratory drilling can not be prevented because the mining companies hold drilling permits from the DNR. Instead, the Legislative Mining Committee called for a monitoring program, which would check radiation levels after drilling. One energy corporation, Minatome Corp. of France, has agreed to the voluntary program.

At issue is the release of radon gas, a daughter product of uranium, which may be released when rock containing uranium ore is pierced by drilling holes. Radon has been linked to cancer deaths among the New Mexico Navajo uranium miners, and people in towns adjacent to uranium mines and drilling areas.

State ignores corporate mining alternatives

(EDITOR'S NOTE: Al Gedicks is research coordinator for Community Action on Latin America, a Madison-based research/action group. He is the author of "Kennecott Copper Corporation and Mining Development in Wisconsin" and numerous articles on the politics of natural resource development.)

By AL GEDICKS

AMIDST ALL THE sound and fury in the debate over Wisconsin's mineral taxation policy there has been a conspicuous lack of serious discussion about alternatives to multinational corporate control of mining development in Wisconsin. Despite public statements in favor of nationalization of Wisconsin's mineral resources by such respected political figures as Rep. Harvey Duelholm (D-Luck) and Secretary of State Douglas La Follette, the question of nationalization has not become part of the debate over Wisconsin's mineral resource development policy.

Whenever most state officials make public statements about mining in Wisconsin they really mean mining that will be conducted by and for the private mining corporations. The effect is to limit the debate on mining policies to questions of how the state can protect the public from the most disastrous economic and environmental effects of mining development by private corporations.

The alternative question is how mining development can provide the maximum social and economic benefits to particular mining communities and the public in general. The role of the state in the former situation is essentially passive as it reacts to decisions about production, investment and reinvestment that are made in the corporate headquarters of the mining companies.

In the latter situation the state assumes a more active role and tries to match the social and economic development needs of the community with the entire range of options for achieving those goals. In other words, the state is

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not limited to choosing only those options which are in accord with the interests of private corporations.

I WOULD LIKE to argue in this article that the most important decisions about mining development in Wisconsin are in fact the "non-decisions": the questions that are never raised and the subjects that never make the public agenda — public ownership of northern Wisconsin's natural resources and worker- or community-owned and controlled industry.

The unspoken assumption on the part of state agencies regarding mining development is that private mining companies can be relied upon to provide long term economic stability for the economically depressed counties of northern Wisconsin and safeguard the environment from serious pollution at the same time.

The same corporate invasion of rural Wisconsin is taking place in at least a dozen northern counties. . .

The 1973 Wisconsin Statutes (144.83) (3) go so far as to direct the Department of Natural Resources and the Geological and Natural Survey to submit to the governor and the legislature "a comprehensive state program of mineral resources zoning and financial incentives for the purpose of discouraging those uses of lands which tend to preclude the mining of minerals lying beneath." Before any such "comprehensive state program" for mineral development is submitted, the fundamental assumptions underlying such a program ought to be subjected to public discussion and debate.

Already in Rusk County, where Kennecott Copper Corp. has plans for open pit mining, the Rusk County Citizens Action Group has challenged both of these assumptions in a fact sheet entitled "So You Think You Want Mining." Even though Kennecott has not begun any mining operations there

have already been a number of adverse economic impacts upon this predominantly agricultural community. In order to provide a buffer zone between the actual mine site and waste disposal area, Kennecott has bought or leased 2,603 acres of valuable farmland.

IN THE SHORT run this has meant the expulsion of 11 farm families for Rusk County and a consequent decline in the demand for the services of local businesses, farm equipment suppliers, etc. The value of these farms is estimated at \$550,000 (average value \$50,000 each). Over the course of a year the 11 farmers could have generated incomes of about \$200,000 and could have continued to be productive indefinitely. Over a 25-year period these farms could have generated incomes approaching \$5 million and provided fulltime jobs as well as the opportunity for the farm women and children to do productive work.

In the long run the operation of the mine will make a region of productive farmland unsuitable for agricultural purposes for generations. After the copper is exhausted, Ladysmith will be left with an open pit large enough to hold all the buildings of Ladysmith, filled with water which will probably become toxic and need periodic treatment. In addition there will be a 156-acre hill, 30 to 55 feet high, of toxic tailings that will continue to release acid seepage for centuries, polluting wetlands and the nearby Flambeau River.

Kennecott will not only ship the valuable natural resources out of the community but it will then leave the community with the economic burden of monitoring the abandoned mine site and waste disposal area long after the mine has closed. While the revised taxation proposal before the Legislature provides some revenues for monitoring purposes during the operation of the mine it makes no provision for the long term monitoring process after the mine has closed.

WHEN THIS POINT was brought up by Roscoe Churchill of the Rusk County Citizens Action Group he was asked by Edward May of Kennecott if

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● State ignores mining alternative

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he expected Kennecott to be responsible for the mine forever. Churchill replied, "You expect us to live with the problem you have created forever don't you?"

Nor is Kennecott the only company which is interested in mining in Rusk County. American Copper and Nickel, a subsidiary of International Nickel Co., is busy trying to buy up the farms surrounding Roscoe Churchill's farm. And the same corporate invasion of rural Wisconsin is taking place in at least a dozen northern counties where the multinational natural resource corporations are trying to tie up the mineral rights to what is believed to be the world's richest and most extensive deposits of copper, nickel, lead, chromite and zinc.

"If this mad destruction (of agricultural lands) does not end soon," warned Churchill, "in a short time there will not be enough land to produce enough food for the people. And now with mining threatening to take over untold square miles of good land, leaving desolated areas and pollution in its wake, it behooves all of us to become alert and take action!"

As a result of the educational work done in the community by the Rusk County Citizens Action Group the Town of Grant and the Rusk County Board of Supervisors both passed resolutions refusing to grant Kennecott the zoning changes it needs to begin mining. The effect of these resolutions was to halt hearings which were underway on Kennecott's mining permit before the Department of Natural Resources last November.

But this initial victory is likely to be but the opening salvo in a long drawn-out fight between the multinational natural resource corporations and the community to control the development of the community's non-renewable natural resources in accordance with the needs of the community.

AS LONG AS communities in northern Wisconsin do not have a direct role in decision-making regarding the development of their natural resources there is every reason to believe that the same pattern of colonial resource development that has taken place in Iron and Ashland Counties with the steel corporations and in innumerable colonies in the Third World will be repeated. The argument of the mining companies that they have learned from their mistakes in the past and their gross exploitation of labor and natural resources will not be repeated is not supported by the historical record.

By its collaboration with the U.S. government, the CIA, and the most powerful multinational corporations in the overthrow of a democratically elected government in Chile, Kennecott Copper Corp. has demonstrated the lengths it is willing to go to preserve its monopolistic privileges against any government which dares challenge the right of private capital to drain an economy of its most valuable natural resources.

And today Kennecott demonstrates its continuing commitment to the maximization of private profits above human beings by its investment of \$120 million to develop extensive titanium deposits and iron-bearing sands on the northeast coast of South Africa. Kennecott has acknowledged that the land on which these deposits are located has been taken from the Kwazulu Bantustan, an ethnic group of black Africans. While Kennecott has agreed to provide partial compensation, its cooperation with the South African government's Industrial Development Corp. indicates its disregard for the majority of the African population and its support for the minority racist regime.

ONE ALTERNATIVE to the domination of mineral development in Wisconsin by the multinational natural resource corporations is the creation of community-owned and controlled institutions, such as community development corporations, cooperatives and land trusts. In contrast to a situation where a community faced the problem of raising enough capital to purchase their own manufacturing plant, the mineral-rich areas of northern Wisconsin already have the necessary capital in the form of mineral-rich ores in the ground.

The only problem is deciding what form of contract the community should sign with an outside developer. This necessitates that the community should arrive at some consensus on what the principal economic and social development goals of the community are and how they can best be maximized through the development of their natural resources. Under this kind of arrangement the terms between the community and the outside developer are reversed.

Instead of the corporation telling the community how much of the value of the natural resource will be returned to the community, the community tells the corporation how much royalty the corporation will receive for taking the resource out of the ground.

Many Indian tribes in the United States are presently negotiating precisely these kind of mineral resource development agreements with mining companies. And these kind of arrangements have been standard between many Third World countries and multinational mining corporations for some time now. The time has long since passed when natural resources belonged to those powerful enough to seize those resources.

In an age when scarcities of energy, food and raw materials are promoted and manipulated by powerful multinational natural resource corporations, it is imperative that we seriously consider alternative economic arrangements which conserve and protect our valuable natural resources at the same time as they promote the maximum participation of the public in the decisions that will affect the ability of future generations to provide for their material and cultural needs.

Madison, Wisconsin Thursday, May 1, 1980

State eyed by U.S. officials as nuclear waste dump site

By VIRGINIA MAYO
Capital Times Staff Writer

U.S. Department of Energy officials will be in Wisconsin this summer to determine whether the state's granite bedrock formations would be suitable for the storage of spent nuclear fuel, The Capital Times has learned.

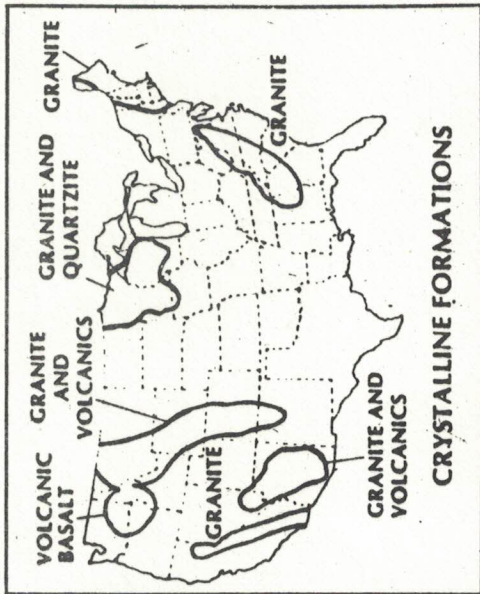
Colin Heath, director of waste isolation at DOE in Washington, D.C., confirmed Wednesday that a meeting will be set up "within a month" with Gov. Lee Dreyfus and the state's congressional delegation to formally request the state's cooperation in carrying out detailed on-site investigations of the granite formations in central and northern Wisconsin.

After checks over the last four months by The Capital Times, during which DOE and Nuclear Regulatory Commission personnel declined to admit that Wisconsin was a possible candidate for a disposal site, on-the-record confirmation of the story came Wednesday through the office of U.S. Sen. Gaylord Nelson, D-Wis.

DOE officials have been reluctant, almost fearful, to answer press questions on the matter. Ben McCarty, a DOE spokesman, said press reports of preliminary research at possible nuclear waste sites in Michigan's lower peninsula resulted in vigorous citizen opposition and the eventual scrapping of the project. McCarty said DOE is concerned the same situation could happen in Wisconsin.

That same view was expressed by Batelle Memorial Institute of Columbus, Ohio, the private contractor coordinating various nuclear waste disposal research projects now under way in the U.S. William Merriman, a spokesman for Batelle, said initial citizen opposition could squelch efforts to determine whether a particular site was suitable for the disposal of high-level nuclear wastes.

In his conversation with Nelson Wednesday, Heath gave the senator assurances that the methods used to store nu-



clear wastes would be adequate to ensure the safety of the people of Wisconsin.

Even though a preliminary DOE report indicated that the geologic formations in Shawano, Waupaca, and Waushara counties could be suitable for the long-term storage of spent nuclear fuels, Heath said the actual selection of a site is "a very long process, and DOE isn't going to be in a position to designate a specific site," until 1985 at the earliest.

"People who say that DOE has found a site in County X or County Y or County Z simply couldn't be further from the truth," Heath said.

Heath added Wisconsin was one of 26 states in which research is being undertaken to locate a suitable nuclear

(Continued on Page 5, Col. 4)

US Agency Hunting Uranium in State

Wautoma, Wis. —UPI—The federal Energy Research and Development Agency is exploring Waushara County to see if it has a uranium deposit worth mining, it was learned Thursday.

The study is part of a continuing effort to find likely sources of uranium around the country. Both federal workers and geologists working for firms holding government contracts are working in the area.

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● Nuclear waste disposal site

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waste disposal site.

Based on a preliminary DOE report, state officials had an inkling as early as January of this year that Wisconsin could be a candidate for a nuclear disposal site. A state study committee — made up of representatives from the State Department of Natural Resources, the Division of State Energy (within the Department of Administration), University of Wisconsin scholars, and Dreyfus aides — discussed which state agency should have jurisdiction over a nuclear waste disposal site.

The granite bedrock in northern and central Wisconsin is part of the Canadian Shield, a geologic formation of crystalline rocks. Michigan, Minnesota, and northern Illinois are also in the Canadian Shield. The geologic formation has experienced relatively little change since it was formed over 600 million years ago. Heath said there is general acknowledgement among scientists that the granite found here "is one of the most attractive geological formations for the storage of nuclear wastes."

The problem of where to store spent nuclear fuel is becoming acute in the U.S. In 1977, President Carter halted the reprocessing of spent fuel from the nation's 72 operating nuclear reactors. Carter argued the reprocessing could pose a danger to public health and provide an opportunity for terrorists to steal still-potent fuel.

But that policy opened the door to the problem of what to do with the spent fuel. All nuclear reactors have some capacity to store spent fuel on-site. But one-fourth to one-third of a plant's core has to be replaced annually. According to information from the Atomic Industrial Forum, in-

creasing on-site spent fuel storage capacity could handle about 25 percent of the problem.

The assumption from which the nuclear power industry believed it would be operating is that spent fuel would be reprocessed. Most of the spent fuel would be recycled, and the remaining waste could be buried in salt caverns or dumped into the ocean.

Though the federal government took responsibility 20 years ago for the radioactive wastes from nuclear reactors, no plan or site was ever developed for permanent disposal.

By 1983, McCarty said several nuclear reactors "will start feeling the pinch" and will probably be unable to store any additional spent fuel on-site. Either a permanent disposal area will have to be found, or the reactor will have to shut down, assuming Carter does not change his policy on the reprocessing of spent fuel.

The Energy Reorganization Act of 1974 and the Department of Energy Organization Act of 1977 outline in detail the federal government's responsibility to provide facilities for the successful isolation of nuclear wastes from the biosphere in federally-licensed and federally-owned repositories for as long as those wastes represent a significant hazard.

Representatives from Michigan, Illinois, Indiana, and Ohio have met with Wisconsin officials to discuss the possibility of establishing a regional site to store nuclear wastes.

Dreyfus has stated that he supports the establishment of a nuclear waste site in Wisconsin for disposal of the state's wastes. DOE's McCarty said it was probably illegal to set that kind of limitation on a disposal site.

Uranium Deaths ^{At} Crown Point

Huge red rocks still rise out of nowhere like giant twisted sculptures. In some places you can still find small evergreen piñon and juniper trees growing near sand-colored mesas.

But once there were wild flowers blooming in profusion and deer and rabbits darting between cactus plants. That was before the uranium mining and the tailing piles, before the Navaho miners began to die from a strange, invincible small-cell carcinoma known for 50 years to be caused by chronic radiation exposure.

The full effect of early mining in Red Rock, New Mexico, probably won't be known for another decade, but accord-

How some remarkable Navaho women are working to save their community—against time, the energy establishment, and the agency that is supposed to be on their side

By Loretta Schwartz



HAH-NA-BAH CHARLEY



SARAH McCRAY

Photographs by Lisa G. Gracia

ing to Dr. Gerald Bunker, one of many physicians studying the situation, the increase in the risk of lung cancer among Navaho uranium miners is at least 85 fold. This conclusion is based on a study of more than 700 Indian uranium miners.

One of these miners, Clark Dick, worked in the uranium mines for nearly 20 years. Shortly before he died of lung cancer at age 40, he went to an English-speaking lawyer and prepared a typed statement that he hoped would help his wife get compensation after his death. It said in part:

About five years ago, I began to cough quite a bit. The coughing attacks usually came while I was at work in the mine. . . . I thought I was just getting a little dust or dirt in my throat and it was nothing to be concerned about. Over a period of time the coughing became gradually worse and . . . it got to the point so that I felt my head hurting and would have blurred vision. . . . Then I noticed that I began to spit up blood when I had these coughing attacks. I was having more attacks, and they were getting more severe. . . . I also started feeling weak and was unable to do my work in the mines. I quit my job. . . . I told one foreman that I was not going to be able to work any more, but he didn't say a lot about it. . . . I guess he interpreted this as my resignation.

After his death in 1973, Clark Dick's widow Fannie, like all the other Red Rock widows with husbands who had worked in the mines, sought compensation. To date, 25 deaths have been reported. Yet despite the fact that the occupational connection was clear and a number of politicians had expressed interest in helping, only the late Senator Joseph Montoya (D.-N. Mex.) and Senator Pete Domenici (R.-N. Mex.) actually tried to push bills through Congress. The bills, which were turned down, sought to provide money for victims and their survivors, reduce delays in litigation, and provide funds for research into the cause of "white-lung" disease. Former Secretary of the Interior Stewart Udall recently called the deaths a tragedy and is presently looking into the situation.

The Red Rock mines, closed in 1968, were most recently run by Kerr-McGee (the Oklahoma-based oil, gas, and uranium giant). Kerr-McGee is the same company that recently lost a \$10.5 million lawsuit that centered around the case of Karen Silkwood, a lab technician in a plant producing fuel rods for nuclear reactors. Silkwood mysteriously died while driving to meet a New York Times reporter in an effort to document her charges that officials at the installation had knowingly exposed their employees to lethal doses

of cancer-causing plutonium. (See Ms., April, 1975.)

Kerr-McGee, along with some 15 other energy companies seeking uranium, have now converged on Crown Point, a tiny community that is part of the Bureau of Indian Affairs' Eastern Navaho Agency in northwestern New Mexico. **The companies, which have begun to drill test holes and construct mines, claim that they have improved their techniques. But already the crops have died; the sheep that used to graze on the crops have died; many of the horses have died; and the area's water supply may be lost.**

P **People told Elsie they had heard about a place where everyone who worked in the mines had died or was dying.**

For the most part Crown Point is a community like Red Rock. Few of the Native Americans read or write or speak English. Few have ever left home. In many ways Crown Point is as vulnerable to abuse from the uranium corporations as was Red Rock. But one thing that is different is a 27-year-old Navaho woman named Elsie Peshlakai.

When Elsie was seven, Mormon missionaries began to arrive at the reservation. "They told me about a grammar school I could go to in Utah and they said I would have 'parents' there," Elsie explained. "When I was in third grade I filled out an application and signed my parents' name. But when the bus came, my own parents wouldn't let me go. The next year I got smarter. I filled out the application, but I didn't tell anyone. On the day the bus came, my mother was away washing clothes. I told my sister-in-law that I was going away to school. She supported me, saying, 'Yes, I think you should because that's the only way you'll ever learn.'

"We packed a few clothes and I went out on the dirt road and waited until the elders came. They put me on a chartered Greyhound bus to Provo. We rode all night. The next day I met my foster mother. I remember the first time that she gave me a bath. She said, 'I have never seen skin quite this dark. I feel like I should keep scrubbing.' I was scared, but I didn't cry.

"Three and a half weeks later I went up to the top of the lava rocks and I cried and cried. Whenever we prayed, I

would pray to myself silently in Navaho and promise myself that no one would ever take the place of my own mother and father. I decided that when I became educated I would go home and help my people."

After attending grammar school and high school and Brigham Young University, Elsie did return home to Dalton Pass (near Crown Point). When she got there the uranium miners had also arrived. They had already made more than 3,000 drilling holes on the reservation where her family lived, and a mine was planned 800 feet from their home. (See page 59.)

People told Elsie that they had heard rumors about a place called Red Rock where the drillers had come and gone and where everyone who worked in the mines had died or was dying. Elsie, who had studied chemistry and biology, read everything she could find, talked to experts, and began to go from home to home, talking to the Navahos about radiation.

