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Title

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Permalink

<https://escholarship.org/uc/item/6b1780rs>

Journal

American Indian Culture and Research Journal , 25(1)

ISSN

0161-6463

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Publication Date

2001

DOI

10.17953

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Half Lives of Reagan's Indian Policy: Marketing Nuclear Waste to American Indians

RANDEL D. HANSON

At the December 1991 annual meeting, David Leroy, recently appointed director of the Office of the Nuclear Waste Negotiator, appeared before the National Congress of American Indians in San Francisco to offer all federally recognized Indian tribes a new deal for economic development: tribes could negotiate with his quasi-private offshoot of the Department of Energy to store highly radioactive spent fuel rods from the commercial nuclear industry on their reservation lands. Citing the famous Duwamish Chief Seattle on stewardship of the earth, Leroy offered tribes a no-strings-attached bid to consider this storage, suggesting they could negotiate for nearly anything they needed: all agreements would be on tribal terms. As he put it, "No one wishes to buy your land, no one wishes to mortgage your future. Instead, the Negotiator process [for storing nuclear waste] is the embodiment of a New Federalism. . . . [It] recognizes and emphasizes Indian rights and ownership of trust lands. . . . With atomic facilities designed to safely hold radioactive materials with half-lives of thousands of years, it is the Native American culture and perspective that is best designed to correctly consider and balance the benefits and burden of these proposals."¹

Thus unfolded our ongoing story of US-Indian relations, the most recent phase involving the marketing of nuclear waste to American Indians as a means of economic development, an offer wrapped in a "toxic multiculturalism" that highlights Native ties to land, spinning US society's premier environmental "bads" into economic good. In marketing nuclear waste (and other forms of industrial garbage) to American Indians, the US government

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and corporations have seized upon a glaring contradiction in contemporary American Indian life embedded in its colonial legacy: an expanding political sovereignty within the context of continued, indeed in key ways heightened, economic vulnerability. Although the present phase in US-Indian relations contains new prospects and problems, this Orwellian invitation to voluntarily embrace the most egregious components of late industrial capitalism extends key elements of its longer dark and violent history. Indeed, the marketing of nuclear waste to American Indians as a means of economic development is the latest chapter in the story of radioactive colonization, just as the process by which it is marketed arguably represents a new stage in US-Indian relations in which voluntarism is the hallmark of dispossession.

The successive phases in the development of the United States have always entailed a divestment in one form or another for American Indians. The initial colonizing, primarily agrarian, period in US history was based on an expanding and aggressive dispossession of Native lands, and designated reservation lands were often those unfit for settler agricultural uses. Industrialization of US society witnessed a concerted refocusing on Native lands, not only in the continual chipping away at reserved lands, but also in the extraction of the natural resources that were discovered on them.² In our present post-industrial era, American Indian communities have experienced an expansion of the political sovereignty over tribal lands in an era of self-determination. Yet for the most part this political sovereignty has not meant economic viability. Indeed, creating self-sustaining reservation economies remains a very difficult goal given the long history of “underdevelopment” characteristic of Indian lands.³ In spite of Indian gaming, which provides a handful of tribes significant income,⁴ American Indian reservations remain subject to great poverty; many tribes are desperate for means of economic development, particularly in the wake of the slashing of trust funds initiated by the Reagan Administration.

At the same time, we have witnessed a growing resistance by local communities across the United States to the siting of waste facilities of all sorts as the health risks and general environmental hazards of advanced industrial society become increasingly known. And the end of the Cold War has brought renewed urgency to the problem of finding solutions to the vast amounts of radioactive waste generated over the past fifty years. The recent turn to market processes to solve these impasses over waste facility siting tends to focus, whether purposefully or in de facto ways, on poorer communities, to which such facilities are marketed as means of economic development.⁵ Within this context, Native peoples are being courted to house various forms of garbage and waste of broader industrial society as corporations and governmental agencies seek to capitalize on the unique legal status of American Indian lands. While it may be argued that storing these various forms of garbage on Indian lands is being executed with the consent of Indian leaders, the legacy of colonialism has severely restricted choices for economic development. Thus, while neither the physical dispossession of lands nor the forced extraction of natural resources is being sought in this situation (although these abound in other realms), divestment in a new form continues. Indeed, retaining Indian

jurisdiction is key to this latter phase in US-Indian relations, given the “domestic, dependent sovereignty” status of American Indian lands. Yet divestment it is, jeopardizing the viability of those lands for the health and welfare of present and future inhabitants.

It does us well to place this present phase of US-Indian relations within the larger historical patterns that give rise to the marketing of nuclear waste to American Indians as a means of economic development. Yet the devil lies in the details, and the details that set the stage for this particular process have their roots in the ways that former President Ronald Reagan’s New Federalism, a philosophy and set of practices ostensibly aimed at downsizing the federal government, reverberated in the realms of American Indian policy and in nuclear waste policy. Reagan vowed to continue the US government’s historic trust commitment to American Indians as it had been interpreted over the past several decades of self-determination, and as part of his New Federalism, expand Native sovereignty. However, Reagan proceeded to drastically cut all sorts of monies and services to Indian tribes and replace this federal trust responsibility with private corporate activities. In the wake of the resulting economic crises that befell Indian communities across the country, New Federalism was put to surprising uses indeed.

This article seeks to bring together a number of seemingly disparate processes that have convened in the marketing of nuclear waste to American Indians. My mapping of ideology and policy formation begins by sketching the contours of Reagan’s economic agenda and proceeds by exploring its impacts on Indian Country. I will then look at how these policies were implemented in the transformation of nuclear waste into a commodity to be marketed to Indian peoples as a means of economic development, something framed by the US government as a step toward greater self-determination.

THE REAGAN PRESIDENCY AND NEW FEDERALISM

The presidential election of Ronald Reagan would bring great changes to nearly all facets of US life, not least in the realms of federal Indian policy. Reagan vigorously campaigned for “getting government off our backs” and placing faith in a “free market” to address all social and economic problems. Reagan’s policies were part of a broader supply-side economics that in general terms had three main elements: increase funding to the military (which would in turn put large sums of money into select segments of the economy); create huge tax cuts on personal income and for corporate America; and roll back or cut governmental services, in particular social welfare and regulatory programs.⁶

Reagan’s understanding and application of supply-side economics was based on the notion that “a tax cut for the rich would put fresh money into the hands of investors who would then have the means and opportunities to make financial commitments on which future jobs and further investment opportunities depended.”⁷ As George Gilder, one of Reagan’s favorite authors, put it in his 1981 book *Wealth and Poverty*, entrepreneurial wealth would liberate all society, not just those who would initially benefit from

wealth concentration.⁸ In order to facilitate this economic restructuring, big business would need a combination of tax cuts and special financial and regulatory incentives. Indeed, beyond the tax cuts, Reagan promised to release big business from what he termed unnecessary regulations, asserting that as regulations were lifted, business activity and profits would rise, all of which in turn would trickle down to everyone. Among other things, Reagan significantly de-funded agencies such as the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA), which weakened both their reach and authority and later worked to weaken the power of organized labor. In addition, a number of key industries were deregulated, notably financial and energy sectors.⁹

The conceptual policy framework that Reagan would use to achieve his goals was housed under the rubric of New Federalism, an attempt to severely limit the scale and scope of federal governmental activities. For Reagan, this process would take place by cutting taxes, as previously mentioned, thereby necessitating contraction of federal activities. It would also emanate from a more conscious restructuring of where particular governmental activities would be housed. Many heretofore federal governmental responsibilities and activities were to be devolved to state and other lower levels of government.

