

Volume II

Number I



# BLACK HILLS PAHA SAPA REPORT



The Newspaper of the Black Hills Alliance

Complimentary Copy

August-September 1980

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## Survival Gathering draws 11,000; unifies on land issues

### Regional mtngs focus on Survival

### Declaration of Dependence on the Land

by Jo Shuman and Evelyn Lifsey

One of the major goals of the Survival Gathering was to give

Land is a sacred trust and a precious resource. Together with the water that flows under and through it and the air that flows around it, the land has been created

ment exercise of eminent domain on behalf of those corporations, for mining, power plants and lines, urban and suburban development and nuclear missile sites; diversion of water to serve corporate rather than community needs; consolidation of rural and urban lands; and exploitation of Third World nations' lands by U.S.-based trans-national corporations to increase their own profits and prop up the failing U.S. economic system. These forms of appropriation are supported by government policies and practices which serve the profit interests of corporations rather than the primary needs of people.

heritage. They also pose both short and long term threats to the survival of Mother Earth and of all living creatures.

We are meeting near the Black Hills of South Dakota at the International Survival Gathering. We come from 23 Indian nations and 36 other nations of the world. We come to express our outrage at the desecration of the land. We realize that those who violate the earth here in North America do so throughout the world in an international conspiracy to satisfy their greed and deprive all peoples of the lands entrusted to them by the Creator.

1. We call for the restoration of the sacred relationships among

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opportunity to discuss the threats to survival in their specific area of the country. On Saturday, July 26, more than 1500 people divided into 10 groups, representing 9 regions of the U.S. and the International community.

The goals of the Strategy Sessions were to decide what the survival issues are, to develop ways to deal with survival threats, and to set short and long-term goals for action.

While some of the regions represented urban areas and others represented rural areas, each committee agreed that we are all dependent on the land. The direct threats in our neighborhoods and regions differed from one state to the next, but common ground was found by recognizing that, without a healthy land base to grow food, support wildlife, retain religious heritage and provide outdoor recreation, none of us can survive. This is best summarized by the slogan from southern Minnesota: "If you kill our farms, our cities will die."

Meeting in small clusters on top of the Survival Gathering ridge, individuals told of their reasons for attending the Gathering. Some had nuclear power plants in their backyards; others had kids who played in uranium tailings. Some had members of their families die from radiation-induced cancer, while others were discovering toxic waste dumps in their communities. Some had been drinking contaminated

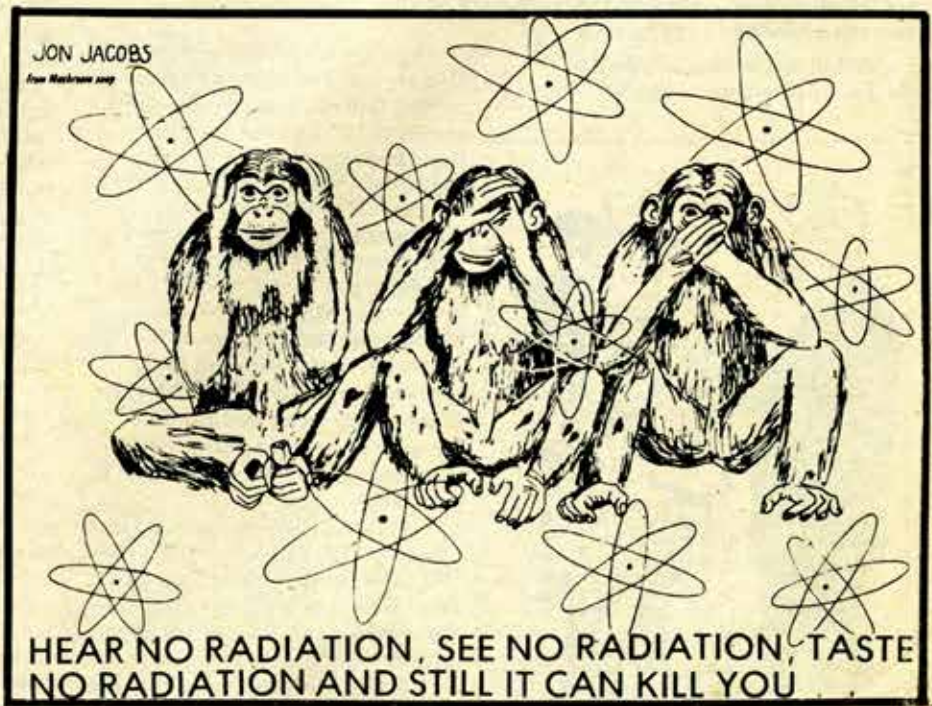
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by God, the Great Spirit, and given in sacred trust to all living creatures. The land is one, its water, soil, air elements within and living creatures are a whole, not meant to be divided and abused. Mother Earth nourishes her children, and they are to treat her with respect. They are to live in harmony with her and with each other.

But the sacred trust has been violated. The harmony has been shattered. The land has been desecrated because it has been treated as a commodity. Mother Earth has been violated by individuals and corporations who abuse her or appropriate her for their own selfish ends.

The abuses of the land are many: desecration of sacred Indian lands; strip mining; grassland plowing; soil and water poisoning and depletion through excessive agricultural, industrial and consumer use; lack of land conservation practices; capital and chemical intensive agriculture; overgrazing of pasture lands; displacement of native plant varieties; irresponsible forestry practices; and dumping of chemical and radioactive wastes. Many of these abuses result from an economic system that oppresses Native Peoples, farmers and ranchers, taking from them ownership or control of their land base.

The forms taken by appropriation of the land include: stealing Native Peoples' land to satisfy the greed of those seeking mineral or agricultural wealth; seizure of rural lands in general through purchase by large corporations, or govern-





# Nuclear weapons costly, controversial and accident prone

by Lillas Jones

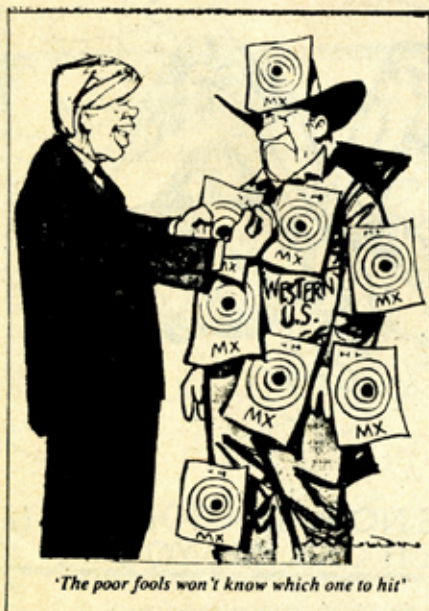
**Editor's Note: This was to be the last in a 3-part series on nuclear weapons. Due to length, the last part will be printed next issue and will cover nuclear weapons facilities and public health, nuclear testing, and ethics. The first installment dealt with uranium for military uses, the nuclear power-weapons connection, and security for nuclear materials. The second part considered nuclear "secrecy" and the effects of weapons spending on employment and the economy.**

Large sums of the money spent on nuclear weapons are going to develop a variety of new weapons—the Trident submarine, the MX missile, the cruise missile, the neutron bomb, and others. Each of these projects has been the subject of controversy for various reasons.

The second of thirty Trident submarines was launched from Groton, CT., last April, amid a protest by about 1000 people, 211 of whom were arrested. According to *The Navy* the submarines carry 16 multiple warheads. A single Trident can destroy 408 targets, each with a blast five times more powerful than the one at Hiroshima. One Trident submarine costs about \$1.2 billion.

Besides the cost, Trident is a center of controversy because of a proposed communications system for the submarines. The Navy wants to install an "Extra Low Frequency" (ELF) field in northern Wisconsin and Michigan to upgrade those communications. The project would involve burying 158 miles of antennae in the area. According to a variety of experiments, summed up by the *Progressive* magazine, this would expose people and animals to electrical radiation that alters brain and blood chemistry, changes heart rates, and increases stress and bone tumors.

Residents of the area have fought the ELF project for over a decade,



"The poor fools won't know which one to hit"

but local resistance doesn't seem to stop the Navy for long — it keeps coming back with new proposals under new names. Nonetheless, the future of ELF remains in doubt.

## MX Stirs Local Protests

The future of the MX missile is also in doubt. The MX would be the largest project ever undertaken — 2½ times bigger than the Alaska pipeline, according to John Redhouse. Nevada and Utah are the most likely home for the \$33 million mobile missiles, but Wyoming, Montana and North Dakota have also been considered. The Air Force projects that the MX will involve building 4600 shelters which, without support facilities, would cover about 25 square miles. The Pentagon says the entire project will cover up to 14,000 square miles.

Simple division shows that the money for the MX could, instead, be used to build two new \$30 million hospitals for each of the 16 largest U. S. cities, a \$20 million hospital for each of 100 smaller cities, a \$2 million clinic for 1000 small towns, and 1000 new colleges at \$20 million each — and much more.

Opposition to the project in Utah and Nevada centers around the use of scarce water supplies — especially for the 13,000 new permanent residents and up to 150,000 temporary residents the Air Force estimates the MX would bring to an area now containing only 60,000 people. In Nevada, the legislature voted 24 to 2 against the project. Both Nevada's and Utah's governors have gone on record against the MX as have the residents of the six Indian reservations in the area — parts of which would be trespassed upon by the project.

At public meetings, local people also objected to being a nuclear target. Others, according to an article in the *Denver Post*, feel that the twenty to thirty year usefulness the Air Force predicts for the MX isn't worth the environmental damage the project would cause in the fragile area.

Opposition is also coming from taxpayers outside the targeted area because of the huge cost of the project. Others point out that, considering the Department of Defense's statement that the U. S. has almost twice as many nuclear warheads as Russia, the MX isn't necessary.

According to *Newsweek*, no less an authority than General Maxwell D. Taylor, former chairman of the Joint Chiefs of Staff, questions the need for the MX and its huge cost. Air Force research chief Lt. Gen. Kelly Burke admits that "It's by no means clear that we're going to have an MX."

## Missile map missing from Mall

by Anonymous

In May, during "Law Enforcement Week," a map was displayed by the Department of the Air Force at Rushmore Mall in Rapid City. The map showed the locations of the nuclear missile silos in North and South Dakota.

Being interested in seeing such a map, a member of the BHA Research Department rushed right out to the Mall, only to find that the display had been taken down. Over the next month, a series of phone conversations between the Alliance and the Air Force netted

the government's contention that the information that had been on display was not "public."

Finally, the BHA wrote a Freedom of Information Act request and received a map of South Dakota missile sites from the Department of the Air Force. The stationery bears the logo "Peace... is our Profession." This series of events brought home the information outlined in the May-June issue of *BH/PS Report* on the non-existence of nuclear secrecy and government attempts to keep the public from knowing when it is threatened by the presence of nuclear weapons.

## Destroying Life, Saving Property

Controversy over new weapons is not limited to Trident and the MX, however. Also the subject of extensive debate has been the neutron bomb, which would destroy life within 300 yards and kill most people within a mile, while leaving property intact. Opponents of the bomb point out that the fact that it would leave property is the most dangerous aspect of the weapon. They say that it is therefore most likely

to be used where the country doing the bombing owns property — making it perfect for use in Third World countries or in internal disputes.

Another weapon under development that "only" hurts living things is nerve gas. According to *Scientific American*, current technology has created gases that kill when as little as one drop comes in contact with the skin. The magazine pointed out that chemical warfare is most likely to be directed at civilians, not military forces.

Another of the "new generation" of weapons is the cruise missile, a tiny nuclear weapon that has a range of 1500 miles and flies at treetop level. The cruise missile comes in two forms — a bomber-launched version being built by Boeing Aerospace Co. and a ground launched version being tested by General Dynamics Corporation for use in Europe.

## Accidents Can (and do) Happen

Bomber-launched cruise missiles were involved in a series of accidents when they were being tested. Luckily, the test missiles weren't armed. In a series of articles late last year, the *Sioux Falls Argus Leader* reported that in August, 1979, one missile crashed in Utah's desert, and in December two crashed near California towns—one crash caused a fire and occurred 800 miles short of the target.

The *Black Hills-Paha Sapa Report* wants to expand. You can help by sending original works of any kind, and news from your area. Include S. A. S. E. if item is to be returned.

The *Black Hills-Paha Sapa Report* is the official publication of the Black Hills Alliance.

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## A prime nuclear target Ellsworth Air Force Base has largest stockpile

by **Randall Forsberg**

Ellsworth Air Force Base, in Box Elder, South Dakota, 11 miles east-northeast of Rapid City, is the location of 150 intercontinental ballistic missiles (ICBMs) and 30 strategic bombers. This represents the greatest concentration of land-based nuclear might of any military base in the world.

The 150 Minuteman 11 ICBMs are located in concrete-reinforced underground silos spread out on the land around the base. Each missile carries a 1.5 megaton warhead. That is the equivalent of 1,500,000 tons of TNT. The missiles from this base alone could destroy all the major cities in the Soviet Union, wiping out 30 percent of their population and 60 percent of their industry. They could do so literally with the turn of a key, in an attack that would take only 30 minutes, with the missiles going up out of the atmosphere and coming back down on the other side of the earth at 20,000 mph, leaving no time for defense or evacuation.

The 30 strategic bombers at Ellsworth are the most advanced type of strategic bombers in existence, the B-52H. These planes have an unrefueled range of about 12,000 miles and they are equipped

and control equipment. They typically carry five nuclear bombs with a yield of about 1 megaton each (1,000,000 tons of TNT equivalent). Actually, 1 megaton is a maximum, since the bombs are of an advanced "variable yield design." The yield can be varied by turning a dial. As a result, the military call them "dial-a-yield" bombs. B-52H's are also equipped to carry nuclear stand-off missiles, for attacking air defense radars and surface-to-air missiles around the perimeter of the USSR. This is intended to clear an entry path up to 50 miles ahead of them, so that they can fly in unscathed toward the cities and military installations that are their main targets. These stand-off missiles, called SRAMs (short-range attack missiles), have a yield of 170 kilotons, or 170,000 tons of TNT.

With the new generation of "counterforce" weapons now being developed by both the USA and USSR, weapons designed specifically to attack the nuclear forces of the opposing side, Ellsworth is becoming a prime target for Soviet nuclear attack. The Pentagon estimates that over 300 nuclear bombs might be set off around the base in a first-strike, counterforce attack - two 1-megaton bombs on each ICBM silo and a few on the bomber fields and command and control centers. The explosions would create tremendous, overlapping blast waves, winds of 600-800 mph, immense fires and resulting climatic changes. The radioactive fallout of particles from the air would irradiate the entire southern region of South Dakota, leaving little human or other life.