As Elsie Peshlakai traveled and explained what was happening, she also learned that many had never given permission for the drilling rigs and the miners.

"We were told that Steven Morgan, the medicine man, the oldest man in the community, gave his permission; but when we asked him he said he never had and never would," Elsie said. "We began to hold meetings. We would stay up nights and ask each other what we are going to do. Many thought it was too late."

Finally, Elsie Peshlakai and the Dalton Pass chapter of the Navaho Indians in Crown Point, New Mexico, drafted a resolution on April 9, 1978, which said, in part:

As citizens of the Navaho Nation we have become increasingly alarmed at present and planned uranium mining activity in our community and are most fearful of its effect on our health, welfare, property, and culture as well as the well-being of future generations. We hereby state that we are totally and unalterably opposed to all uranium exploration within our boundaries for the following reasons:

The air we breathe will be poisoned by radioactive elements released into the atmosphere during the course of mining activity.

Present environmental standards are inadequate to prevent introduction of these cancer-causing agents into the air, and we fear the disease which will result to ourselves and our livestock. . . .

Massive use of groundwater during the course of uranium mining will pollute our present water supply and eventually cause it to become exhausted.

The pollution of the air and water combined with the degradation of our land by

the mining activity will destroy livestock-raising and result in great unemployment.

Already sacred and historical sites precious to our culture have been willfully and wantonly destroyed by those engaged in this uranium exploration and development. We fear further and greater destruction of such sites.

Now, therefore, be it resolved that the Dalton Pass Chapter demands all uranium-mining activity within our boundaries be halted immediately and permanently.

Be it further resolved that we intend to wage a determined struggle to halt all uranium-mining activity within the Dalton Pass Chapter.

To help them in their battle the chapter retained Joseph Gmuca, a lawyer employed by a low-income, legal service group called DNA, acronym for Dinebeiiina Nahiilna Be Agaditahe, Navaho words that stand for "economic revitalization of the people."

On December 22, 1978, a suit was filed in the U.S. District Court against the Department of Energy, the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, the Tennessee Valley

Authority, and the Nuclear Regulatory Commission.

The suit requires the defendants to "comply with the National Environmental Policy Act by preparing national, regional, and site-specific environmental impact statements," and it seeks to prevent all involved government agencies and private corporations from

We are alarmed at
**the... degradation of our land
...and the wanton destruction
of our sacred sites."**

taking further actions until they have complied. The suit would also "require defendants to rescind and reconsider" land leasing and other actions already begun without compliance with NEPA.

At the time this article went to press, Federal District Court Judge Harold Greene had turned down a motion to

dismiss the case and a subsequent motion to change the site of the suit from Washington, D.C., to New Mexico.

Meanwhile, Crown Point is in danger of losing its only water supply. In a working paper entitled "Impacts of the Uranium Industry on Water Quality," J.L. Kunkler of the United States Geological Survey put it this way: "Groundwater resources are being depleted by underground mining and, as a consequence, wells that yield water from the aquifers [natural underground water reservoirs] being mined will yield less water and may ultimately yield none."

The Environmental Protection Agency, a defendant in the suit, came to similar conclusions in a recent draft environmental impact statement.

While there is water, there is significant danger to those who drink it. According to studies undertaken in the New Mexico Environmental Improvement Division, the water that is pumped out of the uranium mines contains elevated concentrations of ra-

(continued on page 81)

Uranium Mining:

Understanding yellow cakes, tailings, and radon 222

The deep-mining process begins with the drilling of test holes to discover economically minable deposits of uranium. After a significant deposit has been found, developmental drilling at intervals of 200 feet or less begins. Then come the mines; the uranium is extracted from the ground and separated from its host rock. It is next processed to yield "yellow cake," which is shipped to a plant where it is converted into uranium hexafluoride gas that is then shipped to a government enrichment plant. Finally, it is sent to yet another plant, the kind Karen Silkwood worked in, where it is used to form the fuel element for nuclear reactors.

The materials left after the uranium-bearing solution is taken out are

usually called uranium tailings. For every pound of uranium produced, roughly 500 to 1,000 pounds of tailings are generated. This sludgelike liquid is dumped into large reservoirs. Eventually, the water evaporates from the reservoirs leaving a pile of dry sandlike substance.

This material contains 85 percent of the natural radioactivity that was originally present in the uranium ore, but which would never have been released if the uranium had not been mined. It emits radon, a highly dangerous radioactive gas, into the atmosphere for well over 100,000 years.

Sixty million tons of uranium mill tailings have accumulated and been piled in New Mexico over the past 30 years. The federal government is just beginning to address the problem. So far they have determined that stabilizing the tailings could cost as much as \$125 million.

David Dreesen, a scientist at the Los Alamos Scientific Laboratory, wrote in a departmental newsletter, "Perhaps the solution to the radon problem is to zone the land in uranium mining and milling districts so as to forbid human habitation."

But radioactive materials can affect people who do not live in the area because they are suspended in the atmosphere and dispersed over many hundreds of acres by wind,

erosion, rain, and snow.

Both the uranium mines and the tailing ponds release large quantities of the radioactive gas radon 222. That gas decays to become even more dangerous radon "daughters," which attach themselves to dust particles and, when inhaled, can become permanently lodged in human lungs. Infiltration into ponds, streams, and drinking water is also common. In fact, toxic and radioactive materials deposited in streambed sediment can be carried far downstream during heavy rainstorms and can affect people who live hundreds of miles from the actual mine sites. Once it has been dispersed, the radioactivity enters the food chain. First, the radioactive materials are reabsorbed into the earth through rain and snow. Then they seep into the root systems of vegetation and crops. Animals grazing on the contaminated vegetation and people eating the crops or the animals ultimately absorb their radiation. The Nuclear Regulatory Commission concludes that "Uranium mining and milling are currently the most significant sources of radiation exposure to the public from the entire uranium fuel cycle far surpassing other stages of the fuel cycle, such as nuclear power reactors or high-level radioactive waste disposal."
—L.S.

URANIUM DEATHS
CONTINUED FROM PAGE 59

dium, arsenic, and nitrate. The discharge of such highly contaminated mine effluents into streams creates a long-lived source of groundwater contamination. The studies also indicate that industry-sponsored environmental monitoring programs are inadequately designed and implemented and may not define the full long-term impacts of mining and milling operations on the groundwater quality.

Nevertheless, the United States Geological Survey claims that the Crown Point mining plants do not constitute a "major federal action significantly affecting the quality of human environment."

And John Lobdell, a Tennessee Valley Authority official, told Crown Point residents that proposed mining activities were not anything to worry about, though he conceded that "the chemical reaction of the uranium is especially hard on the kidneys while the radiation is hard on the rapidly multiplying cells such as blood, genes, or bone. I can't guarantee there will be no effect to you or your offspring, but then I can't one hundred percent guarantee you won't fall down in your bathtub tonight either." (The Tennessee Valley Authority is the producer of phosphate slag used to make concrete blocks that were discovered to be radioactive, but only after they were used in some 200,000 homes in the Southeast.)

It was 10 degrees below zero. I sat beside Elsie Peshlakai in her blue, four-wheel-drive pickup truck. We were going to see an old Navaho woman whose land had recently been confiscated. The company had put up a sign that read, "Private Road, Keep Out." We traveled up the long dirt road past hundreds of white stakes; each stake marked the place where a hole had been drilled. "As you can see, there is nothing growing out here any more," Elsie said as we approached a tiny gray hut with a red roof. Inside, I saw Hahnah-bah Charley sitting on the side of her bed. She was wearing a brightly colored yellow skirt and a blue-flowered blouse. She greeted me softly in Navaho. Then she said: "My sheep are dead. There are three large mud pits, each the size of this house. Some sheep drowned in the mud, others died—one right after the other, like they were poisoned."

"How many animals have died altogether?" I asked.

"Three calves, sixteen sheep, eleven goats, four horses," came the reply. "Now there is not enough food for the

family because so many animals have died. A white man from the BIA [Bureau of Indian Affairs] came out to look at the dead sheep and said it's probably the water since the wells they dug have a runoff that goes right into the animals stock pond."

"Why did you let them come here?" I asked. When Elsie repeated the question, the old woman began to speak rapidly. Gesturing with her hands, she explained, "One day a white man carrying papers came with an Indian and said, 'Mother, because all is well with you and you use your land well, and

I can't guarantee there will be no radiation effect, but I can't guarantee you won't fall in your bathtub either."

you have no problems with your neighbors or your allotment [160 acres], we want you to put your thumbprint right here on this piece of paper.'" Trusting them, Hahnah-bah agreed and pressed her thumb on the paper, not realizing that it was actually a contract giving the oil company access to 160 acres of some of the most valuable land in America. Her land.

"Later, I went to the BIA office," Hahnah-bah said, "and told them what had happened. But they just said, 'It is your fault. You signed the paper.'"

"The Bureau of Indian Affairs was set up by the government to protect the Indian people, yet they never told any of us what they were going to do," Elsie said angrily as we climbed back into the truck. "They just took what they wanted, even our grave sites, even our sacred springs, and went over them with a bulldozer."

"We act on behalf of the allottee," Edward Plummer, superintendent of the Eastern Agency in Crown Point told me. "All the responsibilities we execute come from Congress. Our duties are assigned to us just like any other governmental organization. We develop the forms for the applicant to sign. Then we make every effort to locate the allottee. Of course, if we cannot find the person, or if there are several owners and they disagree, then we make a judgment for them. We also make an estimate on how much damage will be done. We inform the allottee of all this. Then the allottee makes the

decision. The allottees have the legal right to the land, which is held in trust for them by our organization. If the allottees sign the contracts and change their minds after construction has begun, they would need a lawsuit to stop the companies. After all, that's why we have a Navaho staff to make sure they understand."

"I have heard stories from people that contradict what you're telling me," I said. "I have heard that people have been pressured and forced into signing documents without knowing what they were signing."

"Well," he answered, "we are understaffed. We have four thousand allotments out here and a Navaho staff of four."

"Do you personally own an allotment?" I asked.

"No, I don't," he said. "The way it works is that the land usually belongs to the women. The society has been set up so that the land is passed from father to daughter and uncle to niece. When a Navaho man marries, he almost always goes to live on the woman's land. Most of these allotments were distributed between 1910 and 1930. At that time Indian-owned land was reduced from twenty-four million acres to two and a half million acres. Since the government didn't know about the uranium then, those who were given land were given both the surface and the subsurface rights to the land."

"Don't you feel that your people are being cheated?"

"Well, the Navaho doesn't care about money. He has a different value system from the white man. He values the land, not the money. To the Navaho the land is Mother. It brings him food."

"Yes, but the land is being destroyed," I ventured.

"That is true," he said sadly. "I feel with them. I am a Navaho. I grew up with them. The almighty dollar has come in here and spoiled the land. We might do reclaiming of the land, but what good is it if we have ruined the water? Right now we have contaminated water running down the creek. We could move them to town but Navahos don't live that way. The land is where they have their ties."

"Isn't this a hard position for you personally to be in?" I asked. Suddenly he hardened. "I've been here for eleven years. I'm satisfied, I'm happy as hell. They have all these options." He looked at his watch, "I have to be going," he said. "Please remember I represent the Secretary of the Interior. I am charged by him with these responsibilities." →

FemIron's Tips for the Working Woman.

Job interview jitters—

Everybody has them...so calm down. And remember, overconfidence can come on as aggression and that gets you nowhere... especially the job.

Fashionably late? Yes, to a cocktail party. No, to the office.

A job reward—A friendly pat on the back from the boss is always welcome. But should it become more lingering, tell him so. He'll know you're no push-over.

After work—Make sure you find the time to join a club, take a class, jog at the gym or wine and dine. Remember, all work and no play can make even you a mighty dull girl.

FemIron is in. Iron deficiency is out. With all you have to do, an iron shortage is the last thing you want. So why not do yourself a favor—take FemIron. Just one FemIron or FemIron with Vitamins tablet each day is all you need to keep your body rich in iron.

FemIron. It's one asset no working woman should do without.



There are a lot of people who feel that the Bureau of Indian Affairs is not meeting its responsibilities. Tom Barry, energy reporter for the *Navaho Times*, in Albuquerque, is one. He conducted his own investigation into the BIA and concluded, "Environmental assessments of lease offerings and approval of mining plans have amounted to no more than routine letters of approval, rarely extending to two pages, and at times consisting of only one sentence."

When asked if the BIA was fulfilling its true responsibility to the Navahos, regarding the BIA mineral-leasing program, Thomas Lynch, director of the Minerals Division in Window Rock, Arizona, who signed the leases, replied: "Let's put it this way, we are taking care of everything. We are following the regulations."

Some BIA administrators may be doing that, but the damage to Navaho land continues. Sarah McCray, a dark-eyed, highly spirited middle-aged Navaho woman, tells this story.

"Back in 1974 two people came to me from what I thought was the Bureau of Indian Affairs. They said they wanted to lease one acre for a hundred dollars for one year. I signed.

"They began to bring in equipment, scattering it over my allotment. Then they began to drill. Some time later they returned. This time saying they wanted to put in one little light bulb because they had come across some bedrock and needed to look into one of the holes. 'Please, please sign it,' said one man, speaking in Navaho. Because he was a Navaho I trusted him. I signed. Then they put power lines on my land.

"Two or three years later a white man with a big beard came and said the men over there saw uranium on your land and they want you to sign your name. This time I said, 'No. I am poor and I am humble, but I too have needs. I want you to drill over here for water so that we can have water to drink and water for our livestock and then I want you to make a road, a real good road, from the highway straight to my house because there is only one way out, over the mountains of bedrock and we have to haul eight fifty-gallon barrels of water over that rock every day for our animals.

"He said, 'We will do that for you if you will sign your name.' I said, 'No. I want it done first then I will sign my name.' He just laughed then rolled up his maps and left.

"Two months later he returned again and said, 'Have you thought about it?' And I said, 'Yes. Have you thought about making me the well and the road?' He said, 'No, we won't do that.

That will cost a lot of money.' I said, 'Then I'll never sign my name. You've lied to me again and again. I'm going to find out what's at the bottom of this. I'm sure there's a lawyer who will help me. I hear there's a meeting in Crown Point and I'm going to go.'"

Sarah McCray did go to that meeting. That was July 25, 1978. It was there that she met Elsie Peshlakai and became an active participant in the struggle against uranium mining.

She also met Shirley Roper, a young Navaho woman, who, like Elsie, left home as a young child to live with the Mormons and become educated. When Shirley returned with a college degree and two years of postgraduate training in clinical psychology, she found hundreds of holes drilled in her land.

"Talk about Indian givers. First they throw us on this old barren desert, and then they want to take it back. They gave it to us because they thought it was no good. Now it is their last resource for atomic energy, and we still have no electricity. Talk about defense. What are they going to defend? A radioactive field where everyone has cancer? It's hard to know who's more naïve, the Navahos who signed the papers or the companies who rush blindly forward."

For Shirley's mother, Mae Roper, the pain is greater. "I'm so timid in front of white men," she explains. "They said sign it and I signed it. I am an old woman. Even if I do not get cancer, I have only got a few more years to live, but my children and grandchildren will hold me responsible for opening up the mine and killing them off."

Then she turned to Elsie who was translating this from Navaho and said, "No more signatures, Elsie. You must go into the homes and tell them. Our whole way of dealing with life has been to accept and accept."

"Yes," Elsie said "even now our own people who don't look beyond today think we are taking away jobs. They forget that even with the mines on our land we Navahos are the last to be hired, the first to be fired, and the lowest paid. But we are starting to ask questions."

Then Elsie put her hand on Mae Roper's shoulder and said in Navaho: "No more signatures—it's survival now."

Loretta Schwartz is an award-winning investigative reporter and a senior policy analyst for the Plymouth Institute in Plymouth Meeting, Pennsylvania. She is currently working on a book on hunger and food policy in America which will be published by G.P. Putnam's.

ON INDIAN LAND

A tale of three pueblos:

URANIUM MINING



Leonora Sarracino surveys the Anaconda open-pit uranium mine from her home in Paguate, one of the Laguna villages.

ON INDIAN LAND

THE ATOMIC AGE officially dawned in the cloudless early morning skies of southern New Mexico on July 16, 1945, bursting forth with the brightness of a thousand suns. Humankind's first nuclear device had exploded in a desert spot called Trinity. The name of the bomb was Fat Man, and its blast ushered in the era of apocalyptic consciousness.

The nation's top scientists had been for the two previous years rushing to create an atomic weapon before the world war drew to a close. The men worked on the Manhattan Project under conditions of top security in a secluded mountain hide-out called Los Alamos.

Los Alamos — the present location of the Los Alamos Scientific Laboratories (LASL) for nuclear weapons research — rests on the escarpment of the 7,500-foot high Pajarito Plateau in the middle of Indian country. Dirt roads and the surrounding Jemez Mountains obstructed easy access to the research and development laboratory.

Nearby in Frijoles Canyon lie the Anasazi ruins of a Pueblo Indian culture that for centuries had prospered in this isolated rugged spot. In the 1300s, these cliff dwellers of El Rito de los Frijoles left their homes in the canyon, moving down to the Rio Grande Valley where the growing season was longer and the water more plentiful. From the rim of the mesa, you can see the ribbon of green wriggle along the valley floor, marking the circuitous path of the Rio Grande. Along this green path, many of the descendants of the emigrants from Frijoles Canyon still live in the pueblos of Santo Domingo, Cochiti, Jemez, San Juan, Laguna and Acoma.

The Manhattan Project did little to disturb the peace and unity of these rural cultures. Some laboring jobs opened up at the mysterious government project in the mountain — the first wage work most of these rural New Mexicans had ever known. The ignorance of physics of the Pueblo Indians and their neighbors in the Chicano villages made them perfect

employees for this sensitive and vital project.

At the close of the war, the reverberations from Fat Man began to be felt throughout northern New Mexico. The scare of the Cold War brought the scientists back to Los Alamos to build better and fatter bombs. In Albuquerque, the newly created Atomic Energy Commission (AEC) sponsored another nuclear research center called Sandia Laboratories, and the AEC tunneled into the city's Manzano Mountains to store its nuclear warheads and bombs. The immigrant scientists and technicians formed a new power group in New Mexico, quickly gaining influence in state politics and business. Los Alamos, located in the middle of one of the poorest regions in the nation, is now the wealthiest county in the state.

The country's richest reserves of uranium — the fissionable mineral used for nuclear weapons and nuclear power production — ran in sandstone formations under the desolation of northwestern New Mexico.

Spurred on by guaranteed market and government subsidies, the mining firms, like Kerr-McGee and Anaconda, rushed onto the lands of the Indian and Chicano people to explore for deposits of uranium.

The uranium industry leased land for four uranium mines and mills on the Navajo Reservation. Another mining district opened to the southwest of Los Alamos in the Mount Taylor area. To the east of the mountains, Anaconda established the world's largest open-pit uranium mine on the Laguna Pueblo.

Uranium boom conditions are again prevailing in northwestern New Mexico with the rise of worldwide demand for uranium to use in private nuclear reactors. The country's major oil companies — Exxon, Gulf, Arco, Mobil and Conoco — are in the forefront of this new search for uranium.

Seeing the health and environmental problems caused by the region's first experience with uranium mining and milling, many Indian people are resisting these new attempts to

gain control of their uranium resources. Many early Navajo uranium miners have died from lung cancer, and the uranium tailings from abandoned mills now pollute the air and water of several Indian communities.

In the Indian pueblo country, two of the more traditional pueblos have spoken out publicly against uranium mining on their land, while the more progressive Laguna Pueblo has already taken the jump into the age of nuclear power. The labels "traditional," "progressive" and "conservative" take on new interpretations when examining varying Indian stances on energy development. Three striking examples of different approaches are found in the pueblos of Laguna, Acoma and Santo Domingo.

THE LAGUNA PUEBLO rests smack in the middle of the uranium boom in New Mexico. Since 1952 the pueblo has hosted the Jackpile Mine on its tribal lands — the largest open-pit uranium mine in the world.