As it turned out, however, "the Reagan administration's attempt to reformulate existing views on federalism created great friction among groups. The federal government was pitted against the states, which, in turn, was [*sic*] pitted against localities, and cities against rural areas"¹⁰ as all levels of government scrambled for ways to maintain basic services. Tax reductions significantly included rolling back the modest US welfare state as administered by the federal government. For Reagan, government was usurping the free market, which was seen as the proper realm for solving societal problems. Indeed, Reagan saw social welfare programs as promoting dependency, in turn creating rather than ameliorating societal problems. A special target for Reagan was the Great Society programs instituted by President Johnson in the 1960s and either maintained or expanded by subsequent presidents.¹¹ The huge reductions in federal monies as the result of these tax cuts would in turn mandate reductions in social welfare programs. After several years, Reagan's economic policies did in fact bring about big results on many levels of society. For example,

the income of the top 0.2 percent of all income filers had increased by 21 to 26 percent by 1984, whereas the gain in disposable income for those at the median point was a nominal 3.5 percent. Meanwhile, families under \$10,000 lost more than 15 percent of their income due to various tax and budget changes enacted in 1981.¹²

Termination By Accountants

The broadly destructive impact of Reagan's Indian policies has been characterized as "termination by accountants,"¹³ a reference to the attempt in the 1950s to terminate reservations completely and relocate American Indian peoples to urban areas.¹⁴ During his 1980 presidential campaign, however, Reagan

emphasized a number of key understandings of the relationship between the US government and Indian tribes and of the state of tribes in general in the recent era of self-determination: that a government-to-government relationship existed between the US federal government and Indian tribes; that the president's policies would assist tribes without federal recognition; that Indian peoples themselves should determine tribal membership; that he supported all provisions of treaties; and that tribal governments should have the right to determine how their natural resources would be developed.¹⁵ In spite of these assertions, however, a key difference existed in Reagan's emerging policies and those of his recent predecessors as they concerned American Indians and the US government, one which mirrored his broader New Federalism: Reagan's emphasis on the free market would eventually lead to a cessation of federal trust obligations. As he would put it, "I would hope to decentralize program responsibilities from the Federal government to the State and local governments, including tribal governments, along with the tax resources to pay for them." Indeed, for Reagan, economic development on reservations was to be carried out by private enterprise, for, as he put it, "although the systematic development of tribal resources is extremely important, the development of individual or small business enterprise is crucial to sound economic development on the reservations."¹⁶ It was this particular provision that would come to characterize US-Indian relations during the Reagan era.

After Reagan took office, he appointed Kenneth Smith (Wascoe) as the assistant secretary for Indian affairs and replaced Bureau of Indian Affairs (BIA) and Department of Interior officials with others who shared or acquiesced to his views on the virtues of private enterprise. Smith possessed wide experience as a businessman at the tribal level and beyond, having served as a board director for the San Francisco branch of the Federal Reserve. Smith clearly mirrored many of Reagan's assumptions, stating in his understanding of US history as it applied to Indian Country: "What made America great? Who developed it? It was not the governments of this country. It was the entrepreneur who took chances. Some failed; others succeeded. Our Indian people can succeed."¹⁷ With faithful followers supporting him, Reagan proceeded to submit his first budget to Congress in 1982, and with it began the concerted assault on federal trust-doctrine responsibilities. For example, in addition to huge budget cuts in appropriations for Indian education in his 1982 budget, Reagan announced that Indian education was not part of the federal trust responsibility anymore, but a responsibility of states. Yet education was only one of many aspects of human services for American Indians, which Reagan would seek to cut. Huge cuts in the Indian Health Service soon followed, as did the elimination of any support for waste and sanitary facilities on reservations, and the education of Indian health care professionals. He proposed the elimination of all funding for Indian Housing and Urban Development (HUD) housing by 1983, the removal of public service employment portions from the Comprehensive Employment and Training Act (CETA), the eradication of the Economic Development Administration, the Commercial Services Administration, and the Legal Services Corporation, and major cuts in the BIA general assistance fund. All these

cuts (and proposed cuts) had major impacts on American Indians. Slow economic activity on reservations severely stifled jobs, housing, general assistance, business development, and the like.¹⁸

Given the great resistance to these draconian tax cuts, many of them were either defeated or blunted in Congress, trimming some of the impact; but in the wake of those defeats, the Reagan Administration took another route: it severely restricted eligibility for programs by various means, including Indian blood quantum, tribal enrollment, place of residence, personal and/or family income, employment, and even education. As a result of this persistent, widespread assault on the federal trust responsibility, many ramifications would ensue.¹⁹ Although Reagan vowed to continue, even expand, the policies of Indian self-determination, "the contradiction lies in Reagan's requests for private sector development on Indian reservations, while he withdraws funds which were used for public sector development on Indian reservations."²⁰ If the intent was to gain greater access to Indian resources, certainly the results bear this out. Indeed, given the great economic needs on reservations, water rights and oil, coal, and uranium extraction surged, increasingly carried out by private corporations. In addition, after several years of Reagan's Indian policy implementation, "the amount of tribal lands used by Indians for agricultural purposes has actually decreased, while non-Indian use of tribal lands has increased."²¹

Reagan issued his formal Presidential Indian Policy Statement on January 13, 1983, promising "that responsibilities and resources should be restored to the governments which are closest to the people served." The statement went on to suggest that "excessive regulation and self-perpetuating bureaucracy have stifled local decision making, thwarted Indian control of Indian resources, and promoted dependency rather than self-sufficiency. . . . This administration intends to reverse this trend by removing the obstacles to self-government and by creating a more favorable environment for the development of healthy reservation economies." The policy statement proceeded to state that "it is the free market which will supply the bulk of the capital investments required to develop tribal energy and other resources."²²

Later in 1983, Reagan created a Presidential Commission on Indian Reservation Economies to advise him on assisting the development of the private sector on reservations according to the broad outline of his policy statement, something he also saw as a prerequisite for lessening tribal dependence on federal programs, services, and monies. The commission was comprised of both Indian and non-Indian people who largely shared Reagan's vision for the expansion of the private sector on Indian reservations. The commission issued its report in November 1984, and it reads like a template for Reagan pronouncements in other arenas. Finding that indeed it was individual Indian entrepreneurs who would bring about self-sufficiency for American Indians, the report not surprisingly found that governments and government bureaucracy of all sorts hindered Indian economic development, whether it is the Bureau of Indian Affairs or Indian tribal governments. It was "not a lack of talent or potential for entrepreneurs on Indian Reservations. There is however an active undervaluing of this talent."²³ And, according to the report, it was in

the very nature of tribal life that the problem rested: for example, "in business, time is money. To tribes, time may be consensus."²⁴ These documents assume that if tribes were to privatize tribal enterprises and keep tribal governments from interfering with the free market on reservations, Indian peoples could move toward self-sufficiency. As one commentator put it, "in short, the commission called for the jettisoning of communitarian acts, sentiments and ideas on reservations while casting their lot with the Protestant ethic and the market."²⁵ If Reagan's budget entailing drastic cuts in federal monies for Indian tribes could be called a "termination by accountants," the report of the commission could well be termed an "allotment of tribal interests."

In sum, the combination of huge cuts in federal monies to Indian reservations instituted by the Reagan Administration and the cultivation of private enterprise on reservations through special tax breaks, policy guidelines, and the like, created a deep economic crisis on many Indian reservations; thus tribal leaders became increasingly desperate for sources of income to replace these monies. It was into this fray that the US Nuclear Waste Negotiator was to step.

