INSIDE:

Maierhenry’s lawsuit
Just what does he want with all that water? ??

AMOCO Stakes out Nebraska
Making $1,300 an hour
And other corporate activities

The Sagebrush Rebellion
Not really a rebellion at all...

Living without water
ETP needs it in Arkansas

The 1868 Treaty and Black Hills Landholders
What the South Dakota media doesn’t tell you

A mountain goat in the Central Hills.

Volume II
Number III

BLACK HILLS
PAHA SAPA
REPORT

Please Donate
The Newspaper of the Black Hills Alliance
March - April 1981

Complimentary Copy

Company’s benefits increase

Union Carbide is on welfare

by Lillies Jones

Union Carbide Corporation (UCC) has been allotted over 110 billion by the Department of Energy (DOE) for nuclear activities, according to government documents recently released by the Black Hills Alliance. The haphazard government contract is for work by UCC’s Nuclear Division from October 1, 1978, to September 30, 1988, and covers a variety of activities, including uranium exploration in South Dakota and fifteen other states. For 1979, the DOE contract was worth about $2.3 billion, or twenty-five percent of the company’s total sales.

UCC operations under the contract include running the uranium enrichment plants at Paducah, Ky., and Oak Ridge, Tenn.; fabrication of nuclear weapons parts; research on a variety of nuclear processes, and production of ‘nuclear and nonnuclear materials.’ The Corporation can use materials produced by its factories and its subsidiaries for the contract work.

The generous contract terms also release UCC from responsibility for nuclear accidents associated with the contract. The DOE will insure the public up to $500 million per “incident” in the United States and up to $100 million per “incident” outside the country.

Uranium exploration under the contract is for DOE’s National Uranium Resource Evaluation (NURE), which is surveying the nation for uranium possibilities. The NURE program divides the country into quadrangles; there are nine full quadrangles and parts of five quadrangles in South Dakota. Union Carbide has done and is doing NURE testing in 153 quadrangles in Texas, Oklahoma, Kansas, Nebraska, the Dakotas, Minnesota, Wisconsin, Michigan, Indiana, Illinois, Iowa, Arkansas, Missouri, New Mexico, and Ohio. According to a company description of the project, for fiscal year 1979, UCC’s NURE tests cost $4,638,000, and for fiscal year 1980 the company’s NURE budget was $2,720,000.

In South Dakota, parts of the NURE testing were contracted to the South Dakota Geological Survey and to the South Dakota School of Mines and Technology. Testing in the South Dakota quadrangles is underway or has been completed, except on the Pine Ridge Reservation, where permission to sample has not been granted to date.

Detailed uranium resource surveys have also been done under Federal contract in the Edgemont area and in Harding County, which are proven uranium-producing areas. The Edgemont area study budget was $49,000, and the Harding County study budget was $209,000. Union Carbide has a number of uranium claims and two exploration permits in the Edgemont area.

The UCC-DOE contract, documents on UCC’s NURE work, and UCC’s uranium resource reports on the Edgemont area and on the Rapid City quadrangle are available in the BHA Research Center.

Rapid Valley well closed

On January 19, Rapid Valley Water Company shut down its wells. After a fourth radiation test showed continued high readings, the water contained more than nine times the Environmental Protection Agency’s maximum allowable level of Radium-226 and more than six times the allowable level of gross alpha radiation. Although high radiation levels were discovered in March, 1980, there was no public announcement until the Black Hills Alliance held a press conference in late October.

High radiation levels have been found in other area wells, including several on the Pine Ridge Reservation. Although the high readings on the Reservation have been known since at least 1976, none of these wells has been closed or replaced.
Farmers forced off their land, akin to Indian experience

by Hank Frawley

I think the country's taking a backhanded approach to energy development, because they're going after non-renewable resources instead of looking at renewable resources.

An interesting parallel is that the American family farmer has a lot in common with the Native American Indian. Basically, it's the farmer who owns the bulk of private land. I see our plight as being similar. The American Indian has this land taken at gunpoint a hundred years ago. Now no one's telling me to go to a reservation, but there's a lot of political and economic forces at work that are going to make it impossible for me to hold on to this land. They won't take it at gunpoint, but there's a strong possibility that we won't be able to survive. We may well lose our land holdings. Because they're going to be sold up by the corporations.

