

Environmental warfare—part 1

The new American Indian wars

by William Engdahl

This week we begin the first of a series of case studies into the organization and the funding of the environmentalist movement, which has in the last decade stymied nuclear power development as well as industrial growth. Our first case history is the American Indian movement, its sudden concern with consciousness, and its equally sudden infusion of millions of foundation dollars.

Our story begins in Maine where litigation, a decade in the courts, is near settlement. The case involves claims by two Indian tribes, the Passamaquoddy and Penobscot tribes, to nearly two-thirds of the timber and mineral-rich land of the state, a claim made through interpretation of an obscure 1794 treaty.

The land claims case began in earnest in 1972 when attorneys for the 4,000 tribesmen elaborated on an original attempt by one tribe member to recover 6,000 of the 23,000 acres granted in the 1794 treaty. The suit demanded 12 million acres, \$1 billion in trespass fees and land use charges dating back to the 18th century.

For the last eight years, the threat of this suit has stalled the state's economic and political development. An out of court agreement is reportedly about to be reached because the prospect of even more years of long and costly court litigation would cloud title to much of Maine. Reportedly this settlement would give the two tribes 300,000 acres of prime forest land in return for their dropping claim to the 12 million.

Former Maine Governor James Longly correctly pinpointed the issue when he said that the tribes' suit would create "a nation within a nation," in direct violation of the national sovereignty provisions of the U.S. Constitution. And the Maine case is just one of 14 such cases launched in the eastern states in the past decade.

NARF—Ford's Indian charity

In 1970, amid the hue and cry of righting historic wrongs, the Ford Foundation, the nation's largest tax-

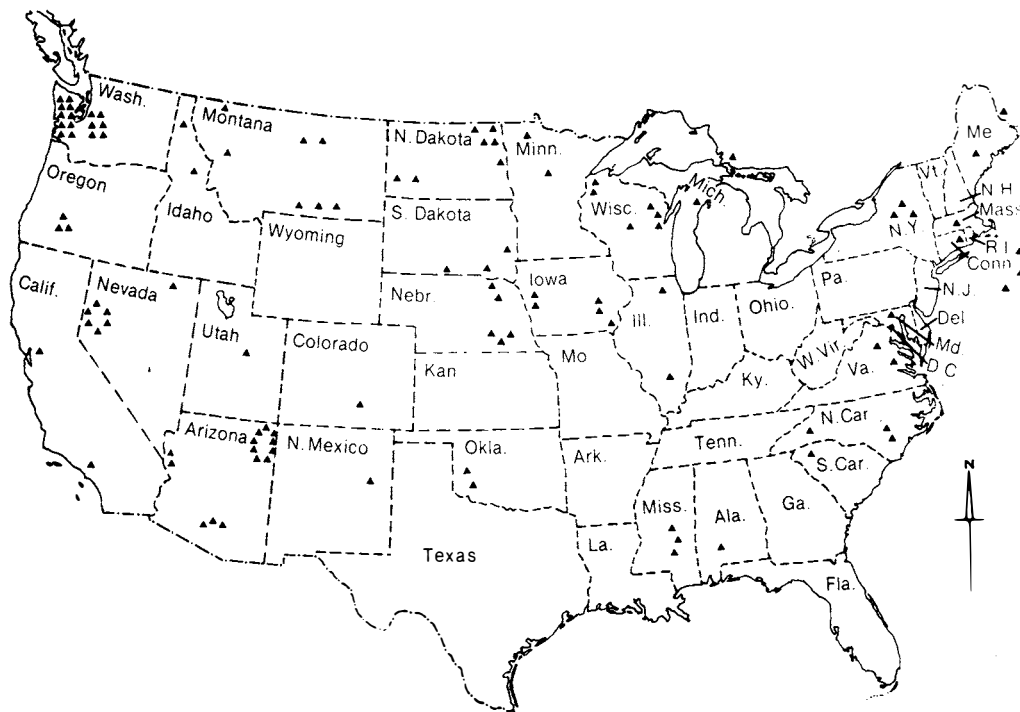
exempt charitable foundation, launched a pilot project with \$1.5 million in funds called the Native American Rights Fund (NARF) to provide Indian tribes with the resources to hire attorneys.