New Federalism and Nuclear Waste

The US government has been long searching to site a permanent repository for high-level nuclear waste. Despite repeated attempts by Congress to do so, the US public's depth of fear and revulsion of such sites has made it politically impossible to site one.²⁶ To be sure, nowhere on earth has a permanent repository been yet sited. In 1982, during Reagan's first term as president, the Nuclear Waste Policy Act (NWPA) was passed, providing a framework for dealing with the voluminous stockpiles of spent fuel and other radioactive waste that commercial nuclear power plants had produced since their inception in the late 1950s.²⁷ It gave highest priority to deep geologic repository (underground storage) development for permanently housing the waste; to address the immediate problem of waste stockpiles gathering at the 110 nuclear reactors across the country, it authorized the development of monitored retrievable storage (MRS) facilities. The provisions in the 1982 NWPA had many setbacks, not least of which was the aggressive resistance that states organized to keep the national radioactive dump off their jurisdictions. The mounting legal and financial concerns ultimately pushed Congress to revise the earlier act by passing the Nuclear Waste Policy Amendments Act of 1987. Essentially, the amendments (also known as the "Screw Nevada Bill") mandated Yucca Mountain in Nevada as the sole possible permanent host; a vast "site characterization" is currently underway to determine if Yucca Mountain will serve as the first of surely several permanent repositories for commercially generated radioactive waste (most military radioactive waste is slated for other sites). The 1987 amendments also established a program to provide financial incentives to states and Indian tribes to host an MRS. Since all states had already established their firm opposition to nuclear waste dumps, this left Indian nations.

It was precisely to deal with this inability to locate a storage site for high-level radioactive waste that the US Office of the Nuclear Waste Negotiator was established. Mirroring the broader Reagan faith in the "free market" and pri-

vate enterprise to solve societal problems, the 1987 amendments to the Nuclear Waste Policy Act of 1982 mandated that a “nuclear negotiator” should be procured to put together ways to facilitate the storage of nuclear waste. This new office would have a quasi-private status, one that would project its independence from the complicated and bad record of the US government (and the Department of Energy in particular) as it concerned nuclear materials. David Leroy, a professional “motivational” speaker and writer and former Republican lieutenant governor and attorney general of Idaho, was appointed by then-President Bush as the first US Nuclear Waste Negotiator. Leroy was confirmed on August 4, 1990 and promptly established his offices in Idaho to emphasize his fresh start and independence from Washington. As stipulated in those amendments, the negotiator was to establish negotiations with all states and federally recognized Indian tribes to construct the terms and conditions for siting a voluntary, permanent deep-geological repository or temporary, above-ground MRS for high-level nuclear waste.

The situation facing Leroy was indeed challenging. To begin with, as previously mentioned, public attitudes toward nuclear technologies were always ambivalent at best. Indeed, an anti-nuclear movement had emerged simultaneously with use of the first atomic weapons at Hiroshima and Nagasaki, and it typically was opposed to both military and civilian uses of nuclear technologies.²⁸ The Reagan Administration’s Cold War nuclear-saber rattling of the 1980s increased public fear and awareness of nuclear weapons, instigating a wide-scale revitalized nuclear freeze movement both within the United States and in many other nations across the globe. Beyond this, the environmental movement within the United States, nearly without exception anti-nuclear, had become institutionalized even though its focus had been taken up by increasingly disparate groups. Public attitudes (along with economic failure) had already sidelined domestic civilian nuclear power within the United States by the latter 1970s, and a growing list of catastrophic accidents involving both nuclear (Three Mile Island, Chernobyl) and non-nuclear (Bhopal) large-scale technologies kept the reality of “technological risk” in the public’s mind. Taken together, these developments had produced a growing fear and suspicion of science and technology in general, engendering resistance in local communities to the siting of all varieties of technologies, research facilities, disposal sites, and the like.

Leroy’s job was for himself clear, as he puts it in a nuclear industry newsletter interview: “I am not a technician. I am not a scientist. I am a communicator.” But he also proclaimed larger, more altruistic reasons for taking the position:

But there are other important reasons why I took this job. We are the most fortunate, wealthiest generation of people in the history of civilization. We have been given more, consumed more, and achieved a higher standard of living than any people who have ever gone before us. As a consequence of that standard of living, of the comfort, wealth, and convenience that you and I enjoy, we have created more waste, refuse and rubbish than any people in the history of civilization. I

firmly believe that it is our responsibility to clean up after ourselves. I flatly refuse to leave this issue for my children and grandchildren to straighten up the messes, excesses and by-products of this country.²⁹

Leroy's ability to transform the discourse of nuclear waste disposal into heroism, simultaneously divorcing that task from any discussion over the continuing production of nuclear wastes, was exactly what the commercial nuclear power industry desired. Indeed, public resistance to his task was not only about technological issues; historical forces were also shaping the social reception of nuclear technologies. The commercial nuclear industry was experiencing a great shift from Cold War imperatives that were largely secretive to a position in which public support was increasingly central. The initial phase in the development of commercial nuclear technologies took shape when either direct or implicit Cold War military structures dominated civil society, and the deployment of them was possible without public involvement or even public knowledge. Increasingly, industries like commercial nuclear power need to demonstrate their viability and generate public acceptability outside those national security frameworks. Thus, we witness the broad-scale emergence of what Andrew Wernick terms "promotional culture," in which the ethics of the market and marketing tactics in general come to characterize increasing areas of social life.³⁰ For example, in deciding whether society might be well-served by nuclear power with all its attendant problems, or whether a particular community is geographically and otherwise suitable for nuclear waste storage, one would expect a premium focus on education and scientific study. But a promotionalist ethic would conflate education with advertising, re-framing such decisions as problems in communication rather than legitimate issues demanding educational attention. This confusion of education with marketing is precisely what is happening when nuclear waste storage is pitched to American Indians as a benign means of economic development.

Along these lines, the nuclear power industry as a whole consolidated in the wake of Three Mile Island in order to mount a concerted counteract against the growing negative image of commercial nuclear power, forming an advertising consortium called the US Council on Energy Awareness (USCEA) in 1985. Endowed initially with \$21 million, USCEA charged up to several million dollars a year in dues from individual utility companies.³¹ The large-scale public relations campaign stemming from the USCEA employed cutting-edge advertising to transform public sentiment regarding nuclear power, carried out under the guise of educating the public on energy choices.

And so Leroy, whose political credentials and public relations background, together with his upbeat message of altruistic reasons for facing this onerous task, was met with great fanfare within nuclear utility circles, where he was touted as forging the "cult of the possible" (as one industry journal framed it) in solving the nuclear waste impasse.³² Leroy recognized that forcing a community to accept a nuclear-waste dump had proved politically and practically impossible. Indeed, he openly acknowledged the duplicitous track record of DOE and people's great fear of all things nuclear. His first job, then, was to build a semblance of trust within potential target communities. As he put it,

In this media age, public communications has [*sic*] become a public trust. In this energy age, public participation has become a national necessity. In this environmental age, nuclear policy is the cutting edge issue for both public communication and public participation. And in this human age, within 5 years, the future of America's nuclear power will be decided by how efficiently government and industry can turn one-way communication into informed two-way public participation. . . . We must begin to "come to terms" with closing the communications gap. It is into this gap, with a new perspective, with a challenging role, and with an important opportunity, the US Nuclear Waste Negotiator's Office is thrust.³³

In his public talks and written communications within nuclear industry circles and to potential host communities, Leroy explored the nature of contemporary public attitudes toward science and technology in general and nuclear waste repositories in particular. In hoping to preempt the shock of articles that recipients of his offers might read, his tactic was to present up front any and all negative information about himself, his project, and the history of nuclear technologies. Indeed, in his initial mailings he included many negative newspaper portraits of himself and of the US Office of the Nuclear Waste Negotiator. And he openly discussed various phrases used for resisting the kind of project that he was to help facilitate, including LULU (Locally Unwanted Land Use), DAD (Decide, Announce, Defend), NIMBY (Not in My Backyard), NIMTOO (Not in My Term of Office), and NUAC (Not Under Any Circumstances). Reading through Leroy's speeches and other publications from the negotiator's office, Leroy represented these acronyms more as problems with a "communication gap" than primary expressions of legitimate concerns for health and safety.

