

Native and Non-Native Cooperation For Environmental Justice

by Aaron Berger

“Because we’re poor, we just settled for money. That’s probably what the government is counting on.”

– Judy De Silva, an Ojibwe woman

Native Americans were stripped of their land and confined to reservations, systematically excluded from the wealth available to the rest of American society, and tempted to accept money in exchange for heavily polluting industries. Now facing spiraling cancer rates (especially on lands used for uranium mining), they mourn with their primarily white, rural, and Mormon neighbors who were blanketed with radioactive fallout during Cold War nuclear tests. To address an overarching pattern of injustice, this paper argues that Native Americans and their non-native neighbors must resolve their differences and frame their plight as part of a united struggle. By finding common ground, these separate groups could form a more potent multiracial environmental justice alliance.

The Roots of A Marginalized People

Native American communities have the potential to be rich, but it runs contrary to the dominant society’s interests to allow them to profit from their land. In 1782, George Washington made it policy “to force the entire indigenous population east of the Mississippi River into the ‘illimitable regions of the West,’” where the United States had not yet staked

claim (Churchill 211). By 1840, virtually no Indian groups remained in the fertile land of the American southeast, having been force-marched to the “Permanent Indian Territory” of Oklahoma (Churchill 217). During the decades that followed, the Indians of the West were slowly forced into the “Great American Desert,” which was “deemed to be without value for whites” (Churchill 223).

Only the discovery in the 1920s of major mineral deposits staved off the “planned extinction” of the remaining Indians. It is estimated now that “some two-thirds of all ‘U.S.’ uranium reserves, as well as about a quarter of the readily accessible low-sulfur coal, one-fifth of the oil and natural gas, and appreciable quantities of other strategic minerals” are located within reservation lands (Churchill 292). There are enough resources on Native American lands to make them “the wealthiest people on the continent,” yet they remain by far the poorest. Because of high rates of alcoholism, suicide, and violence associated with such extreme poverty and disempowerment, American Indian men have a life expectancy of less than 45 years – compared to the national average of 71 years (Churchill 293). Despite residing on land that could make them wealthy, Native Americans continue to live as a third-world people.

The Navajo economy, which relies on uranium mining and waste disposal for income, is exemplary of the depressed economies of the Southwest Indian people. In 1970, there were 196 businesses and 100,000 residents on the Navajo reservation of eastern Arizona and western New Mexico. Navajos owned just 69 of these businesses while non-Navajos owned 127 (Gilbreath 12). This low business-to-resident ratio reinforced both high unemployment and minimal selection for the Navajos, the result of which is high prices and long distances for shopping. By contrast, the city of Gallup, New Mexico, had only 14,000 people but over 100 more businesses

than the Navajo reservation (Gilbreath 20). Many factors play a role in the suppression of the Navajo business community.

One of the principle reasons that Navajos own few businesses on Navajo land is that start-up capital is decidedly difficult to obtain. Government paternalism plays a large role – reservation land is “held in trust for the tribe by the federal government. Navajo individuals do not personally own land on the reservation” and so cannot mortgage or sell reservation land (Gilbreath 40). This effect is compounded by the unwillingness of capitalists to finance Navajo projects because they are unlikely to succeed. There are governmental programs to aid in capital generation and loans to Indians, but they act as lenders of last resort and Indian credit needs are surpassing the capabilities of the fund (Gilbreath 78).

Cultural factors also affect the Navajo economic equation. Navajo culture places great emphasis on family, which can lead the Navajo shopkeeper overextending credit to his or her family (Gilbreath 82). Finally, the resistance to “dominant society’s system of formal education,” rooted in the assimilationist boarding schools that the Bureau of Indian Affairs operated from the late 19th century to the early 20th century, has resulted in one of the least-educated groups of people in the United States. In 1967, the average white person had a high school diploma, while Navajos, on average, finished their schooling in fifth grade (Gilbreath 107). While the level of education has undoubtedly increased in the last 35 years, it is undoubtedly still far below the national average. Left with severely truncated means for economic support, polluting companies have increasingly targeted Navajos and other Native American groups with promises of fast cash.