I feel threatened as they were threatened 100 years ago. There's a real jolt.

I can show you good ranchers and bad ranchers, but generally the ranchers have to go along with the landowners. U.S. Senate endorses a case which is very similar.

Editor's Note: This is a statement from the Dakota American Indian Movement.

On March 9th, 1981, the Oglala Sioux Tribe argued its legal case before the 8th Circuit Court of Appeals in St. Louis, Missouri, concerning the United States' taking of the Black Hills.

All residents of the Black Hills and the immediate surrounding area should realize the Oglala Sioux Tribe is arguing for everyone in the area. The United States government must be forced to live up to its own Constitution and to international law. Those things protect everybody's rights.

Failure to recognize this fact will only cause further racism and play into the pockets of the corporations who are interested in our land.

We wish to encourage the reproduction of information published in the BMPS Report. We do recognize that much of the content is based on our personal memories and experiences.

Non-Indians and Indians to struggle for common goal

by Evelyn Libby

Editor's Note: The following is the editorial from the Black Hills Alliance.

The Black Hills Alliance works to protect the Black Hills. It is a group of concerned citizens who believe in preserving the natural beauty of the Black Hills and protecting the rights of the Native American tribes who have lived there for centuries.

The Black Hills Alliance always needs dedicated volunteers, full time or part time. If you have time or energy to work, please let us know. As we grow, our staff needs increase. Remember: if you care about preserving uranium mining, you're a needed worker.

The Black Hills Alliance always needs dedicated volunteers, full time or part time. If you have time or energy to work, please let us know. As we grow, our staff needs increase. Remember: if you care about preserving uranium mining, you're a needed worker.
Meierhenry's water laws have questionable motives

by Jacqueline Huber

In early 1980, South Dakota Attorney General Paul Meierhenry brought a water rights suit against all tribes and property owners in South Dakota west of the Missouri River. The suit attempts to force all of these defendants to submit written documentation of their current water needs.

Meierhenry claims that information given in response to the suit will not be used against South Dakota property owners. The information is being gathered, he says, to aid South Dakota in protecting its basic water needs from water-use development in other states and jurisdictions (that is, Indian tribes), but points to Missouri River irrigation projects and the ETSI coal slurry pipeline as examples of such development. The information is needed, he says, so that South Dakota can document its water needs for future litigation. The goal, he claims, is to protect the water needs of the individual property owner.

Law suit a Threat

Many property owners, however, fear the suit has another purpose. Meade County, for example, stated the suit is actually "a threat. "It's nothing more than a means to an end - hold on another natural resource," lammer stated.

Since the lawsuit focuses on current water use, the data obtained could be used to limit increases of water use in the future.

Many property owners feel that what the state is trying to do is create "excess" water figures on water not currently claimed by any defendant in order to justify permitting mining and other large-scale development companies to use large amounts of water. These "excess" figures could be unrealistic in view of current water use by many impoverished small-scale operators in the state. The suit will abolish all water rights obtained before 1935 which are not documented as currently in use. A family now in hard times with lessened cultivation or other water use may lose generations-old water rights.

Tribes fight suit

The tribes dispute every aspect of the suit. The state plans to place the tribes under the state water management program. This violates federal treaty law and each tribe's right to self-rule. Under treaty law, the tribes are nations within the nation of the United States, each tribe's jurisdictional power as a subject of the United States is equal to the jurisdiction of the surrounding state.

The tribes also resist any suggestion that their water needs could be quantified or limited in any way. Local treaties are interpreted as giving the tribes the right to "all the water they need as long as the grasses grow." They also foresee increased dependence on underground water as the surface water, their traditional source, becomes contaminated. This has already happened on the Pine Ridge Reservation.

"Meierhenry's lawsuit is like a thief in the night. A backdoor approach to get hold of our resources." The State maintains that the tribes have no legal basis for any historic right to water. The Attorney General's office believes that a state decision concerning water will apply to the tribes under federal law.