Laguna is a youngster in pueblo time. At the time of the Pueblo Revolt of 1680, when the pueblos drove the Spanish out of the Southwest, the Laguna Pueblo did not yet exist. Cochiti and Santo Domingo Indians founded the pueblo after fleeing from the Spaniards, who in 1699 came back to reconquer the area. The Lagunas share the Keresan language with the residents of Acoma and Santo Domingo, but neither the language nor the cultural traditions have been well preserved in Laguna as in Acoma or Santo Domingo.

The Laguna Pueblo rightfully holds the reputation for being the most progressive of the New Mexico pueblos. For over a quarter of a century, the Lagunas have leased their land to Anaconda and have gained much experience in dealing with the White world.

Not being from a single stock of people, the Lagunas never had a strong, traditional tribal government. Taking up the suggestion of federal Indian agents, the Laguna Pueblo in

1907 adopted a constitutional form of government — the first of the pueblos to drop its traditional forms of authority.

One hundred years ago strife had broken out between the religious leaders and the so-called progressives. Tom Bati in his study, *The Southwestern Indians*, recounted the episode that may help explain the Lagunas' later willingness to change to a White man's system of government:

"A Presbyterian Mission was built at the pueblo in 1875, and the new sect succeeded in electing the outsiders to the position of tribal governor. In protest, the conservatives closed their kivas, removed their religious objects and left the pueblo. Most of them migrated to Isleta where they founded the colony of Oraibi. The exodus left Laguna without a religion-oriented leadership."

The progressives maintained their hold on the pueblo, easing the way for Anaconda to negotiate a 25-year uranium lease with the pueblo government. The Bureau of Indian Affairs encouraged the pueblo government to sign the mining lease. But it wasn't until 1978, at the beginning of the renewed lease, that the Indian trust agency initiated any assessment of the costs and the benefits of the giant mine to the residents of the pueblo.

The BIA also supported the Conoco uranium lease that the pueblo signed in 1978. The BIA local staff approved the Conoco lease without an appropriate environmental assessment.

Other uranium companies, including Kerr-McGee, Exxon, Sohio and Bokum Resources, have located mines and mills on the borders of the pueblo, making Laguna the most impacted community from uranium operations in the country.

The Jackpile Mine, now owned by Atlantic-Richfield (Arco) and operated by its subsidiary Anaconda, has provided the pueblo with more than 400 mining jobs and about \$1 million in annual royalties. The mine has certainly benefited the pueblo economically, but there is growing con-

Blasting sends yellow, choking smoke over Paguate

MINING *continued*

cern about its health and environmental effects.

"Although mining is a source of revenue for the tribe," says Gov. Floyd Correa, "it has caused considerable degradation to the environment." In 1978 Correa voiced his concerns about the "severe effects on the quality of the air and water" of the uranium mine to the Environmental Protection Agency (EPA).

Correa said, "The village of Paguate is just 250 yards from the boundaries of the mine and has suffered from noise and dust pollution."

Through the years of the mine operation, the people of Paguate have seen the huge pit move closer and closer to their village. From a distance, Paguate looks like a tiny island surrounded by a dirty gray ocean of uranium ore.

The Lorenzo family of Paguate haven't yet accustomed themselves to the dust and the blasting of the mine. In fact, they're bitter about it. Ben Lorenzo, a former Laguna governor, says, "We have lived here many years, and a lot has changed. I used to be able to breathe here, but lately I've noticed that I'm able to breathe better when I go over to my ranch."

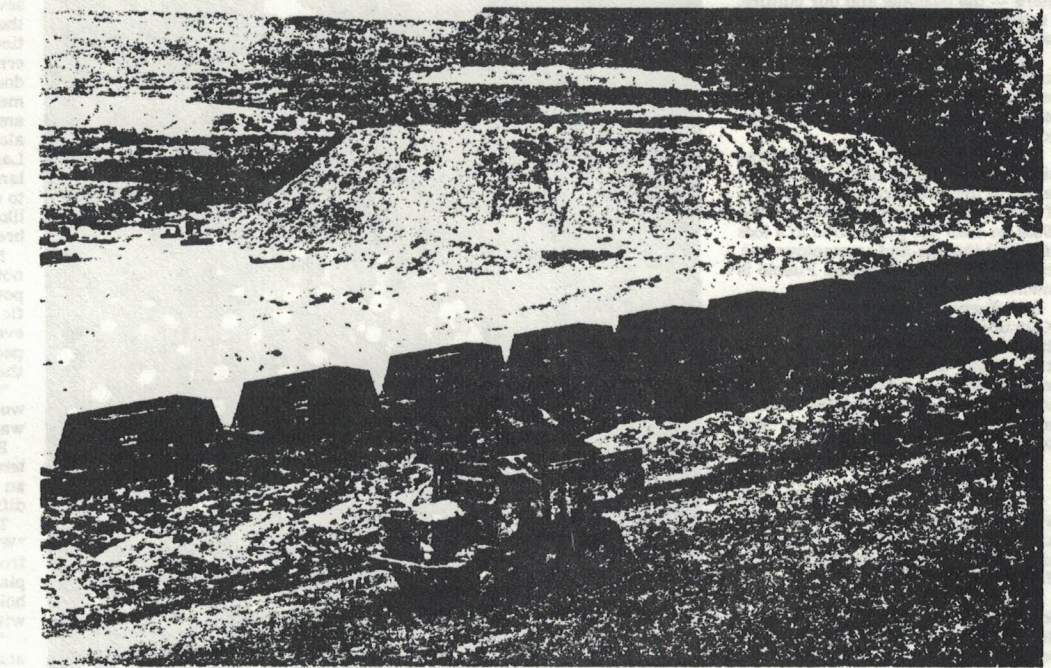
Referring to the royalties received by the tribe, the old governor complains:

"We don't get much. The royalties all go into stocks and bonds. Over here at Paguate, we get nothing even though we're long deserving. It's like this: There are 10 buckets of uranium coming from the mine. But when they are divided up, the pueblo only gets one. All the rest goes to Anaconda."

"Didn't you see the yellow smoke today when they blasted?" interjects Lucy Lorenzo, his wife. "All day they continue to blast with the smoke settling over us — hanging like a cloud over the village. Everybody's coughing more than before. Things are getting worse, not better, for us. Despite our complaining, they still blast. It cracks our homes and spreads dust all over. You can go and complain about the cracks in our walls, they just plaster over them and the walls start cracking again."

Another common complaint of the Paguate villagers is the influx of outsiders onto the reservation. "The companies bring the non-Indians to work in the mines as bosses even though our men have worked in the mines longer," says Ms. Lorenzo. "More and more non-Indians are around the pueblo, and now I'm beginning to think that the uranium companies and the outsiders are ruling this place."

Leonora Sarracino's home overlooks the huge uranium mine. Her husband, like most of the men in the



Trucks and trains roll from the Jackpile uranium mine of Anaconda on the Laguna Pueblo.

village, works in the mine. Yet she is critical of Anaconda.

The Indian woman recalls that before Anaconda came most of the people in the village raised cattle and farmed. The corrals and farm sheds in the village are now rotting away. "Most everyone works in the mine nowadays," she says, "and only a few families have gardens anymore."

"We don't know all the effects of the uranium mining, but we can see that the blasting spreads dust and radioactivity over the people's food and clothes."

Mike Waconda of Paguate drives a truck for Anaconda. What concerns him most is that "people don't know what's happening to their land. The tribal council is making all the decisions, not the people."

In 1975 the EPA found widespread water pollution around the uranium mine. The agency report, *Water Quality Impacts of Uranium Mining and Milling Activities in the Grants Uranium Belt*, said that erosion from the mine had polluted surface water near the mine, making it "unfit for domestic, livestock, or irrigation use." The EPA noted that the company's own drinking water was polluted with toxic metals.

Anaconda called the study inaccurate and exaggerated and said the

uranium industry was already over-regulated.

The study raised the concern of the pueblo government. Governor Correa told the EPA there should be more and better federal regulations to safeguard the pueblo.

In severe weather, "radioactive materials may be flowing downstream from the mining area," said the governor in his report to the EPA. "Without any regulations, we are in a dilemma." The Laguna Pueblo has asked for funds to set up its own environmental department.

Despite the adverse environmental effects of the mine, Governor Correa says he is "pro-development." "I'm for the development of our resources. It was a decision made by our council over 25 years ago, and it is my responsibility to follow through on that decision and to see that the proper mitigation measures and safety and health regulations are being followed."

"The mine is a source of income and jobs for our people. Therefore, it has effected a very positive economic development for my reservation and has met the various needs of our people."

Correa, who is the vice president of the Council of Energy Resource Tribes (CERT), says that Laguna and

other Indian tribes have made many mistakes in the past leasing of their resources. "It behooves a tribe like us," says Correa, "to get a mineral resource inventory so we can better decide how to develop our mineral resources. We can then get the kind of contract we want, whether it be a management contract, a service contract, or a joint venture. We have made many mistakes in the past, but we have learned from them."

Correa says that he has been encouraged by the recent attention Atlantic-Richfield has given to the tribe's concerns about worker safety and the environmental effects of uranium mining. "We are jointly working on the problem areas," says the tribal governor confidentially, adding that the company's chairman of the board had come to visit with him and tour the mine.

A young, confident and articulate leader, Correa seems well adapted to deal with the corporate world, yet he says the pueblo hasn't lost its Indian identity. The governor says that all areas of religious significance on the pueblo are being safeguarded and isolated from the mining operations.

"I don't feel the mining has had a negative effect on the pueblo," says Correa. "Neither our ways of worship nor our respect for the earth has

Life-giving water at Acoma 'has a head on it like beer'

MINING *continued*

changed. The traditional base is still there — the customs and our culture. I think we have learned to take progress in stride."

While sharing the environmental concerns of other Indian people, Correa says the priorities of Laguna differ from the pueblos of Santo Domingo and Acoma.

Like the companies that mine uranium, Laguna now has a vested interest in the nuclear-power industry. If the industry slumps, as it did in the 1960s, so does the pueblo due to a loss of tribal income and unemployment. In many ways, the Laguna Pueblo is much like a company town.

But Correa is confident. He says, "Our uranium is a world resource. If the market slows down in this country, we can sell the uranium somewhere else in the world. There's always going to be a need for nuclear power and the demand for it will keep growing."

THE PUEBLO OF ACOMA vies with Old Oraibi, the Hopi village in Arizona, for being "the oldest continually inhabited community in the United States."

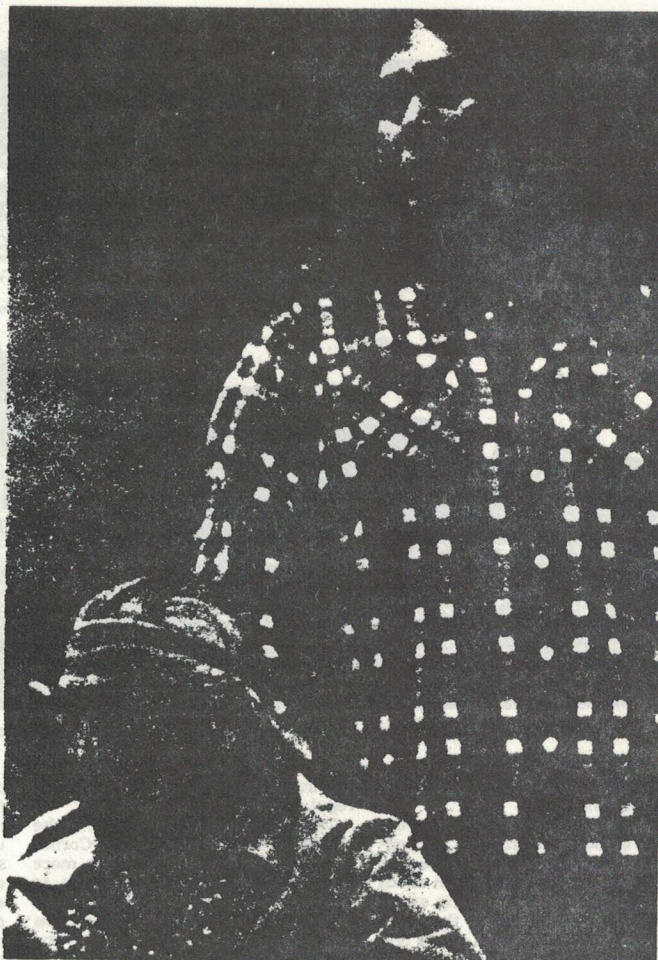
Centuries of Spanish and American domination have done little to silence the prayers, the chants and the drum beats of the religious societies at Acoma. For the Acoma — which means in Keres "the people of the rock" — the spirituality is part of their way of life. To lose their spiritual beliefs would be to lose their lives.

Unlike some of the other pueblos, like nearby Laguna, Acoma has held onto its traditional cacique form of religious and secular government. Each year the cacique or headman of the Antelope Clan chooses the officers of the pueblo government. There is no election, but through the clans and councils of the elders the Acoma people feel that their traditional form of government speaks for them.

To the north of the reservation rises the majestic Mount Taylor — the volcanic mountain that now hosts swarms of uranium exploration crews. The borders of the Acoma Pueblo, however, are closed to the mineral companies, and probably will remain that way for at least a couple of generations according to the leaders of the present pueblo government.

At a hearing by the EPA in 1978, the Acoma Pueblo announced publicly for the first time their concern about the effects of nearby uranium mining on their air and water quality.

The pueblo government told the federal environmental agency: "The attitude held by the present society is



Robert Garcia and Ron Martinez (standing) are lieutenant governors of Acoma Pueblo, representing the young and the old.

one of exploitation without due respect to the social and natural environment. Some of the effects of the surrounding developments have had a detrimental effect on our present lifestyle and environment. Because we have always collaborated with the natural environment, we are reluctant to accept the conditions imposed as a result of exploitation. Conditions exist as a result of the failure of the dominant society to recognize that we have a different set of values. Legislation to safeguard any detrimental effects occurs only after the damage has occurred. We are presently faced with having to combat the effects of exploitation of our environment."

Water — the blood of the arid Southwest — is the primary concern of the Acoma Pueblo. They told the EPA that the neighboring uranium operations were polluting their river and dipping into their supply of underground water.

"The water coming down the river from Grants has a head on it like a beer," said former Gov. Stanley Paytiamo in 1978. "We are getting nitrates and phosphates from the uranium development and the mining has caused a population explosion in Grants. The chemicals are caking up on our land and choking the chili plants. We are a chili-eating people; we don't want to switch to peanuts, which need nitrates."

The pueblo has been approached by several mining companies to develop the uranium and oil on the reservation, but each time the pueblo government has turned them down. "I don't think there will be any development this generation," said Paytiamo. "Our people would never go along with the strip mining like in Laguna. We don't have very much land, and people here live very close to nature. They believe that trees are like humans, that they live and breathe like we do."

Nature prevails at Acoma. There is nothing to obstruct or diminish its power and beauty. No signs, no traffic lights, no fast-food places, not even two-story buildings — just the people living close to the earth in their adobe and stone homes.

"It's like we have our own private world here, and can live the way we want," commented one Acoma elder.

Ron Martinez, the 25-year old lieutenant governor, observes that being an Indian today "is like living in two different worlds."

The one world is their Indian place. "We worship and are inseparable from Mother Earth," he says, explaining, too, that Indians have to hold onto this identity while dealing with the other world.

"We are surrounded by the outside, and it really has a drastic impact on us," says Martinez. "Nothing remains here that is not affected by outside development. It hinders our existence, but we can't go totally back to the traditional ways either. We wouldn't be able to survive."

He says that it will be harder and harder to resist the mining companies in the years that come. Already, many of the Acoma men work in the uranium mines, because farming and ranching no longer can support a family.

"We have to live in your world at the same time we stay in ours," adds Tribal Secretary Steve Juanico. "We are Indians on the inside, but we are wearing different clothing. Indian people have to struggle to be recognized, like at the recent Mount Taylor rally against uranium mining on Indian land. It's a constant struggle just to be heard. There are two opposing forces: Money set against the values of the environment."

"We are in the position of having to satisfy the more traditional people as well as the more progressive," continues Juanico. "We are not all the same. And as more of our people become oriented to the dominant society, others are wanting to return to our traditions. But we can't go completely back to the old ways because there have been too many changes."

The Acomas are trying to take the

The Santo Domingo tribe is campaigning to prevent the mining

middle road — a road of harmony, balance and humor. In an effort to keep their Keresan language alive, the community school initiated a course in the native language. One of the books they use for instruction has an Acoma elder talking with a young boy in Keres. The tale ends when the old man breaks out in English, exclaiming, "Right on."

Although no development plans now exist, the tribal government wants to be prepared for the day when the people decide to develop the pueblo's mineral resources. Rather than letting the companies come onto the reservation to explore, the tribe has commissioned CERT to do a minerals inventory of their lands.

"If the pueblo decides to develop someday, we want to be in a position to call the shots rather than having the companies tell us what to do," says Gov. Raymond Chocho. "We won't be bowing down to those companies."

The Acoma governor says that they are studying the possibilities of initiating a farm project on the reservation as an alternate means of economic development. The uranium development near the pueblo threatens the renewal of farming at Acoma because the mining activity is depleting and polluting the area's water.

"The situation in the whole country," says Juanito, "is that we never know the results or the costs of things. The companies and the government never tell you about the after-effects. In this regard, the Indian people are no different than anybody else in the country. At Three Mile Island, they never warned the people ahead of time. The same things will probably be true here too. We are all just sitting on the sidelines."

SANTO DOMINGO PUEBLO, another Keresan Pueblo which sits on the east side of the Rio Grande, is in the front lines of the anti-nuclear movement in the Southwest. Their resistance to uranium mining is based on their traditional regard for the sacredness of nature, and they have joined non-Indians to form a strong coalition against uranium mining in the Rio Grande Valley in New Mexico.

"We have occupied this land for thousands of years until the federal government came in and started giving it away piece by piece," says Ernest Lovato, the tribal spokesperson for the pueblo.

"I'm ready to say that I was the first one here," says Lovato. "I'm not ashamed to say this. By golly, this whole land, this whole country be-

MINING continued

Anthropologists commonly call Santo Domingo a conservative pueblo because of its tight control by the tribe's religious leaders and Santo Domingo's resistance to any outside influence. Situated on the Rio Grande about halfway between the state's two major population centers of Albuquerque and Santa Fe, Santo Domingo has stubbornly resisted encroachment by the non-Indian world.

Santo Domingo still prohibits all picture-taking of the pueblo and routinely denies requests from historians and anthropologists to study the pueblo's cultural and spiritual life. Life continues at Santo Domingo much like it has in the past. The villagers annually plaster their adobe homes with a new coat of mud plaster from the river banks, and they haven't forgotten the words or the dance steps of their ceremonies. Many of the people still live off the land, farming their plots, ranching, or fighting fires in the government forest to the west.

Their long history of passive resistance to the White world has successfully ward off unwanted influence, but when the need arises, the Santo Domingos don't hesitate to vigorously defend themselves against advances from the outside. From the Pueblo Revolt of 1680 to their strong leadership in fighting the land grab by the state in 1924 and in the formation of the All Indian Pueblo Council, these conservative people also have a reputation as activists.

The conviction in their own beliefs and their confidence in their ability to deal with the White man's systems has placed the Santo Domingo Pueblo at the front of the movement to stop uranium mining and milling in New Mexico.

"It's beautiful when you reach the position of balance with both worlds," explains Lovato. "You are not lost anywhere."

In a position statement about uranium mining, the tribe said:

"We ask you, the citizens of the state, non-Indians, and Indians alike, to form a united front to stand up together to fight the mining corporations that are destroying our lands. We will shelter the Earth that has sheltered us and those before us so that our children may live in peace and harmony."

Santo Domingo has found common concerns among other residents in the Rio Grande Valley, and it has joined with three other citizens groups to oppose uranium mining. The opposition of these groups has dashed the hopes of one mining company and stalled operations of two other firms.