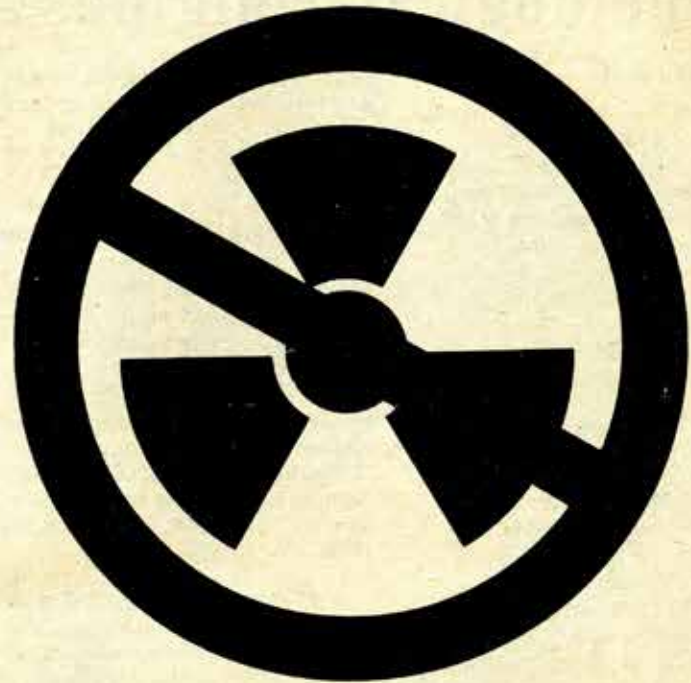
This may sound like science fiction, something unrelated to our real lives; but it is very real. It is the capability we and the Soviets are building during the 1980s. The ability to attack nuclear forces, rather than only cities and conventional forces, will make nuclear war seem less suicidal and greatly increase the chance that it will occur in some crisis or by accident.

Rather than permit such developments, we should demand an

arms freeze, a freeze on any further testing or production of nuclear weapons by both the United States and the Soviet Union. This is not a utopian or impractical goal. It can be checked and verified with high confidence by satellite.

The reason that the nuclear arms race has not been stopped before now is not that it can't be, but that governments have never tried. They haven't had the guts or the popular backing to take on the military, say no and put a lid on the thing. Stopping the arms race is possible; it is necessary for our survival: we have to do it and we can if we unite around this goal.

*Randall Forsberg is the Director of the Institute for Defense & Disarmament in Brookline, Massachusetts.*



## Stop Nuclear Energy

### Our Enemy

by **John Somerville**

*For the first time in all history*

All history has a common enemy  
Against which everything human must now unite --  
The good and the bad,  
Those who believe in reason and those who do not believe in reason,  
Those who believe in freedom and those who do not believe in freedom,  
The exploited and the exploiter,  
The poor and the rich,  
The radical and the conservative,  
The atheist and the believer,  
The humanist and the anti-humanist,  
The unselfish and the selfish,  
The saint and the sinner,  
Joy and pain,  
Happiness and misery,  
Health and sickness,  
God and the devil,  
Life and death.  
But how can life and death have a common enemy?  
Is not death itself the worst of all common enemies?  
What have we found that is worse than death,  
Against which both death and life must now unite?  
It is that which can kill the living thing in such a way  
That the passage from death to further life is blocked,  
What we before called death released the elements of life  
In forms that could produce new life.  
The dance of life had a silent partner called death,  
And the dance could go on.  
Our nuclear enemy can remove the silent partner and stop the dance.  
It can kill the cell of life, kill life-renewing death,  
Transform this green and growing planet into a thing forever sterile.  
Our nuclear enemy is not only a reactor that produces plutonium  
It is an economic system that seeks profit from reactors.  
It is a political system that makes nuclear war possible.  
It is an arms race that multiplies nuclear weapons.  
It is a foreign policy that threatens to use them first.  
It is education that does not teach the truth about the common enemy.  
It is religion that does not denounce the common enemy by name.  
It is ignorance that can be overcome.  
We can overcome it.

*John Somerville is President, American Section, Union of American and Japanese Professionals Against Nuclear Omnicide.*



Photo: Annus Reinhold



# Archeological, religious sites threatened

by Phyllis Girouard

The Black Hills of western South Dakota (the Paha Sapa), oasis of water, food, shelter and raw materials, have been inhabited by Native people since at least 8,000 B. C. During the 16th and 17th centuries the Plains Apache, the Kiowa and the Comanche were in the southern Hills.

They were followed by the Arapaho and Cheyenne about 1750, and by the Dakota about 1770. Under the 1868 Ft. Laramie Treaty, the Paha Sapa remained Indian land, although the United States has failed to honor the treaty since gold was discovered in the Hills in 1874. The U. S. Forest Service now asserts jurisdiction over much of the area, while further cases surrounding ownership are in the U. S. Supreme Court.

The Paha Sapa are considered sacred by the Lakota and other native peoples. For instance, 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. Many of the archeological sites throughout the Hills probably have religious significance, especially the mosaics and aboriginal rock drawings.

Of particular archeological and anthropological interest are the numerous pictographs and petroglyphs painted and carved on the sandstone cliffs of the southern Hills (see, for example, W. H. Over, "Indian Picture Writing in South Dakota," Archeological Studies Circular No. 4, 1941).

To date, little effort has been made to interpret the drawings. The present lack of knowledge about prehistoric cultures and settlements in the Black Hills make the drawings irreplaceable as the only surviving pictographic record

of the way ancient peoples viewed and interpreted the world around them. Many sites have not yet been recorded, and few have been photographed.

These unique sites, as well as hundreds of aboriginal habitations, hunting camps and flint quarries are now threatened with destruction. More than 20 multinational corporations have staked out mining claims for uranium and other minerals in the Black Hills. In the southern Hills, Tennessee Valley Authority (TVA), Union Carbide Corporation and Gulf Oil have been the most active, drilling for uranium on more than 1,000,000 acres since 1975.

In 1979 alone, TVA drilled more than 1000 exploration holes in the area. Each hole requires an access road for heavy drilling machinery and trucks. Since much of the area affected by these exploration activities has never been surveyed, and since the Forest Service has failed to produce the archeological inventory mandated by Executive Order 11593, no complete listing of the sites is possible. The potential exists for the destruction of many important unknown sites. Fuller knowledge of the area would also be tremendously useful in interpreting the drawings and other

sites.

One of the most imminent threats is posed by a 2,000-foot long, 10-foot-by-12-foot-wide horizontal mine shaft to be blasted by Union Carbide (see April BHPS Report Vol. 1 No. IV). The shaft will be located in Craven Canyon, one of the most scenic areas of the semi-arid southern Hills and one rich in the best examples of aboriginal rock drawings in South Dakota.

More than 25 known archeological sites are within the affected area of the Union Carbide project, including nearly a dozen examples

of rock art and habitations and hunting camps.

The state archeologist's staff believes that at least six of these sites should be examined for eligibility or nominated for inclusion in the National Register. In 1970, the National Park Service examined several of the pictographs and petroglyphs as potential national landmarks.

The biggest danger posed by Union Carbide's Craven Canyon project and the various exploration projects is the increased traffic of mining machinery and trucks through the Canyon and road improvements, which will encourage public access. Records in the State Archeologist's office catalogue numerous sites in the southern Hills that have been partially or completely ruined by earlier mining in the area. These sites usually cannot be reconstructed and are lost forever.

Local residents who have visited the Craven Canyon sites for decades have reported and documented a dramatic increase in vandalism and destruction of the drawings during the same period that mineral activity has grown. One petroglyph, located approximately 100 yards from the shaft entrance, is "protected" only by three strands

of wire. It has been recently reported that TVA exploration trucks drove over archeological sites, including tipi rings, on private land in another part of the southern Hills.

Efforts to preserve the irreplaceable petroglyphs and pictographs of the Craven Canyon area are enthusiastically backed by a large number of local residents, many of whom are otherwise not opposed to uranium mining.

The major problem is now to ensure their preservation. Union Carbide is diligently attempting to

avoid even the modest environmental protection offered by an Environmental Impact Statement by stating that the shaft won't significantly affect the environment.

In addition, Union Carbide has, to date, refused to follow the State Archeologist's recommendation of stereophotography of several sites. This photography would at least preserve an accurate pictorial record in the event of destruction. However, a pictorial record will not preserve the religious value of this area to Native people.

Both Union Carbide and TVA have tarnished environmental reputations nationally. TVA's controversial Tellico Dam project has circumvented environmental laws and is flooding farmland, homes and Cherokee religious and archeological site.

Union Carbide has already demonstrated its singular disregard for the environment in the Black Hills and was convicted on five criminal counts of violating the South Dakota reclamation laws (see Dec. BHPS Report, Vol. 1, No. 111). Union Carbide also began blasting illegally without notifying the State Archeologist.

Work on the Craven Canyon

project has been halted since August, 1979, through several state and federal appeals initiated by local residents and the Black Hills Alliance.

Experts in the interpretation of aboriginal rock drawings are badly needed. Support from the archeologist, anthropological and Native communities in the form of publicity and communications to the U. S. Forest Service and the State Archeologist would be very helpful.

Finally, a comprehensive survey of the Black Hills has never been done and is essential now.

## Union Carbide avoids environmental concerns

by P. K. Hammel

Black Hills Alliance attorneys are suing state and federal agencies for their actions approving Union Carbide Corporation's uranium exploration and mining plans in the Black Hills. Union Carbide (U.C.C.) is a company with a history of failing to get permits before starting work, and not capping exploration holes as required by state law (see BH-PS Report Vol. I, No. 3, December 1979).

In spite of U.C.C.'s poor record, the state and federal agencies which regulate uranium mining and exploration have ignored state laws and procedure and federal laws protecting wildlife, historic sites and the environment to approve Union Carbide's uranium projects. Alliance attorneys have appealed to the agencies to cancel

the approval of projects and to consider more carefully the environmental effects of exploration and mining on water, protected wildlife, archeological sites and other resources.

### Current Legal Challenges Involving Union Carbide

1) *B.H.A. vs. Regional Forester, Craven Canyon Adit*. This federal lawsuit charges that Forest Service officers violated federal laws on endangered species, archeological sites and the environment when they okayed Union Carbide's plans for an "exploration adit" on Forest Service land in Craven Canyon. The adit, more accurately described as a mine, will be a 10-by-12-foot tunnel reaching 2,000 feet into the canyon wall. U.C.C. plans to extract and process over



Caption: Lost Farmers, 1980

cont's



# Energy issues fought in courts

by P.K. Hammel

Not all of the Black Hills Alliance legal team's time is spent battling Union Carbide. Other current projects include a massive uranium exploration plan by the Tennessee Valley Authority, a private operator's efforts to reopen an old uranium mine, and public rights to federal information under the Freedom of Information Act.

Here's the lowdown:

BHA is in state court appealing the State Conservation Commission's approval of T. V. A.'s contractor for the drilling, which has already begun. 1800 holes would be drilled in the largest uranium exploration plan yet proposed for private and public land in South Dakota. The area affected is in Custer and Fall River Counties. Last year's drilling program penetrated aquifers near Edgemont twice, according to Silver King's annual report to the Conservation Commission.

A Forest Service administrative appeal contests the Forest Service approval of Silver King Mines' 1980 operating plan for uranium exploration in the Black Hills National Forest. The plan calls for up to 317 holes in Chilson, Red, Craven, and Bennett Canyons in Fall River County. These holes are included in the 1800-hole TVA



Judge Young's courtroom, Hot Springs, S. D.

plans to start mining were thwarted by the state, which noticed that Nellis lacked a deep shaft mine permit (required by a new state law) and a solid/hazardous waste permit. It looks like Mr. Nellis will have to wait until next year to try again. Meanwhile, he'll have to contend with the Alliance's appeal to the Forest Service over its approval of his

Freedom of Information Act the repeated refusals by the U. S. Forest Service to release uranium drill hole locations, drill hole depths and eagles', hawks' and other nesting sites near drilling operations. The drill hole information has been withheld to protect the "trade secrets" of mining companies; nesting sites are not disclosed because public awareness of them would

court for a review of the Washington, D.C. Forest Service Chief's decision to withhold the information.

Although BHA legal efforts have held off attempts to mine uranium in the Black Hills, exploratory drilling is proceeding rapidly. Many permits will be up for renewal at the September meeting

state permit.

An attempt to open a uranium mine in July in the Black Hills failed quickly. Gene Nellis' operating plan for re-opening an old mine in Wolf Canyon near Edgemont was approved by the Forest Service earlier this year. But Nellis'

operating plan.

The Alliance will also be investigating Nellis' plans for the uranium he wants to mine. Nellis and Gulf Oil have been swapping leases in the area.

Last, but not least, BHA attorneys plan to appeal under the

supposedly start a spree of eagle hunting.

In reality, however, the public can't determine the effects of drilling on water, land, or wildlife without this information, especially the drill hole locations and depths. The plan is to go into federal

of the State Conservation Commission in Pierre.

Interested citizens are encouraged to contact state and federal officials concerning the environmental effects of uranium activities on the lands and people of South Dakota.

cont'd from p. 4

5,000 tons of uranium ore into over 50 tons of yellowcake in the course of its "exploration." The suit asks for preparation of an environmental impact statement, compliance with federal laws, a ruling that the adit is really a mine and not exploration, and an increased bond from Union Carbide to cover reclamation costs.

U.C.C. is trying to join the suit on the side of the Forest Service, since their project would be halted by a ruling in favor of the Alliance. At this time, U.C.C. says they will not do any major construction work on the adit until mid-September. In addition, state officials have told U.C.C. that it needs a permit to dump hazardous materials before mine wastes can be dumped in the area.

2) *South Dakota Supreme Court Review of State Exploration Permit--Craven Canyon.* This appeal concerns the same adit/mine as the federal lawsuit. B.H.A. is opposing two State Conservation Commission decisions: one that gave an exploration permit for the adit, and one that denied the B.H.A. and Edgemont area residents a chance

to take part in the hearing on the permit. The B.H.A. is also challenging the action of the lower state court which reviewed the permit and moved the review hearing from Fall River County (where Craven Canyon is located) to Pierre, over 200 miles away.

3) *B.H.A. vs. South Dakota Division of Conservation, in the Matter of the Request of U.C.C. to Undertake Its 1980 Exploratory Drilling Program.* The State Conservation Commission is in charge of giving permits to companies to explore or mine for minerals in South Dakota. When Union Carbide's 1979 permit expired, the Division of Conservation, a separate agency, let U.C.C. "amend" the permit to begin 1980 exploration.

Alliance Lawyers had challenged this addition of 140 drill holes without a public hearing, and were told by U.C.C. officials and lawyers in state court that U.C.C. had no intention of renewing the permit in 1980. Three days later, the Commission in Pierre got a letter from U.C.C. announcing their proposal for renewing the permit.

4) *U.S. Forest Service Review of Approval of U.C.C.'s 1980 Exploration Plan.*

An otherwise routine review of a plan to drill 91 exploration holes in the Black Hills National Forest took a surprising turn, when Union Carbide asked the Forest Service to rule that no "third parties" (that is, public groups, individuals or other interested parties) can appeal decisions allowing exploration or mining on public lands. Claiming that only miners may appeal, U.C.C. went on to say that the Forest Service can't regulate mining because the 1872 Mining Act gives them the right to mine on public lands without "interference" from the Forest Service.

