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Case Illustration
Anna Frazier

POLICY IMPACTS OF NATIVE CITIZEN ACTIVISTS

In 1998, Norman Begay and his wife Shirley were killed in a mysterious car accident on a lonely stretch of road west of Shiprock on the Navajo Reservation. Both were active in the fight to stop radioactive wastes from being shipped and stored at the controversial White Mesa Mill. With their deaths, the radwaste shipments proceeded without effective opposition from Utah Indians until family members then took on the challenge and continued the work the two had started.

Norman was a Navajo and Ute (White Mesa Ute) and Shirley Jones Begay was the daughter of Harry and Agnes Jones (both respected elders of the Kaiyelli Band of Navajos). The Band had long claimed the land on which the White Mesa Mill was built as part of their ancestral homeland. The uranium mill was also built on an Indian (Navajo, Ute, and Anasazi) burial ground which is now known as the White Mesa Archaeological District.

The fact that the White Mesa Mill was erected on the bones of Utah Natives is indisputable and requires no white science to prove it. But the governmental and corporate ghouls who licensed, constructed, and operated the radioactive mill did so a decade or so before the passage of the Native American Graves Protection and Repatriation Act. Although federally-licensed, the mill should now be decommissioned under the same act but its operations are now state-regulated as Utah is now an Agreement State with the original licensing agency.

The fact that the White Mesa Mill is located within the recognized aboriginal Navajo tribal land claim area is also indisputable (as derived from a finding of fact that was affirmed by the U.S. Indian Claims Commission and reaffirmed by the federal Court of Claims in the instant case of Navajo Tribe of Indians v. United States of America). Just as the indisputable fact (as validated by the living Treaty of Ruby Valley) that the DOE Yucca Mountain high-level nuclear waste storage project is illegally sited on Western Shoshone treaty lands. And just as the indisputable fact (as confirmed by a recent Act of Congress) that DOE's Los Alamos National Laboratory is located on lands unilaterally taken from the San Ildefonso Pueblo.

Norman Begay and Shirley Jones grew up in San Juan County, Utah during the 1950s and 1960s when huge mushroom clouds carrying deadly radioactive fallout from atmospheric atomic bomb tests at the Nevada Test Site covered the exposed downwind area. The Uranium Frenzy on the Colorado Plateau—the traditional homeland of the Navajo and Ute—subjected tribal populations to even more radiation exposure. Over 800 uranium mines operated in the region, supplying radioactive ore to mills at Monument Valley, Mexican Hat, Monticello, and Moab.

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In the late 1970s and early 1980s, the White Mesa Mill near Blanding opened and there was a related proposal to build a nuclear power plant park at Green River just south of the Northern Ute Nation. The proposed nuclear power plant facility was designed to be ten times larger than the failed nuclear power plant at Three Mile Island, Pennsylvania. Although the Green River nuke project was not approved, the uranium ore-processing plant at White Mesa continued to expand and metastasize—like a cancer on the earth.

By the mid-1980s, the White Mesa Mill was processing uranium ore extracted from mines on the Colorado Plateau and the North Rim of the Grand Canyon. Yellowcake roads leading to the mill traversed the Kaibab Paiute, Navajo, and White Mesa Ute reservations. Company truckers routinely spilled their radioactive cargo on these reservation roadways and Indian opposition to uranium transport grew on a regional scale.

Intertribal opposition to proposed uranium mining on the South Rim of the Grand Canyon also grew as the Havasupai and Hualapai tribes challenged plans to mine and transport uranium to the White Mesa Mill. The Hopi Tribe and Zuni Pueblo also intervened in support of the Pai. And like their Kaibab Paiute cousins, the San Juan Paiutes also became tribal stakeholders in the uranium mining and transportation issue as it appertained to the White Mesa Mill.

Although the White Mesa Mill was originally licensed to mill uranium, its license was later amended to include the reprocessing and disposal of radioactive wastes. Soon it began to receive shipments of radwaste from out-of-state and its existing disposal cells quickly filled to capacity. The radioactive waste stream mixed with uranium mill tailings, creating a deadly toxic soup.

More hazardous wastes—in the form of the Monitored Retrievable Storage (MRS) Project—was proposed for San Juan County in 1992. But the Utah Navajos and White Mesa Utes united and organized against this latest nuclear threat and ran the MRS out of southeastern Utah the following year. Leading the bitribal charge against DOE's high-level nuclear waste storage proposal were brave leaders like Norman and Shirley Begay.

But the nuclear cavalry did not retreat as DOE proposed to truck highly radioactive tailings from the Monticello Mill, a federal Superfund Site, to the White Mesa Mill in 1994. Again, Norman Begay and his wife Shirley mobilized the San Juan County Indians. And again, the nuclear madness was averted.

In 1997, the stream of radioactive wastes (also known as alternate feed materials) continued to stream by the tons into and onto the White Mesa Mill site for on-site reprocessing and disposal. Directly downwind and downstream from the radwaste dump were the White Mesa Ute Reservation and the Blue Mountain Dine Community. Also in close proximity to the radioactive waste storage site were the Navajo and Ute Mountain Ute reservations.

Also that year, Norman and Shirley Begay and the Native American Petitioners filed a petition to intervene in the mill's regulatory process but were denied standing by the federal regulators. They appealed the agency's decision and were finally granted intervenor status. But before they could publicly participate in the government decision-making process, Norman Begay and his wife Shirley were run off the road and killed in a deliberate act of vehicular homicide.

Four years later, Norman Begay's sister Thelma Whiskers and his niece Yolanda Badback picked up where he left off and successfully led a campaign to defeat the White Mesa Mill Alternative of the Moab Uranium Mill Tailings Site Remedial Action Project. In doing so, they filed a major federal civil rights violations complaint against the DOE. And accordant with the complaintants' petition, the energy department deselected the subject alternative.

Thelma and Yolanda also continued to intervene in the state regulatory process as regards the White Mesa Mill's amendatory licensing. New challenges such as the DOE's regional uranium leasing program face the Navajo and Ute people of the Colorado Plateau. But the courage and determined activism of these two remarkable women have given the Indigenous People renewed hope for an enduring nuclear-free future on the land of their ancestors and home of their descendants.

— John Redhouse