Resource Colonialism and Native Resistance: The Mining Wars in Wisconsin

Linda Marie Robyn
Western Michigan University

Follow this and additional works at: https://scholarworks.wmich.edu/dissertations
Part of the Race and Ethnicity Commons, and the Sociology of Culture Commons

Recommended Citation
https://scholarworks.wmich.edu/dissertations/1577

This Dissertation-Open Access is brought to you for free and open access by the Graduate College at ScholarWorks at WMU. It has been accepted for inclusion in Dissertations by an authorized administrator of ScholarWorks at WMU. For more information, please contact maira.bundza@wmich.edu.
RESOURCE COLONIALISM AND NATIVE RESISTANCE:
THE MINING WARS IN WISCONSIN

by

Linda Marie Robyn

A Dissertation
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Doctor of Philosophy
Department of Sociology

Western Michigan University
Kalamazoo, Michigan
December 1998
RESOURCE COLONIALISM AND NATIVE RESISTANCE:
THE MINING WARS IN WISCONSIN

Linda Marie Robyn, Ph.D.
Western Michigan University, 1998

In recent years powerful multinational mining corporations have attempted to mine various minerals found on Indian lands in the northern region of Wisconsin. These lands are currently protected from corporate incursion by treaties between the Chippewa people and the United States government. The Chippewa are using the treaties as an obstacle to corporate access to their lands and to protect their lands from the environmental devastation that will occur from proposed mining ventures.

This case study utilizes a power-reflexive method to analyze the power of the state to control rich mineral resources known to be on reservation lands. Under examination are state and corporate actors and the methods used in an attempt to abrogate the treaties made during the 1800s so that they may continue to use the Chippewa as a resource colony to gain access to these rich mineral deposits. A power-reflexive approach in this research will demonstrate how native peoples are challenging the most powerful institutions of a large nation state by using their capabilities to blend assertion of treaty rights with innovative and militant forms of environmental activism.

This research focuses on the American Indian point of view,
and how consideration of American Indian views and philosophies concerning the environment can help create a new heritage of respect, cooperation, and freedom.
INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

UMI
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor MI 48106-1346 USA
313/761-4700 800/521-0600

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
NOTE TO USERS

The original manuscript received by UMI contains pages with slanted print. Pages were microfilmed as received.

This reproduction is the best copy available

UMI
ACKNOWLEDGEMENTS

Many people have assisted me through the process of completing this project, and I appreciate all the encouragement and support they have given.

I want to thank several individuals who have given of their time to help me bring this dissertation to completion. First, my advisor, Dr. Ron Kramer, who gave up much of his time over the summer to help me accomplish this work.

Dr. Doug Davidson, Dr. Don Fixico, and Dr. Subhash Sonnad who served as committee members and offered their critiques and gave of their time, thank you. Dr. Subhash Sonnad who filled in at the last minute as a committee member, thank you.

A very special thank you to Karen Rice who agreed to take on the formidable task of formatting the finished product and bringing it into compliance with Graduate College standards.

To Dr. Ray Michalowski, Dr. Larry Gould, and Dr. Marianne Nielsen of Northern Arizona University who encouraged me and helped me through some severe setbacks, thank you so very much for your kindness and patience.

The staff and faculty of Western Michigan University have been a part of my life for many years. Thank you Dr. Lewis Walker, and Pat Martin for your help and words of encouragement.

Finally, a huge thank you to my family who stood by my side and encouraged me through this long process. Thank you ever so much
Acknowledgments--Continued

John, Rick, Amy, Kristin, Lauren, and Sierra Rose. And to my best friend, Dr. Rhonda DeLong, thank you for being there when I needed you most. I will always remember with fondness your answering my urgent calls for help to assist me through this process.

If I have missed a name, it is not due to lack of gratitude. Thanks to all of the special people in my life who helped make this dissertation a reality.

Linda Marie Robyn
# TABLE OF CONTENTS

**ACKNOWLEDGMENTS** .......................................................................................................................... 11  

**CHAPTER**  

I. INTRODUCTION ............................................................................................................................... 1  
Resource Colonialism and Native Resistance to the Mining Wars in Wisconsin ................................ 1  
Resource Colonialism .......................................................................................................................... 2  
Indian Resistance ............................................................................................................................... 6  
Theoretical Perspective ......................................................................................................................... 9  
Pluralistic Conflict Theory .................................................................................................................. 9  
Pluralistic Conflict Theory in Criminology ......................................................................................... 10  
The Marxian Perspective ...................................................................................................................... 12  
Resistance as Deviance and Social Control ......................................................................................... 15  
Methods ............................................................................................................................................... 19  
Research Objectives ........................................................................................................................... 19  
Research Design ................................................................................................................................ 21  
Data Collection ................................................................................................................................... 23  
Data Analysis ....................................................................................................................................... 24  
Overview of Following Chapters .......................................................................................................... 27  

II. HISTORICAL CONTEXT OF THE NEW COLONIALISM ......................................................... 29  
Loss of Sovereignty ............................................................................................................................... 29  
Treaties .................................................................................................................................................. 35  
What Treaties Are About .................................................................................................................... 36  
Indian Governance Before Treaties ..................................................................................................... 37  

iv
## Table of Contents--continued

**CHAPTER**

When Treaties Came About and Who Negotiated Them... 39  
The Purpose of Treaties.................................. 41  
How Europeans Gained the Upper Hand in Treaty Making............................................. 42  
The Importance of Treaties Today.................. 44  
New Colonialism........................................... 46  
New Indian Policy for the 1990s................... 50  
Resistance.................................................. 53

### III. THE CULTURAL AND INSTITUTIONAL CONTEXT OF THE MINING WARS IN WISCONSIN ................................. 58  
Capitalism............................................. 58  
Culture Conflict...................................... 60  
State-Corporate Relationships to the Chippewa in Wisconsin.......................................... 66  
Historical Background to the Conflict.............. 68  
Treaties........................................... 68  
Fishing Controversy................................ 73  
Grassroots Resistance.............................. 80

### IV. THE CHIPPEWA VS. EXXON................................... 83  
Case Study #1: Exxon.................................. 83  
Case Study #2: Kennecott............................. 91

### V. SUMMARY AND CONCLUDING REMARKS ........................... 110  
Policy Implications of the Analysis.................. 117  
A Way of Life.......................................... 119
**Table of Contents--Continued**

**CHAPTER**

- Conclusion ............................................ 126
- Limitations of the Study ............................. 127
- Alternative Approaches ............................... 131
- Suggestions for Future Research ..................... 131
- Concluding Remarks ................................... 135

**BIBLIOGRAPHY** ................................................... 139
CHAPTER I

INTRODUCTION

Resource Colonialism and Native Resistance to the Mining Wars in Wisconsin

In recent years powerful multinational mining corporations have attempted to mine various minerals found on Indian lands in the northern region of Wisconsin. These lands are currently protected from corporate incursion by treaties between the Chippewa people and the United States government. The treaties are an obstacle to corporate access to Chippewa lands and the minerals contained therein. If the mining corporations could gain access to lands in northern Wisconsin, however, both the state of Wisconsin and the corporations stand to gain billions of dollars.