The issue now is in which court the case will be decided. The suit began in state court, but was transferred to federal court by motion of the tribes, who argue that a state court would be prejudicial to their interests. A federal judge will soon decide in which court the case will continue.

SUIT MAY DIE IN FEDERAL COURT

If the tribes win on this issue, the suit will probably die in federal court, the Attorney General's office admits. In a federal court, jurisdiction is based on diversity - that is, more than a state lawsuit and therefore too costly to pursue. If the suit were dismissed, only the case to state court, the defendants would then be served with their legal papers.

What is undisputed is that water is increasingly the crucial issue in South Dakota.

The ETSI Pipeline— Some Questions

1. What is a coal slurry pipeline?

Coal slurry pipelines are intended to move large amounts of coal over long distances. The coal is crushed fine like sugar and mixed with water. The coal is then pumped to its destination where the water is removed.

2. Who is ETSI?

Energy Transportation Systems Inc. (ETSI) is a subsidiary of four large corporations that have formed a pipeline company. The corporations are (Bechtel), Atlantic Richfield (ARCO), Lehman Brothers, Kuhn, Leeb, and Kansas Nebraska Natural Gas. ETSI has applied for a permit to construct and operate a 1,268-mile coal slurry pipeline. It will move coal from Gillette, WY to Arkansas and then to Louisiana.

3. How much water will ETSI use?

ETSI project claims it will require at least 20,000 acre feet of water per year from the Madison Formation, an underground water supply for the Northern Great Plains region.

4. How much would ETSI have to pay for the water?

The Wyoming State Engineer's office has set the charge to ETSI for 20,000 acre feet of water per year at a filing fee of 10 or 25 dollars, depending on the type of application. If an individual were to purchase the same amount of water at current commercial rates for his/her business, it would cost about 12 million dollars.

5. Is there another way?

The Burlington Northern Railroad has moved coal from Wyoming mines for many years. The Bureau of Land Management's Draft Environmental Impact Statement on the coal slurry pipeline says that the railroad would only cause minimal environmental effects. For more information contact: Citizens for Responsible Use of Madison Water (CRUM), Box 32, Deadwood, South Dakota 57732 or Black Hills Alliance, Box 208, Rapid City.
Excluding weapons—

You spent

$37 billion on nuclear power...

by Lillies Jones

According to the December 15, 1980 Wall Street Journal, a draft report by the Department of Energy estimates that the federal government has subsidized the nuclear power industry to the tune of $37 billion over the last thirty years. The report focuses on subsidies "crucial to the development of the private nuclear power industry and crucial to its continuation."

The subsidies include research and development for fission and fusion reactors, cut-rate enriched uranium, government promises to take care of nuclear waste, and price guarantees and import controls for uranium mining companies.

Nuclear weapons development—which led to the "atoms for peace" program or federal clean-up of accidents. It also doesn't include the Price Anderson Act, passed in 1957. The Act is meant to make up for the fact that insurance companies won't cover nuclear accidents—instead, the government covers $500 million in damages and liability is limited to that amount.

As the government also estimates that a nuclear power plant meltdown could cause $17 to $28 billion in damage to property alone, the victims must make up the difference—plus they pay the Price Anderson Act damages through taxes.

A call to the Department of Energy to try to find out more yielded no further information. The DOE wouldn't talk about the draft report because it is not yet "public" information.

----------

We welcome Shaya, born March 21, 1981 to Phyllis Cronshaw and Andrew Reid and big brother, Pawudek. Congratulations and Happy Birthday.
Sagebrush Rebellion - The Coming Land Grab Attempt

by Homer Ayers

When one hears of the sagebrush rebellion springing up in the states with a considerable amount of their land in the public domain, we must consider that this so-called rebellion does not come from some hard bitten nobodies trying to make ends meet in an arid country. It comes mainly from big corporations that want the public land handed over to the several states.

Their objective is that the land, under state ownership, can be exploited to a greater degree than if corporations on land were enforced by federal departments. It is much easier to centralize state governments than the federal government when it comes to the giant corporations. There are a couple of things by which corporations make profits and not reduced by labor power.

