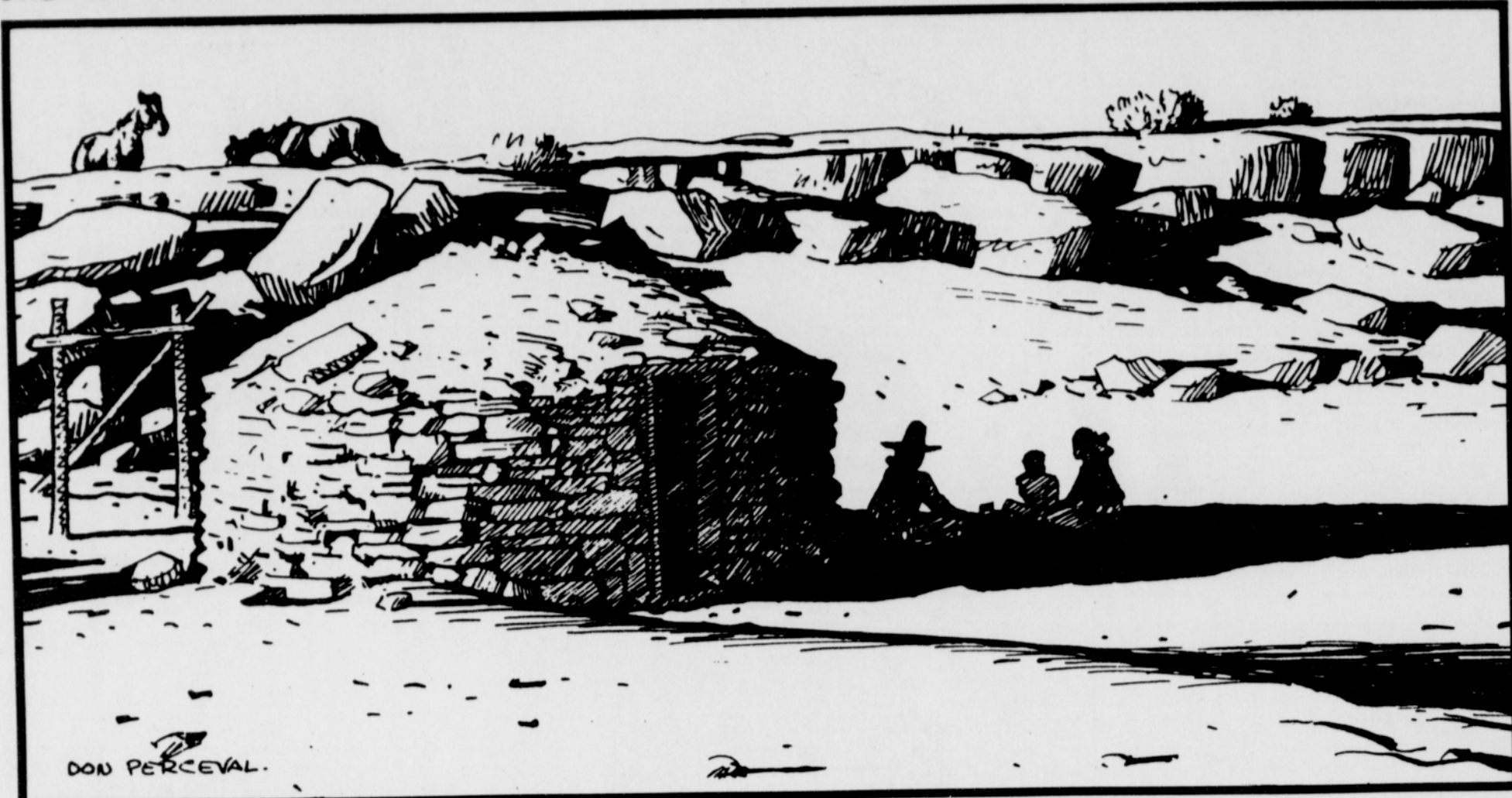




THE NEW GENOCIDE

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and to deny it direct control over residual areas, especially in terms of control over water and resources.

A patent example of this occurred in 1887, with passage of the General Allotment Act (usually called the Dawes Act) in which the U.S. Congress decided that American Indians should not practice "collective ownership" of their treaty areas (national territories), but should each own private parcels of one hundred and sixty acres each. This policy, backed by the Army, was needed to "civilize" the Indians; that is, to deliberately undercut the traditional way of relating to the land. Worse, once each eligible Indian (as defined by the U.S.) had received his/her individual parcel, the remainder of the reservation landbase was declared "surplus" and opened up to non-Indian acquisition. In this manner Indian landholdings within the forty-eight states shrank by millions of acres.

In 1924, Congress passed the so-called "Indian Citizenship Act" in which Native Americans were unilaterally declared to be "dual citizens" (i.e., of both their respective indigenous nations and the United States) with all the "legal" responsibilities to "the national interest" that this involved. This was followed in 1934 by the "Indian Reorganization Act", under which Congress took it upon itself to determine that traditional Indian governmental structures (with which it had entered into treaty agreements which were/are in effect) were not "legitimate". American Indian government was thereupon "democratized" by imposition of Washington approved structures designed to replicate the form assumed by corporate directorates. Thereafter, the IRA "tribal council" apparatus was the only form of Indian representation which the federal government would acknowledge or with which it would deal.

By 1953 things had reached such a pass that House Concurrent Resolution 108 was passed, with Congress assigning itself the right to "terminate" Indian nations — at its discretion. (3) This was more or less coupled to the passage of Public Law 280 the same year; under this legislation the federal government placed Indians at a civil and criminal jurisdictional level below that of states in many cases. At present, the fully sovereign status of American Indian nations has been reduced by federal fiat to a point where it falls roughly between the status of counties and of municipalities.

