

State-Corporate Crime on the Navajo Nation: State-Corporate Crime on the Navajo Nation: A Legacy of Uranium Mining

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This article is dedicated to Pauline Lefthand, born June 23, 1968 and entering into rest April 7, 2010 from complications due to drinking water contaminated with uranium and arsenic in Grand Falls on the Navajo Nation.

Abstract

History is always written from the point of view of the conqueror. This article is written from the point of view of an environmentally conquered people on one area of the Navajo Nation. As is the case with many other Native American nations, the Navajo are on the frontline of contemporary colonial struggles. They are sitting on resources the rest of the world wants at the lowest possible cost. Their territories are considered lands that are un-owned, underutilized, and therefore, open to exploitation. This is a scholarly article, written in a journalistic style based my visits to the Navajo Reservation, talking with those who live there and experience first-hand how coal production, and uranium mining has caused life-threatening pollution, massive habitat death and destruction to the people and their way of life. I have visited the Navajo Nation a number of times, and have gathered information from attending Chapter House meetings, and interacting with the people living in the contaminated area. Therefore, this article is not intended to present all sides of the issue, or to include all areas affected by the Bennett Freeze. This article is intended to bring to light information and awareness, based on my field observations, of the suffering endured by Navajo people occupying a particular area of the reservation that has not been a part of public conversation.

Introduction

In our busy world, many people turn to television news programs for the latest updates on what is happening. Most of the news reports about crime focus on drugs, gangs, and various forms of violence. The apprehension of offenders is sensationalized in news reports and in some movies. The media has portrayed conventional crime, or “street crime,” and what many call “white collar crime” very differently. The reason is that the exposures of street crimes take a different form than the exposure of

white collar crime (Friedrichs 2007:4-5). At the beginning of each semester when I ask my students to tell me three crimes they can immediately think of, the answer is always the conventional street crime response of murder, rape, and robbery. As a society, we are not socialized to consider the immoral, if not illegal, actions that corporations commit sometimes in cooperation with various government agencies.

I want to preface this article by stating that the majority of corporations do not operate by using illegal or harmful practices. Our society is built on capitalism and free enterprise, and both can be very positive. Corporations have contributed much to our society, i.e., they employ us, many are philanthropic, and they have enriched our lives. Therefore, it is difficult for many of us to think of corporations working in cooperation with government bureaucracies in any way that would create harm. When working together, corporations and the government are not evil entities plotting to see who they can take advantage of and harm today. However, the history of the development of Indian policy and exploitative economic development on Indian lands suggest that this is indeed the case.

To set the stage for examining illegal and unethical actions by corporations and the government involving uranium mining on the Navajo Nation in the southwest, a brief history is in order. After the Mexican American War in 1848, the Treaty of Guadalupe Hidalgo allowed Mormon colonies of southwestern Utah, settlers of New Mexico and Arizona to come against the Navajo by sending military expeditions to stop Navajo raiders. The military launched a number of campaigns and eventually gave in to pressure from Native American and New Mexico allies that forced two-thirds of the Navajo population (8,000) to endure the Long Walk before being incarcerated at Fort Sumner, New Mexico. Then, in 1868 the surviving Navajos were allowed to return from Fort Sumner on a reservation one-fourth the size of their original territory.

In 1882 President Chester Arthur set aside a rectangular piece of land in Arizona, “seventy miles north to south and fifty-five miles east to west for the use and occupancy of the Moquis [Hopis] and such other Indians as the Secretary of the Interior may see fit to settle thereon” (Benedek 1992:408). Arthur’s ruling became known as the 1882 Executive Order Act.

Between 1868 and 1905 there were eight boundary changes that increased the reservation to the north, east, and west. This territory changed hands many times at the behest of Congress. Congress made further extensions in 1934 as part of the Indian Reorganization Act and a Hopi livestock district, called District 6 (ibid: 408). This extension is the first de facto partition of the disputed land. In 1958 Congress passed Public Law 85-547, which authorized the Hopi and Navajo, through their respective tribal chairmen, to defend or start new legal action against each other to determine their respective rights to the 1882 Executive Order Area. The Hopis filed a suit titled *Healing v. Jones* which became known (and is still known to this day) as the Navajo-Hopi Land Dispute (ibid: 408). Before any reservations were established, the Navajo and Hopi lived in close proximity to one another without interference by the U. S. government. That was, of course, until the discovery of rich mineral resources and oil were found beneath this land that the United States government at one time considered to be a worthless piece of real estate.