### More Information Needed

There are a number of common problems with agency actions that allow Union Carbide's uranium activities. No studies have been done to show what resources, such as water supplies, are present where exploration or mining is planned. Also, no studies have recorded how much radioactivity and other hazardous substances are there

now ("baseline" environmental data). This information is needed to find out what the effects of uranium development are. Alliance lawyers have also urged U. S. Forest Service officials to do an overall Environmental Impact Statement to study the effects of all proposed uranium development in the Black Hills National Forest. "By considering each project separately, the Forest Service may not be able to 'see the forest for the trees,'" said one Alliance legal aid.

When the B.H.A. has challenged U.C.C. operations, the company has responded by attacking the Alliance. U.C.C. says the B.H.A. has no real interest in preserving the environment, and that it is spreading "half-truths" and "wild speculations" in an effort to further a "minority political viewpoint."

Significantly, while Union Carbide consistently attacks the motives, methods and politics of the Alliance in legal papers, the company has yet to recognize or respond to any of the environmental issues raised by the Alliance and other plaintiffs.



IHS, EPA, CDC, others begin studies

# Contaminated Pine Ridge water concerns grow

by Evelyn Lifsey

The people of Pine Ridge Reservation are watching their babies die, and their young people appear to be developing cancer at increasing rates. Nobody knows exactly what's wrong, but everybody knows that something is.

Many of the facts are in, but it is not clear how they all piece together. Since Women of All Red Nations released a report in February stating that many Pine Ridge water systems were contaminated with radiation, nitrates and other toxic chemicals, the Indian Health Service (IHS) has confirmed that at least two wells are contaminated with radioactivity. In a report called "Drinking Water on Pine Ridge Reservation" released this past July 1980, the Environmental Health Services branch of the Indian Health Service (under the U. S. Public Health Service) stated that water at Oglala and Slim Buttes exceed federal "safe" levels for gross alpha, indicating radiation in the water. Oglala additionally has high levels of nitrates. These facts are disturbing because, as Perry Brackett of the Environmental Health Services (EHS) in Aberdeen says, "No one in the country will tell you that drinking radiated water will hurt you. Of course, no one will tell you it's safe either. Nobody knows."

miscarriage and deformity rates are connected.

"They're going to make us prove the water is causing the illnesses before we can get our water replaced," says Means, "and that will take years. Meantime, we're all going to be drinking contaminated water."

But officials at the Environmental Health Services do not share Means' feelings. Work has begun to find clean water for the communities at Oglala and Slim Buttes. At Oglala there is water that is within federal standards six miles from the contaminated well, according to Brackett. The EHS is considering piping safe water into Oglala. At Slim Buttes, the EHS has drilled several test holes, but none have yielded acceptable water. Jim Lawler, a water specialist at EHS, says there is acceptable water one mile away. However, there is no time limit for replacing the water, and residents will be drinking contaminated water until an adequate alternative system can be completed.

Although there have been rumors that federal funds are available for emergency water replacement, the EHS says that's not true. "The communities of Oglala and Slim Buttes will pay for the new water systems," says Brackett. "It will show up on their water bill."



near future. Professors at Colorado State University have designed a project in which a comprehensive health study emphasizing pregnant women and their extended families is coupled with complete analysis of water, soil, air and building structures. This project,

submitted to the U. S. Environmental Protection Agency by Dr. Robert Zimmerman for funding, would hopefully be able to determine what the connection, if any, is between toxins in the water and growing health problems.

to a lot of government documentation that they didn't release. There's no reason they wouldn't do it again," he said. Yellow Bird, in conjunction with the Tribal Health Board and Women of All Red Nations, wants to issue a public health warning to distribute throughout the Re-

servation.

Jim Lawler doesn't think that's such a good idea. "If they want to run out and scare the hell out of people they can," says Lawler. "Radiation is natural. You get it from all over, every day. These federal standards are very conservative. I'd rather put out a warning to tell people to stop smoking."

But at an infant's wake earlier this summer, a father was heard to say, "Nobody can tell me it wasn't radiated water that killed him."

"The IHS says the radiation isn't proved dangerous," says Yellow Bird. "But they use statistics that are based on populations of 100,000 or a million. We're Oglala Lakota. There's only a few thousand of us here."



But there are also some other facts. The miscarriage rate on Pine Ridge Reservation is more than six times the national average. It's almost twice that of the average for Indian reservations, according to an IHS report released in March 1980. And though the complete statistics have not been gathered, there is an unexplained high rate of babies born with club foot and cleft palate. According to Lilius Jones, a Black Hills Alliance researcher, seven Pine Ridge babies have been born with cleft palate this year, while the annual national average is one in 20,000 births. "You can see little babies with a cast on their foot from the club foot operations," says Lakota Harden of WARN, herself 8½ months pregnant.

"IHS and EPA agree there is a problem. Everybody agrees the water's contaminated, that wells are contaminated," says Lorelei Means, co-author of the initial WARN health study and a nursing student. Bob Yellow Bird, director of the newly formed Office of Water Investigations on Pine Ridge echoes that. "Everybody knows the water is bad. It's bad for drinking," he says. But there is not yet any hard evidence that the water contamination and the

Lorelei Means is skeptical that digging new wells is a viable solution. "If they dig new wells the water could still come from the same aquifer or connected aquifers," she says. There is speculation that the source of contamination is the rock in the aquifers themselves, or uranium development at the source of the aquifers. While either or both may be the case, it is also true that area officials do not know which aquifers supply water to what parts of the Reservation. Pine Ridge is serviced by the Arikaree formation, the Ogallala formation and possibly another deep water source. In addition, some community wells are shallow and pump surface water.

There is hope that some conclusion will be reached in the

*"When uranium is chemically activated, as in exploration and mining operations, it becomes radioactive, meaning it begins a decay cycle by emitting tiny charged particles called isotopes. When these particles are ingested or inhaled into one's body, they continue the decay cycle. As a result, these tiny charged particles affect the cells within our body, causing the reproducing mechanism to become confused. The cells begin dividing rapidly and uncontrollably, causing what is known as cancer."*

from WARN Report II





## Few real citizens against "ban"

**Editor's note: The following is an editorial by Miners for Safe Energy in Lead, S. D.**

South Dakota Citizens Against the Ban - just what is that? You've seen it on the front page of the Rapid City JOURNAL and you've heard it on the radio. But we'll bet you've never come across one of its members. Why? Because last we heard, this particular "citizens' committee" was made up of one citizen - Angus Anson. This particular "citizens' committee"

also has gotten the support of one of the most powerful corporations in America - Union Carbide. And this particular "citizens' committee" refuses to say where it gets its funding or who is on its "steering committee." Why would a "citizens' committee" refuse to tell the public the truth about the organization? We can only wonder.

So, just what "ban" is Angus Anson against? Well, as near as we can figure

out, he thinks the Uranium Choice Initiative is a ban. What it bans, we don't know, because we've read the initiative, and what it says is this: any South Dakota uranium development on private or state land will be put to the vote of all South Dakotans before it is done. We fail to see how this is a ban. It simply gives us, as citizens, the right to make our own choices.

So we'd like your support: help us combat this man's efforts. Buy a Uranium Choice Bumper Sticker

for only 50 cents and plaster it proudly across your bumper, or better yet, do some door-to-door canvassing with us to make more people aware of the upcoming initiative decision. You got the initiative on the ballot: now make sure it passes.

Then vote "Yes" on Initiative Two in November. You'll be glad you did!

Contact Miners for Safe Energy at Box 247 Lead, S. D. 57754 or call 578-2045.

## 1950's study revealed contamination

by Lillas Jones

A U. S. Geological Survey analysis of ground and surface water samples taken between 1954 and 1956, which was summarized and re-released in 1970, noted high levels of uranium in water on the Pine Ridge Reservation. Readings as high as 34 parts per billion were found.

The high readings were found in an arc covering the western and northern parts of the reservation, the same area found to have contaminated water in recent tests by the Indian Health Service and others.

The highest radiation level was found near Oglala, one of the two towns now slated to get new water sources because of radiation in excess of health standards. The

Mines. The findings were not seen as a threat to the health of those who have been drinking the water over the last 25 years since the radioactivity was noticed but only as high enough "to suggest possible [uranium] deposits."

The amount of uranium in drinking water is not currently regulated by state or federal agencies. The Department of Energy's Office of Radiological Health in Chicago, contacted by phone, didn't know that there are no federal standards. The Environmental Protection Agency's Office of Standards and Criteria for Drinking Water, however, confirmed that no such standard exists.

South Dakota's Office of Drinking Water indicated that there is no state standard, either, but

high radiation was officially reported to the Bureau of Indian Affairs in a 1976 Administrative Report by the U. S. Geological Survey and the U. S. Bureau of

that they are waiting for a federal standard to be set. The state has been expecting an announcement of a federal uranium standard "this month" since October, 1979.



photo: Ames Reinhold

## Quakers review nuclear question

In the discussion of uranium mining and nuclear development the one perspective that is in constant need of attention is the sacredness of life itself. Questions we raise from a Quaker viewpoint are universal to men and women on both sides of the atomic issue.

The Vermillion Friends (Quaker) Meeting supports the concept of a moratorium on nuclear development in the state of South Dakota until such questions as follows can be responded to by people who reside in the state.

*Do the uncertain effects of uranium mining pose a significant threat to present and future life cycles?*

*Does current technology have sufficient safeguards for the handling of tailings and atomic wastes?*

*Is the argument that the United States needs nuclear energy to maintain its economic growth and power consumption rates misguided since it encourages unconcerned use of the world's natural resources?*

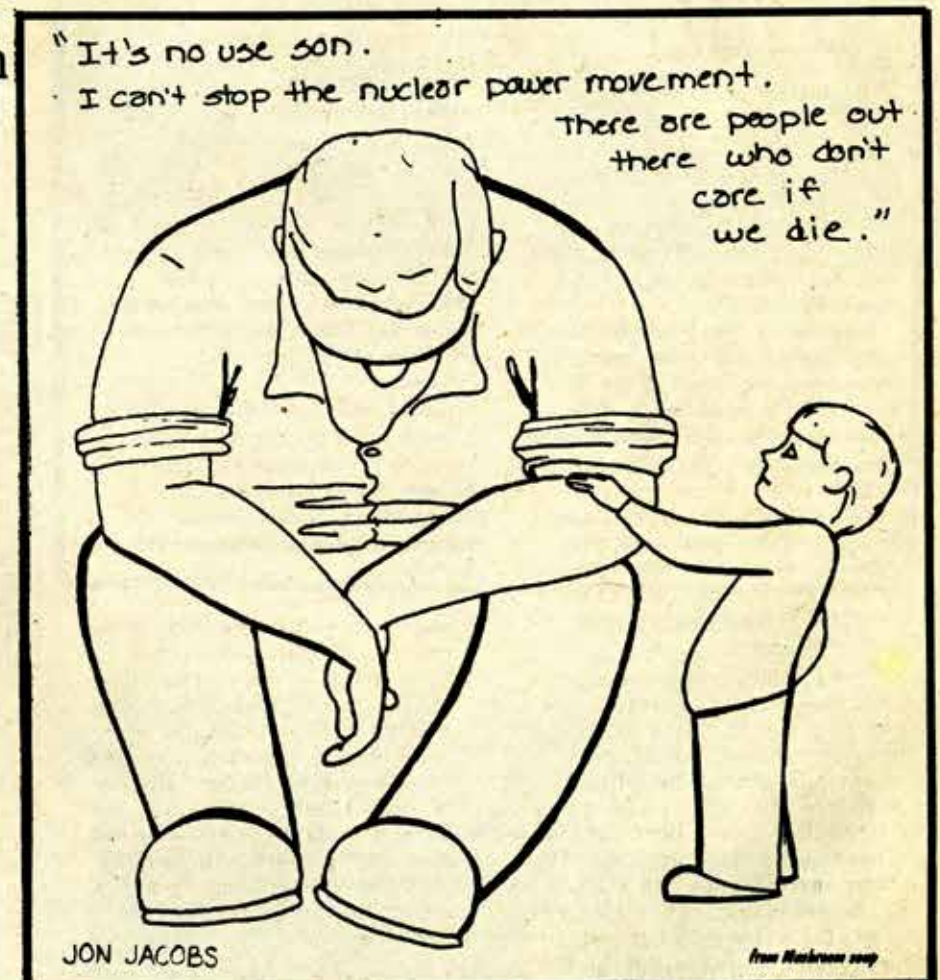
*Does this attitude contribute towards international peace?*

*Does abundant low cost energy contribute to the exploitation of the planet's poor people for the comfort and recreation of citizens of rich nations?*

*Is the tie between nuclear energy development and military weaponry significant enough to justify concern that further or continued development of atomic resources will be used by the military to destroy life?*

These questions reflect concern for life. Respect for the goodness, or that of God, in all persons is a desirable position from which to conduct discussion of these issues. The profit motive of mining companies may lead the people serving those companies to speak and act in ways we consider hasty and dangerous. The questions raised are submitted to them as well as all state residents. We encourage personal contemplation of the issue of nuclear development by all persons.

Vermillion Friends





# South Dakota Uranium Activity August 1980

Compiled by P. K. Hammel,  
Black Hills Alliance

Current Exploration Permits:  
(S. D. Division of Conservation)

CORPORATION	PERMIT NUMBER	COUNTY
Silver King Mines (TVA)	EX-5	Fall River, Custer
Energy Reserves Group (renewed 8/14)	EX-21	Harding
Union Carbide	EX-31	Fall River
Chevron Resources	EX-34	Perkins
Anaconda Copper	EX-43	Davison, Hanson, McCook
	EX-44	Davison, Hanson, McCook, Hutchinson
	EX-45	Hutchinson
	EX-46	Hutchinson, Turner, Yankton
Phillips Uranium	EX-?	Minnehaha, Moody

### PENDING PERMIT RENEWALS

(September, 1980)

Rexcon	EX-1	Custer, Pennington
Johns-Marville	EX-2	Meade, Lawrence
American Copper and Nickel (requesting bond release-will not renew)	EX-3	Lawrence
Kerr McGee	EX-4	Meade, Custer, Pennington
	EX-32	Butte, Lawrence, Meade
Union Carbide	EX-25	Fall River
Wyoming Mineral	EX-26	Fall River

### PENDING NEW PERMITS: 1 (Sept. 1980)

Gulf Minerals\* Custer, ?

### GROSS AREAS BEING EXPLORED UNDER CURRENT EXPLORATION PERMITS

NUMBER OF TOWNSHIPS	ACRES	SQUARE MILES
West River - 84**	West River - 1,935,360	West River - 3,024
East River - 73	East River - 1,681,920	East River - 2,628
Gulf - 4*	Gulf - 11,520*	Gulf - 18*

\*\*19 townships in West River have multiple permits, sometimes by same company (UCC).

\* Gulf area shown in Forest Service operating plan; permit can be for more land.

### FOREST SERVICE - CURRENT PLANS OF OPERATION - 1980 URANIUM

Union Carbide - Craven Canyon "adit"; plan of operations approved by Forest Service. Major excavation work halted while UCC seeks solid/hazardous waste disposal permits required by state. Also subject of federal lawsuit by B. H. A. against Forest Service.