"We need each other," says Lovato. "We can't be fighting the big corporations on our own. The politicians are probably wondering how it ever happened. It has always been a

dream that Indians and non-Indians could get together."

The people of the rock and the valley have met their match in the Atomic Age. These pueblo people who know time as a continuum of hundreds of years and who consider their self-interests to be the interests of future generations who are facing the energy of the atom — whose radioactive decay lives not for hundreds of years or for generations, but for many thousands of years. This is the time of nature itself.

In the past, the Indian people of the Southwest have found ways to adapt to and endure the presence of the outside world. But can the pueblo people live in the Atomic Age and still retain their ethnic strength and their future? Can their belief in the deity of the sun match the brilliance of the split atom?

Indians feel they are the protectors of New Mexico land

At Laguna the leadership has chosen the path of progress and accommodation with the White world. The monstrous 22-ton ore trucks rumble day and night over the pueblo roads, and the tribal treasury grows fat with uranium royalty payments. The company has integrated itself into the life of the pueblo, and Laguna dancers are now displayed on the beds of Anaconda trucks during parades promoting nuclear energy. In a modern world, survival means money and jobs — things the pueblo has been able to give to its people.

The elders of the more traditional pueblos of Acoma and Santo Domingo say that the White man's technology is destroying the balance of the universe and are speaking out against uranium mining. They say that the state of New Mexico, whose flag displays the Indian symbol for the sun, is built on the foundations of the Indian world, and this gives them the right to speak out as the protectors of the land.

The pueblo people of the Southwest have met the non-Indian world with different faces: The progressive and the conservative or traditional. Only time will tell which approach is truly the more forward-looking, truly the more progressive. ■

...And the Skies Will Be Cloudy All Day

Having granted the Cheyenne Indians Class I air forever, the government is about to renege. The decision is more than another case of Indian giving; it may mark the end of pure air for everyone

by Michael Parfit

Joe Bear's ranch sits beside the Tongue River. It is 7 a.m. and he has just finished feeding his cattle. The herd, about 180 mixed Herefords, Angus and Charolais, is strung out in a multicolored band on a plowed field, eating \$80 hay that Bear had to import this hard winter. In the early morning the sky is immense and pale, streaked with cirrus and rimmed with light. The sun has struck the hills but not the river valley. The red cliffs, stippled with trees, stand out in deep relief against their shadows; the Cook Creek and the Pawnee Mountains face the day. There is no haze.

Bear is a solid man, worn but not worn out by nine children, the improvement of a marginal ranch and the needs of his tribe. He works full time for the Northern Cheyenne tribe as vice-chairman in addition to doing his ranch chores. Today, Saturday, he is off. Bear planned to spend the morning catching up at home; instead, he takes a tour of his side of the reservation to try to show me why the Northern Cheyennes value clean air above financial gain.

We drive south on the gravel road beside the Tongue. In the river bottomlands, the forests of cottonwoods, black trunks in a gray cloud of branches, are interspersed with fields recently cleared by Cheyenne farmers. To the west, foothills roll up to the low mountains in slopes just beginning to be shaded green. Everywhere on the hills are outcrops of the burned red stone that tell of the presence of coal seams below the ground—the seams that have made this part of Montana a focus of energy development for the whole northwestern section of the nation.

Bear is thoughtful, undemonstrative. He wears Levi's, a denim vest and a red, white and blue cap that advertises Caterpillar tractors. Like most Cheyennes, Bear speaks English as a second language—the tribe has kept its culture more than most. His talk is guttural but also smooth, reminiscent of the land itself; low, rolling and edged with rock.

"We're very poor," he says. "We've been accused of getting government handouts. Maybe I go to the wrong post office." So I ask him: What's so important about clean air? In white society it is only the affluent who even notice environmental degradation—concern about pollution is a refinement of white life, hardly a foundation.

Bear smiles. Missing teeth, common among the older Cheyennes, do not erode the dignity of his face. "We're kind of a renegade tribe," he says. "You have to look at our history. We paid dearly for this land. The long walk back."

And everywhere you go on this reservation and ask that question, in the dust of Lame Deer or the high meadow of Birney, you get the same reply: our history. Our heritage. The long walk back.

It is not lost on today's Northern Cheyennes that the saga of their tribe began almost exactly 100 years ago. They find resonance in today's defiance. It was on September 9, 1878, that 297 Cheyennes, the last of the Northern tribe, walked out of the Oklahoma reservation in defiance of the soldiers and went in search of their lost homeland. After the Custer fight they had been corralled in Oklahoma, but the air and

the malaria and the heat literally began to kill them, so they just left, headed for what one leader called "the land of pines and clear, cold rivers." They eluded 12,000 troops, crossed two major railroad corridors, and nearly got through Nebraska before half of the group was captured and locked up at Fort Robinson. Their stubbornness to return north was put to the ultimate test: When they refused to go back to Oklahoma they were locked up without food and water. After five days they broke out and all but a few were shot.

The survivors continued north, eventually joining the rest of the emaciated tribe at Pine Ridge, North Dakota. And after the scandal of the Fort Robinson massacre became known, the Northern Cheyennes were given the current reservation in Montana, 447,000 acres of rolling hills, forests and prairie.

"Land, air, water, trees," says Tom Gardner, a tribal liaison officer. "That is what the people came back from Oklahoma for. These are the things that our old people pass on to us. The Cheyennes are going to protect what they have left."

When Alan Merson, a regional administrator for the Environmental Protection Agency (EPA), came to Lame Deer, Montana, the Northern Cheyennes were waiting. They let him into the paneled board room of the tribal council, they let him sit in the middle, and they listened to him speak. But before the afternoon was very old he was hunched under the patient eyes, swiveling in his chair to meet the questions and the gaze of Ted Risingsun on the left, Allen Rowland in the chair-

man's seat, Joe Bear on the right and Eric Metcalf behind him. Finally Rowland put his glasses down on the desk, Metcalf covered his eyes, and Merson raised his hands in helplessness. He was a prisoner under the lamp here in the Cheyennes' capital city, a bull elk caught in barbed wire, attended by a pack of implacable wolves who were content to let him tear his flesh on the sharpness of his own mistakes.

The quietness enraged him and he slammed his hand on the table:

"If you don't believe me," he said, "then there's no sense in my being here." Crash.

But the steady eyes didn't blink, and a low, rolling voice, blunt as the land and just as hard, spoke in the vacuum. "If I were you I'd walk softly. You're in Indian country."

The Northern Cheyennes call the white man Spider. The spinner of webs of intricate deceit. From a tribe to whom the most valued human qualities are wisdom, kindness, generosity, courage and even temper, it is not a compliment. Nor is the choice of word an artifact of a day when land and buffalo were given and then taken away. When Merson came to Lame Deer, he too spun a web, with threads of anger and justification. Its filaments only partly concealed his apparent intent: to make a decision that could rob the Northern Cheyennes of riches they thought they had won, and also could significantly deteriorate—the phrase is in the law—the quality of life for us all.

What Merson may do is approve the construction of two huge coal-fired power plants just upwind of the Northern Cheyenne reservation—a reservation that the tribe of 4,000 has spent the last two years fighting to make an official reserve of the cleanest air in the nation. If he does so, he will steal both the fresh breath from the Cheyennes and the heart from the federal air pollution control laws.

This nation's internal struggle to salvage at least some of its clean air has come by a strange and devious journey to this little Indian reservation west of the Tongue River and south of the Yellowstone, this country of pink cliffs, Ponderosa Pine trees and coal.

Clean air first became an important part of the legal structure of this country in 1970 when Congress passed the Clean Air Act, an amplification of earlier attempts to control air pollution. The act's stated purpose, among other things, was "to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population." At that time the infant Environmental Protection Agency interpreted the act to mean that general lim-



Joe Bear: More broken promises

its—national ambient air standards—were placed on all air, no matter how clean or dirty it already was. You could pollute to those limits and then you were shut down. In 1972 the Sierra Club sued the EPA, arguing that the legislative history and the wording of the act required not only the upgrading of clogged air but also the preservation of unsullied air. The district court decision upholding this concept reached the Supreme Court, where it was again upheld in a four-to-four vote. The EPA was mandated, in the court's words, to "prevent significant deterioration of air quality" in clean air areas.

From that decision came rules for the prevention of significant deterioration, known as PSD. These rules, which went into effect in June 1975, included a tiered definition of the word significant, allowing three different levels of deterioration, by area. Class III areas were places where "deterioration up to the national standards would be considered insignificant"; Class II zones were areas

His steady eyes didn't blink: "If I were you I'd walk softly. You're in Indian country"

"in which deterioration normally accompanying moderate, well-controlled growth would be considered insignificant"; and in Class I areas, "practically any change of air quality would be considered significant." The 1975 PSD rules labeled the whole nation Class II and said that states, Indian tribes and federal land managers could request redesignation of specific

regions into other classes.

Since the creation of the PSD rules the designation Class I has become a symbol of purity. A Class I area, conservationists believe, would be a reservoir of the best air in the United States, a place of vistas unimpeded by soot or artificial haze, a place where you would want to breathe deeply and long before returning to the urban murk of Class III. In 1977, when Congress passed amendments to the Clean Air Act which, among other things, made all large national parks and wildernesses Class I areas, the protection of the air seemed assured. Class I was the ultimate, the jewel of clarity in the box of stones.

If the Northern Cheyennes paid a vast human price to regain a tiny piece of their homeland, they more recently paid a vast monetary price to keep it intact. In 1974, after leasing almost half the reservation to coal prospectors and miners, a move that promised riches almost beyond expectation, the Cheyennes did the incredible: Seeing the devastation wrought by coal development in nearby areas, they successfully petitioned the Department of Interior to suspend the leases. Two years later, on May 13, 1976, the Northern Cheyenne tribe became the first entity in the country to request redesignation of its lands from Class II to Class I.

This was uncharted terrain, both for the tribe and the EPA. It involved legal representation, lengthy documentation, scientific study and public hearings. To carry through on the request, the tribe had to fight off the verbal assaults not only from white neighbors who wanted to build power plants upwind but also from members of the Crow tribe, whose reservation is west of Lame Deer and who are far more interested in exploiting their coal resources than are the Northern Cheyennes. "It's just like the old days," said a young Cheyenne paralegal, pointing to an illustration of a power plant in a magazine. "These are their forts. They have their cavalry; they call them miners. And they have their scouts, just like they used to—the Crows."

The Cheyennes justified their request from several angles: health—respiratory ailments significantly shorten Cheyenne lifetimes; vegetation—increased levels of sulphur dioxide even at low concentrations can damage Ponderosa Pine, the dominant tree of the reservation; and, indirectly, social impacts on the reservation caused by the construction nearby of polluting industries. But it always came back to history and tradition. The long walk. The air that the Northern Cheyennes fled.

"Up north," said a Northern Cheyenne woman as she lay dying in Oklahoma, "the pines make a rustling

Coming Clean?

It is March of 1975. The setting is an austere, oak-panelled hearing room in the United States Capitol building in Washington. Behind a large, curving rostrum sit several congressmen, all members of the Subcommittee on Health and the Environment of the House Committee on Interstate and Foreign Commerce. Facing them, seated at a long table, are executives of some of the nation's largest steel companies. The executives are testifying about difficulties they say they are having in meeting the pollution control requirements of the Clean Air Act of 1970.

The following exchange takes place:

MR. ROGERS: (Congressman Paul G. Rogers of Florida, chairman of the subcommittee): Let's see, we have had the law five years now. Could you tell me, company by company, how many of your plants are in compliance presently and how many are not?

MR. ARMOUR: (Interlake, Inc.): I think we have to define in compliance with what.

MR. ROGERS: The Clean Air Act.

MR. ARMOUR: We do not have any in compliance.

MR. ANDERSON: (Bethlehem Steel Co.): None.

MR. JAICKS: (Inland Steel Co.): None.

MR. MALLICK: (U.S. Steel Co.): None.

MR. TUCKER: (National Steel Corp.): We have no plants in compliance.

—reprinted from the *Natural Resources Defense Council newsletter*

sound in the wind, and the trees smell good." The Northern Cheyennes have not forgotten that their deepest longing was for the air of home.

In August 1977 the EPA announced that it had granted the Northern Cheyennes' request for redesignation. The reservation was now Class I. Its air was safe. Here was the jewel.

"We all took deep gulps of breath and we got hyperventilated," said a Cheyenne judge, Marie Sanchez. "And that was the biggest high we ever got."

But there was a spider in the works.

Fifteen miles north of the reservation lies the town of Colstrip. From the smoking hum at the center of this village of 3,000 people spreads a web of power lines feeding 700 megawatts of electricity west. Colstrip is the heart of the western utilities' push into Montana; it is here that the Montana Power Company and four other utilities from Washington and Oregon propose to build two more power plants, called Colstrip Three and Four, each capable of producing 700 megawatts. On cool, still mornings the reddish stain from the two smaller plants already operating can sometimes be seen drifting south toward the reservation; even with considerable pollution control equipment designed into them, the new plants would more than double the intensity of that plume. Each hour the two plants would spew more than five tons of sulphur dioxide into the air.

Twice before it approved the Cheyennes' redesignation, the EPA told Montana Power that if Class I was granted, the agency could not give the company the required permit to build the polluting structures if they remained as planned because they would violate the standards. On September 30, 1977—after the redesignation—regional administrator Alan Merson denied the permit outright for the same reason. It

appeared that the first test of Class I was going to prove it was a standard of genuine quality rather than just a paper promise.

But then on January 16, 1978, after holding several private meetings with Montana Power officials, EPA reversed itself and announced that it proposed to grant the permit.

Two obvious things had happened to cause this change of heart. First, in administering the 1977 amendments to the Clean Air Act, EPA had opened a brief loophole for power plants by applying parts of the amendments that relaxed controls immediately on such plants; at the same time EPA postponed provisions stiffening other controls until March 1, 1978. Colstrip units Three and Four were now allowed one violation of Class I standards annually instead of none. But they were not required, as the 1977 amendments also stipulated for new plants, to include the most effective, officially recognized pollution control technology. This selective postponement is now the subject of a suit filed by the Environmental Defense Fund against EPA.

Second, and more important, Montana Power had persuaded Merson, using the company's own data, that the meteorology of Colstrip would diffuse and divert the fumes on their way to the reservation more than EPA had thought, and that Class I standards would, indeed, be violated only once a year.

"Montana Power didn't want to change its pollution control technology," said one Cheyenne, "so it changed the wind."

Merson's final decision impends. It will come any day now, quietly, in the form of a phone call and letter to Montana Power Company. Few Northern Cheyennes or environmental groups are optimistic that Merson will experience another change of direction. Al-

though he has a reputation as an environmentalist, in his recent appearance at Lame Deer he looked like a man frantically justifying a decision already made. There is too much political pressure involved now. A public hearing Merson called in Billings, Montana, to gather data on the pollution potential of the plants became instead a circus at which a phalanx of construction workers talked about patriotism and potential jobs and heckled speakers testifying for the Northern Cheyennes. And with many hands in the coal boom bucket, the sentiment has spread around Montana, although two-thirds of the power generated at the plants will go out of state and although such need is not easily demonstrated. Montana's lieutenant governor, Ted Schwinden, recently wrote a letter to an opponent of the plants, pointing out that in the last five years growth in use of electricity has been much lower than the figure used by Montana Power to justify Colstrip. "It does not appear that a delay in the construction of Colstrip Three and Four will necessarily mean black outs, brown outs or economic catastrophe," Schwinden wrote.

But momentum has been established in favor of the plants, and Merson is not the true source of that direction. This, it appears, comes right from the top, from EPA administrator Douglas Costle, who is looking over Merson's shoulder as he decides on the Colstrip permit. On February 28 Costle blasted a tunnel through the March 1 deadline for Colstrip and one other plant in Maine, saying the deadline did not apply because without demands for additional public comment time, the permit would have been issued long before.

"This is the first permit that will be determined as to a plant that could breach Class I standards," says Lonnie C. Von Renner, an attorney in the Washington, D.C., law office that represented the Sierra Club in its 1972 suit against EPA and that now represents the Northern Cheyennes. "So it's terribly important that the proper burden of proof be assigned, and that a close hard look at EPA be established as a precedent."

But the close hard look does not appear to be all that close—or hard, either. The data to determine whether or not the plants may pollute the reservation has been collected by a monitoring tower standing next to the plants. The tower's top is about 500 feet below the level at which the plume from the plants is likely to flow. Michael Williams, research coordinator for the John Muir Institute and consultant for, among others, the National Park Service and EPA itself, calls the data unreliable. Williams compared similar tower data collected at the Navajo power plant in Arizona with actual pollution experienced there and

found that out of 33 attempts, the tower did not correctly predict the pollution once. On the basis of these and other experiments, Williams predicts that sulphur dioxide concentrations on the reservation would be three to six times greater than Class I increments allow.

Ed Wadington, an environmental consultant whose Billings firm does business with Montana Power, expressed incredulity that EPA would issue a decision based solely on atmos-

“They have their cavalry; they call them miners. And they have their scouts, just like they used to—the Crow tribe”

pheric modeling, calling it a “poorly developed assumptive art.” At the end of a letter to the Northern Cheyenne Research Project, Wadington wrote: “I feel that the basic approach via ambient modeling is so inherently inadequate that little can be gained by academic argumentation.”

On the Northern Cheyenne reservation Joe Bear drives slowly home, a wisp of pale pink dust rising behind the pickup. He has pointed out a field between groves of cottonwoods across the river where a rancher is trying to get a strip mine started. He has talked about progress: “We’re not against it, but we want to be self-sufficient.” Way down in the end of the valley, in the dip where the Tongue lies, are the blue shapes of higher mountains—the Big Horns near Sheridan, Wyoming, 70 miles away.

When Bear pulls into the driveway beside his small red home, he stops and there is another smile. He, like all the other Cheyennes who keep the tradition, knows the wealth he has denied himself in the name of the quality of life; perhaps he knows too that few whites, faced with such poverty and such opportunity together, would have felt so intensely about the integrity of the earth. “I guess I like this country,” he says. “I realize I could trade what I have for money, but I don’t think I’d be any happier.”

Omatome. The Northern Cheyenne word for air is the same as the word for breath. The precedents won’t touch Joe Bear here. All that will come to this valley is a very faint haze. But we will have stained his breath, his life, which he has fought to keep pure. And this time the Northern Cheyennes have nowhere else to go. ●

Coming Clean?

It is March of 1977. The setting is an outdoor, air-polluted hearing room in the United States Capitol building in Washington. Behind a large, curving wooden desk several congressmen, all members of the Subcommittee on Health and the Environment of the House Committee on Interstate and Foreign Commerce, facing them, seated at a long table, are executives of some of the nation’s largest steel companies. The executives are testifying about difficulties they say are involved in meeting the pollution control requirements of the Clean Air Act of 1970.

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Cleaner air for Cheyenne could end energy boom in Eastern Montana

by Bill Vaughn

Lame Deer, Montana. After dark the view from Morning Star Butte on the edge of the Northern Cheyenne Indian reservation is ominous. Thirteen miles north across the rolling hills of southeastern Montana, the plumes from two coal-fired electricity generating plants at Coldstrip light up the sky like a city on fire. That fire could turn into a holocaust if the Montana Power Co. and a consortium of mostly west coast utilities finish their 10-year plan to surround the 700-square-mile reservation with generating and coal gasification plants.

But the Indians have different plans. On March 31 the Cheyenne Tribal Council will become the first local government in the country to ask that the Environmental Protection Agency uses its toughest laws to keep the clean air over Cheyenne land clean. If the petition is approved, it will force the energy industry to install very expensive pollution controls, or scrap its plans altogether.

The Cheyenne are using a rarely-employed provision of the 1970 Clean Air Act to fend off the power companies. The law established three classes of air—graded by how much pollution is possible for each. It designated the entire U.S. as a moderately clean Class II and left it up to states and Indian tribes to weigh industry against environment and request replacement in a higher or lower class. The Cheyenne will request the cleaner Class I status.