From this it is easy enough to conclude that the Indian ability to control the destiny of both themselves and of their environment has been quite thoroughly demolished by legislative sleight of hand, despite their nominal retention (on paper) of quite considerable land and resources holdings. The lives and ecologies of "Indian Country" are manipulated at the whim of U.S. governmental agencies and corporate concern in ways which are inherently anti-Indian to both the values and interests of Indian traditionalism. As Jimmie Durham, a Cherokee activist and first director of the International Indian Treaty Council put it, Native America now "screams under torture."

The unstated rationales guiding the federal government in its handling of native peoples and territories after the treaty-making period are not difficult to decipher. First, of course, is the desire of any expansion-minded power

"In our traditional tongue there is no word for relocation. To move away means to disappear and never be seen again."

Pauline Whitesinger

to effect the appearance of national cohesion which comes only with consolidation of its "own" internal territory. It is simply not geopolitically efficient to allow a scattering of small, mostly landlocked nations to exercise real sovereignty within one's own borders. This is all the more true when it is considered that, perhaps ironically, the barren residual landbase left to Indians in the twentieth century was belatedly found to be extremely resource rich: some sixty percent of all known U.S. "domestic" uranium reserves lie under Indian land; of low-sulphur coal, the figure is approximately one-third, including the most concentrated and accessible deposits; about a quarter of the oil the U.S. counts as its own, and perhaps fifteen percent of the natural gas are in reservation areas. Substantial assets of commercial and strategic minerals such as gold, copper and bauxite are at issue, as are water in the arid West and subsidiary considerations such as grazing land, timber and the like.

With such holdings, it would seem logical that America's one and a half million Indians would be among North America's wealthiest inhabitants. However, as even the federal government's own figures reveal, they receive the lowest per capita income of any population group and, with their traditional economies obliterated by the encroachment of transient

extractive industries, they experience by far the highest rates of malnutrition, plague disease, death by exposure, infant mortality and other signifiers of abject poverty. The government has discovered long since that, by keeping Indian resources "pooled" in reservation areas under its trust "protection", it is able to channel them at absurdly low rates to preferred corporations, using the Tribal Council apparatus it established in 1934 as a medium for leasing purposes. Thus, as of 1984, Indians were receiving an average of 3.4 percent of the market value of uranium extracted from their land, 1.6 percent of the value of their oil, 1.3 percent for natural gas and about two percent for coal; these figures run as much as eighty-five percent under the royalty rates paid to non-Indians for the same items.

This obvious boon to the U.S. economy is considerably enhanced by the fact that the government has also found that it can utilize its trust position vis-a-vis Indians and Indian lands to relax or dispense with environmental protection standards and jobs safety regulations, further lowering extraction and production costs in Indian Country. In turn, this last factor yields the advantage (to U.S. economic planners) that certain of the more odious forms of production and waste disposal associated

NOTES

(1) References in this regard are legion. In general, we might say that the practice was initiated with Columbus' reports to the Spanish Crown upon his "discovery" of the New World, were well codified by the time of John Smith's and other English colonial journals and reports, and were academically perfected in the works of Mooney, Boas and other seminal anthropologists. By the present day it amounts to academic doctrine.

(2) This concept dovetails nicely, at least in theory, with the provision under Article II of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide which makes it an aspect of this crime to "bring about conditions leading to the destruction, in whole or in part, of an identical racial, ethnic, religious or national group." The United States ratified the Convention (finally) in 1986.

(3) It should be noted that several Indian nations, including the Menominee of Wisconsin and the Klamath of Oregon, were unilaterally dissolved by the federal government during this period.

(4) In addition to the Navajos employed as underground miners by Kerr-McGee during this period, somewhere between three hundred and five hundred were involved in "independent" Small Business Administration supported operations going after "shallow" (fifty feet or less) deposits of rich uranium ore, sold in small lots to an Atomic Energy Commission buying station located at the Kerr-McGee milling facility. They left behind between one hundred and two hundred open shafts, all emitting radon gas into the atmosphere.

(5) The measurement accrues from the author's having stepped off the distance. Harold Tso and Laura Mangum Shields, in

an article in the New Mexico Journal of Science ("Navajo Mining Operations: Early Hazards and Recent Intervention"), note that "This tailings pile is also within one mile of a daycare center, the public schools ... the Shiprock business district and cultivated farmlands."

(6) Christopher McCleod, in an article that appeared in Mother Jones magazine ("Kerr-McGee's Land Stand") points out that Churchrock sheepherders were still having difficulty locating commercial markets for their mutton three years after the spill. In other words, the animals were deemed "safe" by the government for consumption by Navajos but not for non-Indians in New York and London.

McCleod's contentions are well borne out in a memorandum/news release issued by the New Mexico Environmental Improvement Agency in conjunction with the Area Office of the Indian Health Service and dated May 21, 1980. In this document it was acknowledged that spill area livestock exhibited "higher than normal levels of Lead 210, Polonium 210, Thorium 230 and Radium 236. Indian Health Service area director William Mohler nonetheless suggested the Indians go ahead and eat their animals, while cautioning that they should "perhaps" avoid consuming "organ tissues" where radioactive toxins were expected to lodge most heavily.

(7) The notion of national sacrifice areas have been very much in the minds of the authors of Los Alamos Scientific Laboratory's February 1978 "Mini-Report" when they wrote: "Perhaps the solution to the radon emission (radiation) problem is to zone the land into uranium mining and milling districts so as to forbid human habitation...."

— W.C.