Eugene Nellis - Plan to re-open old uranium mine in Wolf Canyon, near Edgemont, approved by Forest Service. Tried to start mining, but stopped by state which requires deep shaft and solid/hazardous waste permits. Problems won't start in 1980.

Gulf minerals wants to drill 23 holes in Pleasant Valley, near Custer, from September to November 1980. Plan covers

11,520 acres but says only .9 acre disturbance will result.

Silver King Mines plans to drill up to 317 holes on 1,286 acres in their 1980 exploration program. Area involved - Chilson, Red, Craven, Bennett Canyons. SKM claims only 12 acres will be disturbed.

Union Carbide is conducting its 1980 drilling program on 650 acres in Fall River County (Craven and Red Canyon, Robinson Flats) thanks to the S. D. Division of Conservation, which let UCC "amend" its 1979 permit to add 1980 operations.



## State mineral leasing-how it's done

by Nancy Burks

or auction.

**Editor's Note:** See April BHPS report for details on S. D. Mineral Exploration laws.

The Commissioner of School and Public Lands recently offered more than 20,000 acres of state land in Butte and Meade counties for oil and gas leasing.

Land in South Dakota that is not owned privately or by the federal government is state land. As South Dakota was settled by non-Indians in the 1800's, the State set aside sections 16 and 36 of every township for school land.

A township contains 36 sections and a section is 640 acres. Besides school land, state land also includes state colleges and institutions, abandoned estates, land swapped with railroad companies, and donated land.

The Department of School and Public Lands (DSPL) is in charge of these lands and since 1919 mineral rights have been kept when public land is sold, transferred, or leased for grazing or agricultural uses. On lands sold prior to 1919, the State does not have the right to license minerals.

The state owns the mineral rights to more than five million acres of land, with Harding, Perkins and Meade counties having the most state-owned mineral land. Most of this is rural credit land, mortgaged to the state during the Depression on which the state kept mineral rights. The state itself can remove whatever minerals are on the land, or the Commissioner of the DS & PL can dispose of the minerals by sale

Mineral-seeking companies can prospect and mine on state land being leased by farmers and ranchers if they obtain two permits. One of these is an exploration permit or a surface mining permit from the Division of Conservation and the other is a prospecting permit, oil and gas lease, or license to remove minerals from the DS & PL. Prospecting permits are for any mineral other than oil and gas, and include coal and uranium. There is no limit to the number of permits or leases a company can obtain, and the largest ones are for an entire section, or 640 acres.

Mineral rights have priority over surface rights. The state is not responsible for damage to the surface of the land if the surface is owned by someone else and the minerals belong to the state. Ordinarily, the company holding the prospecting permit or license to remove deals directly with the surface owner. In oil and gas leasing, the Commissioner may provide for some protection of the surface owner or user by adding certain language to the lease. That language would require compensation to the owner or lessee for damages to growing crops from exploration or removal of minerals.

More on state mineral leasing regulations can be found in the *South Dakota Mineral Law Handbook*, by States Planning Bureau, 9/79, *Handbook of Mineral Law*, by Terry S. Maley, Second Edition, 1979, and *South Dakota Mineral Acres*, by DS & PL, current edition.





# The Johnson County (Wyoming) Cattle War

by Homer Ayres

**Editor's Note:**

This is part II of Homer Ayres' three part article on the Johnson County Cattle War. The first installment, which appeared in April BHPS Report laid the groundwork for the violence of the "Invasion," where the "bad guys" were the owners of the big ranches and the "good guys" were the 'little fellows.'

**PART II**

The town of Kaycee, Wyoming gets its name from the KC Ranch, which at the time of the Invasion, April 1892, was the wintering camp of Nathan D. Champion and his partner Nick Ray — the first two victims of the Invasion. Their cabin was just across Powder River from the town that grew up later.

Champion was well named for he was the champion of the small ranchers and settlers. And for this he was a marked man with his name high on the "dead list" in the little black book compiled by the Invasion organizers. The Invaders moved down the Invasion Draw to the KC Ranch to polish off Nate and Nick at the break of day. Then they were to proceed to Buffalo and do their bombing and murdering, to be followed by systematic killing of those on the Dead List by smaller groups moving

River, the longest account of the whole bloody conspiracy, running 320 pages.

The chief organizers of the Invasion were men powerful in politics, banking and merchandizing. They had connections through the livestock commission houses where one of the overlords of the British interests in Wyoming, John Clay, was also president of the Wyoming Stockgrowers Association and a partner in a commission company with branches in all livestock markets. With such interlocking forces the big cattle interests could intimidate hundreds.



In the summer the agents and and sometimes some of the owners, went to the ranches to ride good horse flesh, "roughing it" with the cowboys who took the rough end of the stick for \$25 a month. In winter they congregated in Cheyenne to live the soft life, where wine, women and song were in long supply. It was expensive fun.

When the big cow companies first began, profits were handsome. But good things always seem to come to an end. Blizzards have a mean way of blasting in from the northwest uninvited, and hard winters, where stock got fresh air and snow as a steady diet, left the draws filled with rotting carcasses. The high-test profits of ranching bonanzas floated down the creeks and rivers along with the carcasses.

Stockholders blamed managers for lower dividends and managers robbed their own herds of younger animals to sell, in an attempt to make a profit-showing after winter losses.

They tried to keep the count up by having their cowboys search for mavericks, paying for \$2 to \$7.50 per head for each animal burned for the company. The mavericks might rightfully belong to a cow company, or a cow of another big company miles distant. Or to some nester, who had given it up for dead — or drifted away so far it wasn't worth hunting for. The rule of the range was "finders keepers" when it came to unbranded stock.

There is little question that nesters also hunted mavericks. Anybody in a range country could rope and tie down an animal and brand

it. Besides many nesters were cowboys who formerly worked for big outfits before they took land of their own. They knew the maverick game from experience.

When a big roundup came along and cut a nester cow into the herd and moved it on, perhaps a hundred miles or more, it was only natural the nester would find a way to retaliate. "We little men had a lot of good eating as we evened up," wrote Bruce Siberts in the story

**The outlaw Pinkerton Tom Horn beat the bushes unsuccessfully in South Dakota to recruit gunmen.**

of the Board of Livestock Commissioners takes to himself the credit by such persons as the stockmen saw fit to class as 'rustlers,' have the money sent to him as secretary of the board, in Cheyenne, and force the shippers to make the pilgrimage to the capitol building to prove their property. It was believed that this would so embarrass and cripple the little fellows that they would go out of business. Thousands of cattle were so seized, and considerable money thus obtained yet remains tied up in the hands of the commission. . ."

Although some of the small ranchers pulled out of the country, it was evident that the ranges would not be cleared except by extraordinary drastic action. Thus the plot to murder in a hurry the key men among the little fellows. As Mari Sandoz put it: "Even some who had been ready to hitch up and quit the country decided to try it a little longer."

The Invasion plot was said to have been hatched in July 1891, according to Sandoz, by John Clay and a Major Wolcott, a manager of the Scottish Toll and Company, the VR established in 1877.

"There were those who knew that Wolcott had borrowed \$80,000 back in 1885-86 from John Clay's British connections, The John Nelson

**The chief organizers of the Invasion were men powerful in politics, banking and merchandizing.**

The facts of the Invasion were kept hidden from the public for years. Only in the past two decades has the truth broken through the conspiracy of silence. The book, *Banditti of the Plains*, a story of the Invasion by Asa Mercer, editor of a livestock journal in Cheyenne at the time, was hunted down and destroyed in bulk, or bought up for as much as \$30 a copy by agents of the Wyoming stockgrowers to keep it out of circulation.

Copies of the Mercer book in the Library of Congress were stolen or mutilated. When Mercer printed a confession of one of the hired invaders in his journal Mercer was jailed for libel, his printing plant wrecked, and he was virtually run out of Cheyenne, lucky to escape with his life. But murder will out so, in time, the truth had spread across the country. Mari Sandoz, a fearless woman reared on a Nebraska farm, whose father "old Jules" was marked for murder by certain big cattlemen, included a splendid section about the Invasion in her book, *The Cattlemen*.

In 1940 Mrs. Mary P. Baber published *The Longest Rope*, a story with much background on the Invasion by one who was kidnapped and shipped out of the country to prevent him from being a witness at the trial of those who murdered Champion and Ray. In 1960 Mrs. Helen Huntington Smith came out with her, *The War on Powder*

of his South Dakota ranching life:

A Maverick Law was passed in 1884 by the Wyoming legislature making it a felony for anybody to brand a maverick except under the direction of an appointee of the Wyoming Stockgrowers Association. The letter M was put on mavericks, as property of the state, "socialized" by heck. They were later sold and the money went to pay expenses of the cattle roundups and inspection of the privately-owned cattle companies.

But what made the range situation boil over was a law passed in 1891 creating a board of Livestock Commissioners.

"It was believed that early in the year 1891," according to Mercer's book, "it was determined by stockmen (the companies) to terrorize the ranchmen and rustlers in the northern part of the state and drive them from the ranges. How, it mattered not. H. B. Ijams, secretary

of the board was practically to the war, compelled to realize that sooner or later he would be closed out, and with no profession, no earning power. The time for such foreclosure lay in John Clay's calculating hands," said Sandoz. Clay was a key figure in financing, ranching, and head of the Wyoming Stockgrowers Association.

Wolcott and Baxter, a former Governor of Wyoming and manager of the Western Beef Company in Johnson County, went to Colorado to make arrangements to raise a force for the Invasion. The outlaw Pinkerton Tom Horn beat the bushes unsuccessfully in South Dakota to recruit gunmen. Ijams went to Idaho to recruit, and a Tom Smith who had successful lynching of the horse rancher Wagner, went back to Texas where he recruited twenty-five gun fighters.

cont'd p. 18





## Displays, workshops, projects teach A. T. at Survival Gathering

by Dan Feldman

For those of you who were unable to attend the Survival Gathering, this brief rundown of the accomplishments of the Appropriate Technology/Land Self-Sufficiency Project will bring you up to date.

Approximately 70 different workshops - covering a wide range of topics - took place at the Gathering. The participants included Christina Rawley, who reported events at New Alchemy Institute and gave a workshop on Solar Aquaculture. Another participant, Lee Swensen, told of the activities Farralones Institute has been involved in, particularly on the Integral Urban House in Berkeley.

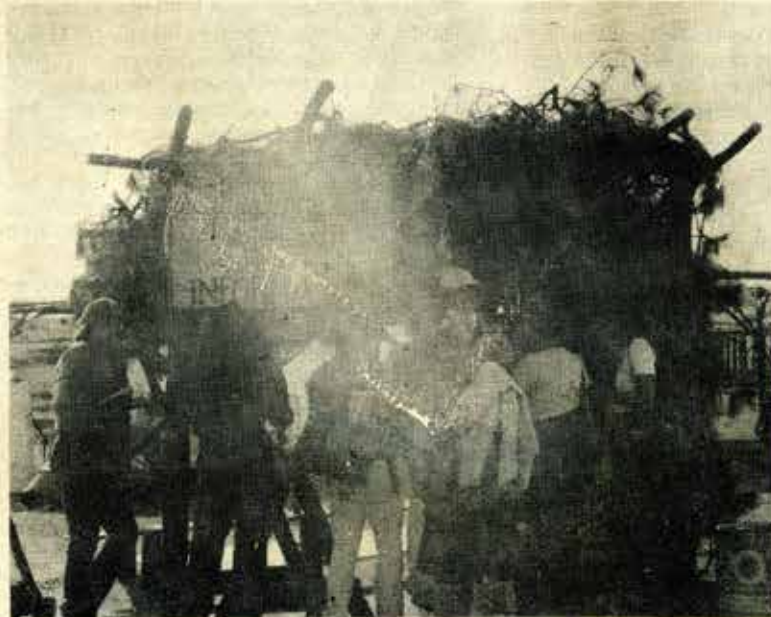
A few of the other organizations represented in Appropriate Technology (A.T.) workshops included the Small Farm Energy Project, the Franklin County Energy Project, and the Center for Ecological Policies. Mark Cherniak and Jim Benson represented the latter two organizations and gave outstanding workshops on Community Energy Planning.

Workshops on Land Self-Sufficiency (L.S.S.) included: Organic Grain Farming, Tree Crops, Draft Horses, Composting, Soil Testing,

Greenhouse Management, Biodynamic French Intensive Gardening, Horse Management and Health Care, and Parasite Identification In Wild Game. There were also panel discussions on cooperatives on organic gardening.

Because of the international nature of the Gathering, there were a number of opportunities for information exchange across those boundaries. Two women from Sweden conducted a workshop on European Community Housing, and a group from Belgium presented a slide show called "Christiana: A Free Town." Participants also set up a special workshop for Scandinavians and Americans to do A.T. networking.

Some workshops dealt with the organizing aspect of A.T. They included: Worker Self-Management, Labor Coops and Forest



Management, Rural Leadership in Appropriate Technology and Organizing a Community Energy Event.

Ongoing at the Gathering were a tofu workshop by the Magic Bean Coop, sprout growing, and the building of a solar wall on a nearby farm house.

For those who wished to get experience in the actual construction of A.T. projects there were a number of hands-on workshops. Three different solar hot water heaters were built. And those who arrived early had a chance to observe the construction of a methane digester. In addition,

Aprovecho Institute showed how to build a Guatemalan style Lorena cookstove and a portable greenhouse. Other hands-on workshops included brickmaking, log construction techniques, solar cookers and a savonius wind rotor.

The third part of the A.T./L.S.S. Project was a series of displays. Many of these were incorporated into the internal structure of the Gathering. For example, all the power used in the medical tents and the national office was supplied by photovoltaic panels. There was a solar public address system in use. And anyone who toured the staff camping and kitchen area



Wind energy display

would have noticed a solar shower

two solar hot water heaters and three solar granola ovens.

Less obvious, but equally important, were the site structures themselves. These were made of pine pole thinnings from a rancher in the Black Hills. At the end of the Gathering, nearly all the poles, as well as the A.T. projects that were donated to the Black Hills Alliance, were given to people in low-income areas of South Dakota.

To wrap up the A.T. Project on the last day of the Gathering an A.T. strategizing session was held. During the framework for a "Declaration of Dependence on Appropriate Technology" was created.

To all participants: if you have any tapes, film or good photos of A.T. workshops, we need copies for our documentation files.

Thanks for all your help.



photo:Ames Reinhold



The Black Hills Alliance would be grateful for any photos, essays, drawings or other creations that Survival Gathering participants produced during or after the Gathering. We are involved in compiling documents, slide shows, tapes and other Survival Gathering items for distribution. Any personal contributions would be gratefully acknowledged and fully credited.





Ed Kammerer and Meridel LeSeur hold a workshop for Gathering participants

## Food, land central concerns

by Eleanor LeCain

Perhaps the most important outcome of the Survival Gathering has been the growing awareness of the need to build alliances. One effort in that direction is the Peoples' Initiative on Food, Land and Justice. For the past few months, representatives of a variety of grass roots groups -- farmers, farmworkers, Native Americans and food co-ops -- have been discussing concrete ways of improving communication and cooperation.