With an initial funding of several millions of dollars, the Ford Foundation then created from NARF the Native American Rights Movement. The foundation grants went to such innocuous-sounding programs as "Indian Leadership Training" at the University of New Mexico. Ford persuaded the Lilly Endowment to kick in \$542,000 to the effort through the Eastern Indian Legal Support Project. The Lilly Endowment is well known for putting millions into the proterrorist Youth Project of the Washington, D.C. based Institute for Policy Studies into the so-called New Right of Milton Friedman and other "free enterprise" advocates via grants to the American Enterprise Institute.

NARF has brought the weight of Naderite legal talent to bear on the Indian situation.

Using a profile developed in the civil rights movement of the 1960s, the Ford Foundation strategists created a synthetic ideology of distinct and sovereign "Indian cultures" as the basis to launch a battery of legal roadblocks to development, especially in the resource-rich and underpopulated Western states. By the mid-1970s, NARF attorneys and organizers had put together a grand strategy, unifying 24 western tribes to form the Council of Energy Resources Tribes (CERT). CERT is a "non-profit" corporation set up with assistance from NARF attorneys who had by then been recycled into the U.S. Bureau of Indian Affairs. Conservative estimates place disposition of more than 60 percent of U.S. uranium resources in the western states, 35 percent of coal west of the Mississippi and a comparable amount of the vast oil and gas reserves of the Rocky Mountain Overthrust Belt, the largest continental oil discovery of the last 20 years, under CERT control.

NARF, CERT and the entire Indian movement orig-



Locations of NARF claims

The map provides a graphic view of the scale of Indian litigation and claims negotiations being carried out by just one group, the Native American Rights Fund as of January 1976. More recent information indicates that the number and impact of NARF legal activity could easily have increased as much as 10 percent since then. This map of course does not account for the hundreds of other actions brought by the U.S. government, private law firms and other Indian legal organizations.

inated during the John Kennedy years when Stuart Udall was Interior Secretary. Robert Hutchins of the University of Chicago and the Fund for the Republic held a conference to persuade the government to reverse a policy of cultural assimilation of the Indian population in favor of "retribalization."

At the same time, Hutchins' University of Chicago organized Indians against their "enemies"—the government and big business. Beginning in the mid-1960s under the new Office of Economic Opportunity, (another Ford Foundation pilot project), OEO Director and Kennedy in-law Sargent Shriver dispatched OEO-VISTA volunteers to Indian rural areas to inculcate a backward "tribal identity" and a hostility to industrial development among particularly "young turk" Indians.

Shriver is a partner in the Washington-based law firm, Fried, Frank, Harris, Shriver, Kempelman. Fried, Frank made its original claim to legal fame in the 1930s pursuing Indian claims against the government. Sam Harris of Fried, Frank is also chairman of Rio Tinto Zinc, the world's largest holder of uranium, with vast mining operations in Canada, Australia and Southern Africa. While Shriver was deploying his VISTA volunteers to organize the Indians not to sell their resources to "big business," Fried, Frank, Harris, counsel to no less than 12 Indian tribes, was placing itself in a position to ensure that the vast uranium resources of the United States remained in the ground. Meanwhile, Rio Tinto

Zinc, through its illegal uranium cartel, forced the world market price of uranium up more than 400 percent.

The 1970 establishment of the Native American Rights Fund was based on a legal strategy, the "key-case strategy," developed by Fried, Frank founding partner Felix Cohen, the "father of Indian law." It took a literal interpretation of treaty agreements going back almost 200 years and applied them to the 20th century to argue separate nation status for Indian tribes before the law. It is written into the charter that the aim of NARF is to "assure the survival of tribes as separate peoples" by defending treaty rights.

NARF-initiated studies have already "concluded" that the development of coal on the Navajo and northern Cheyenne Reservations is detrimental to "traditional" native activities. Today NARF attorneys and associates have been recycled into top policy posts of the proenvironmentalist Carter administration—in Interior, the Bureau of Indian Affairs and the Justice Department where they decide government response to treaty claims. Despite a U.S. Supreme Court ruling two years ago that motions to increase tribal autonomy are invalid and have been so since Indians came under the domain and protection of the United States, NARF and associates continue to make rulings impinging on vast areas of national economic and energy resource development.

Next, we will examine a second Ford Foundation "idea," the Natural Resources Defense Council.