



Confederated Tribes and Bands
of the Yakama Nation

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Established by the
Treaty of June 9, 1855

The Environment does not Recognize Us versus Them

by

Russell Jim, Manager
Environmental Restoration / Waste Management Program
Yakama Nation

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Thank you for the opportunity to address this conference, on finding collaborative solutions to complex issues. We all approach issues from our own perspectives, of course, and this arises from our unique histories and cultures. For instance, it is well known to schoolchildren that when Lewis and Clark and the Corps of Discovery returned home, they created accounts of a country and people which before then were unknown, creating a new perspective. It is not widely taught that while these explorers were discovering the Native Americans, that we were not only helping them survive, but also discovering them.

For the Yakama, the cultural view of the world is unique, and provides commonality amongst our people in addressing issues like protection of the environment. The Yakama have a very long experience with these matters – the aspiration, and the necessity, to live in harmony with the environment was achieved by our people for tens of thousands of years, or as we say, since time immemorial.

If true harmony existed today between people and the environment, we would not be meeting here today. It is now widely known that this disharmony is not lessening, despite many good efforts, and in fact is getting quite serious. It may be obvious that part of this present imbalance and discord results from a culture in which the environment has

become segregated from other aspects of life – there are now demands to balance environmental concerns against other concerns, as if they can be separated.

We have been asked here to discuss ways to address environmental issues so they will not become polarized – but is that the problem? How can the desire for a salmon to find its place of origin, so it may renew the cycle of life, be an issue? How can the intricate web of all living things, and non-living things, as they have existed on the planet since time immemorial - how can those things be issues?

The question may be much more a matter of how we balance needs versus desires, and how present needs are weighed against those of the future.

For instance, what if we know, as we do now, that increasing the temperature of the Earth by only a degree or two within a few decades can have catastrophic consequences for ecosystems around the world? Enough studies have been done so we know the snowpack in this region will diminish, streamflows will change, fish will suffer, and forests will become more prone to insects and fires from global warming. Does knowing this create a polarized situation?

It is a fact that many species which sustained the Yakama people for many thousands of generations are now suddenly in peril. It is also a reality that the Columbia River carries poisons from modern activities, toxins which pose cancer risks to Tribal people which are 200 times higher than what the government considers acceptable. These same pollutants pose hazards to Tribal children which are 280 times what is considered tolerable. Can anyone say this situation arose because people were polarized over environmental issues?

Fifty years ago, the Federal government proposed a dam upstream from here, at a place that the Yakama had lived at and fished since time immemorial. Celilo Falls was a fishery, but also a place of inestimable cultural importance, and an inseparable part of Yakama culture itself. The United States believed that cheap electricity was more

important than this unique place, and thus created a situation in which the environment must lose. With the rising water behind this dam, rights which were permanently guaranteed to the Yakama in the Treaty of 1855 were suspended by the rising slack water.

When the Yakama delegation in Washington DC understood that their uncompromising efforts had failed, a struggle they had undertaken for themselves and for all people in the future, they cried.

In the future, when the Dalles Dam is no longer blocking the river, the Yakama will return to fish there, hearing the roar of the falls once again, and renewing ancient traditions. The salmon will regain strength, too, as they face the mighty obstacle in their path which tested their genes for millennia. The Yakama will return because they did not sell their rights to this place, even in the face of intense pressure – with compromise, the spirit of Celilo would have suffered as well.

The rights which the Yakama maintain are those which they have always had, indigenous rights. There remains a misperception that the Yakamas, and other Native American governments, were granted rights by the United States. For instance, it may be asked how the Indians could have a reservation set aside from the State or the County, unless that land was provided by the government. In reality, of course, all land on which the United States now exists was granted by the First Nations - rights which were not conveyed to the United States were retained by these original governments.

So, when we speak of us versus them, and how to bridge the gap, it is important to start from a common place.

One challenge that Tribal governments face with respect to environmental issues, as well as others, is the misunderstanding people maintain about the laws of the United States. People have a general awareness that it is not permissible to violate the Clean Water Act or the Endangered Species Act, but the same cannot be said of Treaties

between the United States and Indian Nations. This lack of awareness is somewhat shocking, considering extensive rulings by the courts that these Treaties are the Supreme Law of the Land, and are superior in legal context to statutes such as the Clean Water Act and Endangered Species Act.

Such misunderstanding can be traced to the inadequacy of the curriculum in our schools, which fail to educate children about the true history and law of Native Americans and their Treaties with the United States. What if these children were taught that a Constitution existed, but that it applied only when politically suitable?

After all, during a political campaign in not so distant history, an aspiring President claimed that with regard to Tribal sovereignty, States rights must reign Supreme. This misunderestimation would be similar to a Tribal official claiming that all matters regarding environmental protection must be first authorized by Chevron or Exxon – also off the mark, though perhaps closer to the truth.

For Tribal people, this situation, disconnected from thoughtful reality, seems to confirm what we have long suspected – that intelligent life does indeed exist beyond this planet, as evidenced by the fact that they have yet to contact us.

When it comes to the largest environmental project in the United States, at the Hanford Nuclear Site, contradictions and misperceptions still abound. The Yakama Nation has had extensive involvement in restoring this damaged environment since the 1970's. Again, the first hurdle to overcome was simple ignorance – “What Treaty?” Although thirty odd years later there is much greater awareness of the Treaty of 1855 and its provisions, the issue has shifted to what it means with regard to restoring Hanford.

For the Yakama Nation, the task at Hanford is fairly straightforward – the land and its resources must be restored. How can this be measured? When the resources are once again useable, and Yakama people are exposed to risks no greater than others, the job will be finished - anything short of that would violate the Treaty of 1855. By

achieving this, Hanford would be restored not only to protect future generations of Yakama people and children, but all citizens of the Northwest.

Not surprisingly, the Office of Management and Budget has seen how money for Hanford restoration might be used elsewhere. More insidious, attorneys in the Federal government have proposed ways to satisfy the cost cutters with ideas to limit Treaty rights. If Treaty rights can be limited, then more radioactive waste can be left at Hanford – and why would Tribal people want to exercise Treaty rights at a sacrifice zone anyway?

This nation has spent about \$6 trillion building its nuclear weapons arsenal, and Hanford was this region's contribution to that effort. If the Federal government succeeds in cutting Hanford's cleanup budget, large areas near the Columbia River will be permanently off limits to future generations. The savings for this sacrifice zone concept would be about one half of one percent of the cost to create the country's atomic weapons capability.

In this situation, there is truly no Us versus Them – unless Them are those who will live with our decisions far into the future, but have no say in them today.

Thank you.