Land grabbing has a long history going back to the days when the first homesteads were filed. It came up for public discussion then, but it seems that it couldn’t be stopped. In the 1960’s it was again tried, but the time was not ripe.

A back door in the 1960’s was not failed again. In 1963 the late historian Bernard DeVoto wrote a comprehensive article on land grabbing for the May issue of Harper’s magazine, much of which is worthy quoting. It was put into the Congressional record by Senator Wayne Morse. In 1963 Charles Wilson, who had been president of General Electric, stated that parts of the public domain should be sold outright to big corporations. That sort of set the tune for bigger grabs later. It was called the Wilson Plan by the press. G.E.’s Charlie Wilson should not be confused with another Charlie Wilson who headed General Motors and got into trouble in a big way when he said that what he had said was good for General Motors was good for the country.

In the early 1960’s the John Birch Society was hammering on its economic program, part of which was to sell the public domain. This came in the form of an amendment to the federal constitution first called, “The Proposed 23rd Amendment to the Constitution.”

The amendment was tied in with the repeal of the federal income tax, but it failed to get ratification except in a few states. It failed in South Dakota and after that it was never presented again.

But things are different today and it could pass unless people know about it and make their knowledge felt in the legislature.

The reason things are somewhat different today from the 1960’s or 1960’s when it comes to outright land grabbing is that from all indications the new President looks favorably toward the instigators of the sagebrush rebellion: the new Secretary of the Interior, James G. Watt, is also favorable to the rebellion.

If General Electric means anything in the coming events, such as the sagebrush rebellion, we must remember that Ronald Reagan is an old GE hand.

Men from both houses of Congress, who might have been considered friends of the public domain, and know that there is a limit to how much Mother Earth can be mistreated, are no longer in Washington. If General Electric means anything in the coming events, such as the sagebrush rebellion, we must remember that Ronald Reagan is an old GE hand.

U.S. News & World Report ran a story about the “Wilson Plan,” mentioning the fact that Charlie Wilson was wartime Defense Mobilizer and president of General Electric. This plan was to “de-nationalize the Government’s huge investment in the electric power industry and in other enterprises,” and proposed to sell to private investors the Tennessee Valley Authority, the Columbia River Development, Hoover Dam and other electric power projects. The article went on to say that “state Chambers of Commerce and government that the Post Office should not be overlooked in any program of disposing of government enterprises.”

By the spring of 1963 the Wilson Plan was before the House in Congress and a number of proposals were in the hopper to sell out every thing the government owned, especially the public domain. This was what caused historian DeVoto to write his article in Harper’s.

Former Secretary of Interior Oscar Chapman testified at hearings that the estimated value of the land proposed to be sold to private industry amounted to at least $30 billion, not counting Alaska. By 1963, or a few years before, the big steal took the form of a constitutional amendment, tied up with the repeal of the federal income tax.

This story, or at least part of it, will be heard about in future articles that follow. The big corporations do not want to quit, they keep trying. They run the country.

Grassroots organizing in Vrmnt. defeats multi-national

On December 10, 1980, Uranium leasing in Vermont was defeated by grassroots organizing against the state’s multi-national uranium mining companies. The Vermont legislature voted against a bill that would have allowed uranium mining in Vermont.

The citizens group, Stop Uranium Mining (SUM) led the opposition to uranium mining in Vermont. SUM organized local communities and mobilized statewide support to defeat the bill.

SUM’s success in Vermont was part of a broader movement against nuclear energy. The group worked to raise awareness about the dangers of uranium mining and nuclear power, and to promote alternative energy sources.

SUM’s victory in Vermont was a significant moment in the fight against nuclear energy. It demonstrated the power of grassroots organizing and community mobilization in the face of powerful corporate interests.

Minn. farmers under powerline are suffering

by Colleen Ryan

Farmers in Minnesota recently had one more door slammed in the face of public input when a request for public hearings on health effects of the 900 kilovolt powerline cutting across central Minnesota was refused.

The Minnesota Environmental Quality Board (EQB) listened to landowners living along the route of the controversial line and rejected health problems they and their livestock have experienced since the direct-current high voltage powerline began conducting electricity. The EQB decided to take no further action in the matter until the next meeting when the utilities will argue their side of the permit problem.