This study will analyze how several major corporations and the state of Wisconsin have worked closely in a combined attempt to abrogate these treaties made during the 1800s. I will also introduce the concepts of resource colonialism and native resistance to the state and corporations to help analyze this situation.

Although many different corporations have sought to obtain mining permits to Indian lands in Wisconsin, this study will focus mainly on the Exxon and Kennecott and their ensuing struggles with the Chippewa people. There are, however, over a dozen multinational corporations exploring, drilling and planning to mine the region's
valuable reserves of copper, nickel, lead, zinc, vanadium, titanium, gold and uranium. Included in the list along with Exxon and Kennecott/RTZ are Kerr-McGee, Noranda, Chevron, Newmont, and Utah International. Because these corporations are extremely large, very wealthy, and have more corporate power than smaller mining companies that have existed in Wisconsin, some analysis of the involvement of these corporations in the Lake Superior region must be included as well.

Resource Colonialism

Colonization is a complex topic. Historically, it identifies a political subunit of people who moved away from their home territory to another territory far away, but remain under the political jurisdiction of their home territory. This notion implicitly presumes that the colonizers moved to unoccupied territory (Tinker, 1993). This case study is situated in contemporary times and focuses on the continuing legacy of fifteenth-century European colonization. With the benefit of hindsight, colonization is now identified as a process involving an unhealthy relationship between two distinct peoples, the colonizer and the colonized (Nandy, 1983).

Colonization is more than just a convenient economic domination of one people by another. Colonization continues to undermine the political, military, social, psycho-culture, and value system of the colonized and imposes the values and culture of the colonizer. For the sake of economic control, the main impetus behind any colo-
nization, the colonizer must devise ever new means of oppressing the colonized (Tinker, 1993).

Colonialism continues today, but with different players, i.e., banks, corporations, speculators, governments, development agencies, and foreign power groups. Indigenous peoples (also called First Peoples, First Nations, American Indians, Native Americans) are on the frontline of contemporary colonial struggles. They are sitting on resources the rest of the world wants, and wants at the lowest possible cost. Their territories are considered frontier lands, unowned, underutilized, and therefore, open to exploitation. Usually Indigenous populations are small, politically weak, and physically isolated. Until recently, resistance has been relatively ineffective. This is what the corporate-state actors in Wisconsin were counting on.

Central to the concept of resource colonization is, as John Bodley (1982) emphasized in his work, Victims of Progress, "that the prior ownership rights and interests of the aboriginal inhabitants are totally ignored as irrelevant by both the state and the invading individuals" (p. 24). Internal colonialism—the colonization of indigenous peoples—is an important, if little discussed, way of life within many Indian reservations in the United States.

The Indian Reorganization Act of 1934 helped create neo-colonialism when the United States imposed a system of tribal council governments on each reservation. The tribal council system replaced traditional (and resistant) Indian governmental forms with a new
form of government operating under the guidance of Washington, D.C.

As will be described in more detail in Chapter II, the tribal council system circumvented the authority of traditional Indian governments, and the rationale of the U.S. government is apparent. These new forms of government would be responsible for economic planning. Mineral lease negotiations, contracting with external corporate agencies, agricultural and ranch leasing, water rights, lands transfers, and so on would now require direct approval from the Bureau of Indian Affairs representatives. Most of these types of transactions had, in the past, been vehemently resisted by traditional leadership.

Churchill and LaDuke write that with the consolidation of political power on this blatant, neocolonial principle, modern internal colonialism became possible in North America. This policy drastically undermined the economic infrastructure of North American indigenous nations.

Along with an externally imposed reduction in self-sufficiency came the transfer of power to the neocolonial structure that was now part of the U.S./tribal council relationship. This "developmental aid," from the United States (Churchill & LaDuke, 1992) came in the form of

implementation of an 'educational system' geared to training for the cruder labor needs of industrialism, employment contracts with mining and other resource extraction concerns, housing programs to provide appropriate workforce concentrations, and eventually, actualization of cooptive social control mechanisms such as unemployment and welfare for newly dependent Indian citizens. (p. 245)
The attempt to phase out tribal entities in the 1930s increased dramatically once again with the world energy crisis of the 1970s. The social and economic disruption inflicted on many indigenous nations is the result of needs peculiar to energy corporations in recent years as they scramble to exploit rich natural resources on Indian lands. This is resource colonialism.

This study will focus on the particular Indian reservations within the Lake Superior region. The Lake Superior region is a prime resource colony for the 1990s. Mining rights to all of Chippewa country were obtained by the United States through the 1826 Treaty at Fond du Lac. Now, more than a century after the signing of that first mining treaty with the Chippewa, fierce competition for Indian land and resources continues. The Lake Superior region of northern Wisconsin, northern Minnesota and the Upper Peninsula of Michigan is a prime location for mineral deposits because of the distribution of metallic ores found in this region.