The heart of the project that faced Leroy lies in voluntarily siting either a permanent repository or a temporary holding facility (or both) for high level radioactive waste. The temporary option, also known as MRS facilities, garnered the most attention. Indeed, Leroy's office drew upon a variety of proposals being put forth regarding strategies to get a community to volunteer to become the host for a nuclear-waste dump. The proposal that was ultimately acted upon consisted of what one policy-maker termed a "reverse Dutch auction™."³⁴ Essentially, this meant having a number of hosts bidding against each other over how much they would get in compensation. Such competition would lower the amount of money the government would have to pay out. Thus, the negotiator would offer a package deal—money and community facilities and improvements—to whoever would accept the waste dump, letting the host community set the exact terms of the compensation. As Leroy put it,

What form can that compensation take? Any form that capably addresses the mutual benefit of the jurisdiction and the Nation. It's negotiable. Where co-location of more desirable federal facilities would assist job creation, let's talk about it. If improved transportation corridors can enhance safety and also benefit state and interstate commerce, let's talk. If enhanced educational opportunities and research

facilities are needed and wanted, let's talk. If jurisdictions have special environmental needs, cultural wishes, recreational aspirations, or development opportunities that the federal government can accommodate, then just as that state, territory or tribe makes a commitment to help resolve a national dilemma, let's look to see where the nation can lend a hand. The Federal government is willing to "pay" exactly that much by negotiating a reasonable agreement.³⁵

For the negotiator, then, the process would entail state or tribal government submission of application for various stages of grants: Phase I would entail a \$100,000 feasibility grant, no strings attached, to explore in any way deemed necessary the possibility of siting a nuclear waste storage facility; Phase IIA would entail a \$200,000 award, granted to those tribes or states that were deemed serious in their intents to site the waste facility; and Phase IIB would be comprised of \$2.6 million, to pave the way for the actual siting of the radioactive waste facility. In sum, the negotiator would conflate scientific information and education with advertising and marketing and term it "communication," all harnessed to traffic US society's most deadly waste in a process that would ideally pit one bidder against another so that compensation costs would be kept to a minimum.

NEW FEDERALISM, NUCLEAR WASTE, AMERICAN INDIANS

As previously mentioned, since states had already voiced their firm "no" to nuclear waste, this left Indian nations. In effect, the plan would be, in the best of all possible worlds, to pit Indian nations against one other to vie for the radioactive waste, something that, in accordance with the larger plan, would lower the compensation costs of the US government. Yet besides pitting tribe against tribe over competition in the MRS plan, one other important effect of the program on Indian Country rested in the US government's shifting of the political problems associated with nuclear-dump siting to the tribal arena. With good reason, wherever and whenever the federal government has tried to locate a nuclear-waste dump, it has met with great opposition from local communities. With the MRS plan, such conflict was (and continues to be) re-situated onto the reservations whose tribal governments were hit hard by the huge cuts in monies and services initiated by the Reagan Administration, not to mention the longer history of colonial relations, which characterized US-Indian relations. Nuclear waste is here framed strictly as an issue of "economic development" to potential tribal councils, one more economic good rather than the supreme environmental bad as it has been historically understood.

The first part of Leroy's invitations included sending to leaders of all federally recognized Indian nations and governors of all fifty states a letter on May 3, 1991, introducing the Office of the US Nuclear Waste Negotiator. With that letter was included a packet containing materials on the legislation that created his office, along with copies of negative articles on the negotiator's office that had appeared in various newspapers across the country. Announcing that previous DOE policies of "Decide, Announce, Defend" had been both unfair and unsuccessful in locating potential sites for retaining and

disposing of nuclear wastes, Leroy's letter detailed how past policies had generated huge controversies because of their focus on scientific and technical aspects of the siting process first. As he put it,

For many years, the location of such facilities has been determined by a siting policy, which can generally be described as Decide—Announce—Defend. This process often focuses on the technical and scientific qualifications of a particular site and then solicits public comment that compiles the siting agency to defend its initial assessment. This policy has often resulted in significant controversy, placing proponents at odds with the host community and other affected parties. The net effect has often been to minimize the host community's own assessment of risks, costs, and benefits while impeding constructive public dialogue and ignoring community values, consideration, and perceptions. The result in many, if not most, instances has been to polarize parts of credible information upon which cooperation and negotiation has been proposed.³⁶

Going on to contrast the approach the negotiator's office with earlier DOE projects, Leroy writes that

At the heart of our approach is the concept of voluntary participation. While this voluntary approach continues to recognize the need for credible scientific and technical assessments, the process itself is left largely in the control and at the initiative of a prospective host. Emphasis is placed on open and frank dialogue that allows a prospective host to weigh the risks, costs, and benefits as well as to discuss and debate relevant social, political, economic, ecological, health, and ethical considerations.³⁷

This initial introductory letter was followed up with a more pointed letter on October 7, 1991, in which Leroy set out to "explain the need, challenge, procedure, and the opportunity for the voluntary siting of permanent and temporary facilities for spent nuclear fuel in the United States."³⁸ The most important aspect of the letter was the introduction and explanation of the granting process for exploring the feasibility in whatever sense that was deemed necessary and important.

These letters were not, however, the first interactions that the Department of Energy had in promoting nuclear waste projects in Indian Country. Indeed, the National Congress of American Indians (NCAI) had received almost \$1 million in grants related to waste disposal and transportation between 1986 and 1990, and in 1992 NCAI was awarded another \$1.8 million in "sole source" cooperative agreement funding.³⁹ Beyond this, the Council of Energy Resource Tribes (CERT), established by pro-energy development tribal leaders in the 1960s, has also fostered close working relationships with various governmental-corporate officials in promoting waste disposal as means of economic development in Indian Country. Native activist, writer, and scholar Winona LaDuke has noted that "in 1987, CERT received \$2.5 million from federal nuclear waste contracts—more than half

of the organization's total income. In 1992, CERT received \$1.2 million in federal grants for nuclear waste programs—80 percent of the group's federal grants."⁴⁰ In sum, the US Department of Energy had long been building relationships with American Indian institutions, supporting their development with funding and other means. These connections would be called upon in the marketing of wastes to tribes as a means of economic development.

Because *communication* has become such a key term in the "new speak" of the negotiator in interacting with American Indians, it is worth focusing our attention on what this term actually means. We have already described the resonance of communication with advertising and promotional culture. I now want to turn to look at how Leroy "communicates" with tribes by reworking Native American culture to attain new rhetorical effect. In December 1991, Leroy attended the annual meeting of National Council of American Indians (NCAI) in San Francisco to talk about the DOE's new strategy for management of commercial spent nuclear fuel. At that NCAI meeting, Leroy appealed to the assembled leaders to use their "Native American culture and perspective" and its "timeless wisdom about man and culture" in housing the radioactive spent fuel. He began by invoking the words of the famous Duwamish Chief Seattle (although he used the more correct Sealth, pointing out the Anglicization of the name), stating that "every part of this soil is sacred in the estimation of (Indian) people," inferring that no matter where the waste eventually ended up, it would still be on sacred ground from Chief Seattle's perspective.⁴¹ For some time, various critics have noted how the transcribed and translated words of Chief Seattle have come to serve as the representation of the "noble savage" par excellence for dominant society, a product cultivated to set up an abstract opposition to non-Native cultures and used for many reasons in commercial, political, and philosophical contexts.⁴² In Leroy's use, he quoted Seattle at length, invoking passages in which the leader talked about the strangeness of the notion of buying or selling land, about how the earth is sacred, about Euro-American abstraction of land, and about how "the whites too, shall pass . . . [for if you] continue to contaminate your bed you will one night suffocate in your own waste." Here I quote Leroy at length:

