

The Breach 310: How the United States Is Poisoning Native American Communities

Lindsay B.: Welcome to The Breach, you're deep dive into authoritarianism and corruption in the era of Trump. I'm your host, Lindsay Beyerstein. Support for Rewire and The Breach, is provided by listeners like you. Become a donor today and support Rewire's reporting, commentary, investigations and this podcast. Go to rewire.news/December, to make your donation today. My guest on this season finale episode of The Breach is award winning journalist, Suzette Brewer, who's here to talk about the Trump administration's relationship with American Indians and Alaska natives.

Trump's insensitivity to the plight of native people goes much deeper than an occasional quip about Pocahontas. His administration will preside over deep cuts to the Bureau of Indian Affairs and a massive expansion of mining and drilling on public lands, threatening reserves and ancient ways of life, even as indigenous communities struggle to survive tainted water, inadequate housing, poor health outcomes and countless other hardships. Suzette, welcome to the program.

Suzette Brewer: Greetings. Thank you so much for having me.

Lindsay B.: If you were to give us a big picture look at the issues facing American Indians and Alaska natives, under Donald Trump, what would you say those issues are?

Suzette Brewer: Well, I think that's a rather wide ranging question so I have to give you a bit of a wide ranging answer. I think, as it stands right now, there are 5.4 million Indians in the United States, that population has doubled in the last 17 years since the 2000 census. At this juncture, we are confronted with a number of issues including, housing shortages, exploding healthcare costs. Even things as necessary as heating costs are a real problem for native people right now. 50% of the population is 21 and under, which means it's a very young population and it's the fastest growing racial group in the country.

We expect that, probably that number, the 5.4 million number will probably double within the next five to seven years, again but, the infrastructure and the services put in place for these communities, remain at the same levels that they'd been at since 1993. For example, the same amount of housing funds that have come from the federal government, has remained stagnant for the last 17 years but, in the last 17 years, as I've just mentioned, the housing has stayed the same but the population has doubled. So what you have are communities that still struggle with adequate housing, with any housing as a matter of fact, any new housing.

Many times, you'll have two to three families in a house that's meant for a family of four, five, maybe six tops, you'll have 13-20 people in one house because people aren't going to turn their relatives out. That is one of the issues. As I mentioned earlier, there's also exploding healthcare cost because that's just a big budget item. That's just something that all tribes have to content with across the country. In terms of where it sits right now, there's been a lot of successes in the last 30-40 years in Indian country but, there still remains some side issues and infrastructural

issues that still need our attention, roads is another example.

Many reservation communities are still dealing with dirt roads, non-paved roads, roads with potholes, that sort of thing and that makes it really difficult to navigate when you don't even have adequate transportation routes to get in and out of the reservation or get around the reservation. A lot of these spaces really do need overhaul on their roads but the funding is just not there. Education wise, again, we have a population that's doubled, we still have a dropout rate that hovers around 50% of Indian high school students across the country.

In many cases, probably I would say, 10% of the remaining students are the ones that go onto higher education and of those, maybe 10% wind up graduating and of those, then you have maybe one or two that might go on to get an advanced degree. It's still underfunded, as many of the programs in Indian country are, and so, we're confronting so real tough decisions in the next couple of decades in terms of what the priorities are going to be and this administration's already signaled that they are going to start cutting budgets and I think Indian people are really going to start feeling the pain, in a very short order in terms of healthcare budgets, housing, education.

What little funding that we are getting is still below the federally appropriated amounts. We're already dealing with unfunded federal mandates and unfunded federal budgets in which we are having to piece together these programs for the tribes in whatever way we can. There's a lot of work to be done still. There's a lot that needs to be done.

Lindsay B.: Can you describe the legislative nuts and bolts as to how you can have money that's appropriated but is not being actually spent on the tribes?

Suzette Brewer: The best example because, that is a big topic but, I will give you the best example that I'm aware of and that I know of, that I can speak with with any clarity and that is the tribal colleges. The United States has three or four dozen tribal colleges that are located on Indian reservations in what we call, high Indian population lands, around the United States. They are funded, I think the last budget I saw, they were funded around \$6,000 to \$7,000 per head but they are only given, I think, half that.