Beginning in the 1970s, multinational mining and energy corporations intensified their search for low cost resources as a hedge against Third World economic nationalists and because of growing fears of scarcity. In their attempt to gain control over low-cost Indian resources in the ceded territory of Wisconsin, multinational corporations have contributed to a growing tribal nationalism on the reservations. A legal scholar (Israel, 1976) says,

it is not surprising that tribal nationalism should reemerge most dramatically in the management of reservation resources.
Tribal occupancy of land has always been at the very foundation of the unique existence of America's Indian tribes. (pp. 617-618)

Indian Resistance

As corporate pressures to exploit Indian resources have intensified (Cook, 1981), Indians have become aware of the value of their resources. Resistance to colonialism began with the Council of Energy Resource Tribes (CERT) organized in 1975 fashioned after the Organization of Petroleum Exporting Countries (OPEC). CERT has 43 tribes that are members, and consists of tribal leaders as an advisory board with a joint office in Washington D.C. CERT is important because, in effect, it attempts to replace the Bureau of Indian Affairs (BIA) by helping member tribes in economic development. Aware of ecology, environmental concerns, and natural resources, CERT provides alternatives to the long-term leases negotiated by the BIA at below-market prices (American Indian Policy Review Commission, 1977). Fair market prices for natural resources on Indian lands will generate a steady income and a self-sufficient people. This is a major step in American Indian self-government, self-determination, leadership, and displays the new trend toward tribalism. Protection of reservation resources through the exercise of this new tribal authority prompted one industry analyst to note that "mineral development contracts, operational functions of developers, and procedures for obtaining and effectuating both have been altered in ways which many developers have failed to appre-
ciate" (Moore, 1982, p. 1).

As will be discussed in more detail in later chapters, despite heightened tribal nationalism regarding Indian resources, multinational mining corporations continue to pressure tribes into colonial-style mineral agreements. For example, in 1975 Exxon gave a $20,000 check to the Sokaogon Chippewa tribal chairman for the right to explore on their tiny 1900 acre reservation. If Exxon liked what it found, they could go ahead and mine it. At the same time, Exxon began making offers, including one of $200,000 for just 40 acres of corporate-owned timberland a mile away. A week later the tribal council found out about Exxon's check, tore it to pieces, and reasserted their treaty claim to the lands encompassing the Exxon discovery site (Dorgan, 1977).

Tribes in the Lake Superior region have raised the issue of their treaty rights in the ceded territory as a basis for resistance to these mine projects. Federal courts have consistently found that treaty Indians have "an environmental right" to preserve fishing habitats. In opposing the granting of state permits for the Lady-smith mine, the Lac Courte Oreilles argued that Wisconsin cannot issue a mining permit unless it can be proven that mining activities will not degrade the plant or animal resources in the ceded territory (Lac Courte Oreilles, 1991, p. 5).

The core of the dispute is Indian status, and exactly who, according to treaty rights, controls the land and the minerals underneath the surface. On one side of the dispute are corporations...
who claim that the profits and benefits the citizens of the state of Wisconsin will receive far outweigh what was written in the treaties, and any risks to humans and the environment. Corporations and the state believe that treaties written in the 1800s are old and outdated and are an obstacle to the goals of corporate profits and benefits.

On the other side of the dispute, Indian tribes and grassroots organizations claim that potential harms to humans and the environment cannot be measured by corporate profits. Grassroots groups include environmental activists from the Sokaogon Chippewa, Potawatomi, Menominee, Red Cliff, Bad River, Lac Courte Oreilles, Lac du Flambeau, and Stockbridge-Munsee tribes, mainstream environmental groups such as the Sierra Club, Earth First!, Wisconsin Resource Protection Committee, Rusk county Citizens Action Group, Anishinabe Niiji (Friends of the Indians), and some sportsfishermen groups. These groups argue that removing the protective power of the treaties and allowing mining would bring about devastating environmental harms. These harms would be perfectly legal under our economic system, and yet would cause harms to the people and environment just the same.

Mining requires huge amounts of capital. Therefore, only the most financially powerful corporations are usually successful in this type of business venture. These huge multinationals, with almost unlimited monetary resources and legal assistance, are a formidable foe to the grassroots resistance groups opposed to mining
operations.

Theoretical Perspective

This study will use a power-conflict approach to analyze the mining wars in Wisconsin. In general, conflict theories emphasize the dominance of some social groups by others. Early conflict theorists such as Simmel, Coser, and Dahrendorf, viewed social order as based on manipulation and control by dominant groups, and viewed social change as occurring rapidly and in a disorderly fashion as subordinate groups overthrow dominant groups (Ritzer, 1992). Conflict theories branch out in two directions—pluralistic perspectives of ongoing struggles between social institutions, and Marxian theory which historically stresses the impact of unequal economic life on society as a whole.

Pluralistic Conflict Theory

Pluralistic conflict theory examines the ongoing struggle between many social, religious, political, ethnic, and economic factions (Pfohl, 1994, p. 428). Ritzer (1992) cites Collins who writes that,

[W]ho wins what in these struggles depends on the resources controlled by the different factions, including material resources for violence and for economic exchange, but also resources for social organization and for shaping emotions and ideas. (p. 68)

Conflict theory is about the way society is organized, the behavior of people and groups. "It explains why structures take the forms
that they do at various historical times as well as in local situations, and how and what kinds of changes occur" (Ritzer, 1992, p. 70).

Collins chose conflict as a focus on the realistic ground that conflict is the central process in social life (Ritzer, 1992). Collins situates conflict in social structures which he views as being inseparable from the actors who construct them and whose interaction patterns are their essence. Viewed as such, conflict theory is concerned with identifying how the values and interests of different groups are in conflict because the more powerful groups in society are disproportionately able to influence the character and content of the law (Vold & Bernard, 1986). In this way, "the behavior of the powerless is most likely to be defined as criminal" (Friedrichs, 1996, p. 233).

Lyman and Potter (1996) write that conflict theory attempts to situate criminal behavior in inequitable governments that seek to achieve social control through racism, sexism, and profiteering. They argue that the state creates laws and rules to maintain the power and position of the power elite, and that criminal law is developed and used to control threats (in this case resistance) to the state's status.

**Pluralistic Conflict Theory in Criminology**

"From the conflict perspective, those who are in positions of power have the ability to determine what...and...who shall be
identified and processed as deviant, criminal or delinquent" (Pfohl 1994, p. 428).

In his 1958 theory of group conflict, George Vold submitted that struggles between social, religious, political, ethnic, and economic factions are the basis of pluralistic conflict theory. Those with the most power decide what is deviant and legally prohibited (Vold, 1958). Before Vold’s 1958 theory of group conflict came the 1931 culture-conflict theories of Lewis Wirth and Thorsten Sellin. Wirth and Sellin formulated a theory by which those in power imposed their version of cultural reality upon those who were weaker. Their work focused mainly on children of immigrants who were engaged in delinquent behavior.