"We're not against progress," tribal council president Allen Rowland said after the Indians made their decision. "For us, progress means developing the tribe's resources like timber and agriculture. If our air is degraded these things will be diminished. They are our livelihood and the core of our values."

Dirty air is only part of the reason the tribe is fighting the energy companies. At a hearing in Lame Deer January 17, scientists and state officials warned that a ring of poorly controlled power plants around the

reservation could spoil the tribe's grazing lands and Ponderosa forests, aggravate an already high rate of respiratory illness, and even endanger wild plants like sage, licorice, and buffalo berries the Cheyenne still use for food, medicine, and religious ceremonies.

Coal companies out in the cold

Between 1968 and 1973, Shell Oil, Peabody Coal, Gulf Oil, and American Metal Climax signed corporate leases with the Bureau of Indian Affairs and tribal leaders on billions of tons of coal under Crow Indian lands in eastern Montana. The companies announced at the time that the coal would have to be stripmined.

But some members of the tribe opposed the agreements, especially the price worked out with Shell—17.5 cents a ton on coal removed, a figure many members found far too low. They filed a lawsuit against the Interior Department challenging the agreements.

The dissenters' efforts—as in the Cheyenne coal case several years ago—have born fruit. On January 13 the Interior Department announced it had reversed its decision and overturned the leases, an action expected to lead to the withdrawal of the court suit.

Now the energy companies have to negotiate new agreements, and new environmental impact statements will have to be submitted. Approval could take several years. In the meantime, the stripmining of Crow land has been postponed. □

In addition, the Cheyenne are afraid the boom-town economy and mostly white population that follows big construction projects in the west will increase crime, racial conflicts, mental illness, and pressure on housing and services that are now barely adequate to meet the needs of the reservation's people. In short, they fear becoming a minority on their own land. The reservation "is our identity," said tribal elder Charles White Deer at the hearing, "our last retreat."

The Cheyenne gained an important ally at the hearing when Ellis Knows-His-Gun, tribal secretary for the Crow Indians, whose reservation borders the Cheyenne's to the west, announced that the Crows would also petition the EPA for a Class I standing.

Only one industry spokesman appeared in Lame Deer to oppose the Cheyenne petition. Observers said that could mean the coal companies and utilities are admitting defeat or they simply intend to ignore public forums and concentrate on lobbying the EPA in Denver and Washington before the ruling comes down in early June.

The tribe had turned down quick cash and almost gone broke fighting five major legal battles with power companies in the preceding eight years to protect what Rowland called the Cheyenne's "final territory." Witness the Cheyenne coal case.

The reservation sits on top of the richest coal basin in the world, the Fort Union formation. By 1973, the Bureau of Indian Affairs had convinced the tribe to lease 56% of its land to the Peabody Coal Company, five other stripmining companies, and several speculators.

Income from these leases would have built a desperately needed \$1 million health clinic, stuffed the tribal coffers, and provided every individual on the reservation with a big payment. For a people whose per capita income is 71% below the national average and whose unemployment rate hits 70% in the winter, the offer was tempting.

But when several tribal members realized the cost of losing half the reservation to Big Muskie shovels,

Bill Vaughn is a freelance writer who lives in Missoula, Montana.

they began organizing. Tribal lawyers discovered that the coal was worth much more than the BIA had led the Cheyenne to believe. The leases were filled with fraud and omissions, the lawyers found, and they petitioned the Interior Department to nullify the agreements. Finally, in 1973, convinced that the government would ultimately lose in court, Interior Secretary Rogers Morton canceled the leases. In mid-January, in a similar case, coal companies lost their mining rights on the Crow reservation (see box).

Supporters of the all-out development of eastern Montana's vast coal

reserves are angry. They say that the energy needs of the nation far outweigh the local concerns of a few thousand Indians and ranchers. "Are people in Chicago going to shut down their refrigerators so that people in Montana can have uninterrupted vistas?" a Bureau of Land Management official asked recently. "What is that going to cost the nation? We'll do the best we can to minimize the impact, but the trade-offs have still got to be made."

Many find that argument persuasive, especially during a harsh winter and the spectre of home-heating fuel curtailments in the east and midwest.

But the Cheyenne maintain that their petition is not intended to halt energy development, only to insure that it doesn't threaten the tribe's economy and culture.

"Economic development brought by outsiders to Indian tribes," a statement accompanying the petition declares, "is often a false progress that strips them of their natural resources, disrupts their lives and traditions, and leaves them only dollars which are quickly gone. We want our own kind of progress that will work for us, not someone else's progress that will export our resources and leave us the consequences." □

JUSTICE

No busing where segregation is neutral and non-discriminatory

by Denny Partridge

In the famous 1954 *Brown v. Board of Education*, decision, the U.S. Supreme Court found that the doctrine of separate-but-equal education for black and white children was unconstitutional, and subsequent Court decisions that ordered busing as a means to desegregate school districts have severely polarized dozens of American communities. In a series of recent decisions, the Supreme Court is backing off from its unpopular pro-busing stance by insisting that the discriminatory effect of segregated schools is no long sufficient to require busing. Discriminatory intent must now exist.

Last week, the Supreme Court voided a lower-court order that would have bused nearly 10,000 black children from Indianapolis city schools to mostly white suburban schools. The ruling ordered the desegregation plan back to the appeals court for "further consideration" in light of two previous high court decisions.

The first, on January 11, ruled that discrimination had not been "a motivating factor" in the refusal of the city government of Arlington Heights, Illinois—a white Chicago suburb—to rezone a tract of land for minority low-income housing. Similarly, last June, the Court rejected a suit filed by District of Columbia black policemen which challenged a police-department entrance exam. The exam did not have a "racially discriminatory purpose,"

Denny Partridge was a long-time member of the San Francisco Mime Troupe. Her article is based, in part, on a report from David Dunaway.

the Court found.

Civil-rights activists and critics of the Court say that these decisions reflect what appears to be its growing tendency to impede the past decade's progress in civil rights.

Last December, the Court, arguing that school boards are not responsible for solving the problems of segregation that they did not create, also ordered a stop to an Austin, Texas, desegregation plan. Said one black Austin junior-high-school student bitterly, "We can get out here and protest but when it comes right down to it, black and brown don't have a lot of say."

Nixon appointee Justice Lewis Powell drafted the Court's decision on Austin. "The principal cause of racial or ethnic imbalance in urban public schools across the country . . . is the imbalance in residential patterns," Powell wrote, adding that this was beyond the control of school authorities. "Discrimination in housing, for example, whether public or private, cannot be attributed to school authorities."

School districts are responsible for remedying only the segregation they create, a ruling that the Carter Justice Department seems happy to live with. Attorney General Griffin Bell quickly suggested that the racial imbalance of Austin's schools may have "neutral, non-discriminatory" causes.

Although the new ruling is, according to one observer, "like refusing to shovel the snow from your sidewalk because you don't know who's responsible for the bad weather," many do agree with the Court that school districts aren't always the source of the problem. "Class conflict is the cause,"

said one University of Law School professor. "Look, middle-class parents don't want their kids going to school with poor kids. In the rich suburbs, desegregation is not much of a problem, for when blacks can pay \$100,000 they have no problem finding a home or a school."

What's the answer? Few communities have sought other remedies, but seven years ago, educators in Duluth, Minnesota, a city with a nonwhite population of less than 2%, actually considered busing along class lines to achieve economic balance in the city's schools.

The Duluth schools analyzed reading achievement levels in schools with and without high enrollments from families who receive federal Aid for Dependent Children, and found that poor children tend to have lower reading scores. Officials devised a plan to bus students to equalize enrollments, but thanks to the opposition of the Minnesota Department of Education, the plan was never implemented.

After the recent Supreme Court decisions, the fates of the Indianapolis and Austin desegregation plans are under close scrutiny from school boards across the country. Officials in Dayton, Ohio, have appealed a federal court ruling to bus 15,000 students for racial balance. Wilmington, Delaware, has a cross-district busing order which could be rewritten if lower courts follow the Supreme Court lead. A Milwaukee school board has reduced its planned busing, citing Austin. Unless some kind of no-fault insurance is instituted, 1977 may witness the wreck of busing. □

'Native American OPEC'

Indians Awaken to Their Lands' Energy Riches And Seek to Wrest Development From Companies

By GERALD F. SEIB

Staff Reporter of THE WALL STREET JOURNAL

PAGUATE, N.M.—This little Indian village literally sits on the lip of the largest uranium mine in the non-Communist world. From the gaping pit below, Anaconda Co., an Atlantic Richfield Co. unit, has scooped out 35 million tons of uranium ore over the past 26 years and hauled it off this pueblo of Laguna reservation to run nuclear plants that eventually will light and heat homes elsewhere.

Yet these mineral riches have never made Paguate prosperous. Its 1,500 residents live in a collection of ramshackle huts, some made of adobe 200 years old, some with walls cracked from mining blasts. Most of the streets are mere dirt paths, because the tribe can't afford to pave them.

Paguate symbolizes the paradox of Western Indian tribes: Their reservations cover millions of dollars worth of energy; but the tribes, because they once were ignorant about their treasures, are saddled with poor leases negotiated for them in years past by the Bureau of Indian Affairs and have never fully shared in their own wealth.

Awakening to Riches

But Paguate also illustrates the fact that Indians have finally awakened to their energy riches—and that, having opened their eyes, they are in no mood to give up their treasures easily or cheaply. This pueblo has renegotiated its lease with Anaconda to win its first increase in uranium-royalty rates. It is negotiating a plan for the company to restore the land once strip mining is finished, something ignored in the original lease. And, at the tribe's request, Anaconda is paying for mine training and scholarships for young Indians.

Most important, the tribe's articulate young governor, Floyd Correa, says the tribe will negotiate much tougher leases, enter joint ventures or even form its own energy company to develop the rest of its uranium, coal and oil. "It's not ever going to be a conventional Bureau of Indian Affairs lease again," declares Mr. Correa, a businessman who gave up his own computer firm to return to his tribe.

Tribes across the West similarly are stretching their energy muscles. Indians began learning the value of their parched lands after the 1973 Arab oil embargo, and the 25 major energy-producing tribes took a cue from the Organization of Petroleum Exporting Countries and formed an energy coalition called the Council of Energy Resource Tribes, or CERT for short. The tribes are estimated to control half of the country's uranium, a third of its Western strippable coal, 4% of its oil and gas and considerable geothermal, oil-shale and other resources.

These tribes may hold some of the solutions to the nation's energy problems. But the solutions won't be painless either for en-

Indians have become shrewd energy experts who know the value of their land and want to control it and to profit from its development. Recently, for example, CERT hired as its director of economics and finance Ahmed Kooros, Iran's former deputy minister for economics and oil. He is also the former governor and chief economist of the Central Bank of Iran.

Carter Admonished

Lately Indians are upset because they think that in composing its new energy plan, the Carter administration ignored a chance to help the tribes. Peter MacDonald, the dapper chairman of the Navajo tribe and leader of CERT, fired off a letter to the President, admonishing him for failing to invite any Indian representatives to the Camp David talks at which the plan was molded.

Mr. MacDonald complained that while the administration is prepared to spend \$140 billion on its new program, it requested only \$1 million in fiscal 1980 to help Indians develop their energy resources, and Congress is considering allocating even less. Mr. MacDonald maintains that directing a half a percent of the proposed energy budget to Indian energy programs could bring the country an additional two million barrels of oil a day from Indian resources by 1990.

"I must ask why—at the very time he speaks of unity, of forging a national energy consensus—the President has appeared to look upon the native Americans of these United States as foreigners," Mr. MacDonald fumes. He hints that CERT members, who in letters to the President have called themselves "the native American OPEC," will consider selling their resources to countries like Japan unless they get some help from the U.S. government.

Mr. MacDonald's letter may have jarred the White House because Energy Secretary Charles Duncan quickly met with CERT leaders and agreed to look into their proposals for federal aid, including loan guarantees, feasibility studies and office and education facilities.

Less Than Ice Cream

What the tribes want to avoid is a continuation of the traditional practice of having their leases negotiated solely by the Bureau of Indian Affairs. Such leases, Indians say, have paid low royalties and given them little control over their land. Mr. MacDonald points to a coal lease the Navajo tribe has with Utah International Inc., a subsidiary of General Electric Co., that pays the same 15-cent-a-ton royalty it did when it was signed 22 years ago. Coal prices have climbed and leaseholders elsewhere today can get many times that royalty, but the Navajo lease has no escalator clause to raise royalties with prices.

"Indians have literally given away their resources by the barrel and by the ton," Mr. MacDonald says. Ed Gabriel, CERT's executive director, says that Bureau of Indian Affairs officials have "done more than a lousy job. They've given away Indian coal for less (per ton) than we pay for an ice-cream cone. All we've done is subsidize the energy companies at the expense of the American people."

Tom Riggs, minerals officer of the bureau, concedes that "there have been some inequities no one will deny." And of the Utah International lease he says, "At the time, 15 cents was not bad. The travesty in that one is that it has no escalator clause."

But Mr. Riggs says that the bureau always has acted with the interests of Indians in mind, not the interests of politically powerful energy companies or other interest groups, as some Indians maintain. "In some ways the bureau has been a constraint," he says. "At other times it has prevented (tribes) from getting their land ripped off."

Negotiating Leases

At any rate, Indians now would rather do it themselves. Led by a new generation of leaders and their own lawyers and experts, tribes are renegotiating some of their old leases. The Navajo, for example, have renegotiated a coal lease with Consolidation Coal Co. and El Paso Natural Gas Co., and the Black Feet tribe is renegotiating oil and gas leases with several companies.

For their part, energy companies say they are willing to renegotiate old Indian leases, if only to remain on good terms with Indians. "We feel it's good business to do business in an atmosphere of mutual respect," explains Kirk Blackard, a special Indian negotiator at Shell Oil Co. While the federal government is the main target of Indian wrath, energy companies also have found that the new hard-nosed Indian attitude makes bargaining difficult; Shell, for example, since 1974 has been trying to come to terms in renegotiating a large coal lease with the Crow tribe.

In the future, Indians say, they would prefer not to lease their land to energy companies at all but to control it themselves, through joint ventures, service contracts (under which companies would extract minerals for a flat fee) or through their own energy companies.

"A lease is the sorriest kind of arrangement. Total ownership is the best," says LaDonna Harris, an Indian activist who is the wife of Fred Harris, the former U.S. Senator. Energy companies, while conceding that joint ventures and service contracts won't be easy to negotiate, say they are willing to discuss them with Indians.

Indians Wary Over Resources

Denver, Colo. —AP— Chairmen of many of the nation's Indian tribes, who gathered for a conference here, say Indians must be on their guard to protect the vast resources that lie under reservation lands.

Wendell Chino, chairman of the Mescalero Apache tribal council in New Mexico, called on tribal leaders to demand control of water and energy resources on Indian land. Federal officials say as

much as 40% of US uranium and 50% of the coal in Western states could lie on reservations.

Ken Black, National Tribal Chairmen's Association's

executive director, said he would urge delegates to withhold support from President Carter "until he shows an interest in Indian problems."

Mr. MacDonald of the Navajo also says his tribe has talked to utilities, including the Tennessee Valley Authority, about the possibility of selling coal and uranium directly to utilities, thus bypassing energy companies. "At least in coal, the new relationship may be with the consumer," says Tom Schopert, an attorney for the Crow tribe. But, he asks, will the utilities and the tribes be able to work together?

Sending Out Experts

Developing their huge energy reserves in such independent ways will, perhaps, require more money and expertise than Indians can muster. But CERT has established a technical office in Denver, from which a staff of geologists, engineers, economists and other experts travel to help the organization's tribes. Eventually, tribes will start their own energy development offices staffed with their own people, CERT hopes.

The Indians' financial health got a big boost recently when the Equitable Life Assurance Society agreed to help the CERT tribes obtain funds for energy projects. Such backing will not only help Indians in their own projects but give them clout if they must deal with outside companies. "I would rather be in a position where I can bargain on an equal basis with an energy company rather than be dependent on an energy company," says Mr. Correa of the Laguna tribe pueblo.

Indians are becoming more assertive in other ways. They are demanding that the energy companies they deal with hire Indian workers, provide training and guarantee environmental protection. In one case last year, a group of Navajo Indians occupied and shut down oil companies' operations on their land in protest over several issues, in-

cluding the terms of the tribe's leases with the companies. In subsequent meetings, the companies agreed to tribal requests for land-reclamation plans, protection of Navajo burial sites, scholarships for young Indians and closer control of company employees.

The Navajo also have proposed two new taxes for energy companies on tribal land. The first, a business-activity tax, would take 5% of a company's gross revenues from Indian land production over \$500,000 annually, the second tax would take 3% of the value of mineral reserves under lease. The tribe estimates that the two taxes would bring in at least \$28 million annually from current operations on the reservation.

But energy companies are unhappy because they already pay state taxes on the land, and they don't think they should have to pay taxes to two governments. More than 20 energy companies and utilities have filed suits to block the proposed Navajo taxes.

Despite such recent activities, Indians insist that they are willing to use their energy resources to help the U.S., provided they get a fair price. "The tribes by and large are not opposed to development; they are producers," says CERT's Mr. Gabriel. But he adds, "The tribes are saying 'no more development until you deal on our terms.'"

Adds Mr. Correa of the Laguna tribe pueblo, "We're American citizens. We love our country here. We love our land. We're just looking to develop our resources."

Milwaukee Journal 8/6/79

MILWAUKEE JOURNAL 10/4/79

US tribes warned of clash on resources

Washington, D.C. —AP— A federal official has warned American Indians that a clash over energy is developing between whites and Indians.

"You will be contending with a white America which has a growing concern about its ability to sustain itself," said Sam Brown, director of the federal volunteer agency Action, in a speech prepared for delivery to the National Congress of American Indians, meeting in Albuquerque, N.M.

Twenty-five tribes have formed the Council of Energy Resource Tribes to help manage their resources. They are thought to own half the nation's uranium, a third of its accessible low-sulfur coal and large reserves of oil, natural gas and shale oil.

MJ 8/2/79

Indians Husbanding Resources

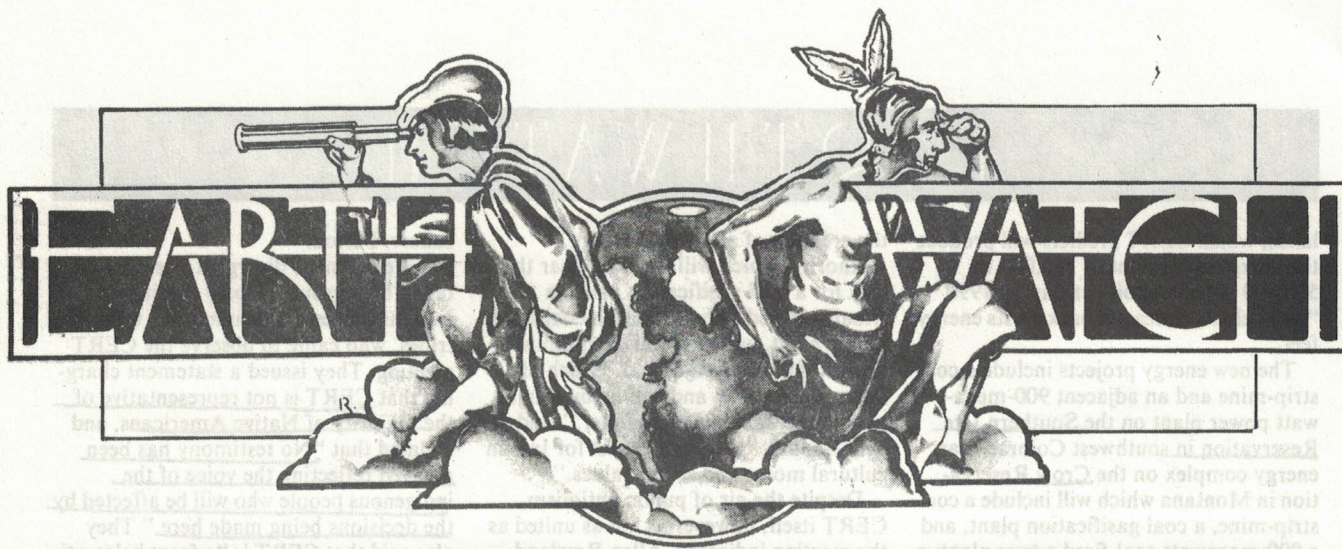
A group of American Indians, seeking to develop their mineral resources to best advantage, has turned to the Mideast for expertise, hiring Iran's former deputy minister for finance and oil, Ahmed Kooros.