As nuclear waste piles up and reactors run out of storage space, the government and private industries are increasingly looking at indigenous land as the ideal “permanent” storage

site. Tribal poverty and limited “sovereignty” are exploited by the government, which seeks to circumvent state environmental protection law (Kuletz 95). Arguing that the Indian “heritage” of “environmental sensitivity” makes them the best keepers of nuclear waste, in 1987 the U.S. Nuclear Negotiator “sent letters to every federally recognized tribe in the country, offering hundreds of thousands and even millions of dollars to tribal council governments¹ for first considering and then ultimately hosting the dump” (Kamps). After no tribes responded positively to the call, a group of private companies formed Private Fuel Storage, and targeted a small tribe in southern Utah. The tiny Skull Valley Band of Goshute Indians, with just 25 members, was offered “from 60 to 200 million dollars” to host the permanent waste site (Kamps). Offers to help them move underestimate the “inextricable spiritual attachment to the land they and their ancestors inhabit,” and the Band turned down the offer (Kamps). Such an enormous offer to a small and impoverished tribe demonstrates that the government and private industry are willing to exploit the helplessness of their poorest citizens; it is my conclusion that to work with tribal governments, whites need to learn to view the land as sacred.

Nuclear Development and its Consequences

The Cold War mobilized American society around the military, and created a government focus on atomic weapons. According to defense planners, the continued effectiveness of the nuclear program required four things:

“a sufficient supply of uranium ore, localities in which the ore could be processed and converted into weapons, areas in which weapons and their delivery systems might be

¹ To ensure Indian acquiescence to Federal demands, “the Indian Reorganization act of 1934... usurped what was left of traditional indigenous governments [by] replacing them with federally designed-and-maintained ‘tribal councils’” (Churchill 292). This essentially created Indian client states within the U.S.

tested... and locales in which the waste by-products might be permanently stored or otherwise disposed of” (Churchill 304).

Indigenous land and people were able to provide all of these. To generate the needed uranium, mines were dug on Navajo land; today over 1,000 are abandoned but nothing has been done to mitigate their danger (LaDuke 97). Most of the uranium was purified on-site; at an average of .3-.4% uranium, one ton of rock generated four pounds pure uranium. The remaining 1,996 pounds, with 85% of the radioactivity of the ore, was dumped alongside the mines (Churchill 312). In 1979 the Claims Commission offered to purchase the Nevada test site lands from the Western Shoshone “based on its 1873 value” (ironic if one considers that Navajos are unable to generate capital because the government does not even allow them to mortgage that same land) (LaDuke 99). Finally, Yucca Mountain has been selected as a “permanent waste dump” by the government. The mountain, sacred to the Western Shoshone, is held to a radiation standard “equivalent to a 1 in 286 lifetime risk of fatal cancer,” while other pollutants are held to standards that “ensure that exposure to them will cause no more than a 1 in 10,000 to 1 in 1,000,000 lifetime risk of fatal cancer” (LaDuke 109). Indigenous lands bore the environmental brunt of the Cold War nuclear fixation; they are home to all the necessary conditions that sustain America’s nuclear weapons and energy programs.

Native Americans suffered immensely from America’s nuclear age, but they were not alone in either the magnitude or the experience of harm from atomic blasts and mining. The “virtually uninhabited” land that was in the immediate range of fallout was home to over 100,000 predominantly Mormon ranchers and farmers living in small towns (Ball 50). Due to “changing wind currents, poor weather forecasting, or operator carelessness,” almost thirty percent of the fallout generated by nuclear blasts during the 1950s settled on their towns (Ball 59). The first victims of fallout from the Nevada Test Site were sheep ranchers and their flocks. Over 30% of

the sheep and new lambs in a 40 by 160 mile area northeast of the site died in the spring of 1953, while others had bad radiation burns (Fradkin 148). Despite promises of compensation by the Atomic Energy Commission (AEC), none was delivered to sheep owners (Fradkin 151). In 1962, the AEC's records revealed that a child in the path of the fallout from a single blast received a dose of radiation to the thyroid between 5 and 40 times greater than the levels considered safe (Ball 45). To avoid dissent, the AEC had distributed misinformation with the goal of maintaining "popular acceptance of the program (Ball 46). This negligence would result in highly elevated cancer rates among the Mormon ranchers of southwestern Utah.

By the time the first lawsuits (which will be discussed in detail later) were filed against the AEC in 1979, the ranchers themselves had started suffering in large numbers from a variety of cancers. Over 1,200 plaintiffs believed they were victims of the AEC's carelessness; most were "practicing Mormons... [who] did not smoke and drink liquor, coffee, or tea, all of which increase the risk of cancer" (Fradkin 166). Yet they were stricken with leukemia, Hodgkin's disease, lymphoma, and "lung, stomach, brain, skin, uterus, ovary, breast, pancreatic, kidney, bladder, colon, prostate, and thyroid" cancers (Fradkin 166). Two Utah counties observed that cases of leukemia were 150% higher than the number expected (Ball 90). In 1980, a House committee concluded that the government

"failed to give adequate warning to residents living downwind from the test site... The radiation monitoring system... was [inaccurate]... The government falsely interpreted and reported radiation exposure rates... [and] disregarded measurements of radioactivity emitted from the test site as well as the adequacy of the then-employed radiological safety standards" (Ball 130).

