

1998 Year End Report
from
Diné Citizens Against Ruining our Environment
and the
Navajo Nation RECA reform working group

This is not just about compensation. It is the right thing to do, it is the human thing to do and it's our responsibility to help out. Radiation contamination does not discriminate, it doesn't care. We are all affected and we need to work together for a healing, just resolution.

- Earl Tulley, Diné CARE Vice President and Board member of the national Indigenous Environmental Network.

The Navajo Radiation Victims Project is a major initiative of Diné CARE. Our work (which started as cooperation with the Uranium Radiation Victim's Committee in Navajo lands) has led us into native and non-native communities in the states of Utah, Colorado, New Mexico and Arizona. 1998 was an important year for the efforts to bring compensation and relief to victims of radiation exposure on the Navajo Nation. The following is a quick list of this year's highlights; each item is described in more detail below:

1. We assisted in the formation of two new community-based organizations for RECA reform and radiation relief in communities throughout the Navajo Nation, including the Utah Navajo Downwinders Association (formed by Ms. Hazel Merritt with Diné CARE's technical assistance after Diné CARE sponsored her participation in the Radiation Survivors conference on radiation fallout in St. Louis, MO) and the Arizona Navajo Downwinders Association by Mr. Alexander Thorne;
2. In cooperation with these two organizations, as well as the Eastern Agency RECA reform coalition led by Mr. Melton Martinez; the Post 71 Navajo Uranium Miners Association led by Mr. Tommie Reed; and the Kayenta Chapter RECA reform effort led by Ms. Alyce Yazzie, Diné CARE has created the RECA reform working group of the Navajo Nation.
3. The Navajo Nation Council passed a Resolution listing ten points necessary to change RECA, based on public forums organized by the activist leaders. These ten points went on to form the basis of the Redmond bill, HR 3539 • The Radiation Workers Justice Act of 1998.
4. We facilitated the allocation of Tribal funds and the creation of a special Tribal Liaison position for a concerted effort to reform the Radiation Exposure Compensation Act.
5. We facilitated the August 15 gathering of Navajo and regional RECA reform groups from a dozen community-based organizations, as well as Tribal representatives, RECA reform attorney from Washington, DC, and leaders of other Tribes for an update and coordination of RECA reform efforts.
6. We called the October 01 gathering of key organizational leaders in Farmington, NM. Attending from the Four Corners states were the governors of Acoma and Laguna Pueblos, then-Navajo Nation President Milton Bluehouse, and community activists from Grand Junction, Cortez, Dove Creek, CO; Grants, Haystack, Thoreau, Crownpoint, Shiprock, Albuquerque, Mariano Lake, NM; Dilkon, Blue Gap, AZ. At this meeting a position statement was drafted which rejected Senator Orrin Hatch's compromised amendment to

the 1990 RECA, in favor of stronger legislation. This key position by the leaders of several Indian nations and the Four Corners states constituencies has been instrumental in pushing our national leaders to stronger reform of RECA.

7. We narrowly avoided a disastrous compromise bill that was advocated by some RECA reformers from outside our communities, who wanted to settle for limited compensation excluding many Navajo victims. The community activists for RECA reform on the Navajo Nation made their voices heard in a press release that caught the attention at both the Tribal and National levels to keep true reform efforts alive.
8. We completed the planning and scheduling for a major RECA reform workshop to be held in Farmington, NM on January 9 and 10, 1999.

We have achieved these results with no tribal funding, only a few foundation grants. But sometimes the smallest seeds bear the greatest fruit. Working within the Diné homeland, our activists are not motivated by the potential monetary benefits from the Radiation Exposure Compensation Act. Our activists work from an orientation that can hardly be translated into English. We have only the Navajo word **k'ei**. K'ei is sometimes translated as "relations", but it is more than that. It is the web that binds us not only to our living relatives, our fellow Dine •, but also to our ancestors and our children, and their children, from whom we've borrowed this land, and k'ei is our relationship to the land itself. It's our awareness that whatever happens to any of us, happens to all of us. That is why, even though we are a volunteer organization working from small foundation grants, we have been able to accomplish more on our own initiative than much better funded organizations who employ paid professionals. It is a labor of the heart.