"The American Indians are in a position comparable to the one the OPEC countries were in in 1968," Kooros said in the Denver offices of the Council of Energy Resources Tribes, an organization of 25 tribes. "They have a similar level of underdevelopment and the resources to do something about it. What they get should be more commensurate with the real price of energy."

Many Indian coal leases allow private companies to mine the reserves in perpetuity for a fixed royalty, in some cases as low as 25 cents a ton.

Although sensitive to the charge that they may be aiming for an energy cartel along the lines of the Organization of Petroleum Exporting Countries, members of the tribal council are increasingly restive about the returns they have received for their resources. Many also worry that development threatens their environment and their control over the reservations. Because of these concerns, the tribes have been slow to agree to the exploitation of their holdings, which constitute the largest pool of undeveloped energy resources left in the United States.

The tribes are estimated to hold title to as much as 25% to 50% of all uranium in the country, one-third of the low sulfur strippable coal in the West and roughly 2% of all domestic oil and natural gas, according to the Department of the Interior.



Western Tribes Turn the Key to Energy Development

Twenty-five western tribes control the largest pool of energy resources in the country—half of the uranium in the United States, billions of tons of coal, substantial quantities of oil, oil shale, natural gas, and water—and no less than the future of the American economy. United under the banner of the Council of Energy Resource Tribes (CERT), representatives of these tribes gathered for their annual meeting in Phoenix in December and drew an unprecedented crowd of western governors, corporate executives, and federal officials.

CERT had plenty to celebrate. With the current energy crisis, the five-year-old organization has come of age. In the major announcement of the meeting, the Department of Energy unveiled its plan to grant \$24 million in direct funding and loan guarantees to help CERT tribes inventory their resources and "take steps toward full energy development." Of equal consequence was the announcement of six major new energy projects on Indian lands.

Though this significant move by the federal government to subsidize Indian energy development came as no surprise to most observers, the multimillion-dollar assistance package raised some questions about CERT's independence and the Indians' ability to say "no" to future energy development. It also served to reveal that CERT is by no means unanimous in its espousal of energy development, and that a substantial and active element among the tribes is bitterly opposed to CERT's actions.

CERT was formed in 1975, in the wake of the Arab oil embargo, when Washington began focusing national attention on the abundant, untapped

resources of the Rocky Mountain West. The tribal council leaders, angry about the deals that the Bureau of Indian Affairs and the energy corporations had negotiated for them in the '50s and '60s (open-ended leases which paid paltry royalties and contained few environmental safeguards), decided to seek strength in numbers and unite in a common defense. CERT was designed to act as a protective mechanism which would provide all the member tribes with services which few could provide for themselves: technical and legal expertise, the renegotiation of bad leases, and much-needed educational and economic opportunity on the reservations.

Once organized, CERT was immediately dubbed "an Indian OPEC," and there were growing signs of concern in Washington that the Indians, following OPEC's lead, might unite in opposition to the government and collectively turn the screws on the society that had exploited them for centuries. CERT initially played up this image by hiring Iran's former Deputy Minister of Economics and Oil, Ahmed Kooros, and by going directly to OPEC in search of financing.

However, inadequate financing for the many tasks it had set for itself in the early years proved to be CERT's weak point, and it was eventually forced to depend on U.S. subsidies, much as OPEC depended on U.S. oil companies.

The Department of Energy and three other federal agencies were happy to oblige with a \$2 million seed grant in 1978, partly as a way of defusing what could have become a troublesome cartel had the financing come from other, independent sources. And, also like

OPEC, CERT offered the government and the energy companies a single entity with which to bargain, as opposed to twenty-five different tribes.

Last summer's gas crunch quickened the pace of federal support for the organization, resulting in the \$24 million DOE grant for fiscal 1980. Much more is anticipated in the following years, given CERT's request for as much as \$600 million. In any case, the 1980 grant has permanently laid to rest the image of CERT as an Indian OPEC.

Just to make certain, the CERT staff in Phoenix went to great lengths to dispel the OPEC-cartel image further and to convey the message to the assembled corporate and government leaders that the CERT tribes are ready to do business. While there was plenty of talk about mitigating the social, cultural, and environmental impacts of energy development and preventing a repeat of the bad leases of the past, the overwhelming message of the meeting was that the Indian leaders are ready to help America in its drive to attain "energy independence" by moving forward quickly with energy development on Indian lands. In return, a parade of energy executives assured the Indians that there would be a big market for their resources in the years ahead.

On the meeting's final day, CERT chairman Peter MacDonald, who is also chairman of the 160,000-member Navajo Nation, proclaimed a "historic and unprecedented energy partnership between the federal government, the governments of the western states, the leadership of the industrial and financial sectors of our economy, and the Indian tribes." MacDonald then announced the six major new energy projects on Indian

EARTHWATCH

lands, which CERT predicts will produce the energy equivalent of 250,000 to 500,000 barrels of oil per day by 1990 "and help America get back on its energy feet."

The new energy projects include a coal strip-mine and an adjacent 900-megawatt power plant on the Southern Ute Reservation in southwest Colorado; an energy complex on the Crow Reservation in Montana which will include a coal strip-mine, a coal gasification plant, and a 900-megawatt coal-fired power plant; a new natural gas refinery on the New Mexican Jicarilla Apache Reservation which will produce 5-6 billion cubic feet of natural gas per day; a hydroelectric plant on the Nez Pierce Reservation in Idaho; and a geothermal facility on the Fort Peck Reservation in Montana.

In addition, MacDonald announced

the creation of a Navajo Energy Authority, which will work to clear the way for a coal gasification plant, a tribally owned mine-to-mouth coal-fired power plant, and a new uranium mining project, all on Navajo land. "Each of these projects can and will be built in an environmentally sound manner," said MacDonald, "with full respect for Indian cultural mores and social values."

Despite the air of public optimism, CERT itself, however, is not as united as the meeting indicated. Allen Rowland, chairman of the Northern Cheyenne tribe and treasurer of CERT, has already said no to coal strip-mining on Cheyenne land, and he was visibly troubled by CERT's strong prodevelopment stance. He declared that, on his reservation, "The uranium stays in the ground where it can't hurt anybody. No bombs. No

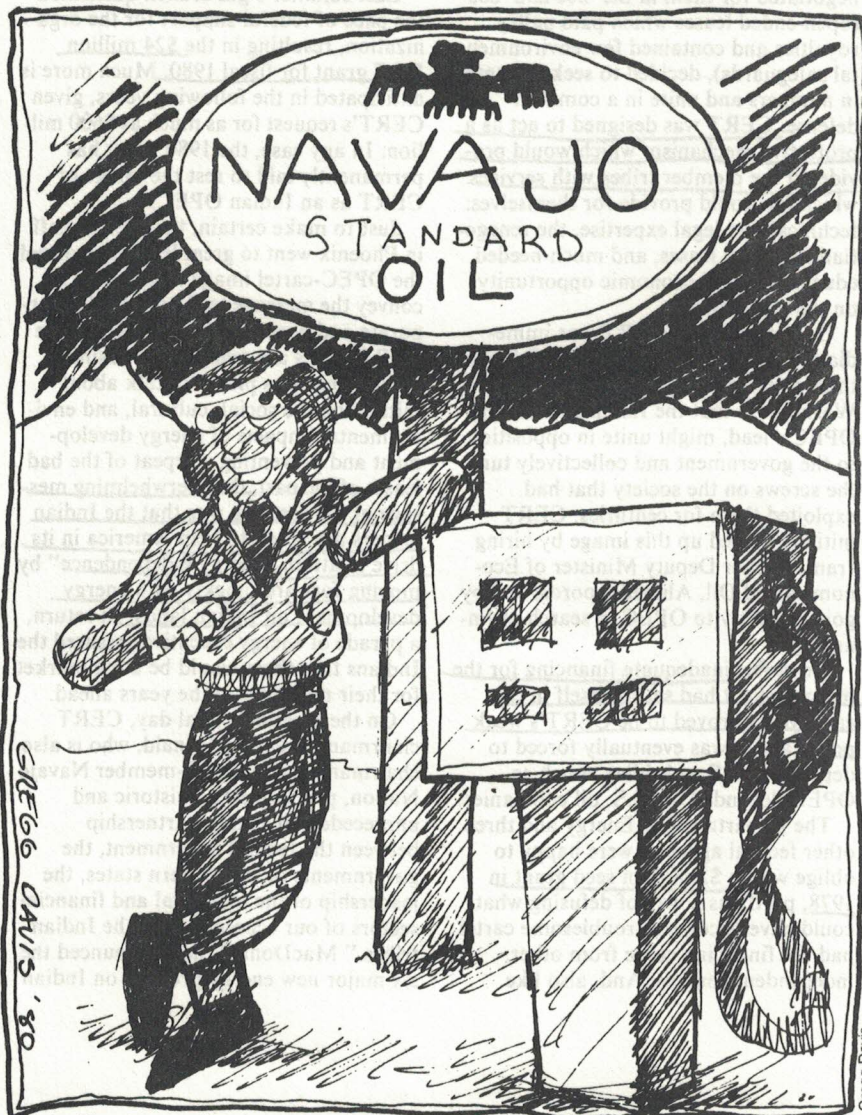
cancer. Period."

An even more divergent position was taken by a group of forty traditional Indians representing numerous western tribes, who came to observe the CERT meeting. They issued a statement charging that CERT is not representative of the majority of Native Americans, and claimed that "No testimony has been allowed reflecting the voice of the indigenous people who will be affected by the decisions being made here." They also said that CERT is "a front being utilized by multinationals and the government" to exploit the Indians' wealth. John Redhouse, a prominent activist on the Navajo Reservation, said "The chairmen have become a bunch of sheep who will develop for money and power while the mass of people will stay in the same place in terms of their plight."

Other Indian leaders, still hopeful that CERT can survive as a protective mechanism which will control energy development for the benefit of all Indians, nonetheless remain skeptical about any Indian partnership with the energy companies. "The big corporations have so much power that CERT is miniscule," said Roxanne Ortiz of the University of New Mexico's Native American Studies department. "It's not a question of collusion between the U.S. government and the energy corporations. It's a question of corporations with so much power that they can control U.S. policy and pressure CERT."

Though such tensions—and even outright opposition—will affect the future of CERT, it was clear in Phoenix that the organization, in the immediate future, will provide one of the essential keys to the development of western energy. And from all indications, it appears that the Indian leaders who are holding the key are ready and willing to turn it.

—CHRISTOPHER MCLEOD,
PACIFIC NEWS SERVICE



"WE CAN BE VERY FRIENDLY. YES, WE CAN."

A Reprieve for the Amazon Basin

Seven South American nations have joined to stem the destruction of the world's largest forest, located in the Amazon River basin, the *New York Times* reported on November 20.

Various kinds of development have already encroached on 250,000 square miles of this tropical timberland, which originally covered some 2 million square

British Columbia's Ban on Exploration, Mining of Uranium Gets Mixed Reaction

By LEONARD ZEHR

Staff Reporter of THE WALL STREET JOURNAL

VANCOUVER—British Columbia's decision to ban uranium exploration and mining for seven years was hailed by environmentalists as a major victory and assailed by mining-industry executives as an act of political expediency.

"It's wonderful and exciting news," said David Garrick of the Canadian Scientific Pollution and Environmental Control Society. "The decision is a precedent that will aid antinuclear movements everywhere."

But Richard Higgs, manager of the British Columbia and Yukon Chamber of Mines, a trade group, said he was "shocked and astonished" by the government action, announced late Wednesday, which caught the industry by surprise. "Mineral exploration in the province will suffer," Mr. Higgs said. "If government knuckles under to one pressure group, businessmen are going to ask themselves what commodity is next."

The moratorium cancels plans of a group headed by Norcen Energy Resources Ltd. to supply Korea Electric Co. of South Korea with 4.3 million pounds of uranium over 10 years starting in 1983. The uranium was to have come from Norcen's Blizzard property in southern British Columbia. The \$300 million (Canadian) contract was subject to the group's receiving government approvals.

Stunned by the Moratorium

Donald Sawyer, Norcen's minerals division manager, said the group has spent \$5.7 million since 1976 for exploration, engineering and environmental studies and preliminary mine and mill design. He said the company hasn't decided whether it will take legal action against the government. "I'm stunned and deeply disappointed by the moratorium," he said.

Mr. Sawyer added, however, that the company is assessing the possibility of supplying the Korean utility with uranium from another source. He wouldn't elaborate.

Besides the Norcen project, the moratorium will affect about 30 mining companies

exploring for uranium in British Columbia. Most of the work is expected to be moved to Saskatchewan, which recently released a government study indicating uranium exploration and mining were safe. The Chamber of Mines estimated that more than \$25 million has been spent on uranium exploration in British Columbia over the past few years.

In announcing the moratorium, British Columbia Premier William Bennett also halted work by a government commission, established in 1978, to study regulation of uranium mining in the province. Mr. Bennett said nuclear power isn't a part of the government's energy strategy.

Major Debate Short-Circuited

Mr. Bennett's announcement short-circuited a major debate on uranium mining planned by government opposition members, that was to have been held when the provincial legislature opened today. A huge rally by antinuclear groups had also been planned in the provincial capital for today.

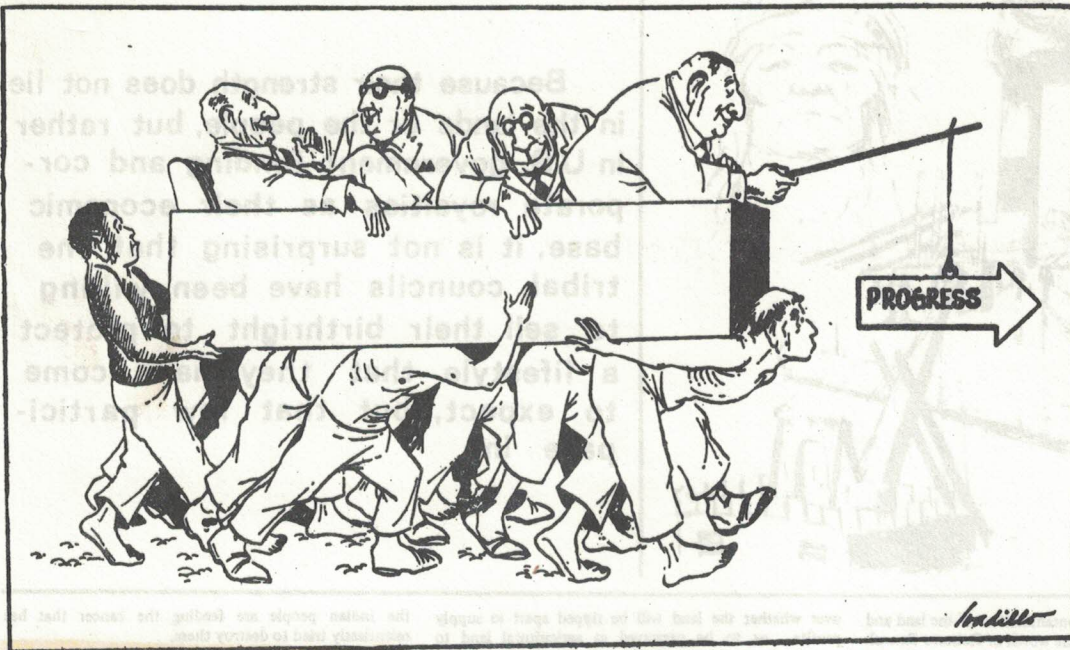
Mr. Bennett, whose political fortunes have declined in recent months, may have erred in abolishing the commission, businessmen said. Instead of having a commission report based on scientific data, "The public's perception of uranium will continue to be cloaked in superstition and ignorance," Mr. Higgs of the Chamber of Mines said.

Norman Johnson, president of the Association of Professional Engineers of British Columbia, added that "by failing to allow all the facts to come forward, decisions that the government may make in the fields of energy and mining will be based on woefully incomplete information and will be suspect."

One mining industry official, in calling the moratorium a political move, said that most of the uranium deposits studied by the commission are near the constituencies of members of Mr. Bennett's cabinet. "Public pressure against uranium mining in those districts would have been vented against government members in the next election," the official said.

Resource Exploitation: The Cutting

Edge Of GENOCIDE



by Howard Berman

The Western economy is facing the looming shortage of raw materials for industrial production. As usual, the existence of these shortages and the new desperation is beginning to have a severe impact on the Native nations and communities throughout the hemisphere. As we have often said, most of the lands that have been "reserved" to the tribal peoples were once thought to be economically worthless — either too marginal for agricultural production or too harsh an environment for even mineral extraction.

But now, the rising cost of raw materials on the world market combined with new developments in extractive technologies have made mineral exploration and the exploitation of harsh environments very profitable ventures. And satellite photographs have revealed substantial mineral deposits under Native lands from Amazonia to Wisconsin and Canada. Development of these minerals is having a devastating impact on the land's ability to sustain the people in the future and is causing social dislocation that threatens the survival of the remaining natural cultures.

The multinational corporations that control the extraction process (mining, manufacturing, and distribution) are increasingly active in seeking out secure, stable, and inexpensive sources of mineral ores. Traditional sources of ores in domestic deposits are rapidly becoming depleted. Third World sources that were once entirely under the control of the multinationals have been nationalizing natural resources and organizing into supplier cartels in order to influence the world market. As a result, the corporations are turning their attention to internal colonial enclaves such as Indian reservations and Puerto Rico as potential suppliers of low cost raw materials. Tribal governments that were organized by or integrated into U.S. Department of Interior regulations are ripe for mineral contracts that are extremely beneficial to the multinationals, but destructive to the Indian peoples.

It is no coincidence that many of the same corporations that have been setting up mining operations in the Amazon region of South America are now active in Indian country in the north. They have refined mining techniques and methods of social control in local areas that can be applied anywhere in the world. The experiences of the Native peoples of the Amazon, who have been largely unsuccessful in defending either their territories or their cultures, and often their lives, can be extremely educational to the peoples of the north who will soon be once again feeling the weight of this corporate power.

The needs and interests of the corporate economy are very different from the needs and interests of the local economies which they disrupt. Profits, which are the heart and soul of the corporations, are largely dependent on the efficient extraction of secure supplies of raw materials as quickly and at as low a cost as possible. Costs to the environment and to the local societies do not appear on the corporate balance sheets. These costs are expected to be borne by the governments, or most

often, by the people themselves for many generations. For Native communities, who are vulnerable culturally as well as economically, this process calls into question their ability to survive as a people.

In the Amazon, mining operations have led to the forced relocation of the indigenous peoples and often to physical genocide. Many cultures have been completely exterminated by disease; others have been forced to assimilate into the dominant Latino cultures at the lowest social and economic levels. The lands have been polluted to the extent that they can no longer sustain life. Poisonous substances that are necessary by-products of mining have penetrated the soils, air, and waters and will remain for unknown generations. In some cases, the forest has been turned into desert — the many forms of life that exist only in this region in a delicate web of living things are being destroyed forever.

When the corporations leave in a few years and shift their operations elsewhere, the people of the region are left with nothing. The natural world that nurtured their bodies and spirits is no longer capable of supporting them, and the corporate economies that the people became dependent on at the lowest levels of subsistence have moved to other territories.