The tribal colleges only get like half of what the federal appropriation is. The federal government, every funding cycle, they will appropriate, they will say, "We will give you," let's say, \$10 per student. This is an oversimplified example but I'm just trying to explain it so your listeners can understand. They'll say, "We will give you \$10 per student." But when the budget goes through and all that money is finally, actually appropriated, it winds up being about half of what ... \$5. It winds up being half of what the original appropriation is and so, the tribal colleges, being the fantastic institutions that they are, they wind up just making due with what they have and then they also function on other grants from other agencies and that sort of thing but they've never operated, as far as I'm aware, at the full funding rate, ever, in the 50 years that they've been in existence.

Lindsay B.: It sounds like the neglect of this population has been profound and long lasting. What is the Trump administration doing, besides its talk about budget cuts, to indicate that it's serious about solving these problems?

Suzette Brewer: I can't think of anything. I mean, I'm not saying that to be flip or sarcastic with your listeners because I think it's important that people really understand these issues. So far, all I've seen is cuts and I've seen a number of different, shall we say, activities in the last year, that indicate, at least to me, that there's not a lot of energy or support. I'm also hearing from my friends on the hill and across federal agencies that, this administration, really, does not have a lot of energy put into Indian country. They are not going to meetings that they should be going to. They are not following through on rules and guidelines that have been put into place, and in fact, they are actively working toward rolling back many of the guidelines in regards to the Indian Child Welfare Act and...the federal guidelines for children in foster care, they're rolling back requirements for that as well.

I see a general un-spooling of all the work that's been put into place, frankly, since Richard Nixon because Richard Nixon, a lot of people don't know this but, Richard Nixon, apart from LBJ, I would say perhaps, was one of the most successful presidents in US history in regards to the tribes. Because it was during his administration that they passed the Indian Self-Determination Act, the Indian religious freedom acts and other major pieces of legislation that really did jump start the shift toward self-governance and sovereignty.

I think the presidents since then, have added to that and tried to expand upon meeting their commitments, meeting their judiciary responsibility to the tribes, meeting their obligations in regards to consultation and so forth, working with the tribes to help in the decision making that profoundly affects the individual lives of Indian people across the country. I am not seeing that with this administration.

Lindsay B.: Can you elaborate on the concept of tribal sovereignty and what it means in this context?

Suzette Brewer: Yes. Tribal sovereignty, that is a pillar of all native law, all native existence in this country. They were sovereigns prior to the existence of this country. Tribes have had a relationship with the president and congress, since before the beginning of the Republic. They were self-perpetuating sovereigns from time immemorial and they have, over the objections and sometimes, even past military conflict, have managed to hang on in the last 250 years, to the notion, the essential theme, the absolute idea that Indian tribes are sovereign, it's the same as the counties, the cities, the counties, the states and the United States. They are an equal sovereign to each of those sovereigns.

When we talk about sovereignty, what we really are talking about is self-determination in regards to what happens in our communities, and also in the provision of the services to our people. Sovereignty is not just some a theory or vague concept that doesn't really mean anything. It is a very real, very tangible part of how Indian people, how Indian tribes in this country, think about their position

in the world. We don't have tribal councils and chairmen for nothing. These are people who have the responsibility for providing and making, improving the lives of the individual Indian tribal members across the country. Sovereignty is, I would say, the foundation upon which all of federal Indian law and the tribe is based.

Lindsay B.: Basically, on the federal government's part, it's a recognition that tribes are independent political entities that have to be dealt with on a certain level of equality?

Suzette Brewer: That is absolutely right. When they make decisions that affect Indian people, it is a federal requirement that they have to consult with the tribes. It's called consultation. Let's say there is going to be a ... We can talk later on about water rights, but water is a big deal in this country, not just for the municipalities and for the people who rely upon it in the urban areas but it's also an issue for the tribes. Time and again, over the last 250 years, they've had their water rights abrogated over and over and over again.

Anytime one of the other sovereigns moves to divert water or take water in any way, they have to consult with the tribes or at least attempt to consult with the tribes in terms of how it may impact the farmers, the ranchers, the people that depend on that water for their own sustenance. There have been many cases in which farmers and ranchers upstream have diverted water, for example, for their own crops and their own cattle, leaving the tribes downstream, without any water resource. That is, again, over and over, the Supreme Court has ruled that you cannot place people on an Indian reservation, for example, and then shut off their water supply because that is certain death.