The house report concluded that fallout "was, more likely than not, responsible for the serious adverse health effects suffered by downwind residents" (Ball 130).

By 1980, lawsuits had been filed by the downwinders and by Navajo uranium miners, with a common link: Stewart Udall was prosecuting both cases. Both cases fell under the Federal Tort Claims Act, which requires claimants to show

“(1) that there was negligence by an agent or agents of the government; (2) that the government’s negligence occurred during the *operational* rather than the planning stage; and (3) that the illness was caused by the continual exposure to radiation brought on by the detonations during the testing period (1951 to 1962)” (Ball 134).

The third requirement is particularly difficult to prove, because a host of other factors *could* have caused the cancers, even if radiation exposure is a common element (Ball 135). Additionally, the government claimed in both suits that a requirement known as the “Discretionary Function” (which is so vague that courts still disagree as to its meaning) allows “the government to make certain decisions to carry out programs despite some possible health consequences” (Eichstaedt 120).

The suit filed by the miners was rejected in 1984 by a judge who “called for compensation to be provided to the victims, but that in this instance, the government could not legally be held accountable” while the downwinders’ case won in Salt Lake City (Eichstaedt, 120). By 1985, however, appeals courts had sided with the government on both cases, leaving the groups with only the hope of Congressional action to provide compensation (Eichstaedt, 121). Congress finally passed a bill in 1990, providing \$100,000 for each miner who became sick after working in the mines (or his family, if he died) and \$50,000 for each downwinder or “atomic veteran” who became sick after nuclear testing, as well as an official apology from Congress (Eichstaedt 122). This reward was long overdue, but ingratiating to those who had given their lives due to inadequate protections.

Bringing It All Together: The Land Ethic and Environmental Alliances

Social movements originated with the class-based labor and abolitionist organizations of the 19th and early 20th centuries. These movements, centered on the poor, were generally rejected until the 1960s, when “large numbers of middle- and upper-class people began taking up the causes of social equality, peace, and environmental protection” (Tesh 121). The success of a social movement depends on “whether movements have allies among elites,” and one controversial strategy for success in the environmental justice movement is gaining the interest and involvement of those with resources (Tesh 123). The key element of mainstream recognition is modifying the “frame” in which people “locate, perceive, identify, and label” various occurrences (Goffman 21). Full incorporation will come only when the mainstream environmental movement recognizes environmental justice issues as part of the same frame as “oil spills, pesticide residues in food, species extinction, and cancer rates” (Tesh 124).

In order to successfully work with and identify with indigenous groups that have a sacred connection to the land, non-indigenous groups must develop a land ethic that imbues the environment with a sacred element analogous to the ancient relationship felt by Native Americans. Aldo Leopold² outlines a framework that can incorporate the existing elements of the environmental movement and those tenets central to environmental justice; by aligning the two disparate frames, his ethic can make the ideas of each movement “resonate with what prospective adherents already value and believe” (Tesh 124). Leopold begins by comparing the dominant view of humans and nature to that of the slave owner and the slave; like a slave “the land-relation is... strictly economic, entailing privileges but not obligations” (Leopold 201). An ethical relationship, however, develops when “the individual is a member of a community of

² Aldo Leopold was a Wisconsin conservationist who wrote during the 1940s. His magnum opus, *A Sand County Almanac*, was published about a year after his death in 1948. It details his passion for conservation as well as his self-defining “Land Ethic” (McNamee).

interdependent parts” rather than the master (Leopold 203). Because humans cannot do without their environment and thus cannot stand to destroy it, “a land ethic changes the role of *Homo sapiens* from conqueror... to plain member and citizen” of the land community (Leopold 204).

Leopold was one of the earliest conservationists; he found intrinsic value in those parts of the natural world that lacked a monetary value. In the case of the deserts of the American Southwest, “lack of economic value is sometimes a character... of entire biotic communities” (Leopold 212). There is little monetary value to the living creatures in the Southwest, yet the rocks and soil possess enormous market worth; we are willing to exploit it without regard for the consequences it will have on the community of life. By developing an “ecological conscience,” humans become human stewards of the earth who hold “individual responsibility for the health of the land” (Leopold 221). If such a view of the land took hold, it would be easier for indigenous and non-indigenous groups to share a common agenda.