Those prophetic words foretold many things. The clash of the whites and the indigenous tribes would continue to sharpen. The sovereignty and existence of Indian nations would be threatened. Parts of the environment and some of its natural inhabitants would be stressed and endangered by wastes of many types. For more than a century, the philosophy of the earth as a mother to all living things would be confused or misplaced as a common credo. . . . Thankfully for people everywhere in the world, we are entering a period when both science and man once again agree that we must all become stewards of the water, the air, and the land. It is a time when the great sovereign nations of the world and the Americas must consider cooperative efforts to secure the blessings of the modern world and preserve the heritage of a

healthy, living planet. It is in this spirit and for this purpose that I have come to describe the mission of the Office of the United States Nuclear Negotiator to you.⁴³

Leroy spoke of how “visionary tribal leaders” who consult both tribe and traditions can examine every safety and environmental question to the satisfaction of their people and meet all ancient traditions and ancestral requirements in considering nuclear waste storage on their reservation lands. And then came the clincher, the unhappy history of US-white relations but the happy coincidence of timeless Indian wisdom and long-lasting DOE radioactive waste, and the compensation for storing on Indian lands, which in turn would provide some kind of equitable rejoinder to that dark past:

We cannot rewrite the history of imbalance between our peoples. We can, however, write the future. It is the Native American cultures of this continent which have long adhered to the concept of planning for many generations of future unborn children in the decision which are made today. This contrasts with the modern practices of American governments at all levels where planning and budgeting are done with most emphasis upon only the next fiscal years. With atomic facilities designed to safely hold radioactive materials with half-lives of thousands of years, it is the native [sic] American culture and perspective that is best designed to correctly consider and balance the benefits and burden of these proposals.⁴⁴

In Leroy’s communication, then, this “opportunity” would have the happy effect of righting past wrongs in US-Indian relations by the US government demonstrating respect for Native culture and wisdom such that it would entrust reservations to take its most potent garbage.

With this in mind, Leroy proceeded to unfold his offer of a “new federalism on your terms,” offering each and any tribe \$100,000, “no strings attached,” to study the idea of considering temporary storage of the waste on their reservations. If they did choose to go through all the steps and site a nuclear-waste dump, that waste would be re-directed to the permanent storage site under investigation at Yucca Mountain, Nevada, after a forty-year period. In the meantime, given that waste pools at nuclear-fueled utility companies across the country were reaching their capacity, the proposed MRS program would provide a temporary solution to a permanent problem. While the offer may appear clear-cut and able to stand on its own, it too presumably needed further communication within a more intimate setting.

Indeed, the invitation laid out at the NCAI conference was followed up by another small conference held in April 1992 in Colorado Springs, Colorado, the “Dialogue on Tribal Perceptions of the Ethical and Moral Bases of Nuclear Energy and Radioactive Waste Management.” Though nominally sponsored by the Council of Energy Resource Tribes and the Mescalero Apache Tribal Council (whose then-leader Wendell Chino eagerly sought to house the waste on the Mescalero Reservation), the conference also centrally featured David Leroy and others from DOE, who also had a great part in organizing it. Invited participants

included a number of people from the Bureau of Indian Affairs, representatives of corporations dealing with nuclear technologies, a representative of the US Council on Energy Awareness (a nuclear-utility-endowed advertising and promotional agency), and tribal members from reservations who were thought to be open to the idea of storage of nuclear waste on their reservation.

The "Source Book"⁴⁵ preparing participants for the conference is a fascinating pastiche, a smattering of a Western civilization course and sundered Native American oral tradition, harnessed together by that most American of all virtues, promotional hucksterism. The book included excerpts from Plato (Socrates imploring Crito "not to heed the hobgoblin terrors of the many") and Rousseau (on the well-meaning but often misleading nature of the "general will"), as well as citations from a variety of other more contemporary moral and ethical philosophers. In addition, selected quotes from treaties and statements by Native Americans on the Great Spirit appointing Indian peoples the stewards of the land, regardless of who owned it (or for that matter, by implication, what they did to it), and other related sentiments were included. Finally, as in other mailings from the negotiator's office in which negative newspaper clippings on Leroy and his office were included, portions from books from several critics of nuclear-waste dumping were incised to demonstrate the problems the federal government had experienced in siting repositories because of organized opposition. Assembled first to convince participants that they were on the moral vanguard of society in their serious considerations over taking the nuclear waste, and secondly to disseminate ideas, arguments, and methods for convincing fellow tribal members of the same, the conference sought to bring together the waste with the space, the Western scientific problem with American Indian-spiritual solution, the economically destitute with the money holders, and, in a phrase, the will with the way.

Transcriptions of the conference were meticulously undertaken, which would circulate for educational and communicative purposes in its aftermath. After introductions the conference proceeded with panels exploring the ethics and morality, broadly defined, comparing tribal, "Mainstream American," scientific, and institutional perspectives, discussing the recent ethical and moral Balkanization surrounding these issues. The second day of the conference featured panels on striking a balance between science, progress, and the environment, a panel entitled "Am I My Brother's Keeper?" on the relationship between nuclear waste and Native beliefs in responsibilities toward the seventh generation, a panel entitled "Who Pays?" exploring remuneration for hosting nuclear waste facilities, and finally, a panel asking whether nuclear waste energy was moral, and how the nuclear industry, the US government, and tribes could act morally in dealing with nuclear waste. Once again, these categories of morality and ethics were divorced from any larger discussion over the continued production of nuclear wastes.

In spite of the careful effort to manufacture consent, many perspectives were aired at this meeting. Nuclear utility representatives sought to talk about American business being good, even though some renegades may do harm; stories of past injustices wrought by the US government on individual Indian tribes were discussed; Leroy talked about his office and the voluntarism which

characterized it, stressing its independence from the US DOE and its historical secrecy and mismanagement. And many more things. But the most pointed words perhaps came from Joseph Campbell of the Prairie Island Dakota Community. Responding to the various discussions of ethics and morality in the "Source Book" for the gathering, Campbell cut through to the heart of the matter at hand:

And the way the Indian people told their stories set down a set of rules that were followed, and those rules were followed for centuries and centuries and centuries. And because of the way that they were taught, this word that you have here on paper, "morality," is not a word that I know of. It's not even in our language.

So when you ask our people here to answer a question about something that we have no ability to understand, we can't answer that. But when we tell about our stories and the way that our people treat the living things around them. and those stories were told and taught to the younger people, and anyone that would come and ask about those things would be told those things, they would learn.

And through that system, there never was a question of the other word that's on this paper: "ethics." Because ethics are something that have to be written down by a society in order to guide them on that path to morality. And the Indian people just didn't have it and don't have that to go by.

We know and we realize our stories that the Creator handed down to our older people though dreams and visions that we have to protect everything that lives around us, including the Earth, more so than anything else, because everything comes from the earth.

And only until recently in the '40s did something come to this planet that could threaten everything that ever lived on this planet. It was created by a society that neither has ethics nor morality, and I think that's what we're here to discuss, aren't we?⁴⁶

Nobody answered Campbell's question directly.