Anything that'll impact the tribes in regards to their water, their land, their resources, whatever the case may be, there should be a consultation in place so that they are part of the decision. They are not stakeholders. These are people who are equal decision makers in regards to what happens on their land.

Lindsay B.: Do you think that the Trump administration understands sovereignty and is prepared to take it seriously in its dealings with the tribes?

Suzette Brewer: Well, I don't know what's in the mind of the President in regards to what he thinks about or his administration. All I have to go on right now is what I see coming out of this administration in regards to what's in the pudding. I don't see any evidence that they are taking the tribes seriously but again, I don't want to speak for him and I don't want to speak for the other tribes but, what I see is a general lack of energy in regards to how they think about Indian people.

Lindsay B.: Did you have to opportunity to watch the transition when president Obama came to power and see what kind of overtures they made to the tribes so that you can compare and contrast the two?

Suzette Brewer: I watched, yes. This is just my opinion but it's like a night and day sort of scenario. I think, during the Obama administration, there was a real huge push, especially

after his visit to Cannon Ball. There was a huge, enormous push across 17 federal agencies, to try to meet the obligations to the Indian tribes, from the Obama administration and here, it was simple, practical things that could be done in regards to let's say, opening up easements and rights of way for cell phone towers and that sort of thing, fiber optic cables so that Indian tribes would have better access to the internet and those sorts of things.

We saw all that roll out after Cannon Ball in 2014 and in general, since this administration has come into power, there's a general rolling back of all those things. It's almost like they are rolling them back as fast as they possibly can. As a matter of fact, Ryan Zinke called for 4,000 staffers to be cut from Interior, which certainly does impact tribes in regards to the B- because the Bureau of Indian Affairs, for your listeners, Bureau of Indian Affairs falls under the Department of the Interior.

Those budget cuts and downsizing and proposed budget cuts for Indian programs, that's a big problem, because these are communities that are already hanging by a thread in terms of their economies and in terms of their levels of poverty and the skyrocketing unemployment. I know in general, on the Northern Plains, it's not uncommon to have a 90% unemployed and under-employment rate in these communities, and it shows. You can see as you drive through, that there is a general lack of attention to these communities.

When you have 50, 60, 70, 80, 90% unemployment, that creates a cycle of poverty that is really hard to overcome and I think they were moving in a certain direction with the previous administration to try to ameliorate some of those issues through making it easier for the tribes to do business, to have better self-sufficiency, and all those things, but what I'm seeing with this administration, again, is a rolling back of the progress that was made.

Lindsay B.: The main priority for today's Department of the Interior seems to be opening up, huge tracks of public lands to intensive resource exploitation. How does that square with things like the water rights of native peoples?

Suzette Brewer: Well, I think we should take that question in two parts. As you know, in the last week or so, Secretary Zinke has proposed shrinking Bear's Ears, which again, was put in place by Obama, from 1.3 million acres roughly, to just over 200,000 acres over, certainly, the objections of the tribes in the region. Let me just explain for your listeners, just a little bit about why that's important. The reason those lands are in federal trust land to begin with is because the tribes, during the time of, again, I don't speak for any of these tribes, I don't want to even pretend I'm speaking for them, but all of that land is Indian land.

That land was set aside for one reason or another, in the 1800s specifically so that it would be taken care of in perpetuity. They didn't just hand that land over with the notion that ... and they didn't hand it over for one thing, it was taken. The idea behind all of it, Indian lands, was so that it would be taken care of, not the be exploited in any way that the federal government sees fit but at the core of it, at

the core of Bear's Ears, there are four tribes, as you may know, who have sued; Navajo Nation, Zuni, I think the Mountain Ute, and others that have come forward to sue the federal government and Trump for the shrinking of Bear's Ears, which is frankly, a reckless and bold attempt to ... you're right, to exploit those lands for profit and that was not the intention of why that stuff was created to begin with, why those lands were set aside to begin with. They were set aside for a reason, not for private exploitation.

Lindsay B.: There are two things, they were set aside to be public lands and then they were set aside again, by Obama, to be a special national monument?