Our Philosophy and Goals

We at Diné CARE see the need to promote ongoing development and analyses to understand and address the root causes of increased health problems our Navajo population are experiencing from radioactive contamination. Our goal is to address the health and environmental effects of radioactive contamination through a community-based approach. We intend to focus on increasing public awareness, eliciting community involvement and educating our tribal members.

Initially our emphasis was on outreach and organizing of uranium miners and millers. Over the past year, our efforts have expanded to include other members of the community who have been affected by radiation contamination. The purpose behind this effort has been to develop strong grassroots political support throughout the southwest before legislation to amend the Radiation Exposure Compensation Act of 1990 is introduced to Congress. Our goal is to help communities ensure that new legislation will make the compensation program fairer for underground uranium miners, by expanding the list of diseases that should be compensated, also include that part of the Navajo Reservation that is in Utah. Our work over the past year has been reaching out into communities, identifying local leadership, supporting them in educating themselves by providing them with all available resources and enabling their participation in national conferences on health effects of radiation poisoning.

The Diné Community Leaders for RECA Reform:

First, we would like to acknowledge and thank the activists from the Four Corners outside Navajo land, without which we couldn't have, accomplish what we did. It was only with the collaborative efforts with these organizations that ensured success with our organizing on Navajo land and beyond. Special thanks to: Paul Hicks, President of New Mexico Uranium Workers Council; Roxanna Bristow, President of Colorado Uranium Workers Council; and Carol Dewey, President of Colorado Plateau and their organizational membership.

This report is intended for the Navajo Nation constituencies and will consequently primarily focus on the Navajo organizers. None of what we've accomplished on Navajo land could have happened without the dedicated leadership and effort of our community activists working in a collaborative effort with the above named organizers.

- Hazel Merritt. Ms. Merritt formed the Utah Navajo Downwinders' organization in 1997, shortly after we sent her to a St. Louis, MO Radiation Survivors conference in Oct •97. She has conducted community workshops and training on the hazards of uranium radiation, and has educated the community on the limits of RECA as it is currently formulated.
- Tommie Reed. Mr. Reed is leader of the Post 1971 Navajo Uranium Miners • association, an association of workers from uranium mines who were employed after 1971, and who, as a result, are considered ineligible for compensation under RECA. Mr. Reed is a long-time activist in uranium exposure issues and has been involved since 1994 to amend the 1990 RECA, along with Timothy Benally and Phil Harrison. He has been instrumental this year assisting Phil Harrison with his work. On October 01 Tommie Reed called the *critical meeting* at Congressman Bill Redmond's office in Farmington, New Mexico, which sent a message to Washington, DC that was heard.
- Alyce Yazzie. Ms. Yazzie is a long-time member of the Uranium Radiation Victims' Committee, has recently extended her efforts at RECA reform by reaching out to the people of Kayenta and consequently elected to be the RECA liaison for her chapter.
- Melton Martinez. Mr. Martinez has been the Navajo representative attending all of the New Mexico Uranium Workers' monthly meetings in Grants, NM. He has met with key congressional representatives and their staff on behalf of Navajo uranium miners and mill workers. Mr. Martinez also handles Navajo translation for miners of the NM Uranium Workers Council.
- Anna Frazier. Ms Frazier is the Din • CARE field staff representative, has been a vital force in organizing and facilitating the Navajo RECA Reform Working Group.
- Alexander Thorne. Mr. Thorne formed the Northern Arizona Navajo Downwinders Association in 1997, soon after we sent him to the Idaho Falls, ID Radiation fallout meeting in Dec of 1997. His efforts at educating both the people in the communities about the risks of uranium radiation, and the Navajo Nation Council, have made a major difference in the approach to RECA reform. Whereas once the Tribe was content only

pursuing compensation for miners who fit the government's strict criteria for compensation, Alex spent many hours with key Council members, educating them on the RECA issues. His efforts have led to a distinct change in Tribal policy, with the Tribe now officially advocating RECA amendments to not only loosen restrictions on miners, but to address the needs of millers and families exposed to radiation through proximity to mines.