Fifteen Towers Fall

West-central Minnesota has been embroiled in conflict since the powerline went into operation in late 1979. Since that time fifteen power towers have toppled; the latest on December 10, 1980, was the fifth to fall that year.

What makes this last tower unique is the involvement of the FED, which was given jurisdiction over the line in late 1979. Since local power cooperatives voluntarily placed themselves under the jurisdiction of the federal Rural Electrification Administration, it made line-tampering a federal offense.

Thanks to GASP and Northern Sun News
Build projects themselves

Kids learn about solar

Editor's Note: The Black Hills Alliance conducts hands-on solar workshops in the Rapid City public schools, and on Custer and Pine Ridge Reservations. Ms. Jo Shuman, coordinator of the project, writes here of the workshops and the philosophy behind them.

A review of the science textbooks used by many schools today reveals that the material used to teach children about energy development is often prepared by energy corporations. Those corporations have a strong interest in teaching children that the path of fossil fuels, nuclear power, coal gasification, and centralized energy is the only way to go.

For example, in a South Dakota fifth-grade science textbook, nuclear power is shown as the energy of the future. It is mentioned several times, but solar energy is only discussed because of its use in spacecraft.

In a recent book called Hackers on the Classroom: A Review of Industry Propaganda in the Schools, Shonda Hart reports that industry's material makes its way into the majority of classrooms in the U.S. Industry selects prime targets for its products, the states, and quotes Vanessa Pachard, who says, "The energy industry, like any other, is not above using astroturfing or outright lies to promote its agenda." Thus, the information presented in these books is often incorrect or misleading.

In the schoolroom, the children construct a solar project. So far, we have built three solar ovens, three solar water heaters, two solar water purifiers, and a solar panel made of wood, pop, pine, and black and black plastic.

The children also have the opportunity to make posters, write letters to the President, local newspaper or tribal chairperson, or to solar resources centers asking for more information.

Our next project will be constructing two solar food dryers. If you are interested in participating, please contact us at the Black Hills Alliance office. Phone 1-324-9727.

—Jo Shuman

Ellsworth radioactive waste buried in a box

What began as a simple request for information ended up being a verification of the US Air Force's nuclear intelligence.

 wanting more information and what's in our backyard, BHA researcher Lillian Jones wrote a Freedom of Information Act request to Ellsworth Air Force Base in October. She asked for information on radioactive waste stored there and for records on radioactive leaks from the 150 missile sites in western South Dakota. The Air Force's original response didn't include key information such as where the waste is stored, how they are stored, or if any leaks had occurred. Follow-up letters were sent to the U.S. Air Force's Radioactive Waste Committee in Texas and Capt. Randall Ostrander at Ellsworth. Another Air Force representative, Lt. Col. William Hitt, answered the second letter to Ellsworth, giving the location of the radioactive waste and stating, "We do not maintain documents or records on radioactive leaks, as none have occurred."

A letter from Texas brought more information. Col. William Lawson stated that Ellsworth's wastes "consisted primarily of... gloves, rags, paper towels, etc., which became contaminated in the process of handling radioactive material." From the mid-1950's until 1981, those wastes were stored in five tanks, 12 cardboard boxes, three bottles and a "package." By 1970, according to the Radioactive Waste Committee report, everything but the tanks had been replaced by a plywood box buried at ground level, and all warning signs and fences had been removed.

A phone conversation between Lt. Col. Hitt and Attorney Andrew Reidel revealed that people at Ellsworth hadn't thought of testing the waste site or the missile silos until the BHA brought it up.

However, as it turns out, the wastes were tested in 1972, according to the Radioactive Waste Committee, although current Ellsworth personnel weren't aware of those tests. The test results showed radiation levels under the Federal "safe" limit with one exception.
TREATY RIGHTS

JAMES HOGGLE EAGLE

LAND
FRANK KILLS ENEMY

"My lands are where my people are buried."

Crazy Horse

is all wrong. So, I go on the bow of law to prove all the facts against the United States government.