Then in 1962 the U.S. District Court of Arizona issued a decision on *Healing v. Jones* stating that the Hopi Tribe “has exclusive right and interest, both as to the surface and subsurface, including all

resources” and that Hopi and Navajo tribes “have joint, individual and equal rights and interest both as to the surface and subsurface, including all resources to the 1882 area outside District 6” (ibid: 408). And in 1974 Congress passed Public Law 93-531, the Navajo-Hopi Indian Land Settlement Act, “to provide for final settlement” of the Navajo-Hopi land conflict, known as the Settlement Act and the Act” (ibid: 408-409).

Beginning in the 1870s, Navajos were involved in “land grab” efforts to secure lands along the northern borders. Non-Mormon expansion into Montezuma Creek and Aneth area, Mormons settling in the Tuba City and Moenkopi areas, and the huge cattle industry of San Juan County in Utah made competition for scarce resources inevitable. (See: Robert S. McPherson, *The Northern Navajo Frontier 1860-1890*; Garrick Bailey and Roberta Bailey, *A History of the Navajo: The Reservation Years*; Alfonso Ortiz and William Sturtevant, *Handbook of North American Indians*). Congress opened public domain for both Native and Anglo use, but the Navajos and Utes utilized the land in ways that white men did not believe to be prosperous. There has been a long historical struggle between 1868 and 1991 extending the Navajo land base no less than 15 times, mostly at the cost of what the Hopi consider their traditional land base, but also incorporating on the northern and western edges of Utes and Southern Paiute reservation land (ibid

With Navajo families being displaced as lines were drawn, and some families refusing to leave their homelands, the government could easily make a case for there being dispute between the two tribes that would eventually call for government action. A controversy such as this would open lands for exploitation of minerals by the U.S. government and corporations at the expense of the Navajo people. The beginning of the controversy around taking uranium, copper, and coal from the reservations actually starts on the Hopi reservation. There are billions of tons of valuable minerals under the earth in this area. High quality, easily recoverable coal was found under Black Mesa in 1909 (Benedek, 1992:133). Had that not been the case, the relocation of thousands of Navajo shepherders would more than likely never have happened.

Now that lines had been drawn, and eager to take advantage of the wealth to be had on the Hopi reservation, John Boyden solicited the Hopi tribe to be their claims attorney in 1947. Boyden’s pitch to the Hopi included that they needed an attorney to protect their interests. The Hopi heard rumors that Boyden wanted to strip mine their lands. So when the five traditional Hopi tribes would not consider his application, Boyden resorted to trickery to convince the Hopi to hire him. Boyden lied to the Hopi by suggesting that with his help, they would be able to recover land through the claims process, even though he knew full well that only the Claims Commission could authorize this (Benedek, 1992:135).

The Hopi had their own method of tribal governance at the time, and in order to get around his rejection by the traditional people, Boyden held a fraudulent election. Boyden received a few “yes” votes to be elected as the Hopi claims attorney. In order to be considered as Hopi tribal claims attorney, Boyden had to convince the Bureau of Indian Affairs (BIA) that the few “yes” votes of the more progressive villages should carry more weight than the “no” votes of those from traditional villages. Based on Boyden’s faulty strategy, the BIA was able to affect an argument on very shaky ground in favor of Boyden, and he was approved as the Hopi claims attorney. In 1979, the Indian Law Resource Center concluded:

“In this play on numbers, a few poorly attended village meetings were characterized as a full-scale referendum of resident Hopis. Despite the fact that...traditional Hopi government was again ignored or avoided, and despite the fact that a false hope of possible return of land was being offered, Boyden’s contract to represent the Hopis as their claims attorney was approved in Washington on July 27, 1951 (ibid, 135).

It became clear very quickly that Boyden’s reasons for taking the position of tribal claims attorney would serve his own interests, just as the traditional members of the Hopi government believed. “A memorandum of a meeting between the BIA and Boyden not long after his claims contract was approved shows that Boyden had mineral development on his mind” (ibid, 135). Boyden pointed out that getting paid for his services would depend “largely on working out solutions to many of the Hopi problems to such a point that oil leases will provide funds” (ibid, 135). To make matters even worse, the Hopis’ deep beliefs about being caretakers of the land and their close ties to and love for the land was considered merely an obstacle that could easily be pushed aside. So it was their lawyer/advisor, John Boyden, who sold the Hopi out to the federal government for his own personal gain.