Suzette Brewer: Yes. Yes, that's right. It became a monument. You asked about the water rights. That is a question because water rights are becoming an issue all over the country but in particular, for Indian tribes because they are some of the most isolated communities in the country. As I mentioned earlier, time and again, over the course of the last two centuries, farmers and ranchers and other corporate interests have tried to take water, divert water, use water, for their own purposes, leaving tribes and these communities, these isolated communities, with no water to use for themselves.

There's a little something called the Winter's Doctrine. This is going to be an important precedent, moving forward with this fight because, there are a couple of water settlements also, when you ask about what the administration is doing. The Navajo and the Hualapai are both seeking water settlements with the federal government and the Trump administration has already said that they are not interested in the settlements that have been put forth. That's another thing that the Trump administration has indicated in regards to treatment of Indian people, in the last year.

I want to get back to the Winter's Doctrine. That came out of a case in Montana in, I think, around the early part of the last century. There was a guy named Winters, he was a rancher living in Northern Montana and he had a ranch North of one of the Indian reservations. I think it was Fort Belknap if I'm not mistaken. He diverted their water, the Missouri River, away, and used it for his own crops and his cattle and the tribe sued. Actually, the United States sued on the tribe's behalf. It was the United States versus Winters. The justices ruled then, as they have reaffirmed in numerous decisions since then, that inherent to native lands, are native water rights. That is important.

That is outside of the actual, physical geographic boundaries of these Indian lands. Water is, it's the most important resource. It is, because you cannot survive without it. Certainly, if they open up these lands to the kind of exploitation that they have described in terms of mining, in terms of whatever the case may be, certainly, that's going to have an impact on the tribes. They did all this without, as I mentioned earlier, the consultation that's required under federal law. Certainly, the shrinking of Bear's Ears, that is a court case. The tribes have already filed their litigation. I expect that it's going to be a long battle and I certainly hope that this administration works to consult with the tribes because their voices have not been

heard.

Maybe they have been heard, maybe there have been consultations that I'm not aware of, but it clearly, they're concerned and their fears about what's going to happen to not only their lands but their water resources are going to be impacted by all these activities and that's not what the original purpose of setting those lands aside was for. It's not for private exploitation but that's what it's turning out to be.

Lindsay B.: I'm just thinking of what an apocalyptic scenario that would be if you're a tribe and you're in somewhere remote and all of a sudden, there's no potable water because mining has polluted it all. What happens then?

Suzette Brewer: Well, let me tell you what happens. I can tell you exactly what happens because it happened to the Navajo Nation just two years ago. The Gold King Mine in Silverton, Colorado exploded and I think something like 1.6 million gallons of polluted contaminants went into the, I want to say, the Animas River and made its way down through Durango, Colorado and into the San Juan River, which it goes through the Northern part of the Navajo reservation in New Mexico and into Arizona.

These are people who have lived along the San Juan River for 10s of thousands of years and have relied on that water. In the course of about 24 hours after the spill, their croplands, San Juan, was poisoned, the irrigation canals were poisoned. They still have not recovered from the spills. The Navajo people along the San Juan River are showing signs of lead, arsenic and mercury contamination along with the other, I don't know, over 100 different pollutants that came out of those mines that were poorly managed by the mine company.

The tribe certainly has sued the state of Colorado. They sued the mine owners and they are trying to make their way back from this devastation of their waters along the San Juan River. Their crops were destroyed, they've had to give cattle away. These are people who prior to this, were well-known for their Navajo corn, their Navajo squash, all these different crops that they were known for in the region, it's just been destroyed. This thing happened over 100 miles away but it certainly has an impact on one of the most vulnerable, frankly, one of the poorest communities in Northern New Mexico.

They are still struggling, after nearly two years. They're still struggling with the effects of the devastation of the poisoning of their river. It's had a very deleterious impact on the tribe financially, economically, psychologically, culturally and environmentally because they can't drink that water, they can't swim in the water, they can't use the water for their crops, they can't use the water for their cattle. All those things, I mean, if you think about that and expand that to, what if you're sitting in your house in suburban Denver or suburban Des Moines, Iowa or whatever and you think about for just a second that you can't even drink your tap water, you can't water your lawn, you can't do your dishes because it's got arsenic and mercury and a host of other contaminants in your water. It seems like, to me, that most of the United States don't really understand, therefore, the serious

impacts that these calamities have on native communities that really, are not in a position to do much about it.