A few years later in 1938, Sellin extended this theory to include struggles of power between different cultural groups sharing the same geographic location, and the ensuing struggle of one group imposing their cultural reality on another through colonization. In this way, those colonized are better able to be exploited.

Then in his 1970 publication, The Social Reality of Crime, Richard Quinney submitted that enactment and enforcement of criminal law were victories in the struggle to control social reality. Using Quinney’s perspective, the reality of labeling indigenous people as uncivilized (deviant) and criminalizing their behavior is constructed by those in a position of power because they have something to protect; in this case, the land and resources.

In 1971 William Chambliss and Robert Seidman’s publication of
Law, Order and Power, examined law as a tool of power. Using conflict theory, they concluded that "the law represents an institutionalized tool of those in power which functions to provide them with superior moral as well as coercive power in conflict" (Chambliss & Seidman, 1971, p. 504). Chambliss and Seidman's concept of the law as a tool of power used by institutions in a stratified, bureaucratic society such as ours will be seen in later chapters as corporate-state efforts to manipulate environmental laws in their favor and efforts to abrogate treaty rights emerge.

The tension between those privileged by power in this case study and the Indian people supports Turk's argument of conflict over authority in his 1969 work, Criminality and the Legal Order (Pfohl, 1992). Turk expands Ralf Dahrendorf's general conflict theory that "societies are held together not by consensus but by constraint, not by universal agreement but by coercion of some by others" (Pfohl, 1994, p. 430). Turk proposed that the divisions between those in authority and those subject to authority will ultimately lead to conflict as is the case in Wisconsin today.

The Marxian Perspective

As a young man, Marx lived during a time of intellectual and political repression. The 1830s and 1840s were a time when radical and liberal thought seemed dangerous. A representative parliament, rights of free speech, assembly, and trial by jury were absent during this time, and the German state censored publications. Univer-
sities and politically active persons were strictly monitored (Pfohl, 1994).

Even before the terms came about that are used in our day and age, deconstructing and reconstructing hierarchically uneven social structures were of foremost importance in the writings of Marx. As he grappled to understand these processes, Marx formulated a principle that guided him for a lifetime. He wrote that when people consider selecting a vocation, their prime concern should be for humanity and our own perfection. Marx implied (cited by Pfohl, 1994)

that these two interests are not antithetical to one another. Rather, man’s nature makes it possible for him to reach his fulfillment only by working for the perfection and welfare of his society. . . . History calls those the greatest men who ennobled themselves by working for the universal. (p. 433)

In critically studying unjust social structures, Marx drew heavily on the philosophy of Georg Hegel and Ludwig Feuerbach. Blending the views of these two, Marx created his own social theory. He rejected Hegel’s notion that structural strains originated in the realm of spirit, rational ideas, or thought, but did agree that human history proceeds in ways that produce dialectical contradictions which then produce structural strains toward social change. From Feuerbach, Marx borrowed theories about the origins of all things being situated in material existence. Blending these two viewpoints together, Marx theorized the driving force behind history is the social production of economic relations. The social forms by which we as humans secure our material existence in the world were called
modes of production and permeated all aspects of human social life. Viewing historical relations from the standpoint of material economic production, Marx spent his life struggling against the inequalities of nineteenth-century capitalist economic relations (Pfohl, 1994).

The bases for Marx's theory is that all corporate profit is obtained by a simple formula: Product equals the difference between the amount paid to an employee and the economic value of the employee's output, and/or the difference between the amount paid for raw materials used in production and the ultimate sales price of the processed raw materials. Workers, then, are not compensated for the full value of their labor; neither is the raw material supplier. The owners of capital take part of the value as profit. Profit is based on underpayment.

Applying this to my case study, capitalists would argue this is fair because the workers and people who mine get paid, and the Indians receive payment from the proceeds of the mine. This arrangement, however, is very unbalanced. The owner of capital—the corporation or bank—gets an additional benefit. Besides paying Indian people a fraction of what their land is worth, workers make a wage while the owner of capital gets the benefit of the worker's labor along with the surplus profit the worker produced. This is then reinvested to produce even more surplus. Marx's theory holds true today: Profit is based on paying less than actual value for workers and resources, and as Marx argued, this social structure that seems
a natural relationship of economic exchange, also goes by the name exploitation.

**Resistance as Deviance and Social Control**

The historical organization of material existence is a primary factor in determining the type and content of social control according to the Marxist perspective of deviance. Material resources, population, and technology have to be socially organized in order to provide a stable economic environment. Economic production is structured by social relations. The way this ritual structuring occurs is the mode of production, and it influences all other social relations (Pfohl, 1994).

Marx and Engels imagined a society of equality where workers produced what was needed for the entire group to survive. Everyone contributed what he or she could. Within these types of societies, trouble between members and the responsibility for social control were a collective matter (Pfohl, 1994).

The society Marx and Engels imagined was based, in part, on the Great Binding Law of the Iroquois Confederacy (discussed later in the section on treaties). When Marx and Engels were attempting to formulate models for an egalitarian, classless society, which later evolved into communism, Engels was strongly influenced by the eighteenth-century work of anthropologist Lewis Morgan, particularly Morgan's reports on the Iroquois (Mander, 1991). Morgan’s work, *Origin of the Family, Private Property and the State*, so impressed
Engels that he used the Iroquois as a prime example of a successful classless, egalitarian, noncoercive society.

As technologies evolved, the equalitarian structuring of economic relations became fragmented. Some people exploited this advantage. Once a specific class of persons gained the upper hand in controlling society's economic mode, the course of history changed (Pfohl, 1994). Certain classes of people, merely by virtue of greater structural control over economic relations, now benefited more than others through the existing relations of social control. Pfohl (1994) writes that this "unequal distribution of economic control was accompanied by the rise and bureaucratic proliferation of the institutions of centralized state authority" (p. 435). Now that there was no longer equal distribution of the benefits of socially shared work, state institutions worked together with institutions of hierarchical economic advantage. The economy thus became politicalized as one class of human actors sought to ritually authorize and perpetuate its control over others.