Once the politics of all this began, environmental devastation soon followed. Today, Hopi and Navajo reservations have been completely strip mined for uranium and coal with massive machinery tearing into Mother Earth. Resistance of the Navajo and Hopi to keep their land base and protect their resources threatened the privilege and control of the powerful corporations and the state (Robyn, 2002:101). But despite protests of the Hopi and Navajo people against forced removal, the Navajo were helpless in being forced out homelands they had occupied forever by the federal government. Navajo and Hopi lands were partitioned and people were forcefully moved out with no one in political leadership stepping in to do anything to stop it. For the Navajo, to be relocated (for which there is no word) is to disappear and never be seen again.

Being able to portray those who resisted mining projects as people against progress, deviant, and “un-American,” it became very easy to mobilize public opinion in favor of mining corporations. And, in fact, the federal government did all it could to aid and abet the coal and uranium-mining industries to take as many minerals as they could for the billions of dollars this revenue would produce. All the politics, economics, and cultural dislocation allowed the native people to very quickly learn about the complexities and power of the federal government, as well as facing the disappointment in elected representatives who were supposed to be upholding treaty rights. With the sanctioning of these types of power arrangements by the federal Bureau of Indian Affairs, corporations and federal agencies have pressured, bribed, cajoled, and enticed their way in to mine for strategic minerals that would environmentally devastate these reservations. Where the interests of the U.S. government and huge corporations intersected, state-corporate crime could flourish. One might rightfully ask why all this is a crime. From a social harms perspective, it is a crime because it devastated and took the lives of many of the Navajo people.

The Bennett Freeze

The Navajo-Hopi Land Dispute is the foundation for the Bennett Freeze instituted in 1966 by Robert Bennett, Commissioner of Indian Affairs for the Bureau of Indian Affairs (BIA). Because of the intense

pressure to mine reservation lands, it was not difficult to convince political leaders in Arizona at the time that a dispute had been created between the tribes, and further action needed to be taken before all out bloodshed between the Hopi and Navajo occurred. Therefore, Robert Bennett initiated “the Bennett Freeze” in 1966 in an attempt to force resolution of this alleged dispute between the tribes. The “freeze” meant that any kind of infrastructure or home improvements were all but impossible due to restrictions placed on Navajo families who refused to leave their homelands, and basic infrastructure improvements would be “frozen,” until the dispute could be settled. Basically, the Navajo living in this area were held hostage by the United States government for 43 years until President Barak Obama lifted the Bennett Freeze in May of 2009. Ownership of 1.5 million acres of land in the Navajo/Hopi reservations was at the heart of this dispute, according to Interior reports (Herrman, B., *Today Correspondent for Indian Country Today*).

Bennett said the freeze was necessary for the Hopi and Navajo to work out their differences, but it was the U.S. government who created a situation that would cause conflict between the Navajo and Hopi when the reservation lines were refigured back in the 1930’s. However, many Hopi and Navajo people, to this very day, maintain that no dispute existed, and believe that the government refigured Hopi borders to open up land so the government and large corporations could mine for the rich resources on Indian lands, which is exactly what happened. So, a minority of white men in powerful positions in the United States government, and large corporations made huge decisions not in the best interest of anyone on the reservation. People who would be, and still are, affected by the tragic PL93-531 (Bennett Freeze) had absolutely no say in the matter.

Help from Grass-Roots Organizations

Forgotten People is a non-profit community based organization on the Navajo Nation dedicated to improve the well-being of the people who live on the Navajo Nation in Arizona. I attended a Chapter House meeting with Forgotten People in Box Springs on the Bennett Freeze area of the reservation. At this meeting, former president of Forgotten People, Don Yellowman, spoke about the substandard homes people have lived in for more than 40 years. He said that to this day (2010) there are people living in homes that are barely mended together with baling wire, cardboard, tarps and whatever they can salvage. Don said the people living here are “not asking for luxury things – just basic necessities that all human being have a right to have access to (Chapter House meeting, Box Springs, 2010).” Kathy Helms, a Gallup Independent Reporter, also attended the meeting and interviewed Robert Begay, veteran of the Korean Conflict and victim of the Bennett Freeze. Robert said, “It’s a lot of suffering – mentally, physically, emotionally, spiritually. What it does to you as a human being, it messes with your mind and you give up hope” (Helms, 2010:A1).

On another of my visits to the reservation, Navajo people living in this area told me that to build a corral for their animals, fence posts had to be put up one at a time over a long period so that when helicopters flew over to check, improvements would not be detected. If people were detected making improvements, building corrals, etc., they could be arrested and the house could be bulldozed to the ground. Robert Begay said,

“When I came back [from the Korean Conflict], the Bennett Freeze took place. I built a hogan at Coppermine. When my hogan was

halfway completed, I had a visit from Hopi, and they said, 'You're in the Bennett Freeze, you can't do that.' So we left there and we went to Bodaway and we built a stone house there. Just as that house was completed and they were digging a waterline, they had another visitor who told them the same thing: "You're in the Bennett Freeze." (Helms, 2010:A2).

