

TESTIMONY OF THE NAVAJO NATION FOR THE
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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RESOURCES COMMITTEE
NAVAJO NATION COUNCIL

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Thank you Chairman Waxman and members of the Committee. I am George Arthur, Chairman of the Resources Committee of the Navajo Nation Council. The Resources Committee oversees the Navajo Nation's mineral and water resources and the Navajo Nation EPA. I speak here as the representative of the Navajo Nation Government.

Few members of this Committee are from the West. Many may not have ever been to an Indian reservation like the Navajo Reservation. I would like to give you a flavor of my land and culture.

The Navajo/federal relationship is based on two treaties, the second one signed in 1868 after about one-third of my ancestors died in a federal concentration camp. Navajo Indian country now includes about 17 million acres in Arizona, New Mexico and Utah. Navajo land is blessed with mineral resources, but the Navajo people have not benefitted much from these minerals until recently, because the Navajo Reservation has served, in the words of a Government study, as an "energy colony" for the United States.¹ Navajo warriors have served the United States with distinction in all major conflicts since World War I.

The Navajo Nation is not a rich tribe. Because of federal neglect and historic discrimination by the States, the Navajo Nation had an infrastructure deficit of 3.7 billion dollars in 1975,² and that deficit is much larger now. We have few paved roads, few hospitals or clinics, and substandard schools. Many of our people lack running water and electricity. Unemployment

remains at about 50%.

The Navajo Nation has no casinos, nor the surrounding affluent population needed for substantial gaming revenues. We rely on the land and the scarce water resources available to us. We live, and will continue to live, within the four sacred mountains.

We have maintained our language and traditions, including one where the umbilical cords of Navajo babies are buried in the land of their parents. The Navajos' ties to the land where they are born is profound. We don't just move when conditions become difficult. As a federal district court observed in a case where the United States unsuccessfully sought to relocate a Navajo woman from land where she had lived all her life, relocating a Navajo from her ancestral land "is tantamount to separating the Navajo from her spirit."³

Uranium mining and milling on and near the Reservation has been a disaster for the Navajo people. The Department of the Interior has been in the pocket of the uranium industry, favoring its interests and breaching its trust duties to Navajo mineral owners.⁴ We are still undergoing what appears to be a never-ending federal experiment to see how much devastation can be endured by a people and a society from exposure to radiation in the air, in the water, in mines, and on the surface of the land. We are unwilling to be the subjects of that ongoing experiment any longer.

In legislation passed in 2005, the Navajo Nation Council made detailed findings about the devastation caused by uranium mining and processing. We found that

the social, cultural, natural resource, and economic damage to the Navajo Nation from past uranium mining and processing is ongoing due to (i) the continuing need for full monetary compensation of former Navajo uranium workers and their family members for their radiation and mining-induced diseases, (ii) the presence of hundreds of unremediated or partially remediated uranium mines, tailings piles, and waste piles located in Navajo Indian Country, and (iii) the absence of medical studies on the health status of [Navajos] who live in uranium mining impacted communities.⁵

Because of these and other findings, the Navajo Nation has banned uranium mining and processing within Navajo Indian country.

Many of us were and are directly affected by uranium mining and processing in Navajo country. The largest release of radioactive contamination in the United States occurred in the Churchrock Spill, where 94 million gallons of radioactive sludge from a United Nuclear Corporation facility poured into the wash that Navajo people and livestock used and now use in their daily lives. I myself was present in Shiprock (the largest community on the Reservation) in the late 1970s when federal officials decided simply to pile up all the radioactive mill tailings on land near the center of town with no lining under the wastes and a lot of rocks on top to limit erosion.⁶ In what other town would the Government allow this to occur and remain?

Under today's environmental laws, it is practically impossible to construct a municipal solid waste landfill, one that takes ordinary household wastes, without a liner to protect underground aquifers used for drinking water. In Tuba City, however, an open dump and mill tailings piled up without a liner, like those in Shiprock, pose an immediate threat to the main aquifer in the Western Navajo area. The Government has devoted the money needed to remove similar tailings from a rural area near Moab. Are those people or their water resources more valuable than Navajos?

I regret to say that the federal EPA, BIA, DOE and NRC would be doing virtually nothing to protect the Navajo people and the Navajo environment at Tuba City, Churchrock, and other locations in Navajo country if the Navajo citizens and their government had not acted. This federal neglect and environmental injustice must stop. The Navajo Nation has six specific recommendations that we firmly believe should be adopted and implemented by the Congress through legislation. These are set forth as an attachment to my written statement, and I will be

pleased to discuss them with the Committee.

Thank you for this opportunity to speak with this Committee, Mr. Chairman.

ENDNOTES

1. U.S. Commission on Civil Rights, The Navajo Nation: An American Colony (1975).
2. Id. at 42.
3. United States v. Tsosie, 849 F. Supp. 768, 775 (D.N.M. 1994), aff'd, 92 F.3d (10th Cir. 1996).
4. McClanahan v. Hodel, No. Civ. 83-161-M, 14 Indian L. Rep. 3113 (D.N.M. 1987) (invalidating fraudulently obtained uranium leases approved by the BIA and observing that “[t]he BIA and Interior generally seem to have been more concerned throughout the leasing processing with their relationship with Mobil [the uranium lessee] than their relationship with the Indian owners”), appeals dismissed, vac. as moot, nos. 87-1186 and 87-1234 (10th Cir. 1988).
5. Resolution no. CAP-18-05 (April 19, 2005) § 3 (amending 18 N.N.C § 1301(E) (2005)).
6. Federal officials use the pile for training heavy equipment operators.