Today, in order to maintain control over others, the land and resources within it, corporate/state actors must effectively neutralize efforts of those who would oppose this control. Michalowski's work on the dynamic relations between the capitalist economic mode and the hierarchical workings of state control help analyze resistance as deviance. Michalowski (1990) writes that "It is the political economy of a society in connection with its cultural history that determines the definition of what acts are adaptive, re-
bellious, or maladaptive" (p. 196). Michalowski points out that to understand the 'criminality' of any particular individual or group (in this case resistance by the Chippewa) requires critical examination of the objective yet dynamic connections between individual experience and the historically specific character of material and social relations. (p. 196)

In applying Michalowski's analysis to the scenario of this case study, being an American Indian of any tribe is not merely a condition or state. It is also a manifestation of specific social and material relations between Indian people and white Americans that extends back to the time when Europeans arrived and set out the treaties that formed the resource colonies that exist today. The Marxist approach locates resistance as deviance and social control in recurrent historical struggles to control material existence.

Conflict theory provides a framework for challenging these recurrent historical struggles, the hierarchical structure of government, and its application of the law through utilizing critical perspectives. Critical perspectives take these views of hierarchical structure further by stating that social structures, as described above, are historical creations that do not exist naturally. These structures exist as they are produced over and over again as part of the everyday struggles of people. Critical theorists would argue that under certain historically structured conditions, "... power relations can be relations of reciprocity rather than relations of hierarchial domination" (Pfohl, 1994, p. 430).

Critical perspectives branch out in two different ways consisting of both theoretical and practical concerns. Pfohl (1994)
writes that theoretically, critical perspectives examine relationships between human struggles for power in history and the ritual construction, deconstruction, and reconstruction of normative social boundaries. On the practical side of the perspective, Pfohl writes that people who engage in critical theorizing join themselves with others who are committed to dismantling hierarchical social forms and who want to help bring about the realization of social justice.

This case study will be guided by a power-reflexive perspective. This is a critical approach in examining resource colonialism, native resistance, and the mining wars in Wisconsin and is a deconstructive viewpoint on theory. Approaching the topic from this perspective recognizes that theorizing and translating the experiences of the Chippewa is, by its very nature, also an act of excluding, and singling out experiences, while marginalizing and eliminating others. Interpreting events in different ways is part of constructing theory. Power-reflexive approaches are deconstructive because they situate claims to knowledge as part of the theorists' personal and historical relations to power. A power-reflexive analysis, then, works with, rather than suppresses, the fact that the theorist writing from this standpoint is always an active participant in the selective framing of meaningful knowledge (Pfohl, 1994).

The theoretical and practical concerns of writing from this type of perspective will allow a more encompassing examination of
this case study in looking at the material and symbolic relationships between the power of the state versus Indian people and treaties, social control of resources, and the actions of those resisting control on both sides of the issue.

Methods

Research Objectives

Three main objectives shape this case study in describing the conflict involved. The first objective is to examine colonialism as it exists in Wisconsin today, and how it affects the Indian people who live there. Multinational corporations penetrating Indian lands to extract valuable resources is described by one American Indian sociologist as the transformation of Indian tribes "from captive nations into internal colonies" (Snipp, 1986, p. 459).

In theory, Indian tribes own all reservation resources, but the lands are held in trust by the U.S. Government through the Bureau of Indian Affairs. By 1970, almost all Indian mineral and energy resources were controlled by multinational corporations through lease agreements worked out between the BIA and the corporations (Jorgensen, 1978). According to the American Indian Policy Review Commission in 1977, "Measured by international standards, the leases negotiated on behalf of Indians are among the poorest agreements ever made" (p. 329).

International minerals lawyer, Charles Lipton, who advised the Lac du Flambeau Chippewa in their mineral negotiations, referred to
these leases "as colonial style mineral leases in that minerals are obtained cheaply and the profits paid elsewhere" (Americans for Indian Opportunity, 1975, p. 2). Resource extraction from Indian lands is "hastening the process of internal colonialism and this process is revolutionizing the status of American Indian tribes on a scale equal to the restriction of their political powers in the 19th century" (p. 2).

The second objective is to examine the specific conflicts in the Wisconsin mining wars. The current mining wars are not new in the sense of being the first struggles between native peoples and industrialists who wanted to extract their resources. The history of past struggles resulted in impoverishment of many Indian people. Today, more than one hundred years after the first mining treaty made with the Chippewa, competition for Indian land and resources continues.

Even though tribes have banned uranium exploration and mining in many cases, U.S. department of Energy subcontractors have intruded on Indian lands without the knowledge or permission of the tribes and have taken water samples as part of the Department's National Uranium Resource Evaluation program (Gedicks, 1984). "Employees of Exxon and Uranerz have also been caught taking unauthorized water and rock samples from the Lac Courte Oreilles Chippewa reservation" (Gedicks, 1993, p. 52).

The third objective will be to examine the resistance to corporate-state attempts to mine. Resistance will be situated within
the theme of environmental justice. Tactics of corporate-state actors to abrogate the treaties in many different ways will be explored. Racist tactics, labeling Chippewa resistance as deviant, are among a few of the issues that will be examined.

Research Design

The research design of this study utilizes a socio-historic case study analysis conducted through primary and secondary sources, and will be non-experimental. This is a historical analysis of a process of resource wars, colonization, and Indian resistance situated in a specific case study design. This socio-historic case study analyzes specific historic events that reveal the structure of events that are taking place today. A chief feature of this illustrative data is that it covers a temporal span in the social life of the Chippewa people. This socio-historic case study provides a readable and lively vehicle, full of vivid imagery, in the words of the Chippewa elders and leaders themselves. It also provides that imagery in the context of a theoretical account of the descriptive materials (Strauss, 1989).

The case study method, as utilized here, is a way of investigating links that shape the power in question; it will describe the real-life context in which the events are situated; and will be used to explore those situations occurring in Wisconsin today that have no clear, single set of outcomes (Yin, 1989).

This case study can be used to determine whether the power-
conflict approach is most appropriate, or whether some alternative set of explanations might be more relevant.

Another rationale for this type of research is that the subject under examination represents a unique opportunity to explore points of view of Indian leaders and activists not commonly investigated by many social scientists. The opportunity to uncover and explore such topics previously difficult to access justifies the use of the case study method on the grounds of its revelatory nature (Yin, 1989).

The goal of this research is to discuss in detail the history which has transpired between the Chippewa and corporate-state actors, and the current situation as described by the Chippewa and other activists to examine their perspective of the situation. The information gained from this particular case study will help place events in perspective so that those who choose to become more knowledgeable about this situation will have another source of information from which to draw.