Representatives from forty groups gathered in Ames, Iowa, last March to discuss ways of breaking down false divisions among people who in fact are allies.

Participants included the Farm Labor Organizing Committee, the U. S. Farmers Association, and the Black Hills Alliance. From the Ames meeting came a call to action which dramatizes the urgency of food and land problems in the U. S.

The Peoples' Initiative on Food, Land and Justice offers an umbrella for a variety of people's movements. Communication can be facilitated by a newsletter geared to food/land activists. Included could be calls for strike support, notices of conferences and demonstrations, and stories of why certain organizing efforts worked. In this way,

people in Nebraska can learn from the experiences of people in Nevada.

Another way the Peoples' Initiative hopes to encourage alliance-building is through face-to-face communication to help bring people together. The Peoples' Initiative will put out a pamphlet outlining food/land problems in the U.S., including stories from people directly affected by these problems and specific strategies for action on

personal, local, regional and national levels.

Activists will be able to use this pamphlet to generate discussion among people in their area and hopefully to work on cooperative strategies.

The responsibility of the network contacts and around the country would be:

1. Circulate the call to action and solicit endorsements.
2. Contribute to the activists newsletter and spread its use.
3. Build alliances regionally using the pamphlet or other meaningful work.

For further information, write Eleanor LeCain, 824 Shotwell, San Francisco, CA. 94110, (415) 647-8639.

*The struggle ahead is difficult, but with men and women of all sectors working together, we can create -- and are creating -- a new society.*

## What some of the farmers had to say

Merle Hansen, a Nebraska Farmer, had this to say about our current farm policy: "It's like a jackass standing belly deep in grass and yet starving to death." He pointed out that it has been U. S. government policy for the greater part of this century to do away with the small farmer. In 1947, Hansen reported, *Life Magazine* called for the elimination of 3 million farmers because they were "inefficient." There were an estimated 6 million small farms at that time.

Robert Arndt, Vice-President of the National Farmers Organization affirmed this policy when he reported that it is the goal of agribusiness to reduce the number of farmers in the U. S. to 600,000 by 1985. "Today they are on schedule," he said "because there are only 800,000 left."

Arndt also explained how important it is that farmers receive 100% parity of their products. Parity, essentially, means getting as much money for crops and

livestock as the farmer invested in producing them. Today, farmers are getting about 50% parity, Arndt said. This makes them dependent on federal subsidies. Corporate agriculture controls the profits from the area but does not pay local or state taxes. Mr. Arndt explained how this drain on the local tax base kills small towns: "When small farmers are bought out and large corporate agri-business take over... local farmers have to borrow money to continue to run their farms. Without profit the farmer does not pay taxes and therefore the local economy is nil. The reason that the small towns die is because the local tax base falls apart when small farmers are bought out."

"Food can be used to control the people if we continue to leave food production in the hands of a few," Arndt continued. "The small farmers need to do something to control their own destiny within the next 18-24 months or they will lose," he said.



The people who work in the Research Center are in a state of shock over the mounds of material brought in by the Survival Gathering. People are encouraged to come in and see all the information generated -- but not until the beginning of September. By then, everything will be filed and gone over, especially if volunteers help.

Some of the topics are old ones -- uranium issues, Indian issues, alternative energy. Some of the topics are essentially new for

our library, like health, books for children, and a massive increase in material on plants, gardening and agriculture.

Help is needed in getting all this out to the public, so if you are interested in these topics and able to summarize into booklet or packet form, we need you. Donations for new file folders, bookshelves and file cabinets are also needed.

Educate yourself at our library -- it's unique in South Dakota -- and in the region.





## Dependence on the Land

continued from p. 1

all creatures and the earth. We declare our dependence on the land, and urge all peoples to recognize their own dependence on the land for their lives and livelihoods.

2. We call for an end to the abuse and appropriation of the land. We invite all concerned peoples to struggle with us to achieve that goal.

3. We call for an end to all genocidal programs which uproot, displace and relocate Native Peoples and other rural peoples.

4. We call for all nations to acknowledge that international law holds that all treaties are binding upon the nations that contract them, and cannot be changed without the consent of all the parties involved.

5. We call for land justice for Native Peoples: recognition of their sovereignty and traditional forms of government, with the 1868 Fort Laramie Treaty as the starting point for the just resolution of differences and the model for honoring all other treaties.

6. We call for the return of federal and state lands in treaty areas to the jurisdiction of Native Peoples as the initial step in treaty resolutions; these areas to be maintained in a manner harmonious with the natural environment.

7. We call for the recognition of the right of family farmers and ranchers to exercise stewardship over family-sized holdings in treaty areas restored to Indian control, as long as they respect and care for these lands, through long term, renewable guarantees.

8. We call for the promotion of family farms and ranches, especially through owner-operator and residency requirements, and parity programs tied to conservation practices that lead to the eventual elimination of agricultural dependence on chemical pollutants of the land.

9. We call for the revision of inheritance, estate and property taxes to benefit family farmers and ranchers.

10. We call for an end to the urban development that misuses rural land, and areas of natural beauty.

11. We call for the right of the people to determine how eminent domain is to be used.

12. We call for control of rural water resources by the consensus of all land-based people, and protection of water quality and quantity for rural and urban needs.

13. We call for support of the labor organizing efforts of farmworkers.

14. We call for the termination of all phases of nuclear energy development, and the promotion of safe and clean energy alternatives.

15. We call for an end to nuclear weapons development and the dismantling of nuclear weapons systems.

16. We call for an end to government's role as a political arm of big corporations, and establishment of a people's government.

17. We call for the expropriation of transnational corporations' agricultural holdings, and their redistribution to indigenous and agricultural people.

18. We call for an end to the manipulation of the world economy by such non-elected bodies as the Trilateral Commission and the Committee on Economic Development.

19. We call for the establishment of a solidarity network with other people engaged in the international struggle for justice on the land.

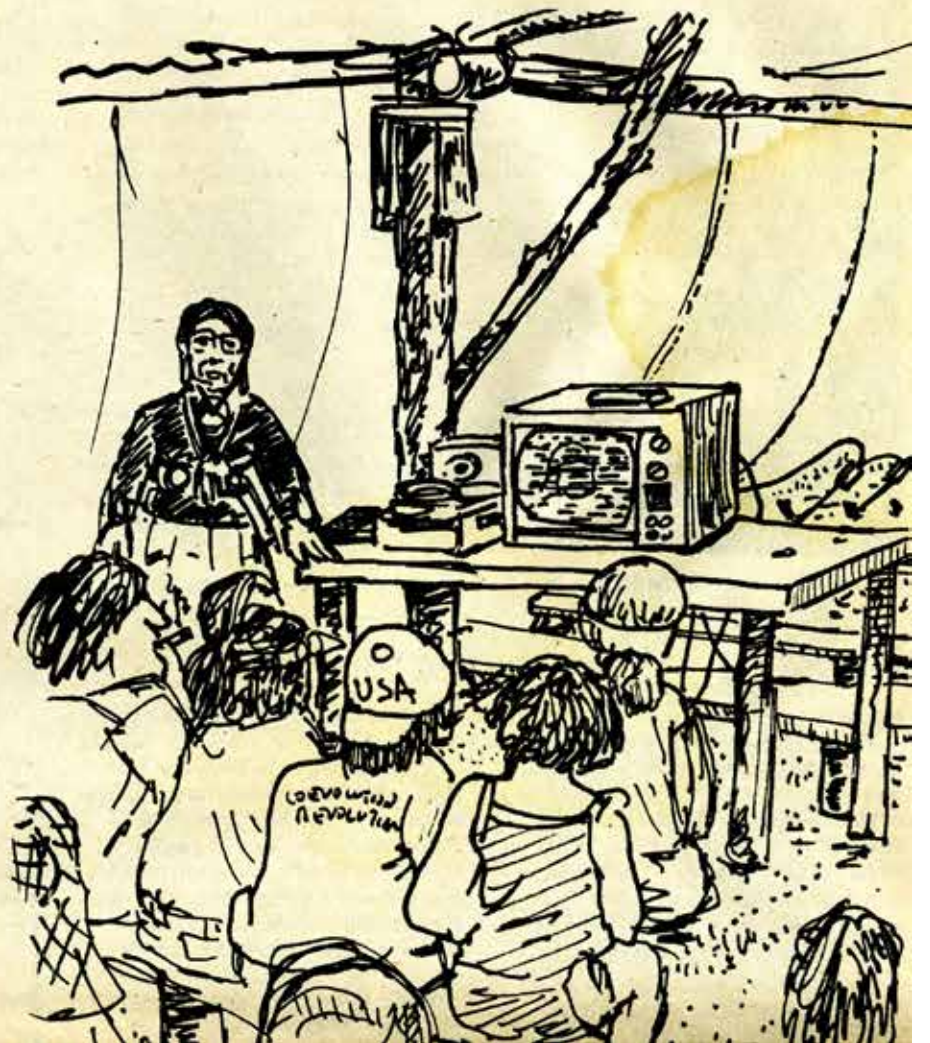
20. We call for the promotion of sisterhood and brotherhood among peoples of all races and social classes.

21. Finally, we call for the recognition of our responsibility to be stewards of the land, to treat with respect and love our Mother Earth, who is a source of our physical nourishment and our spiritual strength.

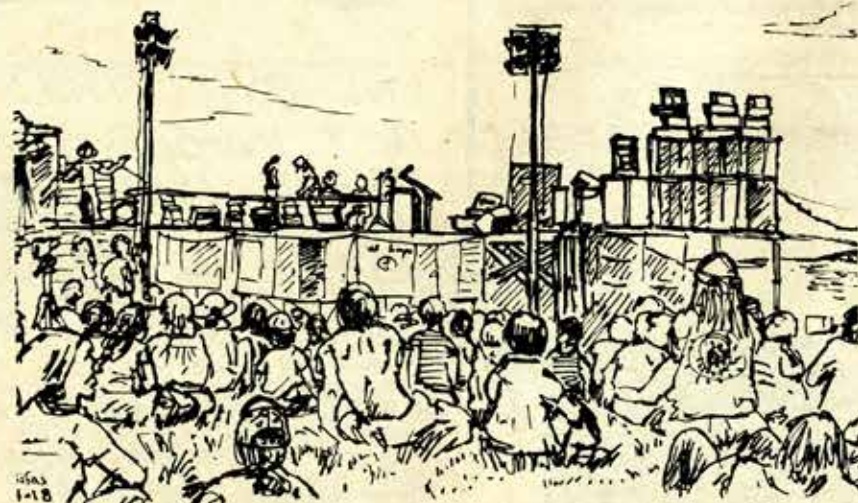
We are people of the land. We believe that the land is not to be owned, but to be shared. We believe that we are the guardians of the land. The future of our children, and of all generations to come, will depend on our efforts today to prevent corporate seizure and abuse of the land. We challenge our concerned sisters and brothers throughout the world to unite with us in the struggle to liberate the land and all people from the economic and political domination of the transnational corporations and the governments that serve them.

The Great Spirit will guide our thoughts and strengthen us as we work to be faithful to our sacred trust and restore harmony among all peoples, all living creatures, and Mother Earth.

The Struggle will be long and difficult. So let us begin.



Appropriate technology video/display workshop; one of many at Kammerer ranch



Opening night of 1980 Black Hills International Survival Gathering

Paha Sapa Printing, a print shop affiliated with the Black Hills Alliance, is now opening its doors to out-of-house printing. As a movement press, our primary concern is to turn out movement work at lower prices. We also have reduced community rate and straight commercial rates.



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**Regional Meetings**

**continued from p. 1**

water, and others unknowingly breathed air drifting from above ground atomic bomb tests. Some were fighting to prevent mining in their area, while others had to deal with nuclear weapons plants.

Identifying the threats was easy for most people in attendance, as they had been working for years to create a better living situation in their communities. But most people agreed — whether from the city or the country — that getting the information into the hands of the public was an important problem.

Some suggestions on how to solve this problem were: 1) establish community newsletters and encourage others to do the same; 2) establish phone trees and other direct, local communication systems; 3) contact all potentially concerned organizations: including labor unions, food coops, schools, religious groups, 4-H clubs, environmental groups, civic clubs, and more; 4) involve the established media by writing letters to the editor, issuing press releases, and holding press conferences; 5) establish information centers and hold regional gatherings; 6) get involved in Parent-Teacher Associations in order to provide our children with a more realistic education. There are more ways for people to network and communicate in their regions. These

are just a few of the most general strategies.



There were many suggestions for direct action that can be taken right away. Many areas of the country, including the Black Hills, Harrisburg, and southwestern Minnesota have taken corporations, utilities, and state agencies into court, hoping to force recognition of environmental and health concerns. Some communities, especially large cities, have been holding mass demonstrations and rallies to draw attention to issues and educate those around them. Other people including Indians in the Southwest, farmers in the Midwest, and urban people in the Northeast, have been using civil disobedience, both to prevent destructive actions (such as mining and powerline and power plant construction) and to alert their communities to the dangers. Still other groups are pushing for nuclear moratoriums in their counties and states.

And finally, participants recognized the importance of Indian treaties and Native American sovereignty. There was a commitment from all regions to raise awareness of Indian people's needs and history, and the current importance of violated treaties.

All land-based people — be they Indian, white, Asian or Latin American — are caretakers of the land. In the U. S., Indian treaties, which are legal documents, can be used to demand community control of

land and land resources. Today, we who wish to protect the land can use the treaties to our mutual benefit.

As Madonna Thunder Hawk, one of the organizers of the Survival Gathering, said in a summary speech, "The land is not dead yet. There is a struggle that will go on amongst all the groups involved. We will go home and get back into the long, hard, tedious process of education, agitating, organizing. This is the way we will save our Mother, the Earth."



Photo: Dan Frank Courtesy WIN magazine

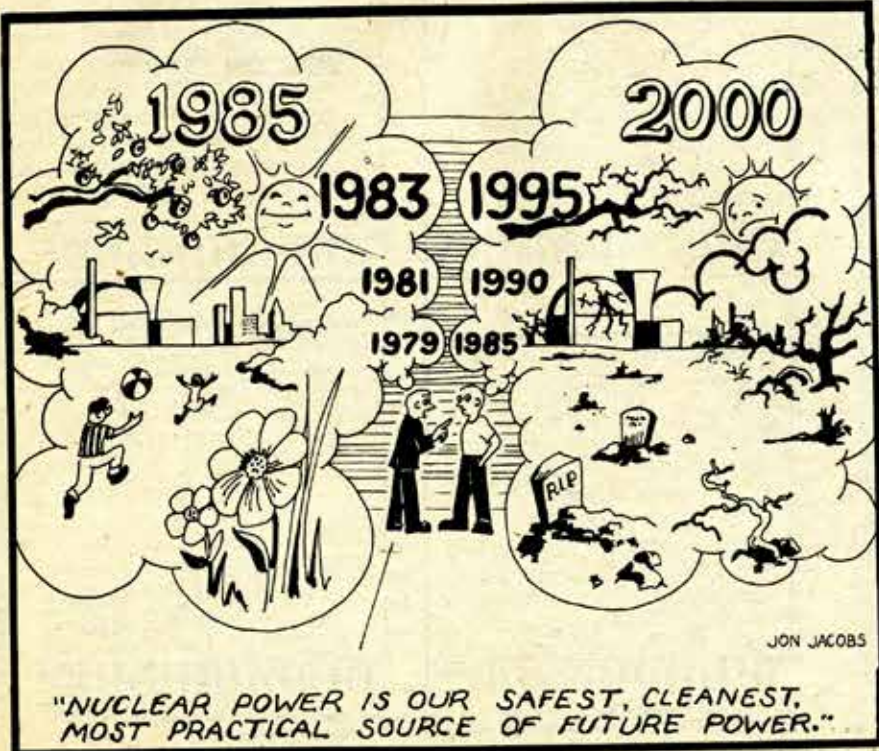
Naliva Redeagle from Pine Ridge, S. D. told stories at the Gathering



Nuclear physicist Mishio Kaku gives a workshop on a typical Gathering afternoon



Russell Means testifies before the Citizens Review Commission



JON JACOBS



## Friends of the Earth promotes safe energy path

by Anne Kunze

Friends of the Earth fights hard around the world for the quality of the environment and conservation of our natural resources. Its international organization works through national lobbyists, state representatives, state chapters and member action. Its issues range from preservation of the whale to a world wide transition to the "soft energy path."