HALF LIFE OF MRS PROGRAM

The plan set in motion by Leroy and the Negotiator's Office has yet to bear fruit in terms of actually siting nuclear waste on Indian lands, although the process set in motion by his office continues. According to the *Federal Register* of April 8, 1992, the US Nuclear Waste Negotiator's Office had extended the application deadline for Phase I grants to June 30, 1992, and the application for Phase II grants to September 30, 1992; the Phase II grants were further extended by the DOE to March 31, 1993. At that time, twenty Phase I planning grants of \$100,000 each were extended to Indian tribes and communities. In addition, nine tribes applied for the \$200,000 of the Phase II-A grants, with four receiving funding. Four tribes subsequently applied for the Phase II-B \$2.8 million, and three tribes officially entered competition with one another: the Mescalero Apache in New Mexico, the Fort McDermitt Paiute-Shoshone on the Oregon-Nevada border, and the Skull Valley Goshutes in Utah.⁴⁷

Some tribes pursued the initial grants for reasons quite opposite to which they were devised.⁴⁸ For example, the Prairie Island Indian Community (Minnesota) applied for Phase I monies to perform testing of the subsoil on Prairie Island, which lies in the middle of the Mississippi River and houses both their reservation and two commercial nuclear reactors operated by Northern States Power Company (NSP). Prairie Islanders hoped their testing would demonstrate the dangerous nature of having nuclear wastes stored on an island which only in 1965 had been flooded over, something which in turn would create greater pressures on NSP reactors and waste storage facilities already housed on the island.⁴⁹ The Yakima Indian Nation saw Phase I grant monies as an opportunity to learn more about nuclear materials in general, given their close proximity to and involvement in determining clean-up procedures for the Hanford Nuclear Reservation (the name for the DOE's nuclear weapons plant) in eastern Washington.⁵⁰ In the end, they turned all that money back to the Negotiator as a matter of principle, with many members seeing it as tainted at best and coming with a hidden cost.⁵¹ But some tribes sought the chance to store the waste and garner the compensation, most notably the Mescalero Apache under Wendell Chino.

As a result of intense lobbying efforts by many American Indians and other concerned people, Congress provisionally cut further funding of the MRS program. New Mexico US Senator Jeff Bingaman, who had lead the move in Congress for the Radiation Exposure Compensation Act for affected uranium miners, led the congressional fight against the MRS program. One of the most important of these activists was Grace Thorpe (Sac and Fox),⁵² who went on to form the National Environmental Coalition of Native Americans to continue to educate other Indian communities about nuclear waste and get them to declare themselves nuclear-free zones. After the federal funding for the MRS project was cut, however, nuclear utilities across the country have banded together and aggressively pursued a privatized waste facility. That chapter in the ongoing battle to store nuclear waste on Indian land is still unfolding. Presently, the Skull Valley Goshutes continue in their bid to take the waste, arguing that it is an ultimate test of the reality of American Indian sovereignty. They have garnered the support of many notable scientists and politicians, at the same time as meeting stiff opposition in their bid from the state of Utah, a sizeable portion of their tribal members and other Native peoples across Indian Country.⁵³

CONCLUSION

The history of federal Indian policy is complicated and, as Joseph Jorgenson has observed, it has swung back and forth over history.⁵⁴ Yet whatever the particular intent in policy formulation, how it ends up being implemented is more than an intentional arc of Congress or the executive branch. Indeed, as Vine Deloria Jr. has pointed out, "Federal Indian law, and indeed, federal programs for Indians, are creatures of historical accident much more than representatives of identifiable will of Congress or philosophy of the executive branch."⁵⁵ American Indian policy formation tends, of course, to follow historical trends in other arenas of government and political economy more generally.

The Reagan Administration's New Federalism and related supply-side economic programs had great destructive impacts on American Indian communities across the country, and how it will ultimately play out is yet to be determined. It was part of the broader "triumph of the market," and in a world increasingly dominated by a vigorous transnational capital, the transnational consumer is replacing the national citizen. Some consumers will win more than others, and in nuclear waste disposal, the goods will keep on giving.

Ward Churchill has documented quite profusely the long history of radioactive colonialism on American Indian lands.⁵⁶ As he points out, nuclear technologies have proved devastating for American Indians. From the uranium mining in the Southwest and Black Hills, the toxic processing and production of uranium on Yakima land in the Northwest, and the atomic bomb testing on Western Shoshone land, to the attempt to store nuclear waste on Indian lands as a means of economic development, Indian tribal lands and peoples have bore a terrible burden of the Atomic Age, one which will be felt for generations to come. The technical, medical, and legal remediations that this burden demands are only beginning to be understood and addressed.

The marketing of nuclear waste to American Indians as a means of economic development is the latest chapter in the story of radioactive colonization, just as the process by which it is marketed arguably represents a new stage in US-Indian relations in which voluntarism is the hallmark of dispossession. Capitalism, whether industrial or post-industrial, is a shape-shifting force that continues to open up new opportunities for itself. The invitation to American Indians by the US government and corporations to step more centrally into the market relations of capitalism and more fully apply it in appraising the future of Indian lands and peoples is an example of that shape-shifting. At the end of the Cold War, according to the US government and corporations, tribal sovereignty may mean that Native Americans will face increasing onslaughts in the forms of "invitations" to take the toxic wastes of dominant society. Ironically, while this may allow Native Americans to retain their lands and increase their sovereignty over them, the very survivability on those lands may be jeopardized by the toxic threats, which confront them.

On the other hand, greater sovereignty should mean greater survivability. Living with the historically imposed vulnerability of US colonialism, Native American tribes are currently presented with great decisions as the New World Order of hyper-consumerism invites their further participation. What are the limits of economic development? From where will tribal survival emanate? How will safe and healthy environments for future generations be ensured? Will tribal sovereignty become one more way that colonialism is extended?

In speaking more broadly about the changes in land policy that Native Americans today face, changes that directly impact tribal survival, Indigenous Environmental Network spokesperson Tom Goldtooth reflects: "We have decisions to make, decisions like ones we had to make 200 years ago when our chiefs were forced to accept small plots of land. The government established the 'trust responsibility' with us at that time. In exchange for not fighting, we

were promised rations, food, things that we needed to survive. The federal government has failed in that trust responsibility. We're now at another critical juncture I think, and we have to survive, make a safe place with enough food for our children. How will we do it? These are critical life situations. Many tribes, especially those in the West, live on or near areas that the US military has made toxic. What will happen to that land, to that pollution, to the people who live there?"⁵⁷

ACKNOWLEDGMENTS

I would like to thank Joe Allen and Mark Anthony Rolo at *The Circle* for providing me with the ongoing opportunity to write about these issues for American Indian communities. Respectful thanks also to Tom Goldtooth, Grace Thorpe, Lance Hughes, Lila Bird, Rufina Marie Laws, Wilbur Slockish, Abraham Chee, and others who assisted with this project. I also thank Juan Avila-Hernandez for his support with crucial documents.

NOTES

1. David Leroy, "Federalism on Your Terms: An Invitation for Dialogue, Government to Government" (remarks by United States Nuclear Waste Negotiator David H. Leroy, National Congress of American Indians, San Francisco, California, December 4, 1991), 4. Copy in possession of author. The documents of the Office of the United States Nuclear Waste Negotiator referred to in this paper were gathered from a Freedom of Information Request to the US Department of Energy.

2. For a broad overview of the history of American Indian struggles for sovereignty, see Vine Deloria Jr. and Clifford Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984); for discussions of twentieth-century American Indian history in relationship to US capitalism, see Donald Fixico, *The Invasion of Indian Country in the Twentieth Century: American Capitalism and Tribal Natural Resources* (Niwot, CO: University Press of Colorado, 1998); for twentieth century US-Indian policy discussions, see Vine Deloria Jr., ed., *American Indian Policy in the Twentieth Century* (Norman, OK: University of Oklahoma Press, 1985).