The reason for conducting this particular case study using a power-reflexive critical perspective is because the way we look at deviance (or in this case, resistance) shapes the way corporate-state actors and the Chippewa people react to one another through public policy concerning the environment and personal response. This type of research design is another way for identifying and examining actions deemed as deviant on the part of the Chippewa and hierarchical structures of social control over those less powerful.
Utilizing a critical case study method will allow other less well known points of view that are usually suppressed to be exposed. This case study will expand traditional linear concepts of place, time, and the way things naturally evolve in society. Included in this case study will be Indigenous beliefs and teachings about spiritual, moral, and ethical values which create a circle of responsibility, understanding, and purpose in all aspects of life. Indigenous concepts flow through thought developing perspectives of circular time and reasoning intimately linked to nature, land, humans, and the universe. The way in which indigenous peoples interpret knowledge and how that differs from the mainstream, and ultimately shapes interactions between themselves and corporate-state actors, is an important concept that will be explored as a way in which hierarchical structures and social control are formed.

Data Collection

To ensure construct validity, data for this study comes from a wide variety of sources. Very diverse materials provide indispensable data for this research. Included are popular and scholarly literature, historical documents regarding treaties, personal statements, and transcripts of historical and mining strategy meetings. Popular literature includes pamphlets, handouts, magazine articles, and newspaper articles describing grassroots efforts in this case. Scholarly literature includes books, journal articles, and periodical articles written by scholars knowledgeable about this particular
topic as well as environmental topics of concern. Historical documents include examination of actual treaties written in the 1800s. Transcripts from mining meetings and history conferences provide much of the personal statements that will be included.

The data gathered for this study will deal with the reality behind appearances, with contradictions and the dialectical nature of social life as well as with a whole that is more than the sum of its parts. From this type of data, a method of analysis that recognizes power and knowledge as being interconnected will emerge to demonstrate that power relations can be reciprocal rather than hierarchical and dominating. This will open a power-reflexive avenue for discussion about other methods of economic sustainability that are more equitable and far less damaging to people and the environment.

The nature of the popular and scholarly literature, historical documents, and personal statements gathered as data to be analyzed for this case study both empower and limit its scope. The data used in this case study tends to reflect the history of indigenous peoples who were conquered through the process of colonization. Bias cannot help but be part of the written sources as well as part of the points of view of those from which direct quotes are taken.

Data Analysis

The problems with the data are precisely the same problems with analysis, but that is one of the reasons I have chosen this
method of inquiry. It allows us to view social order as being con-
structed by humans and acknowledges that everything which humans
know to be true is conditioned by power. It also allows for the
possibility that alternate realities exist. Dreams, visions, reli-
gious practices, relationship to family, plants, animals, and the
Creator all play a part in the connectedness of indigenous peoples
to the universe and, therefore, their reaction to others, as well as
they way they are viewed by the larger society. These aspects of
indigenous life will be included in analysis as well. A power-re-
flexive method of analysis, described in the early part of this
chapter, recognizes indigenous thought and its importance to the
interconnectedness of both power and knowledge. Foucault (1979)
writes that

power and knowledge directly imply one another. . . . [T]here
is no power relation without the correlative constitution of a
field of knowledge, nor any knowledge that does not presuppose
and constitute at the same time power relations. (p. 27)

The data analysis will illustrate that human nature and social order
are a process, not something that is necessarily consistent. This
case study perceives humans as dependent on one another, as crea-
tures of and agents involved in power constructions of social life.

The purpose of the data are to partially bring to light the
ritual scenarios of power in which we as human beings are situated.
Foucault (1980) writes that, "It is necessary to think. . . .not in
terms of 'science' and 'ideology,' but in terms of 'truth' and 'pow-
er'" (p. 132). In this way objectivity will be given to the re-
search by giving readers access to the material conditions under
which ideas are constructed (Pfohl, 1994).

The unit of analysis is the interaction between micro (individuals) and macro (structural patterns) levels of analysis. A power-reflexive analysis will include class and ethnic relations and how that influences what is presumed to be truth. Connections will be made between the people in this case study and historical questions about power. Examining the relationship between modern-day colonizers and indigenous peoples will scrutinize the social and political meanings of otherwise isolated events. Lastly, a power-reflexive analysis of the data will sensitize the reader to the obstacles in the way of reciprocal power relations which affect us all, and will help guide knowledge toward a greater reciprocity of power.

The theoretical justification for this method is that it allows flexibility and freedom in analyzing data that will lead to discoveries of social patterns which may help shed light on how to introduce new methods of power reciprocal social control. It is an attempt to integrate theory with real life, and will contribute to an essential understanding, or another interpretation, of a very important movement occurring today of which most people are unaware.

This study will show that resistance to the state and corporations by American Indian tribes are historic markers that underscore the dialectical relationship between capitalistic ideas and perceived challenges to powerful organizational structures within the social order. An in-depth case study such as this is necessary to
foster rethinking of the theoretical nature of powerful organizations in modern society (Feagin, Orum, Gideon & Sjoberg, 1991).

Overview of Following Chapters

Chapter II discusses the historical context of the new colonialism. Specifically, how Indigenous nations went from being sovereign, self-governing nations to colonies. The history and ramifications of treaties in the past and present are outlined. I explore what treaties are about, governance before treaties, when treaties came about and who negotiated them, the purpose of treaties, how Europeans gained the upper hand in treaty making, treaties in context to this case study, and the impact of treaties today. New forms of colonialism are examined as they pertain to the mining controversy, and forms of native resistance to colonialism and mining are discussed.

Chapter III is an examination of the cultural and institutional context of the mining wars in Wisconsin. Topics to be explored are the culture conflict that exists and how that is situated in capitalism. State-corporate relationships in Wisconsin are discussed, and the historical background to the existing conflict. Examining the historical background includes discussion of the treaties, the fishing controversy, and grass-roots resistance.

Chapter IV presents the case studies. The focus is mainly on the Exxon Corporation and Kennecott/RTZ, but will include other multinational corporations seeking to mine in Wisconsin as well. In-
cluded will be various illegal and unethical attempts utilized by the corporations and the state to abrogate treaty rights and gain access to minerals on and underneath Indian lands.