Robert and his family went to Tuba City to rent a home by a former uranium mill site. When he found out it was contaminated by uranium, they rented a trailer south of Tuba City where they live now. Robert continued by saying:

"My children do not have a piece of land. They do not have a home of their own. When I went to the Korean War I was told that I was fighting for my country and my right and religious right and all that. But that was denied because of the Bennett Freeze." (Helms, 2010:A2).

Speaking of the government created "land dispute," Myrtle Yellowhorse, 84-years-old, and a cancer victim said:

"I can't express enough how this land dispute has devastated people and how many lives it has taken of the Navajo people...My ancestors have always said this is Dine` Bikeyah. Those stories have been passed on by my forefathers, so it is very difficult for me to swallow the fact that there is a land dispute and the Hopis are taking claim to these lands they call Hopiland" (Helms, 2010:A1, A2).

Richard Anderson Jr., 43, of Whitecone on the Navajo nation is a victim of one of the largest forced relocation efforts by the United States government in a misguided attempt to open reservation land for energy development. When the boundary lines were repartitioned, his family became one of many who found themselves squatters on their own land. He and his family were forced to move, and he was deprived of a place to call home. Richard said:

"The relocation devastated my family. It killed my grandma, my grandpa. It killed a few of my uncles and my aunties. They took our land. All of my civil rights under the Constitution were violated – my religious rights, my pursuit to happiness. My umbilical cord was buried in the hogan which was bulldozed by the government. My relatives' graves were bulldozed, too. Relocation is just a government word for genocide. That's all they're doing is killing us. They've been doing it for 500 years and they're doing it to this day and it's not right." (Helms, 2010:A2).

Residents outside the Bennett Freeze area on the reservation do have access to running water and electricity if they live where these hook-ups are available, but today in 2011, only three percent of families in the former Bennett Freeze area have electricity and only 10 percent have running water. Even though the Navajo Nation produces most of the energy for the southwest, this ban meant no

electric lines would reach homes in the Bennett Freeze area, and it is not uncommon to see huge power lines sending electricity to Las Vegas and Los Angeles, while homes adjacent to these lines have no electricity at all.

Because of the ban on infrastructure improvements within the area of the former Bennett Freeze, there are no gas lines for heat or cooking, no water lines for homes, no indoor plumbing of any kind for food preparation or sanitation, and no electricity for lights or refrigeration. People living in this area have to either haul water fit for human consumption, or drink from the same wells as their livestock. There are no paved roads, and the dirt roads are in grave disrepair. There are no telephones, and no way for anyone to call 9-1-1 in an emergency. I have seen for myself a sign posted on a well in Black Falls that states, "This water has been tested and found to exceed NAVAJO EPA and U.S. EPA human drinking water standards for uranium or other contaminants. Navajo Nation policy is that livestock-use-only wells are not to be used for human drinking water." Then along with that sign, I have a photo of Navajo people taking water from that very well. They live in what looks like the middle of nowhere, and it is very difficult for them to travel long distances to find water fit for human consumption. There are no places close by to purchase water for many people, and the nearest well may be as many as 50 miles away. If a family does not have a truck, they have to depend on someone who does to haul large quantities of water for them.

State-Corporate Crime on the Navajo Nation

State-corporate crime refers to "...illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct cooperation with one or more institutions of economic production and distribution (Kramer and Michalowski 1990:3) Nowhere are corporate and state-corporate crimes in the United States more visible in 2011 than in the former Bennett Freeze area on the Navajo Nation in northeastern Arizona. State-Corporate crimes are different than some of the crimes we think of with white-collar crime in that corporate crimes are not usually committed for personal gain, even though certain individuals directly benefit from them. Corporate crimes are mostly committed to further the goals of the corporation. State-corporate crime is a hybrid of white-collar crime because it has attributes of corporate and government crime. Many of the crimes committed by the government are closely tied to corporations in the private sector. There are many links between corporate "power elites" and the government on all levels (Friedrichs 2007:27).

Applying state-corporate crime in the case of the Navajo Nation is demonstrated by examining the United States interest in energy and mineral resources found on American Indian reservations. These reservations are of strategic importance to corporations and the government because they constitute one of the largest and least known mineral repositories on the continent – nearly five percent of U.S. oil and gas, one-third of its strippable low sulfur coal, and one-half of its privately owned uranium (Gedicks 1993:40).