3. For discussions of the history of American Indian economic activities and recent steps toward economic "nation-building" on reservations, see Ronald L. Trosper, "Traditional American Indian Economic Policy," *American Indian Culture and Research Journal* 19:1 (1995): 65-96; Stephen Cornell and Joseph P. Kalt, "Sovereignty and Nation-Building: The Development Challenge in Indian Country Today," *American Indian Culture and Research Journal* 22:3 (1998): 187-214; Stephen Cornell and Joseph P. Kalt, "Where Does Economic Development Really Come From? Constitutional Rule among the Contemporary Sioux and Apache," *Economic Inquiry* XXIII (July 1995); Stephen Cornell and Marta Cecilia Gil-Swedberg, "Sociohistorical Factors in Institutional Efficacy: Economic Development in Three American Indian Cases," *Economic Development and Cultural Change* 43:2 (January 1995); Stephen Cornell and Joseph P. Kalt, eds., *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development* (Los Angeles: UCLA American Indian Studies Center, 1992).

4. W. Dale Mason, *Indian Gaming: Tribal Sovereignty and American Politics* (Norman, OK: University of Oklahoma Press, 2000).

5. For general debates on environmental justice, including those in Indian Country, see Jonathan S. Petrikin, ed., *Environmental Justice* (San Diego, CA: Greenhaven Press, 1995); for discussions of environmental justice movements, see David E. Camacho, ed., *Environmental Injustices, Political Struggles: Race, Class, and the Environment* (Durham, NC: Duke University Press, 1998); for legal issues, see Michael B. Gerrard, ed., *The Law of Environmental Justice: Theories and Procedures to Address Disproportionate Risks* (Chicago, IL: American Bar Association, 1999).

7. For a general discussion of Reagan's political policies, see William C. Berman, *America's Right Turn: From Nixon to Bush* (Baltimore, MD: Johns Hopkins Press, 1994).

7. *Ibid.*, 92.

8. George Gilder, *Wealth and Poverty* (New York: Basic Books, 1981).

9. Berman, *America's Right Turn*.

10. Anthony S. Campagna, *The Economy in the Reagan Years: The Economic Consequences of the Reagan Administration* (Westport, CT: Greenwood Press, 1994), 199. For another discussion of the economic impacts of the Reagan Administration, see Dilys M. Hill, Raymond A. Moore, and Phil Williams, eds., *The Reagan Presidency: An Incomplete Revolution?* (New York: St. Martin's Press, 1990).

11. New Federalism has its roots in the Nixon Administration, which coined the phrase in an attempt to distinguish itself from President Johnson's policies, in particular the Great Society Programs. Nixon's understanding of New Federalism was to rationalize the intergovernmental system by restructuring both the roles and responsibilities of governments at all levels. Put differently, Nixon was not so intent on severely cutting back federal activities so much as to make them more efficient. Indeed, Nixon saw an important role for the federal government in addressing a variety of societal problems. In contrast, Reagan's deployment of New Federalism involved an anti-national New Federalism that sought to directly undermine and explicitly reduce the power and authority of the federal bureaucracy. Indeed, Reagan directly challenged federal policies that had been part of governmental activities since the New Deal, seeing government involvement in society as a hindrance to the regeneration of private association, the cornerstone of all aspects of American life for him. Thus, the tax cuts would reduce federal monies for all levels of government, state, county, municipal, and with these reductions would come a necessary reduction in all governmental activities. In turn, Reagan asserted that private enterprise and volunteer associations would step in as a safety net. For discussions of this policy shift, see Timothy Conlan, *New Federalism: Intergovernmental Reform from Nixon to Reagan* (New York: Brookings Institute, 1988).

12. Berman, *America's Right Turn*, 93.

13. As in the title to C. Patrick Morris, "Termination by Accountants: The Reagan Indian Policy," *Policy Studies Journal* 16:4 (Summer 1988).

14. For a discussion of the termination and relocation policies, see Donald Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque, NM: University of New Mexico Press, 1986).

15. For Reagan's perspectives on Indian affairs, see his questions and answers in "Reagan on Indian Affairs," in *American Indian Journal* (October 1980).

16. *Ibid.*, 11.

17. Hazel W. Hertzberg, "Reaganomics on the Reservation," in *The New Republic*

187 (November 22, 1982), 15.

18. For a general discussion of Reagan's Indian policy, see Samuel R. Cook, "Ronald Reagan's Indian Policy in Retrospect: Economic Crisis and Political Irony," *Policy Studies Journal* 24:1 (1996); for a discussion of impacts of Reagan's policies on the Menominee, see Mary B. Olson and Ada E. Deer: "Through the 'Safety Net': The Reagan Budget Cuts and the American Indian with a Focus on the Menominee Tribe," Rural Sociological Society Meetings (Sociological Abstract #82514744, 1982); for discussions of Reagan budget cuts against the backdrop of federal Indian policies since 1968, see Donald D. Stull, Jerry A. Schultz, and Ken Cadue Jr., "Rights Without Resources: The Rise and Fall of the Kansas Kickapoo," *American Indian Culture and Research Journal* 10:2 (1986): 41-60.

19. For a brief discussion of impacts of Reagan policies on the Navajo and Colville reservations, see Hertzberg, "Reaganomics on the Reservation."

20. Joseph Jorgenson, "Federal Policies, American Indian Politics and the 'New Federalism,'" in *American Indian Culture and Research Journal* 10:2 (1986): 10.

21. Morris, "Termination by Accountants," 735.

22. Reagan's Indian Policy Statement is reprinted in *Moving Toward Self-Sufficiency for Indian People: Accomplishments 1983-84: An Interdepartmental Report prepared by the Department of the Interior and the Department of Health and Human Services* (Washington, DC: US Department of the Interior, Office of the Secretary, 1984), 3.

23. *Ibid.*, 34.

24. *Ibid.*, 37.

25. Jorgenson, "Federal Policies," 11

26. For example, see Luther J. Carter, *Nuclear Imperative and Public Trust: Dealing with Radioactive Waste* (Washington, D.C.: Resources for the Future, 1987); and Gerald Jacob, *Site Unseen: The Politics of Siting a Nuclear Waste Repository* (Pittsburgh: University of Pittsburgh Press, 1990).

27. Jacob, *Site Unseen*.

28. For an examination of the anti-nuclear movement that emerged out of the scientists who constructed the bomb, see Paul Boyer, *By the Bomb's Early Light: American Thought and Culture at the Dawn of the Atomic Age* (Chapel Hill, NC: University of North Carolina Press, 1994), 47-106; for a history of anti-nuclear movements in general, see Jerome Price, *The Anti-Nuclear Movement* (Boston, MA: Twayne Publishers, 1990).

29. David Leroy, "Moving Beyond the Headlines: Negotiated Nuclear Facility Siting in the 1990s" (paper presented to the High Level Radioactive Waste Management Conference and Exposition, Las Vegas, Nevada, April 30, 1991), 5. Copy in possession of author.

30. Andrew Wernick: *Promotional Culture: Advertising, Ideology and Symbolic Expression* (Newbury Park, CA: Sage Publications, 1991). For related analysis of changes taking place with advertising and social structure during the 1980s, see Robert Goldman, *Reading Ads Socially* (London: Routledge, 1992). For a discussion of corporate techniques engaged to change the way politicians and the general public think about environmentalism, see Sharon Beder, *Global Spin: The Corporate Assault on Environmentalism* (White River Junction, VT: Chelsea Green Publishing Company, 1998).

31. See Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement* (Washington, D.C.: Island Press, 1993), esp. chap. 6; Molly

Ivins, "A 'Deep Lobbying' Campaign to Nuke the Nation's Women," *Minneapolis Star-Tribune*, December 1, 1992; and Donella H. Meadows, "Money Talks," *Harrowsmith*, (January/February 1988).

32. Cheryl Romo, "David Leroy and the Cult of the Possible," *Public Utilities Fortnightly* (November 1, 1991).

33. From David Leroy, "Coming to Terms: Negotiated Nuclear Facility Siting in the 1990s," (presented to USCEA INFO 1991), 3-4. Copy in possession of author.