"On a world scale," wrote Terence McCarthy, "It is — or has been until now — a means by which the capitalist cartels and trusts shift, gallon by gallon or ton by ton, bits of one country to other countries. And as they sell off one country bit by bit they use the proceeds to buy up leases on other countries mile by mile which they then sell off bit by bit until nothing is left behind but holes in the ground, some narrow and deep, some broad and shallow — until all the Third World becomes West Virginia."

This is the nature of the resource colony — the land and people are organized or modified solely in terms of the efficient one-way extraction of raw materials from the colony to the industrial centers of the northern hemisphere. Historically, this is the basis by which the Third World entered and remains in the world market economy. Local economies are transformed from the traditional subsistence patterns that have always supported the peoples and their spiritual and material cultures to cash crop or extractive mining systems. Traditional social systems are shattered to create cheap labor for cash crop farming such as coffee and bananas, and for mining operations, while the countries become dependent on imports to feed the people at ever-decreasing nutritional levels.

Despite the development of Third World producer organizations such as OPEC, multinational corporations are as deeply involved in the resource process as ever. Mineral extraction in places like the Amazon are dependent on Western technology and capital investment at levels far exceeding anything in the past. Third World resource areas remain the debtors and beggars of the world economy. Local elites that have been successfully assimilated into the western cultures compete for the privilege of being the middlemen in this extractive system.

Three main factors account for the re-focusing of corporate attention to North America. First is the rapidly growing consciousness of a future of a diminishing resource base as irreplaceable materials are consumed by the industrial world. Secondly, political instability in the Third World is such as to jeopardize the huge capital investments of the multinationals. And finally, internal colonies offer prospects for the docile surrendering of sub-soil minerals with a minimum of cost and political interference.

The semi-sovereign nature of the Native nations in the colonial situation makes them easy targets for the mineral exploitation game. The U.S. Department of Interior has substantial control over the leasing process under which Indian lands are delivered to the multinationals. Common interest in resource development unites government policy with corporate profit imperatives while the Interior Department is nominally the trustee of Indian lands. On many reservations, particularly those organized under the Indian Reorganization Act, the Department has the power of both recognition and review over tribal governments, consistently supporting and defending "progressive" councils over traditional peoples.

In other domestic mining areas, the federal government, the state, and often the local residents have put a great deal of pressure on the corporations to be more environmentally responsible. Environmental legislation does not apply in Indian territories and unless the tribes are strong enough to resist ecological devastation, the future is grim.

"In other domestic mining areas, the federal government, the states, and often the local residents have put a great deal of pressure on the corporations to be more environmentally responsible. Environmental legislation does not apply in Indian territories, and unless the tribes are strong enough to resist ecological devastation, the future is grim."

The mineral licensing process is clearly illustrated in another of America's resource colonies — Puerto Rico. In 1971, Kennecott Copper and AMAX applied for leases to mine copper ore in the mountains of Puerto Rico. Copper mining is a highly polluting operation which requires enormous quantities of electricity and water and ruins large areas of agricultural lands. Although these leases were initially rejected, in 1974 the colonial government reintroduced a joint proposal by these two companies and the government to the Puerto Rican legislature.

Under the terms of the lease, each of the three parties were to put up one-third of the investment capital with the government receiving 51% of the profits. However, the government was also responsible for providing the infrastructure: roads, power facilities, water, relocation of the population displaced by stripmining, and facilities for miners and their families. The companies would enjoy a tax exemption for these operations. Of course, the people of Puerto Rico would also bear the costs of



Because their strength does not lie in the lands or the people, but rather in U.S. government funding and corporate royalties as their economic base, it is not surprising that the tribal councils have been willing to sell their birthright to protect a lifestyle that they have come to expect, but that few participate in.

the air pollution and the contamination of the land and waters. This agreement, in the words of Roberto Rexach Benitez, President of the Commission on Natural Resources of the Puerto Rican House of Representatives, amounts to "selling out the national interests of the Puerto Rican people."

In Indian country, the Hopi, Northern Cheyenne, Crow and most recently, the tribes of northern Wisconsin have felt the weight of corporate interest. The Bureau of Indian Affairs, in 1973, convinced the Northern Cheyenne to lease 56% of its land to the Peabody Coal Co., Continental Oil, AMAX, Chevron, and others for the stripmining of coal. The Continental lease gave the company the right to assign its rights to others, to sublease railroad and roadway rights, to use the Indian land for construction of structures necessary for the production, processing, and transportation of coal; structures that could include power plants, petrochemical plants, and new towns on non-Indians. The result would be to completely transform the ecology of the region to service the power needs of urban industrial centers.

Once the tribal council realized what they had signed, they petitioned the Secretary of the Interior to void the leases. When it became apparent that the lease agreements would not survive a court challenge, they were finally cancelled. It is, of course, easier to avoid these leases than to void them after they are signed.

That is the position of the Crow Nation which owns the rights to roughly one fifth of the strippable coal in the United States. Two factions within the tribal government are fighting over whether they should turn these resources over to Shell Oil or AMAX. The promise of quick cash seems to be a major concern of both factions. Neither faction has objected to the total destruction of the land that inevitably is the result of stripmining.

In northern Wisconsin, Exxon has recently discovered substantial deposits of copper under and adjacent to the Mole Lake Chippewa lands. The company offered the people of Sokoagon Chippewa Mole Lake reservation \$20,000 for the mineral rights to the reservation and began buying up adjacent lands to pressure the tribe to accept the "reality" of mining. According to Al Gedicks, Director of the Center for Alternative Mining Development, who has been publicizing this issue, "From the point of view of the Chippewa tribe, Exxon's proposed mining operation is a direct threat to their existence as a tribe. From Exxon's point of view it is necessary to develop these raw materials to supply the ever-increasing raw material demands of industrial civilization and to reduce U.S. dependence on unstable overseas suppliers."

There is a high potential for environmental disaster in copper mining. Runoff and seepage are heavily contaminated with pollutants and in areas with integrated natural water systems like northern Wisconsin, toxic discharges in one lake can poison an entire watershed. Land that for generations has been used for agriculture will no longer be capable of producing food. Al Gedicks has testified that "the consequences of condemning land available for food supply now and in the future for short term copper mining has not at all been addressed... The public must have ultimate decision-making authority

over whether the land will be ripped apart to supply profits... or to be preserved as agricultural land to provide food and meaningful jobs in the present and future."

For the Chippewa, this development project is a direct attack on their culture. It is feared that toxic seepage from mining will poison nearby Rice Lake which supports the people with the wild rice harvest and provides the tribe's sole source of income. Daniel Poler, the tribal Secretary has described the importance of this harvest: "We would always gather around Rice Lake when the rice was harvested in a community celebration. The rice would carry us through the winter no matter what else happened. The entire life of the tribe revolves around the wild rice harvest."

Currently the tribe has refused to lease its lands to Exxon and has claimed a twelve mile tract encompassing the entire copper deposit adjacent to the reservation under an unrecorded treaty from the 19th century.

All of these corporate penetrations of Indian lands seem to be following a certain pattern. Most often the BIA, the corporations, and local Indian "leaders" have combined to create leasing agreements that amount to a complete rip-off of the Indian people. The lands, the culture, and the future of the children are being sold for money. It's the old trinket game again, with color television sets and Cadillacs replacing the blankets and beads of a former time. The concept that the lands belong to the unborn and that the people are the custodians of the natural world is poisoned and left for dead along with the air and waters. And when the money runs out and the cars rust away, the people who are bound to the land by tradition or poverty will suffer as their ancestors did when the buffalo were exterminated and the people were herded.

Some tribes like the Crow and the Northern Cheyenne are attempting to get higher prices for their lands. The Crow have hired Charles J. Lipton, an international lawyer who has negotiated mineral leases for a number of Third World countries, to negotiate on their behalf with the coal companies. It is presumed that any such agreements will have environmental requirements in them, but no requirements have yet reversed the devastation of stripmining anywhere in the world. The Northern Cheyenne have joined CERT, the Council of Energy Resource Tribes, an organization modeled after OPEC, and are considering ways of exploiting the coal themselves. In a petition to the Environmental Protection Agency, the tribal council clearly set forth the issue from its point of view:

"Economic development brought by outsiders to Indian tribes is often a false progress that strips them of their natural resources, disrupts their lives and traditions, and leaves them only dollars which are quickly gone. We want our own kind of progress that will work for us, not someone else's progress that will export our resources and leave us the consequences."

No matter who is in "control," development is like a magical process that consumes the land and the people and turns them into money, and the money turns to smoke. A single generation can consume and destroy the well-being of a hundred generations of the unborn. The only true beneficiaries of this transaction are the ones who took the lands in the first place and continue to take today. By allowing the extraction of these minerals,

the Indian people are feeding the cancer that has relentlessly tried to destroy them.

The extraction process is lubricated by the nature of tribal governments. Most often tribal councils, particularly elective systems, are colonial structures that represent the interests of the outside world within the Indian communities. As in the case of Third World governments, factions compete to see who will benefit as the middlemen in the business of resource extraction.



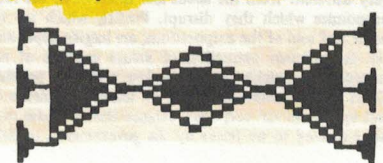
"The whole valley ruined, because of his damned electric blanket."

Few of these councils are composed of the traditional people who carry the ancient teachings in the present time.

The U.S. Government, through its powers of recognition and funding, has created dependent structures on most reservations that respond to federal directives. In the past, many of these councils were ignored by the traditional people who understood that the legitimacy of the nation belongs to the people. However, massive government funding projects on the reservations are often the largest sources of employment, and more and more Indian people are becoming dependent on these structures for their livelihood. On the Crow reservation, for example, 70% of those employed within the reserve work for the tribal council. The result has been an increase in the authority of these tribal governments.

Because their strength does not lie in the lands or the people, but rather in U.S. government funding and corporate royalties as their economic base, it is not surprising that the tribal councils have been willing to sell their birthright to protect a lifestyle that they have come to expect, but that few participate in.

The question of survival facing Indian people is, who will define the interests of the nations? Currently these definitions are coming from "progressives" who administer colonial governments. Until the traditional people are heard, the process is a one-way ride to oblivion.



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NEWSLETTER

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indians, snail darters, and impact assessments: Resisting the Politics of Doom

When I first heard anthropologists and Native Americans discussing the need for social impact statements, I had a vision of hordes of engineers, hydrologists, biologists, and sociologists, in endless combat with the federal government and with each other, overrunning Indian reservations. Lawyers in three-piece suits were directing naked Indians, blue-jean anthropologists, and hard-hat engineers from a central control room. The reservation had become, like Charles Dickens's England, a captive of legal models and interminable litigation.

Must environmental and social impact assessments be little more than jokes or little less than exercises in "knowing your enemy"? Can they be something more than a linguist's nightmare of "trade-offs" and "cost-benefits"?

Environmental impact statements generally turn out to be cynical exercises in which the number of jobs gained or the amount of water and power generated is seldom balanced against the destruction of the environment. These statements are simply a harbinger of change and trouble, the last instrument of despair in a people's inability to control the inevitably harmful effects of change. Often, such assessments are a last-ditch attempt to enable potentially "impacted" people to say "no" to a proposed project. Rarely—as witnessed by the Tellico Dam controversy, in which attention focused more on the fate of the snail darter than on that of Cherokee sacred lands—are they successful in stopping change.

Nevertheless, some evidence has recently appeared in Indian country that comprehensive impact assessments, done by the right groups for the right reasons, can help native peoples

resist the politics of doom. Examples include the Northern Cheyenne Research Project in Montana, established to evaluate the environmental and social effects of proposed developments on reservation lands; the Papago Photovoltaic Electrification Project in Arizona, every step of which is monitored and governed by tribal members and their employees; the Chippewa assessments of the effects of copper

American Indian Journal

The January 1980 issue of the *American Indian Journal* is a special report on "Indians in the 70s: A Decade Review." Articles in the issue include discussions of the place of Native Americans in the news, courts, Congress, health, education, painting, and literature. Single copies can be obtained by sending \$3.50 to the Institute for the Development of Indian Law, 927 15th Street, NW, Suite 200, Washington, DC 20005.

mining on wild-rice production in the Great Lakes region; and the Mohawk studies of the effects of power-line construction on Indian lands in upstate New York.

In these projects assessment is continuous, including monitoring, control, and, if necessary, intervention, rather than a before-and-after depiction of what might happen or has already occurred. The rationale behind these projects is that technology can be responsive to human needs and that traditional peoples can be the engineers, rather than the recipients, of social change. These projects insist that tribal

people should be the primary participants in the evaluation process and that nontribal specialists should be brought in only when necessary.

Self-determination for native peoples is the controlling assumption in these efforts, and conflict resolution, rather than exacerbation, is the model of assessment. Traditionalists, tribal administrators, community representatives, and outside specialists all work together to track and control the course of development. Lawyers are the last, rather than the first, persons to be brought in, and tribal members choose the biologists, anthropologists, and engineers with whom they want to work.

Just as no single technology, development model, or "medicine" can work for all peoples, no single impact-assessment model is appropriate for all communities. The rigidity and obsession with data that characterize most conventional impact statements have limited their usefulness for native peoples. In contrast, the tribally controlled projects mentioned above have no special forms to complete or spaces to fill in on green-lined paper.

The assessments suggested here are more than compilations of numbers and flow charts; they are essays on situational and human variation. No new bureaucratic structures or permanent staffs on huge retainers are necessary. "Play it as it lays" is the game that replaces "know your enemy." Tribes can not only play it as it lays but also call the shots. With a little help from their friends, tribes need not participate in the politics of doom for development. Science and tradition need not be the enemies they have become, but the partners they ought to be.

Rayna Green

national environmental policy act: Social Impact Assessment on Indian Reservations

The most notable failing of many social impact assessments under the National Environmental Policy Act (NEPA) is that they do not assess social impacts. They tend to focus on the effects of development projects on public services and facilities: schools, sewers, roads, law and order. They address fiscal impacts and some demographic and employment effects as well. But they often average even these effects over an entire region, ignoring local communities, classes, and other social groups. If social organizations are ignored, then there is no social impact assessment.

The U.S. Geological Survey and Montana Department of State Lands have just prepared an environmental impact statement for the Northern Powder River basin, an area that includes the Northern Cheyenne and Crow Indian tribes. The government agencies contended that they could not analyze the impact of development on the tribes themselves. "It is not possible," their draft environmental statement read, "to foresee what effects the proposed developments would have on the basic social units of the study area. . . . The analysis concentrates instead on anticipated individual gains and losses."

Granted, there are no cookbook formulas or computer models by which untrained people can do social impact research and analysis. On the other hand, social scientists have developed a wealth of theoretical and practical knowledge of the consequences of social change. By and large, the agencies responsible for impact assessments have carefully avoided this expertise.

Government and industry analysts have also explained to us that social impacts are not worth considering because, unlike effects on public facilities, they cannot be ameliorated by planning and spending money. These analysts assume, before beginning their supposedly impartial review, that development will occur. To those who do not share this assumption, arguments that social impacts cannot be fully predicted or controlled are all the more reason to pay careful attention to those impacts.

The failure of NEPA-related social impact assessments is particularly serious for Indian reservations. Indian tribes are social units, and development projects affect them as units.

Membership in the tribe is closed and stable. Although enrollment rules differ, the basic criterion is birth to a member of the tribe. Members may leave the reservation, but they retain membership and always have relatives and a home base there. In our experience, most members who leave eventually return. Thus, tribal social structure is different from that of a typical non-Indian neighborhood or municipality, where residence alone defines membership. Whereas a non-Indian community in the West may have few if any kinship ties, for reservation Indian tribes kinship networks define and shape community life.



Similarly, reservations as social units maintain Indian religious institutions and values; they occupy a distinctive economic niche; and they face peculiar legal, political, and jurisdictional problems. Distinctive social characteristics mean that development projects affect tribes differently from nontribal communities. For example, population displacement resulting from development projects may seriously disrupt kinship structures, as it has done on the Fort Berthold reservation with the construction of Garrison Dam and more recently on the Navajo reservation with energy developments.

Although tribal members or social scientists could suggest a general list of potential impacts on reservation social and cultural systems, research should not be conducted in a standardized format. Each tribe and reservation has a unique cultural heritage and social form. Some reservations comprise several tribes; on others the Indian community itself may be a minority. It will often be necessary to identify different groups and interests on the reservation, distinguishing carefully between reservation as community and tribe as community. Standardized research formulas could only constrain the exploratory and innovative research and

analyses that must back up competent social impact assessment on reservations.

Government agencies should be held to their legal responsibilities, under NEPA, to provide adequate social impact analysis on reservations, to use this analysis in decision making, and to inform local communities about what will happen to them as a result of a proposed development. Any social analysis on a reservation must be done with the cooperation, and under the direction, of the Indian community, for the research itself may affect the reservation differently from a non-Indian community. Only with the full collaboration of the researchers can the tribe deal with the social, technical, and scientific problems of research on its reservation.

Unfortunately, the agencies responsible for impact assessment are often concerned more with corporate than with tribal interests. Too often they ignore tribes or deal with them in adversarial or intolerant ways. These attitudes are the basis for the failure of social impact assessment on reservations. Intergovernmental cooperation in policy-related research and scientific social analysis on reservations is possible. To insure that cooperation, government agencies must assist tribes in conducting impact assessments while respecting tribal responsibilities and jurisdiction on the reservations.

*James P. Boggs
Nancy J. Owens*

Impact Assessment Conference

Papers are now being solicited for a conference, to be held at Cornell University on 19 and 20 August, on social impact assessment among indigenous peoples faced with decisions about developing natural resources. Issues to be discussed include legislative and jurisdictional developments affecting Indian-related impact assessments; adaptation of assessments to unique tribal conditions; tribal involvement in and control over assessments; and transfer of assessment experiences to other North American tribes. Inquiries should be addressed to Professor Charles Geisler, Rural Sociology, Cornell University, Ithaca, NY 14850. Telephone (607) 256-4457.

san juan basin energy developments: A Navajo Perspective on Costs and Benefits

The area identified in the Department of the Interior's 1979 report, *Uranium Development in the San Juan Basin Region*, produces half of the country's uranium and holds billions of tons of low-sulfur, strippable coal. This area is also the center of Southwest Indian country, the homeland of the greatest number of Native Americans retaining a substantial measure of cultural integrity. Navajos occupy the northern quadrant of the basin; Utes and Apaches live along the northern edge; Pueblo Indian communities are strung along the Rio Grande to the east and across the basin's southern rim. The Anglo population is concentrated in half a dozen enclaves or "border towns," while the rural areas are occupied almost wholly by Indians and small Chicano populations.

Over the next twenty years, the number of people living in the basin's physically and culturally fragile environment is expected to double as a result of mining, milling, and energy production. Several books and reports already describe the social consequences of boom-town growth in the region. The social effects of these proposed energy developments on American Indian communities are not so extensively documented, but preliminary reports indicate that the consequences will be profound and, because of lack of preparation, perhaps disastrous for many Indians.

For the past two years, a research team at Navajo Community College, under contract with the U.S. Environmental Protection Agency, has been studying the response of the Navajo community at Burnham, New Mexico, to a planned surface coal mine. The Burnham community has faced up to the prospect of strip mining through a distinctly Navajo method of problem solving. This process, condensed by the research team into a model of decision making in a small, face-to-face Navajo community, appears to express the general dialectic of Navajo adjustment to change.

Navajo perceptions of the costs and benefits of strip mining took shape as the Burnham community mobilized to get the best deal out of a contract that the tribe and the energy company had already made. The community considered the benefits to be more jobs and

income for young people and the assurance that their children would remain close to home. These young people, however, saw a high social cost in the dissolution of the traditional Navajo bond between land and life. They recognized that the loss of land and livestock means the loss of *iina'*, or way of life.