Chapter V presents the summary and conclusions of the study. Policy implications of the analysis, limitations of the study, and suggestions for future research are discussed.
CHAPTER II

HISTORICAL CONTEXT OF THE NEW COLONIALISM

This chapter will discuss past (1890-1920) and more recent (1930-1940) land expropriations undertaken by corporate interests in direct violation of standing international agreements. The passage of a series of acts beginning in the early part of the 1900s eroded tribal sovereignty and self-determination and ensured a system of colonialism that exists to this day.

Treaties are outlined historically to show that Indian nations were living under a highly effective form of representative government that existed for hundreds of years, and how Europeans gained the upper hand in treaty making to their own economic benefit.

With knowledge of the history of treaties and how they are being used today, a picture emerges of a new economic order that continues to foster colonialism and exploitation of native peoples. Finally, resistance by tribes and grassroots environmental groups to stop exploitation of native lands is examined.

Loss of Sovereignty

In examining new methods of colonialism within the United States it is necessary to critically assess how the self-determination and sovereign governments of the many Indian nations deteriorated into subordinate colonized nations after the arrival of the
Europeans. As one scholar has noted (Robbins, 1992)

The key to understanding the social, economic, and political status of contemporary Native North America rests in determining the form by which it is governed. Traditionally, the indigenous nations of this continent were entirely autonomous and self-regulating, having perfected highly complex and sophisticated governmental forms long before the European invasion of the hemisphere. (p. 87)

Many of these governments (the Iroquois Confederacy consisting of the Mohawk, Onondaga, Seneca, Cayuga, Oneida, and Tuscarora nations) were advanced to the point of being utilized as a model for the United States Constitution and the formulation of the federal government.

After the American Revolution, the United States recognized the sovereign status of indigenous governments in North America due, in part, to the fact that native governments held the balance of military power (Robbins, 1992). The nature of the relationship between the U.S. and American Indians proceeded on a government-to-government basis reflected in the fact that the U.S. entered into 371 separate treaties with American Indian governments between 1778 and 1871 (Robbins, 1992). International agreements, unratified treaties, and other instruments of foreign affairs extended into the twentieth century as well (Robbins, 1992).

Given that the Constitution prohibits the federal government from entering into treaty relationships with any entity that is not a fully sovereign government, each treaty between the U.S. and American Indian governments meant recognition of the Indian nation involved as a nation with the true meaning of the term. Because these
treaties remain on the books to this day, American Indian people hold clear legal entitlement to govern themselves completely as sovereign nations, unless they choose otherwise. However, American Indian nations are not allowed to conduct themselves as such, even though they have been described as "the nations within" the United States (Robbins, 1992, p. 90).

In 1877, the General Allotment Act eroded sovereignty by negating Indian control over land within the reservations, and replacing traditional modes of collective use and occupancy with an Anglo-Saxon system of individual property ownership (Robbins, 1992). With the implementation of this act came disruption of tribal cohesion, further traditional government erosion, and most importantly, the loss of two-thirds of all acreage held by native people at the time the act was passed (Robbins, 1992).

To further eliminate sovereignty, the United States passed the Major Crimes Act in 1885 in which the federal government extended its jurisdiction over felonies occurring among Indians in Indian country. Ultimately, the United States enacted 5,000 separate criminal and civil statutes overriding native jurisdiction on reservations at every level (Robbins, 1992). With the legislation of Public Law 280 in the 1920s, Indian nations status was lowered to a level below that of states, giving the indigenous governments affected by the change the same status as counties (Robbins, 1992).

The further erosion of sovereignty and the implications of assimilation can be traced back to the winter of 1919-1920 when a
team of geologists employed by Standard Oil Corporation explored a parcel of the Navajo reservation in northeastern Arizona. Standard Oil asked the Bureau of Indian Affairs superintendent on the reservation to convene the traditional Dine (Navajo) government to gain authorization for drilling to determine if and to what extent oil and natural gas deposits were present. To the surprise of both Standard Oil and the BIA, the Dine elders unanimously declined to allow drilling. Commissioner Burke bureaucratically altered this unacceptable outcome in 1923 through the compilation of a set of "Regulations Relating to the Navajo Tribe of Indians" (Robbins, 1992, p. 94).

This was done, according to Burke, in order to 'promote better administration of the Navajo Tribe of Indians in conformity to law and particularly as to matters in which the Navajo tribe at large is concerned, such as oil, gas, coal, and other mineral deposits.' (p. 94)

With this new set of regulations, and without consulting traditional Navajo people themselves, Burke appointed, in his terms, a "Navajo Grand Council," made up of young, hand-picked, white-educated Indians. The traditional Dine leadership was totally excluded from this council. The first order of business for this council was to sign leasing agreements providing legitimacy to the federal government in bringing major corporate interests onto the reservation for the first time, even though the traditional Dine council objected. Robbins (1992) writes that

the federally created council was the only 'governmental' entity with which Washington would deal directly or recognize as holding authority on the reservation, a matter that has led to sustained profits for U.S. energy corporations and environmental catastrophe for the Dine themselves. (p. 94)
This demonstrates how the economic interests of those most privileged by power help maintain economically exploitative, authoritarian, and racist hierarchies in which we currently live.

A special committee of 100 people formed in the early 1920s at the behest of the interior secretary to study the U.S. Indian problem and the financial burden this problem placed upon the United States. Dissolution of native nations and total absorption into mainstream America needed to be completed quickly.

Hoxie (1984) writes that the most important part of this forced assimilation was not the act of becoming part of an undifferentiated, civilized society, but had come to mean knowing one’s place and fulfilling one’s role. By the 1920s, American Indians’ place in the U.S. had been fixed and policies devised for holding the race to its duties.

Tribal life at this time was marked by human suffering. The extent of this suffering became known in detail when the Institute for Government Research published "The Problem of Indian Administration" in 1928. Known as the Meriam Report, part of what this document described was an infant mortality rate double that of the general population, tuberculosis deaths at seven times the national average, illiteracy rate as high as 67% in one state alone, and an estimate that fully two-thirds of all Indians earned less than one hundred dollars per year. "Here was the reality that awaited a people ‘set free’ from government ‘paternalism’" (Hoxie, 1984, p. 242).

Lewis Meriam’s contradictory conclusions went on to state that
the mineral resources within reservation areas could help the coun-
try recover costs associated with support "of the formerly self-
sufficient native peoples it had so flagrantly dispossessed while
creating its own economy, and turn a tidy profit as well" (Robbins,
1992, p. 94).