34. Herbert Inhaber, "Can We Find a Volunteer Nuclear Waste Community?" *Public Utilities Fortnightly* (July 15, 1991): 19. See also James Flynn et al., "Time to Rethink Nuclear Waste Storage," *Issues in Science and Technology* (Summer 1992).

35. David Leroy, "Moving Beyond the Headlines: Negotiated Nuclear Facility Siting in the 1990s" (presented to the High Level Radioactive Waste Management Conference and Exposition, Las Vegas, Nevada, April 30, 1991), 8. Copy in possession of author

36. David Leroy, letter to states and all federally recognized tribes, in possession of author, October 7, 1991. Copy in possession of author.

37. *Ibid.*

38. *Ibid.*

39. Winona LaDuke, "Whitewashing Native Activism," [http://conbio.rice.edu/nae/docs/nat_env.html#whitewashing], October 10, 1998.

40. *Ibid.*

41. David Leroy, "Federalism on Your Terms," 4.

42. For a discussion of the elastic uses of Seattle in American culture, see Denise Low, "Contemporary Reinvention of Chief Seattle: Variant Texts of Chief Seattle's 1854 Speech," *American Indian Quarterly* 19:3 (Summer 1995).

43. Leroy, "Federalism on Your Terms," 3.

44. *Ibid.*, 8-9.

45. "Dialogue on Tribal Perceptions of the Ethical and Moral Bases of Nuclear Energy and Radioactive Waste Management" (transcripts from meeting sponsored by Council of Energy Resource Tribes and the Mescalero Apache Tribe, April 6-8, 1992, Cheyenne Mountain Conference Resort, Colorado Springs, CO). Copy in possession of author.

46. *Ibid.*, 13-14.

47. Indian Nations applying for the Phase I grants, in order of application, included the Mescalero Apache Tribes (New Mexico): applied October 11, 1991, awarded October 17, 1991, activities completed; Chickasaw Indian Nation (Oklahoma): applied December 26, 1991, awarded February 14, 1992, application withdrawn March 31, 1992; Prairie Island Indian Community (Minnesota): applied December 30, 1991, awarded March 18, 1992; The Sac and Fox Nation (Oklahoma): applied December 30, 1991, awarded March 4, 1992, application Withdrawn March 4, 1992; Yakima Indian Nation (Washington): applied December 30, 1991, awarded January 23, 1992, grant expired July 23, 1992; Skull Valley Goshutes (Utah): applied March 19, 1992, awarded April 17, 1992; Alabama/Quassarte Tribe (Oklahoma): applied March 26, 1992; Eastern Shawnee Tribe (Oklahoma): applied March 26, 1992, awarded September 9, 1992; Tetlin Village Council (Alaska): applied March 30, 1992, grant application denied June 26, 1992; Lower Brule Sioux Tribe (South Dakota): applied March 30, 1992; Akhiok-Kaguyak, Inc./Akhiok Traditional Council (Alaska): applied March 30,

1992, grant application denied June 26, 1992; Apache Development Authority (Oklahoma): applied March 31, 1992, application denied October 28, 1992; Absentee Shawnee Tribe (Oklahoma): applied March 31, 1992, application withdrawn June 9, 1992; Ponca Tribe (Oklahoma): applied April 6, 1992, awarded September 4, 1992; Caddo Tribe (Oklahoma): applied April 17, 1992, application withdrawn July 16, 1992; and the Fort McDermitt Paiute Shoshone Tribe (Nevada): applied May 30, 1992, awarded July 15, 1992.

In addition, four counties applied for the Phase I grant. These included Grant County (North Dakota): applied November 18, 1991, awarded November 25, 1991, terminated project March 1992; Fremont County (Wyoming): applied December 30, 1991, awarded January 23, 1992, governor issues Phase IIA denial letter August 21, 1992; Apache County (Arizona): applied March 18, 1992, grant application denied October 1992; and San Juan County (Utah): applied April 3, 1992, awarded May 4, 1992.

48. For discussions on the legality and socioeconomics of placing an MRS facility on Indian lands, see Ronald E. Johnny, "Showing Respect for Tribal Law, Siting a Nuclear Waste MRS Facility in Indian Country," *Akwé:kon Journal* 11:1 (1994); Jon D. Erickson, Duane Chapman, and Ronald E. Johnny, "Monitored Retrievable Storage of Spent Nuclear Fuel in Indian Country: Liability, Sovereignty, and Socioeconomics," *American Indian Law Review* 19:1 (1994). For a film documentary on this process, see Ed Harrison, dir., *Radioactive Reservations* (1994, Goldhawk Films: London, England). For discussions on how this process played out on particular reservations, see Randel D. Hanson, "Indian Burial Grounds for Nuclear Waste," *Multinational Monitor* 16:9 (1995); Randel D. Hanson, "Nuclear Strong-Arming a Yes Vote on the Mescalero Apache Reservation," *The Circle* 16:4 (1995); Randel D. Hanson, "Mescalero People Vote No to Privatized Nuclear Waste Dump (But Will Their Voice Be Heard?)," *The Circle* 16:3 (1995); Randel D. Hanson, "Long, Deadly Arms of Nuclear Industry Reach Out to Cree in Canada," *The Circle* 15:11 (1994); Randel D. Hanson, "Paiute-Shoshone Overwhelmingly Oppose Nuclear Waste Storage at Ft. McDermitt," *The Circle* 15:10 (1994); Randel D. Hanson, "Tonkawa People Vote Down Nuclear Storage in First MRS Referendum," *The Circle* 15:9 (1994); "The Mescalero Apache: Nuclear Waste and the Privatization of Genocide," *The Circle* 15:8 (1994). For an extended discussion of the Mescalero situation from a legal perspective, see Louis G. Leonard III, "Sovereignty, Self-Determination and Environmental Justice in the Mescalero Apache Decision to Store Nuclear Waste," *Boston College Environmental Affairs Law Review* 24:3 (1997).

49. Joe Campbell (Mdewakanton), Prairie Island resident, telephone conversation with author, March 13, 1995.

50. As Augustine Howard (Yakima) repeated several times at the Colorado Springs meetings. See "Dialogue on Tribal Perceptions" transcripts.

51. Randel D. Hanson, "The Common Link is Our Children: Wilbur Slockish, the Yakima Nation, and the Struggle Against the Hanford Nuclear Reservation," *The Circle* 15:5 (1994); "Dialogue on Tribal Perceptions," 44-45.

52. Grace Thorpe: "Our Homes Are Not Dumps: Creating Nuclear Free Zones," in Jace Weaver, ed., *Defending Mother Earth: Native American Perspectives on Environmental Justice* (Maryknoll, NY: Orbis Books, 1997).

53. For discussions on the Goshute bid, see Randel D. Hanson, "Skull Valley Goshutes Agree to Fast Track Negotiations for DOE Radioactive Waste Dump," in *The*

Circle 16:4 (1995); and C. Michael Rasmussen, "Gaining Access to Billions of Dollars and Having a Nuclear Waste Backyard," *Journal of Land, Resources, and Environmental Law* 18 (1995).

54. Jorgenson, "Federal Policies."

55. Vine Deloria Jr., "Indian Public Policy Today," in *American Anthropologist* 96:4 (1994): 364.

56. Ward Churchill, "A Breach of Trust: The Radioactive Colonization of Native North America," *American Indian Culture and Research Journal* 23:4 (1999): 23–70. For a book-length discussion on the history of the impact of nuclear technologies on American Indians, including what is taking shape at Yucca Mountain, see Valerie Kuletz, *The Tainted Desert: Environmental and Social Ruin in the American West* (New York: Routledge, 1998).

57. Tom Goldtooth, telephone conversations with author, February 1995.