It's had a devastating impact on that community. I was down there, actually, for the year anniversary last year and it was clear that these were people that were suffering because they have no water. They had to rely on bottled water. I would assert that I don't know that that river is ever going to be completely played up because every time it rains, those contaminants resurface and it starts all over again. Certainly, these things are now embedded in the soil. I think, often times, people think of these communities as out of sight, out of mind and so therefore, I don't think it gets the attention that it frankly deserves.

I think it's important for people to understand, without sounding too cliché, that water really is life. And when you have something like Bear's Ears, which is now under threat of development, certainly, that's going to impact water coming of the Colorado River. That provides water to I don't know how many hundreds of millions of people across the Western United States and so, now you're talking about developing an even bigger portion of this that's going to use even more water resources and as we know, the water levels in the Colorado, have not been consistent in the last couple of decades. The tribes, I think, are well within their rights to sue.

Lindsay B.: Is anyone checking to make sure that there's not a kind of Flint-like scenario going on where children are being poisoned and getting neurological issues because of this? Is anybody looking out for that?

Suzette Brewer: There are Flints all over Indian country. That's the one thing people don't really understand. The Navajo Nation is a Flint situation right now. There are other Flint at Stone Child. There's a Flint in upstate New York with the Tohono O'odham and then Iroquois Confederacy. There are Flints all over the Western United States because of the mining interests. I mean, let me help you understand that Indian people have been dealing with Flint-like situations for at least the last hundred years because of the mining companies that are located on or near Indian reservations that have little or no accountability for what they do to the ground water in these situations.

When you ask me about neurological damage and that sort of thing, yes, it's out there. It's definitely out there and as a matter of fact, I know that the Navajo Nation, they're doing a lot of testing down in this region because they are trying to get to the bottom of the biological impact of these spills on their people.

Lindsay B.: That's just horrifying. Is the US government sending resources to monitor this and possibly help fix it somehow?

Suzette Brewer: I would say it's inadequate. I know that there were people who have come in from the EPA, to help with the testing and stuff. But the EPA is, frankly, one of the defendants in the Gold King Mine spill case with the Navajo Nation. Because of what they did not do in the last 100 years in terms of what their responsibilities

were, in terms of checking on the safety of these mines. What you had basically, was a mine situation where the mine had closed up decades ago and the mine owners, rather than put bulwarks in that were probably the most expensive and safest, they cheated out and just put up cheap bulwarks that, over time, you have to understand, these mountains are collecting water from the snow and so, it drips below the mountain surface, it gets into these mine shafts and, over the course of the last 100 years, that water is collecting.

It keeps collecting, regardless what happens on the outside. These bulwarks, which had been put into place and they're not very well constructed. The EPA as a matter of fact, I think they are the ones that had gone up to check on this bulwark and they, I don't know what exactly happened in terms of this bill that day but they were messing around with the bulwark and it exploded and that's where you had this explosion of poison.

Lindsay B.: Oh yeah and right wing talk radio tried to say it was the government's fault.

Suzette Brewer: Yeah, it was. There's no other way to put it but they were up there doing some kind of maintenance work and somehow or rather, I don't know what, how, again, exactly ... It's been a while since I looked at the reports on that, but they were up there doing maintenance and, essentially, the mine exploded and spewed millions of gallons of toxic ... I mean, it had everything from arsenic and mercury and lead and I think, I think it was something like 166 pollutants that went downstream.

Lindsay B.: Crazy.

Suzette Brewer: I want to say, the municipalities like Durango, Colorado, they went on alert for a while. I don't know where they are right now but I do know that the Navajo Nation has really suffered as a result of this. And it's further impoverished and already impoverished area because there's very little going on up in Ship Rock. That's the little town on the San Juan River in Northern New Mexico. There's very little going on in way of the economy. You have that situation already and now you have a further situation where, not only does it destroy the crops and the livelihoods of the people on the river but they also don't have water to drink. They've all had to rely on bottled water since it happened.

What we do know about that particular situation is that, those mines have been trickling out toxins for, probably, 100 years but it wasn't until this big spill happened that anyone paid attention to it. There's a theory that's been floating that the river's actually been poisoned for a while but it's just been more of a trickle versus a big burst.