Amory Lovins, international spokesman for Friends of the Earth has developed the theme of the "soft and hard energy paths" in his books, public appearances and his work as an international energy consultant to government and organizations. According to Amory, there are two paths to choose between in creating our energy future. The hard energy path is destructive to the environment, natural resources and the

economy. It involves continued dependency on non-renewable energy resources which are controlled by a multinational cartel and are produced and delivered in huge, centralized, capital intensive, high technology systems. Nuclear energy is part of the hard energy path.

The soft energy path involves a transition to renewable energy resources which are produced and used with appropriate technology in decentralized systems which lead to energy self-sufficiency at the individual and community level. This path emphasizes conservation and utilizing the proper form of energy for the right end use such as solar for space heating and electricity for electronics.

*Anne Kunze is the state representative for Friends of the Earth. She can be contacted at RR 1 Woonsocket, S. D., phone number 796-4602.*

To the editor from Leonard Peltier Support/Defense Committees/Groups

BHPS Report p. 14 Aug-Sept 1980

## To All People United to Protect Mother Earth

We offer thanks for your involvement and participation at the International Survival Gathering July 18-27, 1980.

We offer thanks to members of the Black Hills Alliance for their efforts, work and sacrifices in bringing together Peoples of all four directions - which enabled us to teach and share with each other. Through this kind of peaceful co-existence we can strengthen the circle of life.

To the Editor

Dear Friends,

I want to thank you very much for all the energy and time and money you spent to produce a fantastic week of learning and communicating.

The Black Hills Survival Gathering was a great experience for us. We learned a lot and met many new people. We came away with many new ideas, a reaffirmation of a lot of old beliefs and the strength to continue the fight, secure in the knowledge that there are a lot of other people that believe the same things we do.

I'm glad that we could be a part of building a tent city in which people were considerate of each other, helpful to strangers and sharing of love, food, music and kindness. To see several thousand people living together without litter, alcohol, drugs and hostility is an uplifting experience.

The Gathering should be a very good public relations event. I know that local Rapid City residents were surprised that hippies and Indians "could get together without terrorizing the country side." I'm sorry that they had to feel that way but maybe they learned something. I have heard from

We offer thanks on behalf of our Brother Leonard Peltier, a prisoner of war, in the war against red people for control of land and resources.

Together we can stop the rape and destruction of Mother Earth.

Together we can free Leonard Peltier and all Prisoners of War.

Together - In Action - we can Plant the Seeds Which Will Grow Green Beneath the feet of Our Future Generations.

several sources that people were sorry they had not attended after hearing about the Gathering on the radio or reading newspaper stories.

All of us in the Vermillion Black Hills Alliance are glad we could attend and be a part of this historical event. Thanks again to all of you who conceived the idea and saw it through to the end.

Peace and Love,  
/s/ Clarence Peterson

P. S. I find it hard to adequately explain how much I enjoyed the Gathering and how much I learned. Perhaps the best way to explain it is to say that I am setting up an Energy Information Office for Clay County. The first workshop I attended was about County Energy Planning by Mark Cherniak and Jim Benson.

If I had only attended that one workshop it would have been worth the drive. The workshop could not have been tailored to meet my needs any better if I had written and requested it.

So thanks again.

*Whatever befalls the Earth  
Befalls the people of the Earth*

Great words to Gather by.

## Survival . . . 1980

by Patricia Fero

They gathered at the meeting place from all around the globe. The endless hordes that came to learn, and touch the tribal robe. Lights grew bright, the crowds got still as speakers voiced their truths. Words touched all minds and hearts as well of aged and of youths.

Speak out again and let them

Speak up brave tribe, and falter not, it's time to show we're strong.

In days gone by our warriors fought with arrow, ax, and lance WAKAN TANKAN speaks with thundering voice. . . "Begin your tribal dance." The drums begin . . . and dancers whirl with heads held high in

Let them hear the wailing of our people and see our women's tears. They come to take our land again, and do not know it's wrong.

THIS LAND IS OURS . . . OUR SACRED HILLS. . . . FOR THIS OUR PEOPLE DIED. . .

## Weapons costly

continued from p. 2

The cruise missile hasn't been the only weapon involved in accidents - over 100 nuclear weapon related accidents have happened. That doesn't count accidents at weapons-manufacture plants, like Rocky Flats near Denver - where there have been over 200 accidents. That also doesn't count traffic accidents, the two nuclear submarines lost at sea, earthquakes like the ones that damaged Livermore Labs in California, and the recent rash of computer errors that have led to the launching of nuclear missiles against imagined attacks.

Among the accidents at the Rocky Flats weapons plant was one in 1969, when hundreds of pounds of plutonium - the most cancer-causing substance known - caught fire. Taxpayers paid for the clean-up, which cost \$45 million, and according to independent studies, including "Atoms for Peace: Atoms for War" by the National Action/Research on the Military-Industrial Complex, the accident will cause 2000 or so cases of lung cancer in the Denver area.

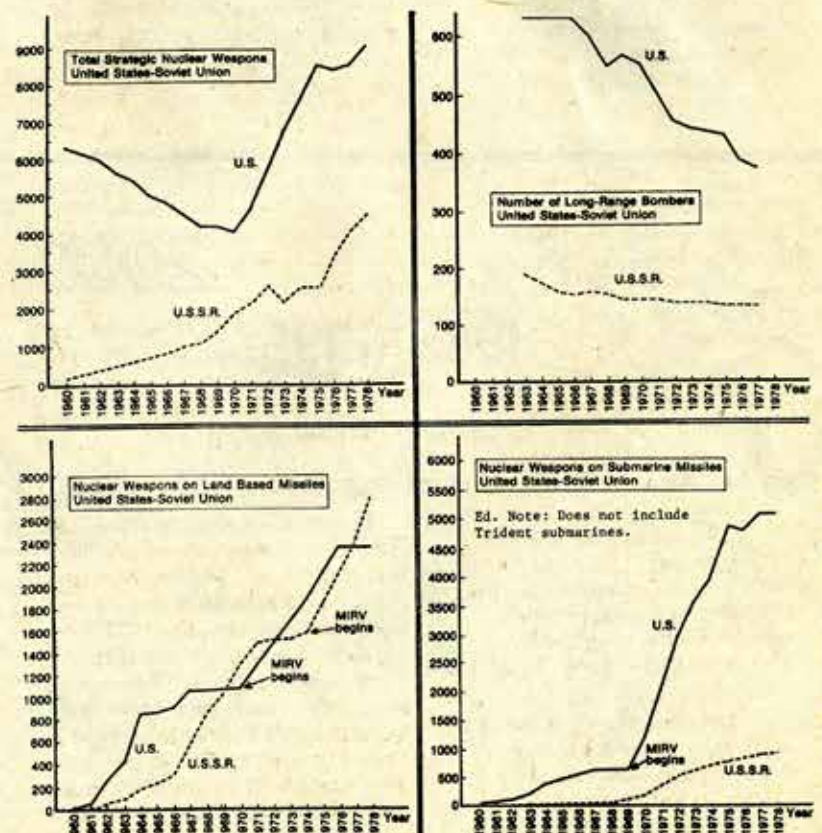
Two other well-known weapons facilities have also had problems.

At Hanford Military Reservation in Washington state, Norman Solomon found that about 115,000 gallons of high-level nuclear waste leaked into the ground in less than two months in 1973 - a total of about 1/2 million gallons have leaked over the life of the site.

Los Alamos Scientific Laboratory in New Mexico has also been the scene of a series of radiation leaks, according to articles in the *Albuquerque Journal* in October, 1979. The lab was built in 1943, and from then until 1964 wastes were dumped into a canyon that is a popular spot for outdoors enthusiasts. In an October 10, 1979 article, the *Journal* reported that 260,000 gallons of liquids containing Plutonium-238 leaked from a pipe that was clogged by plant roots in 1974, and Lab officials admit that for one especially elusive element, tritium, "the best they can do is delay the release of [it] to the environment."

The public health effects of Los Alamos Lab and other nuclear weapons sites will be examined as this series continues in the next issue.

## Measures of The Nuclear Arms Race



These charts cover strategic nuclear weapons. They do not include the even larger numbers of tactical nuclear weapons on both sides. The U.S. has a total of approximately 30,000 nuclear weapons, the Soviet approximately 20,000.

from Center for Defense Information, Washington, D. C.



# 1868 Treaty could be ally in uranium fight

by Lillas Jones

Few documents have inspired as much emotion as the 1868 Fort Laramie Treaty. This article is the outline of a series of articles on the issues involved in that Treaty.

## What Does The Treaty Say?

The 1868 Fort Laramie Treaty was signed by representatives of the Dakota (Sioux) Nation and representatives of the United States. It was fully ratified by Congress and proclaimed by President Andrew Johnson, making it, according to Article VI of the U. S. Constitution, "the supreme law of the land" - on the same legal level as the Constitution.

The Fort Laramie Treaty is composed of 17 articles. Some of the Treaty's articles deal with education, crimes, farming, clothes, and the various specialists the U. S. was to provide for the Dakota Nation. But the most important articles, for the purposes of this series, dealt with land - the land that was reserved to the Dakota (the "reservation") and the lands that were given up by the Dakota in exchange for various services, promises, and goods.

The boundaries of the reservation were set by Article II. The area covered what are now known

as the western half of South Dakota about 1/3 of North Dakota, the northern edge of Nebraska, 1/4 of Wyoming, and a good-sized corner of Montana - as well as the reservations that had already been established east of the Missouri River. The U. S. agreed that, except for government employees, no non-Dakota "shall ever be permitted to pass over, settle upon, or reside in" the reserved lands. The U. S. also agreed that no white people could "pass through" that area without first getting the Indians' consent.

Under the Treaty, the Indians were allowed to continue hunting from the South edge of the reservation to extreme southern Nebraska. In exchange for these promises, the Dakota Nation gave up its claim to all other lands.

For the continuing validity of the Treaty, however, Article XII is the most important. That Article states that no agreement by the Dakota to give up any of their reserved lands "shall be of any validity or force" unless it is "signed by at least three fourths of all adult male Indians, occupying or interested in the same." No agreement has been signed by 3/4 of the adult male Dakotas since that time.

An important footnote to Article XII is that the Dakota's history of the Treaty says that the Article applied to the entire Treaty - not just land. A series of Supreme Court decisions states that, legally, treaties say what the Indians who

signed them believed them to say. That principle - now well established - came into being because there were so many cases in which poor language interpreters or after-the-fact changes by the U. S. made the written treaties say things that were not agreed on when the treaty was signed.

## What Did The Supreme Court Say About The Treaty?

On June 30, 1980, the U. S. Supreme Court made a major decision on the 1868 Treaty called *United States vs. Sioux Nation of*

## What Has Happened Since The Supreme Court Decision?

Since June, two cases have been filed by the Oglala Sioux Tribal Attorney at Pine Ridge, South Dakota. One case asks that the Supreme Court decision be declared a "mistrial" because the attorney who represented the Oglala had no contract to work for them. This case is designed to prevent Congress from paying the Dakota Nation for the Black Hills region, because once money was signed over, the matter would be finished under U. S. law.

trol. The Tribal Attorney, Mario Gonzalez, indicates that the federally held lands are the target of this portion of the suit. Said Gonzalez, "We are a just people. I don't think you can expect us to come and kick people off privately held land."

Understandably, the Treaty, the Supreme Court decision, and the lawsuits filed since have resulted in a lot of discussion in the Black Hills area. To some, the Treaty's status, as defined by the Court, is simply a matter of historical and modern fact. To others, the Black Hills claim is the outrageous expression of people who are living in the past. As in most controversies, many people's beliefs are somewhere in between.

Catherine Churko

## How Can The Treaty Affect Uranium Mining?

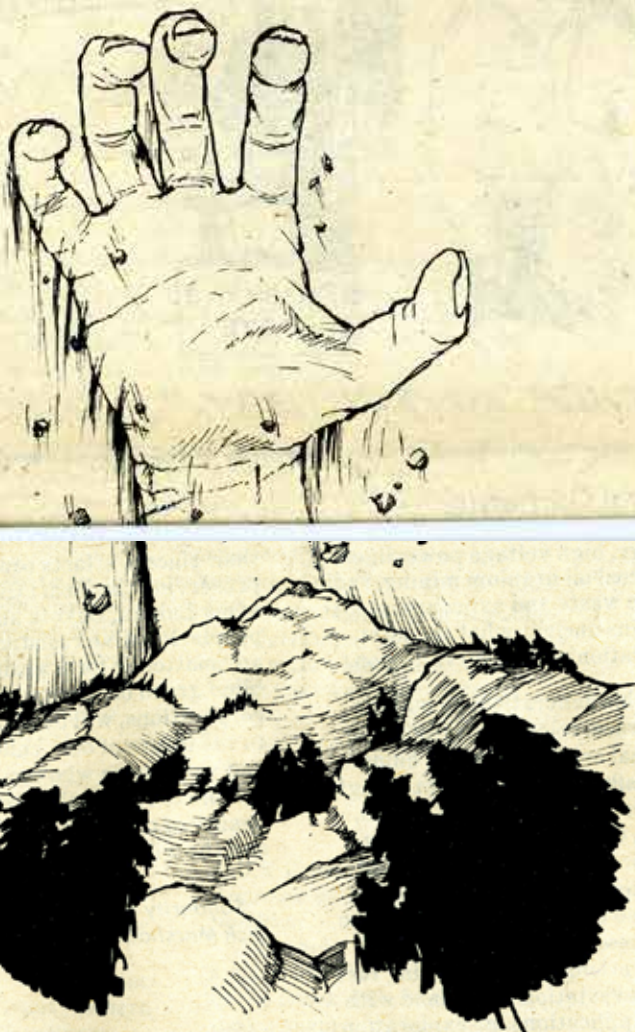
The Supreme Court's recognition of the Fort Laramie Treaty and the recent lawsuits can be the determining factor for uranium mining in the Black Hills. One portion of the lawsuit filed for the return of the Hills asks that mining of resources be halted in the area.