Intense pressure grew once again in the 1960's and 1970's for even more minerals to be mined in order to meet the energy demands of the population growth occurring in the southwest. Gedicks writes that during this time, "two-thirds of all uranium resources within the borders of the United States lie under native reservations, with Indians producing 100 percent of all federally-controlled uranium in 1975"(1993:xiii).

Exploitation of indigenous people is often the unfortunate result of state-corporate crime because one common thread that runs through many of the 562 federally recognized American Indian nations is that they are economically disadvantaged and easy to exploit, or at least attempt to exploit. Unemployment rates of 70% on some reservations are not uncommon, along with substandard health care, education, substance abuse, high rates of violence, and lack of the basic necessities for subsistence. Because these sets of circumstances exist among some Indian nations, large corporations, sometimes in cooperation with public agencies, are well positioned to exploit indigenous peoples who are on the frontline of contemporary struggles. Even though people on the reservation receive monetary compensation (usually below off-reservation prices) for allowing mining companies access to their lands, many people living on the reservation believe the trade-off of intrusion on the land, devastation to the environment, and catastrophic harms to people and animals are too high a price to pay for corporate jobs that only last until the resource is mined and closed down.

Uranium Mining on the Navajo Nation and the 1872 Mining Act

Today, the Navajo Nation covers 27,425 square miles in Utah, Arizona, and New Mexico, and is larger than 10 of the 50 states in the United States (official site of the Navajo Nation: www.navanation-nsn.gov). The Navajo Nation is roughly the size of West Virginia, and the correlation between uranium mining in several areas of this region and cancer rates among the Navajo people living there is difficult to refute.

Mining for uranium and other minerals in this region began around the mid-1800s. Very briefly, the 1872 Mining Act allowed speculators to file claims, mine for various minerals almost anywhere they could dig with pick and shovel, without dealing with any sort of clean up. In those days, miners did not have huge machines to take minerals from the land and produce tons of waste, so cleaning up small land claims was unimportant. At the time, no one knew about the dangers of uranium. Those who created this law so long ago could scarcely imagine the lethality of uranium and the legacy this type of mining would leave behind in years to come.

The connection of uranium mining to areas on Bennett Freeze lands is that as time went on and modern methods of extracting tons of uranium by large corporations came about, this area became dumping grounds for tons of lethal mill tailings. There are uranium tailings in areas besides the Bennett Freeze, but it is especially important to people living in the Bennett Freeze because they were (and still are) forced to gather water from springs and wells contaminated with uranium and arsenic. There has been a lot of talk, but no real effort made, to date, to clean up the tailings in the Bennett Freeze area.

During the “freeze,” more than 100 million tons of mill tailings accumulated in the Four Corners area of the southwest. According to the Institute for Energy and Environmental Research, uranium alone has a half-life of 4.46 billion years. Uranium contamination in the affected portion of the reservation also includes arsenic, radium and thorium, meaning the water consumed by people and livestock living in this area is forever contaminated.

This is not a fact recently discovered by the government. “By the time the Atomic Energy Act of 1946 was signed into law, the medical community *and* the government were very aware of the dangers of radiation” (Eichstadt, 1994:47). The medical community warned the government about the effects uranium mining would have on people, but government officials did not see any cause for alarm.

Eichstadt describes what the government knew and how uranium affects those who come into contact with this lethal mineral. He writes that,

As uranium breaks down into other elements, the energy release has three different forms: alpha and beta particles, and gamma rays. Alpha particles are potent but can be stopped easily by such things as a sheet of paper or even human skin. However, this does not mean these little particles are harmless. Once alpha particles are taken into the human body, they lodge in tissues, bones, or organs, and steadily radiate and pelt surrounding cells. Beta particles are very similar, but thicker, denser materials are needed to stop them, and they can burn skin. Once inhaled they wreak havoc in the body. Gamma rays are highly penetrating...and require about an inch of lead or a foot of concrete to be stopped. These rays pass right through the human body...intense doses from such earthbound elements as radium can be fatal (1994:48-49).

Eichstadt writes about people in the uranium mines on the reservation and states that,

In the uranium mines [on the Navajo Nation], sensitive lung tissues were constantly subjected to small but steady doses of radiation. These small, steady doses have recently been found to be more likely to cause cancer than a single heavy dose of radiation...The earliest lung cancers found among the miners were what is known as the oat cell type, producing death within six months. Later work showed that other types of lung cancer were also related to mining (1994:49).