Summer, 1998:

Tribal funding allocated for a full-time Navajo liaison:

In June 1998, Phil Harrison and Washington, D. C. attorney E. Cooper Brown were about ready to give up. Mr. Harrison had founded the Uranium Radiation Victims' Committee (URVC) and had worked for nearly two decades seeking relief for Navajo uranium miners under RECA. Mr. Brown had successfully represented the people of the Marshall Islands in their quest for compensation for radiation exposure during Cold War bomb tests. Together, they were seeking funding from the Navajo Nation to promote a reform of the Radiation Exposure Compensation Act. But the Tribe was not willing to fund their work. The Navajo Nation already had the Office of Navajo Uranium Workers (ONUW) and was not willing to allocate more funding for what it considered to be a redundant liaison. At the time, even though a growing number of reports suggested that many people besides miners were at risk from radiation exposure, the Tribe's main concern with RECA reform was easing restrictions against eligible miners. After several months in negotiations with the Tribe, including two separate occasions when promised funds were suddenly withdrawn, Brown and Harrison had pretty much given up hope that they would receive any Tribal support for their efforts at RECA reform.

This impasse was suddenly cleared when RECA reform working group members got involved in educating the Navajo Nation government on the true risks of radiation exposure. Alexander Thorne (Northern Arizona Navajo Downwinders organization) spent hours educating key Navajo Nation Council members on the risks to millers, families of miners and millers, and families living near mines. Diné CARE coordinator Anna Frazier made countless trips to Window Rock to arrange meetings, assisting the RECA Reform Working Group with presentations and appearances before Council Committees, and in the Council Chambers. At the same time, community meetings were held in several different Navajo chapters, where citizens made clear their desires for comprehensive reform of RECA. Sometimes these meetings were heated, as community members voiced their dissatisfaction with what looked like Tribal apathy to the plight of the Navajo people.

After several months of a concerted effort, the Navajo Nation reversed its prior position, and allocated funding to make Phil Harrison and E. Cooper Brown special liaisons of the Navajo Nation in the cause of RECA reform. The Tribe has generously allocated \$328,000 to date for this project. "Our goal is not, nor was it ever, to get a particular individual into a particular job," said Earl Tulley, vice president of Diné CARE. "Our goal is to make sure the right things get done for the people of our community. We will continue to make sure that this is what Tribal

funds are allocated for.”

Education on RECA amendment legislation:

The leadership of our community activists also brought about a change in the official Tribal position on RECA reform. In 1998, two separate RECA reform bills made their way through the legislative process. One, HR. 3539, the ‘Radiation Workers Justice Act’ was at the time the strongest legislation for RECA reform, sponsored by NM Representative Bill Redmond in response to demands by radiation exposure victims in New Mexico, including many Navajo victims. Democratic national committee members, meanwhile, who hoped to see Redmond unseated in the 1998 elections opposed this legislation, and called on the Navajo Nation government to oppose it as well. After concerted efforts including several community meetings, several appearances before the Council, and a signature gathering campaign, the Navajo RECA reform working group was able to persuade the Navajo Nation government to support HR 3539.

In June, then Navajo Nation president Thomas Atcitty, as well as Council delegate George Arthur traveled to Washington, DC to officially support HR 3539, and a strong legislation for RECA reform.

On July 22, in response to strong community activism, New Mexico senator Jeff Bingaman came out with a stronger Senate bill for RECA reform (S. 2343) going beyond Redmond’s bill and asking for community health monitoring and other measures.

Raising community awareness, building networks:

RECA reform is complicated by the fact that representatives of miners are entitled to a cut of all RECA payments. At times, some of what has passed for RECA reform has been motivated by the self-interest of these types of representatives. As two competing RECA reform bills made their separate ways through the legislative process, a growing number of activists, including relatives of ineligible miners, millers, or families affected by radiation poisoning came to recognize the need to band together in their support of the most comprehensive reform.

On August 15, this group of RECA reformers came together in the community of Hogback, New Mexico. At this meeting were people from the community of Mariano Lake, Tommie Reed and his son Brandon, supporting post-1971 uranium miners; several former Navajo uranium miners from the community of Shiprock; Sharon Clahchischilli from the Navajo Nation offices in Washington, DC; Al Waconda of Laguna Acoma Coalition for a Safe Environment (LACSE); Roxanne Bristow, of the Colorado Uranium Workers Council; Paul Hicks of the New Mexico Uranium Workers Council, along with Melton Martinez of Haystack, NM, who also handles translation to Navajo uranium miners for NM Uranium Workers Council; Anna Frazier, Earl Tulley and Lori Goodman, of Diné CARE; Leroy Esplain, from the Navajo Nation’s Office of Navajo Uranium Workers (ONUW); Charles Long, Jr., Crownpoint Navajo chapter president, Eastern Navajo Agency Council member and McKinley County (NM) treasurer; Ben Shelley, Navajo Nation Council Delegate and McKinley County Commissioner and E. Cooper Brown, the Washington, DC attorney contracted by the Navajo Nation to assist with RECA reform.