Between the time that a case is started and when it is decided,

nurt the property under dispute by issuing an injunction. If the judge in the case, U. S. District Judge Albert Schatz of Omaha, decided that uranium mining would hurt the land in the Black Hills, he could issue an injunction against the corporations trying to begin mining here. This could prevent mining for many years, considering how slow courts usually are. And if the case is decided in favor of the Oglala, uranium mining could be stopped for good, since the Oglala Tribal Council passed a resolution against uranium exploration on their reservation.

The 1868 Fort Laramie Treaty is a valuable ally to those who want to prevent further uranium mining in the Black Hills. It is not the only treaty between an Indian nation and the United States that can be an ally in the fight to stop destruction of land. Wherever there is a valid Indian treaty, if the Indian people involved want to prevent actions that hurt the land, those actions can be prevented.

To those who defend the U.S. Constitution, treaty rights - as the supreme law of the land - are part of what they are fighting for. To those who defend the land, those rights - as laws affecting the land - are part of what they are fighting with.



Indians. The case has been in the courts for 59 years, and the Supreme Court's rulings are the last step in the United States legal process.

The decision said that the Black Hills region was taken from the Dakota Nation illegally by an 1877 Act of Congress. In the decision, the Court said that the 1877 Act "ignored the stipulation of the Fort Laramie Treaty that any cession of the lands... would have to be joined in by three-fourths of the adult males." The decision also quoted the Court of Claims which had observed "A more ripe and rank case of dishonorable dealings will never, in all probability be found in our history...."

The "3/4 provision" would, however, still be an open question. As the vast majority of the Indians with a stake in the 1868 Treaty have indicated through elected and traditional leaders that "the Black Hills are not for sale," it would be difficult indeed for the government to get a written acceptance of the settlement from 3/4 of the adult males.

The second lawsuit asks for \$11 billion in damages for the taking of the Hills - the money would compensate for the Dakota people's suffering because of the lack of the Hills and for the vast mineral and other resources taken from the Black Hills in the last 112 years. The case also asks for the return of the Black Hills to Indian con-





## The crud stops here

A panel of the National Academy of Science reaffirmed its findings this past July that the health risks of low-level ionizing radiation are not great.

The linear-quadratic model used to determine the risk showed that 1,000,000 people exposed to one additional rad a year over a lifetime would result in 5,000-13,000 "excess deaths." (A rad is a dose of radiation).

According to the Academy statement issued with the report, that number of cancer deaths is "extremely small.....considering the uncertainties."

from the New York Times,  
July 30, 1980 (p. A12)



### From inside the walls to the Survival Gathering

#### People At The Gathering

*Le anpetu ki iyuha čante wašag ya nape čī yuza pelo.....  
Today, I greet you all with a strong heart!*

Absorbing the daily update outside of these prison walls, I mentally observe with envy. I appreciate all of you taking the time to review the unethical situation, our Paha Sapa Wakan faces. I am especially appreciative toward you - the concerned individual, who have vital information to share with others, in the "Black Hills International Survival Gathering." It is reassuring to hear that my Oyate, the farmer, the rancher and others, are collectively uniting hand in hand, without the John Wayne - Tonto atmosphere. With this type of understanding solidarity, the "Natural Survival" of the Black Hills and Surrounding land base, will be stronger.

Respecting the land... water, trees, plant life, rocks, fish, wings and legs that are indigenous to this geographical area. Now that both shores of this Western Hemisphere are practically covered by asphalt and concrete, what is the future for the fertile land between? I'm sure each of us may have given this some thought.

I sincerely believe a more clear picture will evolve from this "Gathering" after reviewing the complete difference between preservation of the land and the (sic) technological dream. In this dangerous world of computers, nuclear

energy, high voltage powerlines, gold-coal-oil-uranium mining, radioactive waste and exposure, etc., it remains unclear what the next generation will be surviving on.

In this generation, no matter what race, color, sex, religion, or national origin, there is a human responsibility to exist but through the years, Kerr-McGee, Exxon, Mobil, Gulf, Tennessee Valley Authority, Anaconda and countless other subsidiaries, have grossly violated our inherent right to the land. Presently, these multinational corporations are threatening further devastation of the land with their applications for exploration permits. My native relatives in the southwest are suffering from these same corporate bolshevists! We native people are not only fighting these resource rape-o's, but are also facing the federal government who is supporting their exploitive acts. So, in simple language, we are at war and always have been.

Especially now, when the federal government is proposing that we accept their "Almighty Dollar" in exchange for our inherent land base, within the Territorial Boundaries of the 1868 Treaty, and especially our Paha Sapa Wakan. As our greatest Warrior/Chief, Tašunka Witko (Crazy Horse) stated: "One does not sell the land our people walk on."

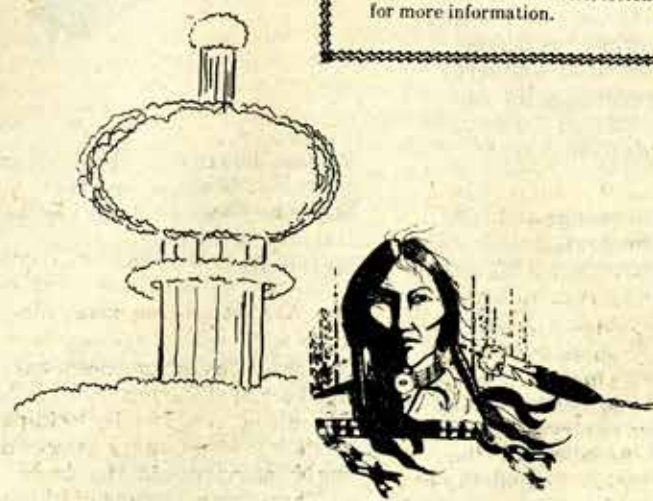
Therefore, I am in total solidarity with my Oyate, Black Hills Alliance and other concerned groups, organizations, etc. and

their sincere efforts toward the preserving the Heart (Black Hills) of my Lakota, Dakota and Nakota people. Positive resistance in any matter or form against the blind-greed of these multinational corporations, will be of benefit to the future of our children and yet unborn who too, will be able to revere the natural beauty of the Paha Sapa Wakan and the wildlife within.

*Solidarity toward Liberation:  
Dick Marshall*



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**The mining and milling of uranium is an insult to the health of all living things.**



Case surrounded by controversy

# Richard Marshall hearing to be held

by Evelyn Lifsey

**Editor's Note: This article is one of many which will explore incidents where individuals have been "interfered with" because of their activities in land/energy struggles.**

On September 9, 1980, the South Dakota State Supreme Court will hear arguments for a request for a new trial for Richard Marshall. Dick Marshall is an Oglala Lakota who is in the State Penitentiary in Sioux Falls. He was convicted of first degree murder and sentenced to life imprisonment on April 6, 1976. The trial was held in Rapid City.

In late 1972, an organization called Oglala Sioux Civil Rights Organization (OSCRO) formed on the Pine Ridge Reservation, South Dakota. Dick Marshall was one of the founders of OSCRO. The

## The Death of Martin Montileaux

On March 1, 1975, Martin Montileaux was found wounded in the men's room of the Longhorn Bar in Scenic, S. D., just north of the Pine Ridge Reservation. Richard Marshall and Russell Means were charged with murder. Russell Means was acquitted in a separate trial in April 1976.

The prosecution presented several witnesses in Marshall's trial. Two of them, Halley Merrill, the owner of the Longhorn, and Marion Poor Bear, Montileaux's sister-in-law, were at the Longhorn the night of the shooting. But at a police line-up shortly after the shooting, neither Merrill nor Poor Bear identified Marshall or Means. At trial, however, they testified that Marshall and Means followed Montileaux into the bathroom, that they heard a shot, and that the two men then left the bar.

most exclusively with Indian control of Indian lands. AIM is a controversial group, and government records indicate, it has been a major topic of investigation.

There are recordings of Montileaux describing his assailant as having shaggy hair and wearing an army jacket. But all witnesses agree that Marshall wore his hair in a ponytail and was wearing a brown and white down jacket.

## The Case of Myrtle Poor Bear

FBI Agents David A. Price and William B. Wood produced Myrtle Poor Bear as a witness against Richard Marshall even though the FBI had no jurisdiction in the case.

The FBI "supplied" Myrtle to the prosecution only seven days before the trial, and to the defense only four days before trial. They had been interviewing her since January 1979. In fact, motel and FBI records indicate Price and Wood had been holding Myrtle Poor Bear in various motel rooms for days at a time while they interviewed her about Dick Marshall.

Agents Price and Wood did not follow standard investigating pro-

Poor Bear's hospital records indicate that she had 94 outpatient visits at various clinics and eight hospitalizations before the trial. Many of her admissions were for "bizarre behavior" and hallucinations, including psychosis and hysteria.

Poor Bear was presented as a credible witness to the court and Marshall's jurors when in fact she was and had always been unable to separate fact from fantasy. According to Elaine Poor Bear, Myrtle's sister, Myrtle is "forever lying to us, making up stories" and "we expect it all the time." Myrtle's father, Theodore Poor Bear testified that Myrtle "... makes up stories and other things. Like if anybody asked her to tell something, she was to make up, she would add a little more to it, but it was not true." Mr. Poor Bear testified at the hearing that everyone in their family understood Myrtle made up stories.

Many of Myrtle's stories involved AIM members, shooting deaths of her non-existent husband or boyfriends and other gory, but untrue incidents. She also had drug and alcohol problems and was on medication.

FBI Agent David Price knew

Myrtle for years and was well aware of her medical history. Hospital records indicate he had picked her up from the hospital on occasion.

The defense argued in the post-conviction hearing that Myrtle's medical records alone would have been enough to destroy her credibility as a witness.

## Why Dick Marshall?

With every argument of the state refuted, why did the South Dakota Supreme Court uphold Marshall's conviction, and why did the lower court refuse to grant

continued p. 18



purpose of OSCRO was to improve the living conditions of Indian people by working towards Indian control of Indian lands. This goal is in conflict with the U. S. government policy of establishing a reservation economy that is nearly completely dependent on U. S. government programs.

Working for Indian control of Indian lands also threatens the massive energy development industry. Today, about one third of this country's low-sulfur coal reserves and nearly two thirds of the uranium reserves lie on Indian lands, including the Pine Ridge Reservation. Community organizations, both Indian and non-Indian, that work to prevent mineral exploitation are an obstacle to the energy industry.

Dick Marshall's high visibility in the Oglala Sioux Civil Rights Organization and later in the American Indian Movement, targeted him for state and federal attention.

Myrtle Poor Bear (no relation to Marion) was the key witness in the trial. She testified that Marshall confessed the murder to her at a party shortly after his release on bail.

## Some Problems with the "Evidence"

Following Marshall's conviction, there was a Post-Conviction Hearing. At that hearing, many disturbing aspects of the case were explored. Of particular concern was the hatred of the American Indian Movement that Deputy Phillips of Pennington County showed during his interviews with Montileaux.

There is a recording of Phillips says to Montileaux "...I'd hate to see these guys go free, especially if it's some of the big AIM leaders, wouldn't you?" This supports the belief that Marshall's case is political.

The American Indian Movement (AIM) is a prominent Indian organization that concerns itself al-

though by not keeping records of their conversations. Despite a constitutional requirement that the prosecution inform the defense of any witnesses that will be used, the FBI waited six weeks before presenting her to the state.

When the defense learned that Myrtle Poor Bear would be testifying, they requested her medical records. The prosecution told the court that these records were not available because Poor Bear would not sign a Waiver of Medical Privilege. It was learned in the post-conviction hearing that she was never asked to sign a waiver.

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# Richard Marshall hearing to be held

**continued from p. 17**  
 Marshall a new trial?

The day after Martin Montileaux was found wounded in the Longhorn Bar, a document entitled "Predication for the Investigation of the American Indian Movement" was circulated by the FBI. That same day 20 AIM members were arrested throughout the country.

David Price had a long history of anti-Indian activities, including supplying a false witness at one of the Wounded Knee Trials and obtaining false affidavits from Myrtle Poor Bear in the case of Leonard Peltier, another Indian activist. In fact, on the very day that Myrtle was testifying against Marshall, false affidavits written by Agents Price and Wood and signed by Myrtle were presented in Peltier's trial. These affidavits were later found by the U.S. Attorney's office to be completely fabricated by the FBI.

Despite the determination that Myrtle Poor Bear was a completely unreliable witness, and that the

FBI fabricated evidence, U. S. Attorney General Civiletti ordered the FBI witnesses not to answer many questions asked by Marshall's attorney's and not to obey a court order to deliver many of the requested documents. The South Dakota judge allowed this order to stand without holding the witnesses in contempt of court or ordering the documents produced.

Obviously, officials at many levels wanted to be sure Marshall was convicted.

Marshall is only one person who has been jailed for opposition to government or corporate attempts to control land over the objections of local people. In particular, his case raises the issue of local control of energy resource lands.

The western U. S. is an easy target for energy exploitation for at least three reasons: 1) it contains most non-renewable energy resources that are the focus of current energy policies; 2) it contains large tracts of government-controlled land, including Indian

reservations, Bureau of Land Management Land, and parks; and 3) the centers of populations and power are somewhere else, making our area "out of sight, out of mind."

Indian reservations - being both more populated than other government-controlled land and populated by people who have been "voiceless" in U. S. society - have been the first target of energy policies. Marshall's case is an example.

It is important to consider who will be next.

The *Black Hills-Paha Sapa Report* invites questions, comments and other inquiries regarding the issues raised in this article.

*"In Nazi Germany...first they put the Communists and the Jehovah's Witnesses in concentration camps, but I was not a Communist or Jehovah's Witness so I did nothing. Then they came for the Social Democrats, but I was not a Social Democrat so I did nothing. Then they arrested the trade unionists, but I did nothing because I was not one. Then they arrested the Jews, and again I did nothing because I was not Jewish. Then they came for the Catholics, but I was not a Catholic so I did nothing again.*

*"At last they came and arrested me, but by then it was too late..."*  
 ---Martin Neimoller

## Wyoming Cattle War

**continued from p. 9**

Wagons, horses, grub, bedding, firearms, ammunition, poison, and dynamite were organized in Denver for the Invasion and sent by train to Cheyenne, and later Casper, with the Texas gunslingers in a coach with the blinds drawn. At Cheyenne they were joined by around twenty-five Wyoming people, with a couple of newspaper men to report the grand fight to rid Wyoming of "rustlers." Major Wolcott, the military man, was in command. The

the Invaders decided to surround it, hiding along the river and in the barn, and move in at dawn for the kill. What fouled things up was the fact that two trappers had pulled into Champion's camp the previous night.

In the morning one of the trappers went to the barn to feed the horses, the other to the Powder River for a pail of water. Both were captured by the Invaders and didn't get back for breakfast. Finally Ray came out to take a look and was

as many men to join them as showed up.