The over-used expression "mother earth" means that land is a means of teaching and thought. Land markers are a mnemonic aid, and land features, such as buttes, are associated with prayers and legends. These prayers and legends are, in turn, both the means of



—from Bruce Johansen and Roberto Maestas,
Wasi'chu

teaching family members what they must know in various stages of life and an evaluation of how well they have learned to live. Livestock raising is a practical means of learning and a measure of a maturing individual's progress.

The Navajo-Hopi land dispute and recent energy developments have brought forced relocation, increased fencing, and drastic stock reduction. This has resulted in loss of memory, general physical deterioration, severe depression, apparent hysterical paralysis, and, in some cases, even death. These symptoms are particularly prevalent in children through grade-school age and in the very old.

Social and economic problems follow from these psychological and cognitive disasters. Families no longer have the means to maintain unity, and personal security, gained through reciprocity and other nonmarket transactions, is under-

mined. Without land and livestock, people are unable to maintain political status and demonstrate the character that demands respect. Community leaders are compromised, given faulty information to communicate, and ultimately deprived of their credibility.

Although not officially acknowledged in tribal, regional, and national planning, young Navajos in Burnham are trying to maintain their ties to the land and, by so doing, assimilate Western culture on their own terms. In saying, "We can still live as Navajos," these young people affirm that their children can still learn traditional knowledge from the teaching of their parents, their grandparents' prayers, and the practice of livestock raising. The question for these people is no longer the purely economic one of whether or not they can be supported by livestock; it is whether or not the base of their cultural knowledge and the social organization that surrounds it will survive. A variety of options for resistance are emerging, including new land-inheritance strategies and forms of income distribution to provide a land base for all family descendants.

As yet, the planners of strip mining and energy production have paid little heed to the costs for peoples and their cultures. Legislation and contracts require that strip-mined land be restored, but no provisions are made for the victims of strip mining. Moreover, New Mexico is vehemently opposed to any land concessions to Indians, even in exchange for Indian energy resources.

The consequences of energy development for the Burnham Navajo community are similar to those that other Indian groups will face as mining, milling, and energy production roll across the San Juan basin. Navajo communities outside the reservation will soon confront the issues of land and way of life. As yet, no one knows whether the Navajo land ethic, or the views of other American Indians about the relationship between nature and life, will endure. The creativity of Navajo young people and the steadfastness of traditionalists encourage us, however, to believe that they will survive.

Mark Schoepfle
Kenneth Begishe
Rose Morgan
Philip Reno

black hills:

Uranium Exploration Threatens Religious Sites

The Black Hills, or Paha Sapa, of western South Dakota, a scenic oasis of water, food, shelter, and raw materials, have been inhabited by native peoples since 8,000 B.C. During the sixteenth and seventeenth centuries, the Plains Apache, the Kiowa, and the Comanche lived in the southern hills. They were followed by the Arapaho and Cheyenne about 1750 and by the Lakota about 1770. Under the 1868 Fort Laramie Treaty the Paha Sapa remain Indian land, although the United States has failed to honor the treaty since gold was discovered in the hills in 1874, and the U.S. Forest Service asserts jurisdiction over much of the area. Many paintings, carvings, hunting camps, and flint quarries left by the Indians are now threatened with destruction by mineral exploration.

The Paha Sapa are considered sacred by the Lakota and other native peoples. The Northern and Southern Cheyenne still make annual religious pilgrimages to Bear Butte, which has been made a state park in recognition of its religious significance. The numerous paintings, or pictographs, and carvings, or petroglyphs, on the sandstone cliffs of the southern hills may have religious meaning, though few efforts have been made to interpret them. The drawings are irreplaceable as the sole representational record of the manner in which prehistoric peoples viewed and interpreted the world. Many sites have not yet been recorded, and few have been photographed.

More than twenty multinational corporations have staked claims for uranium and other minerals in the Black Hills. In the southern hills, the Tennessee Valley Authority (TVA), Union Carbide, and Gulf Oil have been the most active, drilling for uranium on over 100,000 acres since 1975. In 1979 alone, TVA drilled more than 1,000 exploration holes in the area. Each hole requires an access road for heavy drilling machinery and trucks. Because much of the area affected by exploration has never been surveyed, and the Forest Service has failed to take a required archeological inventory, no complete listing of jeopardized sites is possible, and many important undiscovered sites may be destroyed.

An imminent threat is posed by a

2,000-foot-long horizontal mine shaft, or adit, to be blasted by Union Carbide. The shaft will be located in Craven Canyon, one of the most scenic areas of the semiarid southern hills and one rich in aboriginal rock drawings. Thousands of tons of high-grade uranium ore will be taken from the shaft for processing in Wyoming or stockpiling northwest of the canyon. This is only the first stage of a massive mining and milling project proposed by Union Carbide.



—from Richard Erdoes, *The Sun Dance People*

Over twenty-five known archeological sites are within the area of the present project, including nearly a dozen examples of rock art as well as habitations and hunting camps. The state archeologist's staff believes that at least six of these sites should be examined for eligibility for inclusion in the National Register. In 1970 the National Park Service examined several of the pictographs and petroglyphs as potential national landmarks.

The most apparent danger posed by the exploration projects is the increased traffic of mining machinery and trucks through the canyon and the road improvements that will encourage public access. Records in the state archeologist's office catalogue many sites in the southern hills that have been partially or completely ruined by earlier mining. Local residents who have visited the Craven Canyon sites for decades have documented a dramatic increase in vandalism and destruction of the drawings during the period in which mining activity has escalated. One petroglyph, located 100 yards from the

adit entrance, is protected by only three strands of wire. Recently it has been reported that TVA trucks drove over two tipi rings on private land in another part of the southern hills.

Union Carbide is attempting to avoid even the modest protection offered by an environmental impact statement, maintaining that the shaft will not significantly affect the environment. In addition, the company has refused to follow the state archeologist's recommendation of stereophotography of several sites, a compromise intended to preserve at least an accurate pictorial record, if not the religious value to native peoples, of the sites in the event they are destroyed. Union Carbide has already demonstrated its singular disregard for the environment and the law in the Black Hills; it was convicted on five criminal counts of violating the South Dakota reclamation laws by beginning work on the shaft without a state permit.

State and federal appeals initiated by local residents and the Black Hills Alliance, an environmental organization of native people, ranchers, and environmentalists, have halted work on the Craven Canyon project since August 1979. The alliance and local ranchers also have recently challenged the TVA exploration permit. The alliance has a particular concern for the preservation of the archeological sites because of the strong local sentiment and the potential impact their destruction may have on the exercise of native religions and the documentation of native history and prehistory. In its appeals the alliance has requested environmental impact statements and has listed possible violations of federal laws protecting historic and native religious sites.

The alliance is now seeking experts in the interpretation of aboriginal rock drawings. Like most such organizations, the alliance has little money to spend on desperately needed anthropological and archeological studies. The archeological, anthropological, and native communities can support the alliance by urging the U.S. Forest Service to conduct a comprehensive archeological survey of all sites in the Black Hills.

Phyllis R. Girouard

sokaogon chippewa:

Protecting a Heritage from Mining Development

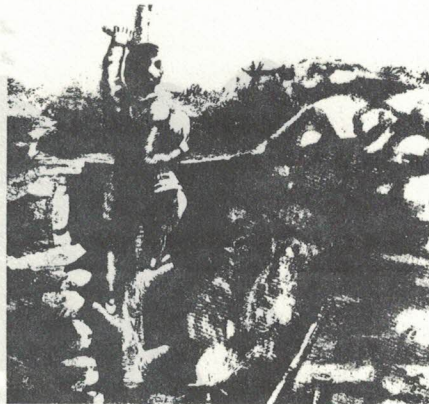
In May 1976, Exxon USA announced the discovery of one of the world's largest sulfide ore deposits a few miles south of the town of Crandon in northeastern Wisconsin. The Crandon deposit—with known zinc and copper reserves of over 70 million tons and with trace elements of lead, silver, and gold—lies beneath the headwaters of the scenic Wolf River and runs parallel to Swamp Creek, a small, winding trout stream. Less than two miles downstream from the mile-long ore deposit, Swamp Creek flows into Rice Lake on the 1,900-acre Mole Lake reservation, home of the Sokaogon Chippewa. Exxon's announcement has not only sparked new interest in the mineral potential of northern Wisconsin, where thirty mining companies are now leasing thousands of acres of land, but also generated concern on the part of the Sokaogon and other Indian tribes about how best to develop their substantial holdings of nonrenewable mineral resources.

Mining is not new to the Lake Superior region. Indian people have periodically mined, worked, and traded the almost pure "native copper" found on the surface or in shallow deposits. Indian production and trade in native copper ended in the late seventeenth century when French explorers came to the region in search of precious metals and furs. In 1842, formal control of the area passed from the hands of Indians to the U.S. government, and the local economy developed through the exploitation of fur, timber, agricultural, and mineral resources. Throughout the nineteenth and early twentieth centuries, Michigan, Wisconsin, and Minnesota experienced the typical "boom and bust" cycles of mineral development. Valuable ore was removed, leaving the social, economic, and environmental disruption still to be seen in many northern towns.

As the oldest resident community, the Sokaogon Chippewa witnessed each wave of economic development and suffered the degradation of their culture, political sovereignty, and natural environment. The Sokaogon once occupied the area of three Wisconsin counties. When other Chippewa bands received reservations in an 1854 treaty, the Sokaogon contended that they were not provided for, and they entered into separate negotiations with the federal

government. Although they selected a twelve-mile-square area within their traditional territory and centering on Rice Lake, the government did not recognize their reservation, and they were virtually ignored as an Indian group for eighty years.

In 1937, after the Sokaogon were granted tribal status under the Indian Reorganization Act, the federal government recognized the tribe's legal title to a small, nonallotted reserve in the heart of the area it previously selected. This land, though of little economic value, surrounds the third-most-productive wild-rice stand in Wisconsin. The



—from Center for Alternative Mining
Development Policy

Chippewa consider wild rice, an important tribal staple and trade good, to be a sacred gift. The Mole Lake reservation was designed to guarantee forever the Sokaogon's control of the aquatic resources of Rice Lake, its clean water, fish, waterfowl, and, most important, its wild rice.

The Sokaogon Tribal Council fears that the community would receive few, if any, of the economic benefits of mining while suffering all of the adverse effects. A large-scale mining operation under state regulation just beyond the reservation border may bring thousands of new workers into the area and leave a 600-acre tailing pond containing sulfuric acid and toxic heavy metals that may contaminate ground and surface water. The tribe is also concerned about the future of its wild-rice stands, which, because of their ecological sensitivity, cannot grow in water containing mining wastes.

Although some neighbors have signed mineral leases, the Sokaogon have turned down Exxon's \$20,000 offer to lease the reservation for mineral exploration and have reasserted their

claim to the larger area that includes the Crandon deposit. Citing their responsibility to future generations, Sokaogon tribal leaders have called for a slower and more rational approach to mineral development. With a \$42,000 grant from the Economic Development Administration and the assistance of COACT Research, Inc., in Madison, the tribe is now conducting a socioeconomic and environmental impact study of proposed mining developments. This study includes the assessment of tribal development options with and without mining, the identification of the potential effects of each phase of mining development, an evaluation of current impact-monitoring and documentation procedures, visits by tribal members to other reservations with large-scale mining projects, and the gathering of information on the tribe's legal rights and the reservation's environmental quality and mineral-resource potential.

Because mining is regulated in Wisconsin by state law, the Sokaogon have secured state funds for legal assistance to assure that their interests are not overlooked in the negotiation of rules by state and local governments, environmental groups, and mining companies. The Sokaogon enter these negotiations with the knowledge that there is more at stake along Swamp Creek than the sinking of a single shaft south of Crandon. The opening of any particular mine is overshadowed in importance by the development, as one Exxon geologist puts it, of "a new domestic mining district that will place Wisconsin in a position of being a significant supplier of minerals."

For the Sokaogon, whose community is most immediately affected by this new mineral development, issues of sovereignty, self-determination, treaty rights, and the federal government's trust responsibility transcend the state's negotiation process and Exxon's corporate timetable. As tribal council member Dan Poler, Jr., says: "I want to be able to pass on my Chippewa heritage to my son and daughter, just as my father and grandfather passed on this heritage to me. . . . We cannot simply move away to a nicer neighborhood if the effects of mining are undesirable. This land has historically been our home and will continue to be our home in the future."

Robert Gough

march 1980/ARC 5

skagit river tribes:

Nuclear Reactions in the Pacific Northwest

Three Pacific Northwest Indian tribes have played a dramatic role in protesting the siting of a 2,300-megawatt twin nuclear power station near the Skagit River in Washington. The three tribes are the Swinomish, whose 800 members live on a 7,100-acre reservation at La Conner, on the shore of Puget Sound and at the mouth of the Skagit River; the Upper Skagit River tribe, whose 500 members are scattered in small towns throughout the river valley; and the Sauk-Suiattle tribe, whose 300 members live in or near Marysville, twenty-five miles south of the Skagit valley. Long before whites entered the region, the Skagit River tribes depended on salmon fishing for subsistence, and this continuing dependence is the basis of the power-plant siting dispute.

When the power-plant controversy began in the early 1970s, the Skagit River tribes were attempting to gain federal recognition and protect their aboriginal fishing rights from state intrusion. The Swinomish have held a small reservation since the late 1800s and tribal status since the Indian Reorganization Act of 1934, but the federal government did not formally recognize the Upper Skagits and the Sauk-Suiattle until 1973.

The Boldt court decision of 1974, upheld by the U.S. Supreme Court in 1979, entitled twenty-two tribes on the Puget Sound to half the annual fish catch. Shortly after the 1974 ruling, the Skagit River tribes established tribal governments and organized the Skagit System Cooperative to coordinate fishing regulations, harvests, and revenues and to insure that fish resources were shared in proportion to the number of fishermen with permits in each tribe. The tribes now share traditional fishing sites, revenues, and police services and work with other fishing tribes that benefited from the Boldt decision.

While the tribes were preparing for fishing regulation, four Northwest utilities applied to the Nuclear Regulatory Commission (NRC) for a permit to construct a nuclear power station five miles east of the town of Sedro Woolley and within a few miles of Upper Skagit tribal fishing sites. Before the deadline in 1975, non-Indian local residents organized Skagitonians Concerned About Nuclear Power (SCANP) and, with the assistance of Seattle law-

yers, received intervenor status from the NRC. SCANP lawyers argued that the proposed nuclear plants were a potential threat to fresh-water streams: heated water returned to the river could endanger fish moving upstream to spawn; construction work and river-bank stabilization could disrupt spawning grounds; and exposure to low-level radiation could alter fish stocks. SCANP also contended that active geological faults near the proposed plant site presented a danger of earthquakes.



—from *American Indian Journal*

Only in 1978—three years after the deadline for intervenor status—did the Skagit River tribes realize the effects that this project would have on their fishing resources and way of life. Tribal attorneys prepared extensive briefs arguing that, as part of the federal government's trust responsibilities, the NRC should consider Indian rights, which until then had been ignored in the licensing hearings. The briefs noted that the tribes had been too preoccupied with establishing governments and managing their fish resources to take an initiative in the licensing procedure.

The tribes asked for the collection of

data on the character of their communities, family and ritual life, and interaction with other tribes. They were particularly concerned about the effects of low-level radiation on their relatively closed gene pool: their practice of marrying other Native Americans in and near the river valley, they feared, could lead to inbred genetic damage as a result of radiation from the nuclear plants.

In 1979 the Skagit River tribes sought the assistance of economists, anthropologists, and an expert on nuclear power from Western Washington University in Bellingham to assess the physical and social effects of the nuclear plants. These professionals analyzed the social and economic value of fish to the three tribes and investigated the possible hazards of low-level radiation for fish resources and Native American people. As these studies were being conducted, the NRC licensing board, with one member dissenting, informed the tribes that they were not entitled to intervenor status because they had applied too late and had had ample time to contest previous safety and environmental reports.

Just when the tribes' position looked bleakest, the NRC—awaiting recommendations from the President's Commission on the Accident at Three Mile Island—suspended application proceedings for the Skagit River plants, and the utilities announced that they would wait at least two years before resuming efforts to obtain licenses. In January 1980 the NRC also agreed to reconsider the tribes' application for intervenor status.

A final irony was the fate of a rezoning contract between the Skagit County Commission and the Puget Sound Power and Light Company, which was up for renewal on 31 December 1979. This contract specified the extent to which the county would allow the utilities to operate within its boundaries and required the companies to defray the costs of additional schools and police. On the day before the commissioners were to vote on the contract renewal, an earthquake rated 5 on the Richter scale struck the Skagit River valley. As the commissioners voted against renewal, it began to appear that time and nature were on the side of the Skagit River tribes.

Lynn A. Robbins

public participation: The Special Case of Indian Tribes

The following statement is taken from a National Academy of Sciences Committee on Surface Mining and Reclamation (COSMAR) working paper, "The Social Consequences of Surface Mining." Joseph G. Jorgensen and Ronald L. Little, contributors to the ARC report Native Americans and Energy Development, were among the authors of the paper.

The Indian case is complicated because the Federal Government, through the Secretary of the Interior and the Bureau of Indian Affairs, serves as trustee for Indian tribes and has authorized the contracts which have allowed surface mining on Indian lands. Unlike the situation in most non-Indian communities, Indian tribes and allottees own the resources that are contemplated for development.

In the Indian case, public involvement is transformed into private involvement. As corporate members of the tribe or as allottees, Indians have vested interests in the resources which are extracted as well as in the land which must be reclaimed. These interests are not only corporeal, but also incorporeal through the ownership of sacred places. Thus, in dealing with the extraction of minerals from reservations, Indian tribal government and the local reservation population must be apprised of the economic benefits, economic costs, and the most intricate details of the contracts involved, including issues about which Indian governments have been inadequately informed in the past. The nature of Indian ownership and control of production, the Indian role in management and the

labor force, the amount of Indian-owned water which will be required in the extraction and transportation processes, the plans for use and restoration of Indian lands, the right of Indian tribes to tax production of any mining operations they do not own or control, and the question of whether mining companies will assume the costs of infrastructure development must all be addressed.

This information must be made available through publications, as in non-Indian communities, and through expert testimony at general council meetings or their equivalent, current common phenomena among all tribes chartered under the Indian Reorganization Act. Public meetings on reservations are imperative because of communication problems. If large proportions of the population are monolingual native speakers, or if fluency in English is low, a competent translator must be provided for simultaneous translations.

In general, Indian governments have not been adequately informed about the contracts they have signed with corporations to extract minerals. Moreover, individual reservation residents have been as ill-informed as their rural non-Indian counterparts.

Unlike the majority of rural non-Indians, reservation populations have repeatedly called attention to their cultural traditions, to their reverence for selected aspects of nature, to the communitarian relations among kin and friends, and for spiritual harmony between their communities and nature. Indians have maintained many such

ethical tenets and spiritual views over the past several centuries, even becoming more firm in the reservation communities of the Great Plains and the Rocky Mountains where sun dances, spirit sings, and the drum religions and other religious philosophies prevail. These ideas and sentiments must be carefully considered, formally recognized, empirically assessed, and responded to in economic transactions.

Public meetings on Indian reservations should address these questions by calling on experts to provide evidence about contractual dealings and their outcomes among various tribes, including the effects on Indian economies, Indian cultures, and Indian environments. As should be the case for non-Indian communities, Indians, too, should be allowed a period in which to formulate questions they wish to have answered, and in which to gain answers through survey research conducted by social scientists. The information, published and presented orally in a second series of public meetings, should precede any contracts, the preparation of environmental impact statements, and the preparation of or plans for reclamation.

If surface mining operations are to occur on federal lands adjacent to Indian land, or if the air quality, water quality, or biota on Indian reservations will be influenced by a surface mining operation on non-Indian land, joint public meetings should be held for non-Indian and Indian populations in which both could be apprised of the consequences to their economies, cultures, and environments.

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