When the interests of Indian groups and non-Indian environmentalists coincide, their alliance can be highly effective. The story of a northern Wisconsin community resisting Exxon’s effort to create a zinc-copper sulfide mine shows the potency of an alliance including indigenous peoples, sport fishers, and environmentalists. Rice Lake is sacred to the local Chippewa for growing their staple crop, wild rice; the Mole Lake Indian reservation on which it is located is bordered by the proposed mine (Gedicks 128). The mine would likely cause the water in the area to be contaminated with heavy metals and sulfuric acids, and would lower the lake to a point that would make growing wild rice impossible (Gedicks 131). In addition to Native American cultural importance, northern Wisconsin’s outdoor tourism industry would be put at risk by the mine, which would lie at the headwaters of Wolf River, “the state’s largest whitewater trout stream” (Gedicks 136). Finally, a grassroots environmental group, the Watershed Alliance to

End Environmental Racism (WATER) provided the environmentalist support (Gedicks 137). The alliance coordinated its moves to provide a potent counterweight to Exxon's corporate strength.

Once allied, the multiracial environmental justice movement set to work on a variety of fronts. In the spring of 1994, the Midwest Treaty Network (MTN) organized an anti-mining rally that brought together the indigenous and feminist movements. A Chippewa woman framed the mine as a water issue, saying that "women are the ones who are the keepers of the water" (Van Zile). By networking with non-Native church groups, WATER was able to generate "issues of social and corporate responsibility through shareholder resolutions" (Gedicks 139). The resolution called for Exxon to disclose "the nature and reason[s] for any public opposition to our Company's mining operations wherever they may occur" (brackets in source material) (Exxon). Although the resolution received only 6% of the vote at Exxon's shareholders' meeting, this was twice the typical response (Gedicks 140).

Working within private groups brought the anti-mining alliance success by generating involvement in their campaign, but to generate greater interest the groups knew they must raise public consideration. An environmental sports group used its network of members to collect over 10,000 signatures opposing dumping in the Wolf River (Gedicks 142). WATER took out a series of newspaper ads comparing the risk of mine leakage to the 1989 Exxon Valdez spill and educating the public about the history of contamination associated with sulfide mining. As a result of the ads, over 300 people attended a state DNR public hearing, the vast majority of which opposed the mine (Gedicks 143). This publicity, combined with the size of the alliance, has put the mine on indefinite delay, with Exxon's partner, Rio Algom, stating, "we don't like to be where we're not wanted" (Kallio). A successful environmental alliance such as this one has

available to it a variety of tactics that make the whole greater than the sum of its parts, none of which could likely defeat a major transnational corporation like Exxon on their own.

The injustices faced by Native Americans since the beginnings of European exploration have been immense; they have been deprived of their ancient and sacred land, placed under government authority on reservations, and economically disenfranchised to the point that they must choose between their environment and their wallets. Indigenous people suffering from high cancer rates shared the effects of the nuclear arms race with the small town Mormons in Nevada and southwestern Utah. If these groups were able to resolve their differences and see that their troubles are part of a greater injustice their potency would be magnified. In northern Wisconsin, the anti-mining alliance accomplished much more than the sum of its individual parts. In the West, the same success might result from an alliance between Native Americans and their non-native neighbors.

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Non-Native Language Teachers. Educational Linguistics. Volume 5. As a non-native teacher of English, I have always been sensitive to the cause of the thousands of teachers of English who, like me, have had to struggle with the language and overcome the threats to their self-confidence posed by the perceived inferiority of non-natives in lieu of native teachers. Fortunately, excellent recent work—a good deal of which led by the TESOL NNEST Caucus—has helped to increase the status and professional self-esteem of non-native teachers, bringing them to the forefront of research in educational linguistics. > Further develops the end-user perspective by presenting indicators on how the needs of specific groups of users of justice systems (e.g. children, visually impaired people, non-native speakers) are being taken into account in the provision of public information on the justice system, in the training of judges, and in surveys of court users or legal professionals. The fruitful cooperation with Member States' contact points on national justice systems and various committees and European judicial networks have enriched the data significantly. The remaining difficulties in gathering data are often due to insufficient statistical capacity or to the fact that the national categories for which data are collected do not exactly correspond to the ones used for the Scoreboard. Native Americans were stripped of their land and confined to reservations, systematically excluded from the wealth available to the rest of American society, and tempted to accept money in exchange for heavily polluting industries. Now facing spiraling cancer rates (especially on lands used for uranium mining), they mourn with their primarily white, rural, and Mormon neighbors who were blanketed with radioactive fallout during Cold War nuclear tests. This essentially created Indian client states within the U.S. Native and non-Native Cooperation for Environmental Justice, page 4. tested and locales in which the waste by-products might be permanently stored or otherwise disposed of (Churchill 304). Indigenous land and people were able to provide all of these.