The 1868 Treaty was prepared by the "Treaty Commission, men who pleaded with the Indians and their honor as men to the faithful fulfillment of its stipulations. The Treaty was ratified and proclaimed and became the supreme law of the land, on the same level as the Constitution. A treaty by sovereigns may not, by international law, be abrogated by one side. And to do it by the violation of the law by war, it’s all fraud. I knew the Treaty was fallen by heart because I am an Indian lawyer. When it comes to law, when I have the floor, when my English is good and I look over there, I see what I’m going to say. I’ve been 86 years old and I’ve been with the Treaty ever since it was signed. And I’m going to stick to the Treaties. I don’t talk on the bow of law, not with my opinion, because I’m the tribal expert of the treaty law."

Referred to his Subsidiary "Eagle Treaty" decision on the Hills, on the money question, Kills Enemy said that he and Crazy Horse too that, the judges just went ahead with their decision. "What the Supreme Court did is illegal according to the Treaty law."

"For further information on the abrogation of the Treaty, "hidden" lands of the Lakota people in Montana, Frank Kills Enemy can be contacted in Kyle, South Dakota."

Footnotes


"42 Book" or "Treaty Book."

From inside the walls.

To the editor:

Brothers and sisters,

It is good to know that our people are fighting together and in the right way against this country. I want to hear that "the fight for the Black Hills is still strong" in the stand against Natives. This struggle must continue as it strikes a place in the lives and minds of all people. We will lose much more than we will gain. Our people have suffered and fought for centuries and it appears that the struggle will continue. It must continue or everything that we have held sacred will perish. The destruction of our burial grounds and our way of living and lifestyle are threatened.

I applied for and thankfully support the American Indian Movement as I believe that all Indians should. Ours is a common cause. Let us all strive for the betterment of our people. Let us never forget that this land was ours before the white man came, let us hold on to what we can of this. We can of the earth. The land has been good to us. It is all we have.

May you succeed in your struggle.

Yours sincerely,

[Signature]

[Addressee]
IT IS NOT TOO LATE TO GET A
SURVIVAL GATHERING T-SHIRT

Order now at $5.00 each.

(If you order by Oct. 1st, you'll save $0.50 each.)

Order form:

Name: ____________________________
Address: ____________________________
City: ____________________ State: __________
Zip: ____________________________
Check or money order is enclosed for $5.00 each.

Send to: The Crud Stops Here
P.O. Box 2508
Rapid City, SD 57709

The Crud Stops Here

The U.S. Army and Lindal Air Products (now division of Union Carbide Corporation) dumped atom bomb wastes in shallow wells in upstate New York from 1934 to 1946. According to a report released by the New York State Assembly Task Force on Toxic Substances, more than 37 million gallons of radioactive wastes from the World War II atomic bomb project were buried in Tonawanda, New York, near Love Canal and Niagara Falls. In 1944, the Lindal Company recommended that the U.S. Army use the Tonawanda area for a dumping site because it would be impossible to tell who had dumped the wastes or where they had come from.

The U.S. Army denied direct involvement in dumping the bomb waste. The federal government has been asked to accept responsibility for the cleanup and cleanup.


A contribution of $4,000 was recently donated to the Black Hills Alliance in memory of Joe J. Wilson who passed away August 3, 1980. The Alliance is grateful that his family and friends chose to remember Joe Wilson through a contribution to the effort to stop uranium mining in the Black Hills.

The money was used to help with environmental litigation expenses.

Cheyenne River quits CERT; Rosebud joins

Cheyenne River Reservation withdrew from the Council of Navajo, Puebloan Tribes (CERT) in late 1980. CERT, sometimes described as the Indian GPEC, was established with funding from the Department of Energy to aid in the development of natural resources on Indian land.

Rosebud Reservation joined CERT in June 1980. Tribal spokesperson Carol Hart stated CERT help to verify that the reservation has a "high level of planning and development," particularly with regard to uranium mining.

In a CERT report dated June 28, 1980 (including planning and development), the Rosebud Reservation was described as "very active" in the development of uranium mining.

When asked the question, "Why are so many environmentalists extremists?" Stuart Barnard, former Executive Director of the Wilderness Society replied, "They don't start out that way."