Lindsay B.: It's really terrifying because, as you were saying, this is such a young population. I saw a really dispiriting study a couple weeks ago about how pregnancy loss has something like, tripled in Flint because of the lead pollution and I can only imagine how many pregnancies and young children are being affected in Indian country, because of this kind of leaking.

Suzette Brewer: It's true. It's a very real threat. Lead contamination and arsenic contamination from these mining issues is a very real consideration and it is making a massive impact on the physiology of these communities. I don't want to be all gloom and doom. I also want to drive home to the listeners that, this is a very serious situation but because these communities are poor and they're out of sight, with very little resources to do anything about it, they are basically left for dead on the side of the road. That's why I feel an obligation to try to get the word out as much as I possibly can.

Lindsay B.: What could people do if they want to get active on these issues?

Suzette Brewer: Well, I think being a good ally would be a good place to start. Certainly all of these issues are legal issues and the Native American Rights Fund, certainly, they've been holding the line for the last 45-50 years, in terms of the legal protection of Indian people and Indian rights across the country. Contributing to those causes, I think, would be a good use of their time and resources. I think also, just getting educated about what's out there in terms of the environmental degradation of these communities because I do want to make one point here and that is that, what impacts Indian people, also impacts their neighbors.

Let's look at it this way: Indian tribes in many respects, I like to liken them to ... they're like trees, they don't move. They are or they aren't, either because of ancestral ties or because they've been put there and so, they don't move around. Other populations, they're migratory. They move, they go, there's Manifest Destiny, they go towards the West, they move around for jobs. Indian people stay put because land is everything to Indian people. Land is everything to the tribes in this country and so, like trees, they don't move.

They are very attached through culture, psychology, through just, without sounding too new age-y, through Mother Earth, just for being where they are. They are there, attached and so, in the last 250 years, they've watched a lot come and go in regards to the incursions on their lands and their environment. I think, when Standing Rock happened, I think that's why so many tribes ... I think it was something like 434 tribes signed a declaration of support for Standing Rock because, all of us understand, at one point or another, we've all been in their shoes where, we have tried to tell private developers, federal government, Army Corps engineers that this thing is happening, this thing is going in, these trees are coming down, these dams you're putting up, this is going to impact the fish and the ecology.

This is going to impact our drinking water. This is going to impact the land, in general, for decades, if not thousands of years to come. Each and every time, it seems, they've been forced to accept whatever these companies, starting with the railroads, let's just start where it starts, starting with the railroads and on down the line with pipelines and other corporate interests, Indian tribes have been basically forced to accept whatever these industries have pushed on them, and over time, everything that they have predicted has been borne out in terms of the long term impacts on the communities.

When these things happen, it's not just happening ... We talk about water rights, we're not talking about, necessarily, water rights just for Indian people, we're talking about water rights for you too, because everyone has to drink water. Everyone needs trees. Everyone needs fish. Everyone needs a clean environment in which to live and so, this is not just a tribal issue, these environmental issues impact everyone. I think it's really important for the general public, to educate themselves about; why are the tribes so up in arms about these issues? Because, it's not just about the tribes, it's about everyone because what impacts us will impact you down the road. It will.

Lindsay B.: Suzette, that's all the time we have for today. Thank you so much for coming on the program.

Suzette Brewer: Thank you so much for having me. I really do appreciate it.

Lindsay B.: Now it's time for recommended reading. A hand-picked selection to deepen your understanding of our bewildering political moment. This week's selection is from Dave Weigel in the Washington Post and, as always, you can find the link on The Breach page of the Rewire site. It's called, Special Election to Replace Representative John Conyers Junior Set for November 2018. That means that voters in Conyers' overwhelmingly Democratic former district will have no representation in the house for almost a year because Michigan's Republican governor, Tim Snyder, in a blatant display of partisanship, refuses to call a timely special election.

It also means Democrats will be down a seat in the House for almost a year because of the Governor's machinations. It was a minor scandal when New York's Democratic governor left Eric Mass' old seat open for eight months but Snyder's stunt breaks the record for this kind of special election stalling. That's it for recommended reading.

The Breach is produced by Nora Hurley, for Rewire Radio. Our executive producer is Marc Faletti. Our theme music is Dark Alliance, performed by Darcy James Argue's Secret Society and I'm your host, Lindsay Beyerstein.

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