Because there were no showers or places to change clothes, miners unknowingly brought contaminated clothing home to be put in the family wash. Very few of the underground mines had any ventilation. The smaller mining companies felt they could not afford ventilation because it would reduce their profits. “Others, eager to remove as much uranium as possible per hour, regularly sent workers back into the mines within minutes after blasting” (ibid. 50).

The U. S. Public Health Service (PHS) knew about the dangers of exposure to uranium in 1946, but in 1949 they became concerned with working conditions in the mine as well as health effects on miners. Henry Doyle, an engineer working for the Public Health Service inspected several Navajo Nation mines and reported radon samples “as much as 750 times the generally accepted limits, even by 1950 standards”(ibid. 52). Working conditions at the Navajo Nation mines were “abysmal by any standards, even excluding radiation and dust that Doyle observed. Clean, uncontaminated drinking water was not provided. In those mines that had damp walls, the miners drank water that dripped or leaked down the walls (ibid, 53). The miners never stood a chance, and neither did the families drinking contaminated water resulting from tailings piles carelessly and negligently left behind by mining companies. As the mining companies best customer, the United States Government bought 100 percent of the federally controlled uranium from mining companies, but did nothing to ease the suffering of those relocated and left behind.

The Mining Act of 1872 Today

Today, the Mining Act of 1872 still exists, and is a source of frustration in trying to create sound regulation of hard-rock mining. Due to the drastic economic issues in the state of Arizona, the uranium mining industry continues to exert pressure on key senators to open areas near the Grand Canyon for mining. Arizona Governor, Jan Brewer, has expressed interest in uranium mining near the Grand Canyon by Denison Mines (Arizona Geological Society). However, Denison mines recently received notice from the Office of Enforcement, Compliance, and Environmental Justice (8-17-2010) citing recent air and water violations by this corporation.

Denison Mines opened its Arizona 1 uranium mine in 2009. The first inspection did not take place until September 2010. During the inspection the Arizona Department of Environmental Quality found four major violations:

- There were no pumps in the mine to eliminate any water.
- A test measuring the permeability of the rock in the mine had not been done.
- A pipe was sticking out through a lined pond that is intended to prevent groundwater contamination from ore or water pumped out of the mine.
- Plans for the mine did not match what inspectors found when they visited.

During September 2010, Federal violations were found by the Arizona Department of Environmental Quality concerning worker safety citing Denison and contractors with air quality violations, failure to properly label power switches, equipment safety violations and a lack of firefighting equipment. Today, most of the 38 possible mine safety violations found by ADEQ are being contested by Denison Mines (report updated 10-21-11; see National Reports for Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management).

In all fairness, modern mining techniques have improved over the past 40 years. For example some, not all, of today's mines are underground and use no injected water in the extraction process, and the chances of a major accident over its typical seven year life span is approximately 13 percent. Today, most uranium mining in the United States is now by in situ leach methods, also known as in situ recovery (ISR). In the United States, in situ leaching (ISL) is seen as the most cost effective and environmentally acceptable method of mining. In situ leaching involves leaving the ore where it is in the ground, and recovering the minerals from it by dissolving them and pumping the solution to the surface where the minerals can be recovered. Consequently, there is little surface disturbance and no tailings or waste rock generated. However, the ore body needs to be permeable to the liquids used, and located so that they do not contaminate ground water away from the ore body (World Nuclear Association).

Given the circumstances surrounding uranium mining, considering the safety, and looking back at the definition of state-corporate crime, we can see that where the interests of the mining industry and key government officials intersect, the propensity of harmful actions is increased. There are safer ways to mine the ore, but as can be seen from the Denison example, standards are not adhered to, and safety measures are not always followed creating potential hazards.

Many multinational corporations have mined and processed uranium ore, leaving toxic mine tailings in piles polluting streams and underground aquifers, and with the 1872 mining law still in place, no

obligation to clean up the devastation left behind. Today we can still drive past huge uranium tailings piles near Cameron, Arizona and see other mounds beside the Colorado River near Moab, Utah. In fact, there are “more than 1,000 abandoned uranium mines and four former uranium mills, a legacy of the U.S. nuclear program that has left scars on the land and people to this day” (Brugge, Benally, Yazzie-Lewis, 2006: xv).