This meeting was a watershed event in the coordination of efforts to push for more comprehensive RECA reform. Key leadership from around the Navajo Nation and the American Southwest was present. Assignments were given and carried out. A Diné CARE Board member was delegated to operate in the capacity of clearinghouse for the entire Four Corners coalition. Congressional visits were planned.

Without the level of coordination achieved at the Hogback meeting, the groups involved would have never been able to make their efforts work so well together, and to produce such great results in such a short time. We had seen prior accomplishments come about as a direct result of such coordination and combined efforts: Representative Bill Redmond introducing strong legislation in the House, and a similarly strong legislation introduced in the Senate sponsored by Jeff Bingaman.

Last minute sell-out narrowly avoided:

As 1998 drew to a close, a last minute attempt to “compromise” was made in Washington at a series of closed-door meetings involving the staffs of key Republican legislators, as well as some of the powerful interests representing Navajo uranium miners with possible claims on RECA. On Thursday, September 24, we learned that Senator Hatch would be holding a Senate Judiciary Committee Hearing on Sept 29th. The only invited participants to testify were Jonathan Samet, M.D., National Research Council, Johns Hopkins University and Donald Remy, Deputy Assistant Attorney General, Department of Justice. The Navajo Nation was *not invited*. Staffs to Senators McCain (AZ), Campbell (CO), Hatch (UT), Bingaman (NM) and Congressman Redmond (NM) were not returning phone calls to Navajo Nation liaison E. Cooper Brown or Shawn Pensoneau of Navajo Nation’s Washington Office. The plan was to scrap all legislation (both HR 3539 and S. 2343), and simply amend the 1990 Radiation Exposure Compensation Act to make compensation available to an additional 300 or so underground uranium miners. This compromise would still exclude millers, families exposed to radiation through miners and millers, downwinders, and families living near abandoned mines and mill tailing sites.

Sadly, this was all done without any consultation or input from the large and growing body of Navajo community leaders who are actively seeking a humane, just and broader reform of RECA. When the news broke feelings and accusations of betrayal and “sell out” quickly ensued. The RECA reform working group felt that any officially designated RECA reformers who claim to represent the Navajo people must take a broader view of the reform process, and not grab at whatever is immediately available for monetary benefit.

“We were being told to compromise,” said Anna Frazier, Diné CARE RECA reform field coordinator, “even though we have nothing to compromise and nothing to give up. We had nowhere to turn. We felt completely betrayed.”

The Navajo RECA Reform working group immediately and jointly authored a press release leveling accusations of conflict of interest and environmental racism against those in DC whom drafted and approved the political compromise. “What we have here,” read the statement, “are (a select few) people motivated by greed, crafting a legislation that would bring the quickest personal financial gain, forgetting the victims. The intended recipients are left behind one more time for the almighty dollar.”

This press release generated swift responses from many quarters. Several politicians (and some of the RECA reform coalition’s allies) cried “Foul”, expressing distaste with the use of the phrase “environmental racism” in the press release. Navajo RECA Reform working group members didn’t see it that way.

“It was not a gratuitous use of the term,” said one representative from Diné CARE. “The history of relations between Indian nations and Washington is marked time and again by people presuming to act ‘in our best interests’ while they pursue agreements and policies of their own making. For us Diné, we always say, We speak for ourselves. This last minute attempt to salvage some additional lawyer’s fees amounts to a betrayal of our trust, and that is environmental racism.”

The second response was more important. Thanks to the press release and subsequent pressure organized by community leaders Tommie Reed and Paul Hicks at Representative Bill Redmond’s New Mexico office, the legislative staffs backed off from the compromise and agreed to review the matter more fully. Within 24 hours, the hearing date was rescheduled for October 7th, a meeting called by Tommie Reed was set for October 01, in the Farmington office of Bill Redmond, and the Navajo Nation was invited to testify. As a result of this continuous pressure, some good things have happened. We attribute the strategically timed press releases for the quick responses where there was nothing before. It was a chance we took to save the RECA Bill and the messages was heard loud and clear in Washington, DC.