At Casper they detrained and began to march north at a quick pace. The original plan was to hit Buffalo first, do their dynamiting and murdering and then spread to pick off those on the Dead List before the country woke up to what was happening. By noon it was snowing, something the Texans perhaps hadn't figured on when they signed up, and a thing the local Wyomingites didn't relish either. They kept pushing on, losing morale by the mile. Some got cold feet and found excuses to angle off in other directions. They got to State Senator Tisdale's ranch by dawn for warm grub. Tisdale was along with the little army. They hung around during the day to rest up.

In rode a Mike Shonsey, who had been out trying to scare up, without success, a force from the ranchers up ahead for the killing expedition. Shonsey talked the high command into turning off to the KC ranch where Nate Champion and Nick Ray were staying. They could kill them first and make their way to Buffalo later.

Shonsey indicated a gang of rustlers were hanging around the KC with Champion, and they could clean out the rustler's nest. They calculated it would take only an hour or so extra time for this.

They proceeded toward the KC and their intended victims, evidently riding down "Invasion Draw," which got its name from that night's doings. After scouting out the place

kid in the barn. Nate Champion was then on the alert.

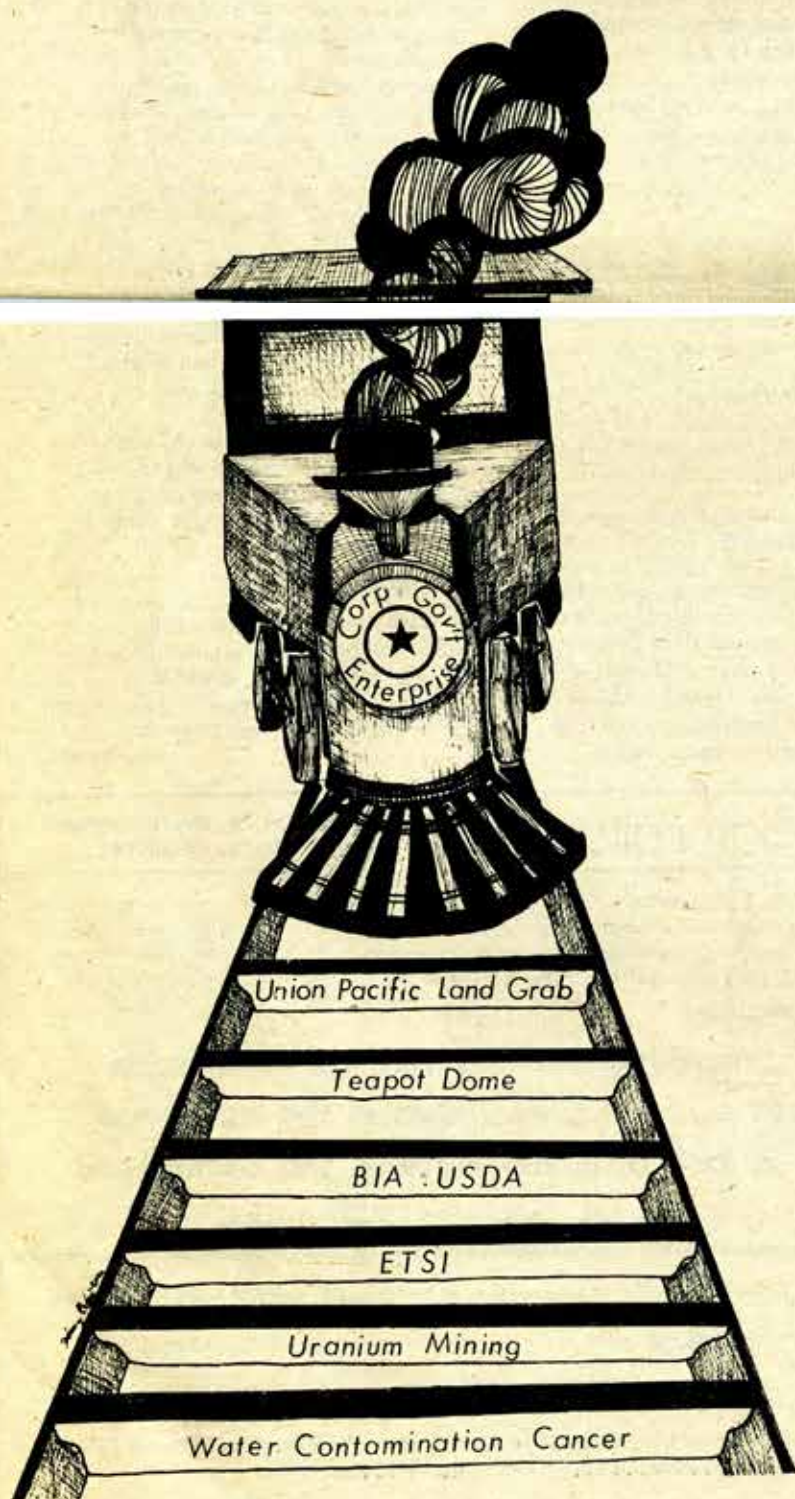
An attempt had been made on Champion's life previously. But he drove them off with rapid fire from his pistol he drew from under his pillow as the gang of men busted in his door one morning about dawn while he was still in bed.

**After scouting out the place the Invaders decided to surround it, hiding along the river and in the barn, and move in at dawn for the kill.**

As a matter of fact the whole country had been suspecting an action something like the Invasion for some time, and some of the newspapers had predicted as much. Word spread fast after the queer looking train had pulled into the railroad yards at Cheyenne.

Champion managed to pull his partner back into the cabin and prepared for a long battle with the odds at about 50 to 1 against him. He kept a blow by blow description of the encounter in a little diary. Ray died at 9 o'clock, he wrote.

**To be continued next issue**





# Union Carbide workers brain cancer victims

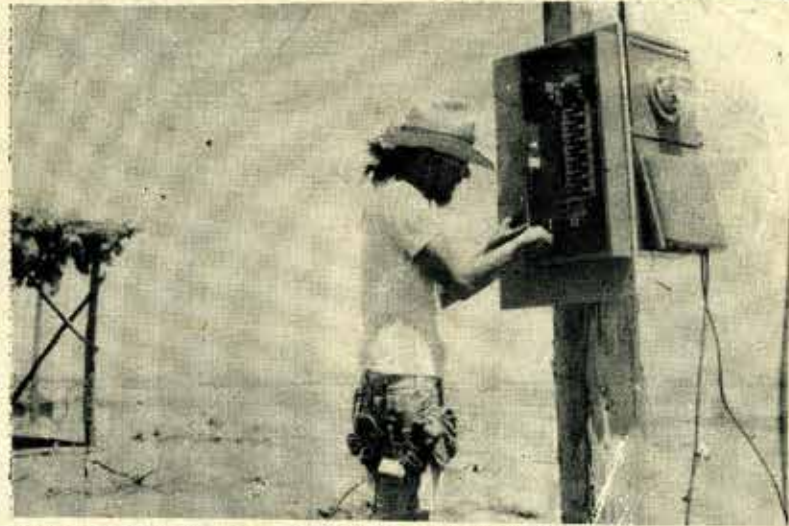
by David Norris

Spurred by a complaint filed by a Union Carbide employee last year, an investigation of petrochemical plants was launched by the Department of Health and Human Services and the Department of Labor. Investigators have confirmed that an "excessively high" incidence of brain cancer has been found in at least seven petrochemical plants in Texas, West Virginia, Kentucky and California.

Eighteen deaths from brain cancer have been documented at the Union Carbide plant in Texas, where the original complaint was filed. The chemicals involved include vinyl chloride and are believed to be the cause of the brain cancer.

Besides Union Carbide, the Dow Chemical plant, also in Texas, yielded 24 fatal cases of brain cancer.

from the New York Times, July, 1980



Jeff Miller, Summerton, TN., wires Survival Gathering site

### Funky Winkerbean



If you're looking for work you might consider hiring on at some of the utilities operating crippled nuclear power plants. Both the Turkey Point Nuclear plant in Florida and the Three Mile Island nuclear power plant in Harrisburg, Pa. are hiring "jumpers": people (usually men) who will jump in and out of highly radiated areas to plug tubes and do other maintenance work. "Jumpers," wearing special suits and radiation monitors, spend be-

laid off for three months and can then reapply for the job. A notice in a Florida daily advertised jobs from between \$55 and \$100 a day calling for 50 or more individuals to work temporarily. No experience is necessary but applicants must be "agile, at least 19 years old, able to learn quickly and must read and speak English." Officials for Metropolitan Edison in Pennsylvania say they too are looking for agile workers. At Three

highly contaminated area of the nuclear power plant, receiving very high doses of radiation. After a few days of work the jumpers accumulate the same dose regular nuclear industry workers are allowed by government standards to receive in about three months. When this occurs, the temporary workers are

Edison, there are 600,000 gallons of radioactive water lying in the "basement" of the containment structure. Robert C. Arnold, senior Vice-President at Met. Ed. stated that this is "unpredictable work." "It's a situation that has never arisen before, and we'll have to improvise as we go," he said.

## Rural Tennessee farm aids Gathering

Many people dream about living in self-sufficient communities, independent of corporate-produced food and energy, but few actually make that dream happen. Residents of the Farm in Summerton, Tennessee, are a hard-working group of people who maintain a community that is almost completely self-sufficient.

The 1800 members of the Farm collectively own about 2000 acres of rich land where they live and farm. The group sustains itself by growing most its own food and trading the surplus with the surrounding community; operating and inventing new forms of renewable energy systems; creating

or another are given up by their natural families. These children are incorporated into Farm families, "but," says Murcheson, "they are foster children. Their parents can claim them at any time."

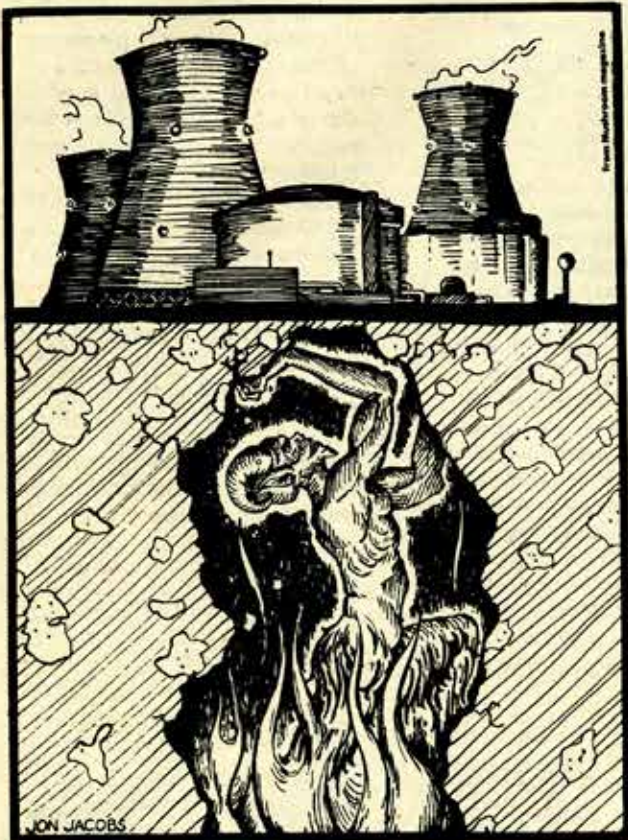
The Farm is a community resource rich in technical and organizational know-how. At the 1980 Black Hills International Survival Gathering this past July, the Farm participated in full. The Farm sent some of its members to the Black Hills, ran workshops and booths, and helped coordinate the Gathering, including doing the electrical wiring for the site.

The NRC band gave a concert, and a farm ambulance was driven cross-country for the use of the on-site medical facility. True to their sense of community responsibility, several Farm residents stayed beyond the Survival Gathering to help restore the site.

This is not the first time the Summerton Farm helped South Dakota projects. The Farm also participated in the organizing of the Black Hills National Gathering of the People in July 1979, and instructed the founders of Lakota Communications, the new Pine Ridge radio station, on the workings of a community-based radio station.

such as the Nuke-Buster, a high powered radiation monitor -- and sponsoring their own rock-and-roll band, called the Nuclear Regulatory Commission NRC.

Michelle Murcheson, a Farm resident and a nurse (and a co-coordinator for the Gathering) said that hundreds of curious people visit the Farm, some for a weekend, others for months. Such long-term visitors are not charged money but they are expected to work their share in the Farm community. In addition, the Farm finds itself caring for hundreds of children who for one reason



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### More on Brain Cancer. . . . .

According to the August 20 Denver Post, the incidence of brain and other cancers is "of some concern" at the Rocky Flats nuclear weapons plant in Colorado.

According to Dr. Carl Johnson, director of the Jefferson County Health Department, employees at the Rocky Flats plant have eight times more brain cancer, nearly three times more skin cancers,

and 25 percent more lung cancers compared with all cancers among white males in Colorado.

The skin cancers have also appeared in abnormally high rates at the Hanford Nuclear Facility in Richland, Washington, Lawrence Livermore Laboratory at Livermore, Cal., and the Los Alamos, N.M., Scientific Laboratory, according to Dr. Johnson.





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**All Indian, independent radio station established**

"Our main objective is to breach the communications gap between Indians and the outside world," says Dave Little of Lakota Communications. For the first time a completely independent, not-for-profit, community-based, all-Indian radio station is being established. Lakota Communications incorporated in May 1980, and will begin producing radio programs this fall. Broadcasting is scheduled to begin in late 1981.

Lakota Communications, based

in Pine Ridge, S. D., evolved out of several people's desire to bring reliable news and information to the people of Pine Ridge Reservation. "There are media services on the Reservations," says Little. "There is coverage, but it doesn't meet the community of Pine Ridge Reservation's needs. I doubt they meet the needs of other reservations."

Little feels that when issues arise that concern Indian people, they are watered down so they

don't tell the whole story, "or else they might outright lie," he says.

"Everybody gets piecemeal information. In this area, not only are Indians concerned, but non-Indians want to know too."

The founders of Lakota Communications felt that a radio station would be the best way to immediately fill the communications gap.

"Television and newspapers were considered but radio is the most effective way to go. The only people in Pine Ridge with televisions are those with jobs — and electricity," says Little. Unemployment on the Pine Ridge is about 70% and little more than half the people have electricity.

Some of the topics Lakota Communications plans to cover include: the Black Hills Claim; water contamination on Pine Ridge Reservation; social services available and how to use them; uranium mining and milling and other energy development, including alternatives; history and culture to re-teach young

people their heritage; weather reports; Tribal Council news and more. In addition, the radio station will broadcast traditional and modern music.

Lakota Communications will broadcast on the FM frequency of 90.1 at 50 kilowatts with a 35 mile radius. Rapid City will not be able to receive the broadcast, but the entire Pine Ridge Reservation will be covered.

Lakota Communications will begin to construct their radio tower and broadcasting facilities next year.

The facilities will be energy self-sufficient, as a priority of the radio station is promoting safe, alternative energy systems. In addition to cutting their own costs with solar and wind conversion, Lakota Communications will promote alternative energy development in the community.

All donations - from money to radio equipment to lumber to documents - should be sent to Lakota Communications, Box 378, Pine Ridge, S.D. 57770.

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