Lethal Health Impacts on the Navajo People

The legacy of lethal mining continues today with contaminated water, and equally toxic houses built with radioactive debris back in the 1960s, 1970s, and into the 1980s. In every corner of the reservation, sandy mill tailings and chunks of ore were blown into squares during blasting. People picked up these chunks of radioactive material left at old mines and mills. Radioactive squares were made into bread ovens, cisterns, and foundations for houses, fireplaces, floors and walls. At least 70 of these homes were built. Federal and tribal officials fixed or replaced about 20 houses then walked away from the problem while Navajos continued to use mine waste as construction materials (Pasternak, 2006: A1 and A9). The homes were passed from one generation to the next. By this time, the dangers of uranium were well known by the U.S. government, but *no one told the people these building materials were toxic and would lead to severe illnesses and eventually death*. The problem with getting help from tribal government is a lack of funds to take care of houses constructed with mine waste, The U.S. EPA estimates it will cost \$250,000 to demolish each structure, haul away debris and rebuild. These houses need to be destroyed. So far, the U.S. EPA has assessed 117 structures and demolished 27 of them. Thirteen have been or will be rebuilt, and the owners of the others have received financial settlements (Fonesca, Associated Press).

People living on the Navajo Nation were once believed to have a special immunity from cancer, but something happened in the 1950s and 1960s to cause severe changes in the health of the people. In 1982 physician Dr. Richard Auld came to the reservation after completing his residency in internal medicine at UC San Diego. Dr. Auld began working at Indian Health Services in Shiprock, New Mexico. Within two years he treated six cases of stomach cancer. Two of the patients were women 18 and 20 years of age. Because these women were so young, this became cause for concern for the doctor. Dr. Auld worked with another specialist and found the incidence of stomach cancer 15 times the national average for people living in some areas near uranium deposits. These cancers were not limited to former miners. In two western parts of the reservation filled with old pit mines, stomach cancer was *200 times* the U.S. average for women ages 20 to 40 years of age (Pasternak, 2010:142-143).

Because of the lethality of uranium, new evidence shows gastric cancer rates rose 50% during the 1990s among Navajo in two New Mexico counties with uranium sites. Uranium has been linked to reproductive cancers, and a sharp increase in breast, ovarian, and other cancers among very young women still in their teens. Rates for these types of cancers are reported to be 17 times the national average (Westra, L. and Lawson, B. E. 2001:66).

Renewed interest in uranium mining

With uranium prices currently on the rise, and with the economic situation being what it is today in the United States, mining companies are once again setting their sights to explore for uranium in this region

of the southwest. A meeting held by three mining companies took place in Flagstaff during March of 2008. Industry backers came to propose exploration for uranium in the Kaibab National Forest south of the Grand Canyon, and claimed that those unfortunate incidents occurring more than 50 years ago would not happen again. Tribal leaders and citizens were present as well to gain support for a House bill to put about one million acres in House Rock Valley, the Arizona strip west of the Kaibab National Forest and the Tusayan section (right next to the Grand Canyon) of that forest off limits to new uranium claims. There are now 2,800 claims in Tusayan alone which miners could still work existing claims, even though it would take years before they would be allowed to do so. VANE minerals received approval in January 2008 for exploratory drilling on 39 sites, some only two miles from the Grand Canyon (Cole, C. 2008: A1 and A8).

Even with all the indigenous people have been through, and even though new research exists on how deadly mining uranium is, because of the 1872 Mining Act, a policy is still in place stating that the forest must be open to multiple uses, including breccia pipe uranium mining. A breccia pipe is a tube of uranium that can be 300 feet in diameter and as deep as 3,000 feet (Yount, G)

Officials from VANE minerals believe breccia pipe mining operations will not contaminate water or soil, and will bring much-needed jobs to the region. Even so, these promises were made before, and the legacy of uranium mining left no one, other than the mining companies, in a better place. In the 1940s and 1950s when the mining companies came to the reservation, they exploited Navajo workers by paying them substandard wages while exposing them to “yellowcake” (radioactive dust). People were poisoned, along with their livestock and were left with hopelessly contaminated drinking water and soil. Even with better oversight today regarding health and environmental impacts; even though safety standards have improved for miners with better ventilation and protection from radiation exposure; even though there are strict controls for processing mills who will have to cap and seal tailings piles immediately; that is not good enough. With the economic disaster facing the United States today, and given the fact that our government and corporations have exploited and turned the area where the Navajo live into a sacrifice area, it may be naïve to believe or expect the federal government to oversee and regulate this industry effectively.

People living on the Navajo Nation are not willing to take such a potentially hazardous chance. On April 19, 2005 the Navajo Nation Council voted 63-19 and passed the Dine` Natural Resources protection Act of 2005 (DNRPA). This new tribal statute bans uranium mining and processing anywhere on vast Navajo Nation lands in Arizona and New Mexico (Third World Network Features 6-20-05). President Joe Shirley signed the measure into law at the Crownpoint Chapter House on April 29, 2005. In addition, several members of the U.S. Congress said they would support President Shirley and the prohibition on uranium mining (Brugge, Benally, Yazzie-Lewis, 2006:172). President Shirley is quoted as saying, “Many of my people have died. . . Many are dying today. Some are on their deathbed. Why continue to mine that which kills? So the Dine` Nation said no more.” Shirley said that if uranium mining is not stopped, the next generation of Navajos to be similarly affected will be the 15,000 people in the Eastern Agency who depend on the groundwater there for drinking water and economic development (Southwest Research and Information Center www.sric.org).

Not all potable water on the Navajo Nation is contaminated. To help ensure all people living on the reservation have safe drinking water, President Joe Shirley signed a Public Health State of Emergency for Navajo residents living in areas (Black Falls and Grand Falls) exposed to unsafe uranium contaminated drinking water which has resulted in chronic health problems. The people living in these areas need access to safe drinking water in their homes. The Navajo Commission on Emergency Management drafted this document on January 15, 2010.

Even though the alleged Hopi-Navajo dispute remains, President Barak Obama lifted the Bennett Freeze on May 9, 2009. To be sure it will take many years, a lot of money and work for infrastructure repairs to begin. Due to the devastating conditions created by the Bennett Freeze, victims living in this area may be eligible for money from federal programs to help with repairs. In the late 1970s, Navajo uranium miners and their families asked for help to show that their lung diseases were caused by working in underground uranium mines from the 1940s-1960s. Because of this, Congress adopted legislation in 1990 to compensate former miners and their survivors. Given support and advocacy by the Southwest Research and Information Center, the law was amended to cover virtually all uranium miners who worked before 1971 (SRIC www.sric.org).

However, being able to actually get money from federal programs is very time consuming and difficult. Hopefully the process can be shortened somewhat because no dollars will materialize from the multinational corporations that contributed to the devastation, illness, poverty and misery suffered by the people forced to live in the former Bennett Freeze area.

Accountability

Most of our law enforcement tax dollars today are spent on preventing and prosecuting “street crimes” i.e., murder, rape, robbery, aggravated assault, burglary, larceny, vehicle theft, and arson, etc. Given the magnitude of the deaths, birth defects, and other illnesses caused by improper disposal of uranium, officials from corporations and the state should be held liable just as much as people involved in street crimes.

The deaths of so many miners from the Navajo Nation beginning in the 1940s, and cancer deaths on the reservation today resulted from negligence and short cuts taken by multinational, wealthy corporations in their quest to turn a profit. Corporations are not, in themselves, criminal organizations set out to harm people. They are in the business of providing jobs and making money. No one has an argument with that, but at what point should corporations be responsible for their impact on human life, especially when dealing with extremely harmful and even deadly products? When a powerful corporation produces products that cause grave social harms, they need to be responsible. The United States government plays a part as well by allowing the lines of the reservation to be drawn such that corporations were able to come in with their machinery and tear up peoples’ homelands for monetary gain, and now says there is little to no money to help the people forced to live in the former Bennett Freeze area. The deaths that have occurred from mining and contamination on the reservation due to the horrendous conditions created by the former Bennett Freeze are tantamount to reckless homicide. There should be accountability, especially since the United States government has known about the dangers of exposure to this mineral since 1946.

LIGHT AT THE END OF THE TUNNEL

On November 10, 2011, the Navajo-Hopi Land Commission reports that it has nearly \$4 million available to start helping Navajo families in the former Bennett Freeze area. The Forgotten People grass-roots group was instrumental in getting the funds by demanding an accounting of money spent and to push for improvements to the area. The money is from an escrow account. During the Bennett Freeze, land-use payments were held in escrow. Following the settlement lifting the Freeze, \$6.3 million was released to the Navajo Nation for Navajos still living in the Bennett Freeze area. A policy will be drawn up to identify those who are in the greatest need, and hopefully this policy will be in place by 2012, however the final policy will have to have the approval of the land commission. (Donovan, 2011).

There are alternatives to using uranium for energy purposes. Solar and wind energy are resources we need to be working on very quickly to stop the kind of devastation seen on Navajo and Hopi lands. Then, instead of inflicting environmentally destructive projects on Indian land (or any other land for that matter), native peoples throughout the United States can begin working on proposals with the government and corporations to create long-term, sustainable energy producing projects that sustain jobs, as an alternative to short-term destructive projects proposed by multinational corporations and the United States government. Because in the end, *we all live down wind and down stream*.

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