From that report, recommendations that residual Indian lands
(tribes) be maintained in block form and be governed by corporate
boards deriving their authority from, and being answerable to the
secretary of interior, quickly gained powerful endorsements from
Washington D.C. as well as throughout the U.S. financial and indus-
trial communities (Robbins, 1992).

The Indian Reorganization Act (IRA), passed in 1934, incor-
porated Meriam's recommendations and placed tribal governance in
constitutions and charters drafted by the BIA, excluding native
traditions. And, not surprisingly, these tribal councils were made
"subject to the approval of the Secretary of the Interior or his
delegate, the commissioner of Indian affairs" (Robbins, 1992, p.
95).

When tribal governments declined to go along with the IRA or
when they tried to put in resolutions, Indian Commissioner John Col-
llier who championed this bill, resorted to deception and manipula-
tion of the referendum process to see that it became accepted by In-
dian nations. Robbins (1992) goes on to say that

he did not hesitate to use informants and the FBI against
Indian opponents. He habitually tampered with the truth in
his dealing with Indians. . . . On the Pine Ridge (Oglala
Lakota) Reservation in South Dakota, there were not enough
abstentions to carry the day against those voting against the IRA. It was subsequently discovered that a sufficient number of dead people had cast ballots to provide a pretext for ratification. (pp. 96-97)

With the passage of all the aforementioned acts, the system of colonialism that gradually destroyed sovereignty and prevails to this day was largely in place by the 1940s.

Treaties

Before continuing with this discussion of the new colonialism and the treaties being used to block its path, it will be useful to examine treaties historically, especially as they pertain to the Chippewa people both yesterday and today.

Thousands of generations of peoples indigenous to this hemisphere lived out their lives, practiced their cultures and perpetuated their societies through time. These societies were highly rich and diversified and were universally marked by being natural in the sense that they lived harmoniously with nature and the natural environment. When the Europeans arrived, they proclaimed the land a wilderness needing to be brought under human control. The settlers relied on the land and its riches to provide life. In the same manner, while pronouncing the Indian as savage, they borrowed the form of the Iroquois Confederacy to organize their government and the farming methods of the Pequot, Pennobscott, Passamaquoddy and Wampanoag as the basis of their agriculture. The best way for settlers to subsume the wilderness and the Indian into their own culture to meet their needs was to form treaties.
What Treaties Are About

Treaties are legally binding agreements made between two nations, in this case the United States and the Chippewa/Ojibwa tribes. Treaty rights were never sold by the Chippewa, nor were they granted or given by the federal government. When the Chippewa ceded the rights to their land to the government, they kept the right to obtain food and other necessities in order to be sure future generations would always have a source of food and survival (Great Lakes Indian Fish and Wildlife Commission, 1993). The problem today, as will be discussed further, is that it does no good to keep the right to hunt, fish, and gather if multinational corporations are allowed to destroy the ecosystem by mining. The meaning of the treaties to the Chippewa is that the environment would be protected by those who extracted minerals so that food and other necessities could continue to thrive and grow for future generations. Treaties are the last defense to ensure the continuance of the environment. Corporations have the right to mine on lands sold by the Chippewa, but not if the environment is destroyed in the process. That was the deal, and these differences in interpretations are at the center of the continuing struggle.

To use legal jargon, Chippewa treaty rights are called usufructuary rights, which means the right to use property. This means the Chippewa have the right to come onto the land to hunt, fish, and gather. Treaties are powerful documents because they are recognized in the U.S. Constitution as being the supreme law of the land. They
are legally binding agreements and are respected within the framework of federal law. This is why federal courts have upheld treaty rights of tribes in many significant court decisions across the nation (Great Lakes Indian Fish and Wildlife Commission, 1993).

Indian Governance Before Treaties

The common misconception of how North America's indigenous societies were organized is that they traditionally organized themselves into tribes ruled by chiefs. An examination of the Five (later Six) Nations Iroquois Confederacy dispels this fallacy. Jaimes (1992) writes that the Iroquois Confederacy, or the Haudenosaunee, were located in present-day New York state and southeastern Canada based on the Kaianerekowa (Great Law of Peace) brought about by Deganwida three centuries before Columbus, and may have been the first functioning model of real democracy and a precursor to the modern day aspirations for international harmony expressed through the United Nations.

The Haudenosaunee were living under a highly effective form of representative government for hundreds of years while even the most sophisticated European nation-states were still plagued with the belief in the divine rights of kings. And, in contrast to bias against females displayed by European nations to this day, the Haudenosaunee created gender balance by vesting all power to select and delegate government officials to women. This gender balance carried over to other socioeconomic areas such as property relations, age-based or-

This form of government utilized by the Iroquois Confederacy was not because they were a small backwoods, powerless people. On the contrary, records show that they were accomplished diplomats entering on an even footing into the bilateral agreements with European powers. The Iroquois Confederacy held the balance of military power in their area for almost two hundred years after first contact with Europeans, and were instrumental in tipping the scales of victory to Great Britain during the French and Indian wars (Jaimes, 1992).

Interestingly, Canassatego, one of the Haudenosaunee leaders, first suggested during a meeting between colonists and British officials in 1744 that the 13 English colonies be organized into a federation similar to that created by his own people. Ideas drawn from Greece and Rome, and thinkers such as Voltaire and Rousseau, were intermingled with those of the Iroquois resulting in a blending of Haudenosaunee libertarianism within its Euro-American counterpart (Jaimes, 1992). Various Founding Fathers of the United States such as Benjamin Franklin, Tom Paine, John Adams, and Thomas Jefferson openly acknowledged in their personal papers that much of their visionary inspiration came from the Haudenosaunee in their pursuit to establish the first modern republic (Jaimes, 1992).

The Creek Confederacy is another example of successful indigenous governance. Beginning around 1350, the Creek Confederacy,
in what are now the southern states of Georgia, Florida, and Alabama, also adopted an elected council structure of governance. They were also successful in dealing in high-level diplomacy over an extended period with European nation-states (Jaimes, 1992). Other examples exist that might be used to illustrate the political effectiveness of indigenous peoples on this continent before contact with Europeans. The best affirmation of this is the fact that, during its westward expansion, the U.S. government formally recognized the pre-existing full national sovereignty of many native peoples at least 371 times between 1778 and 1871 (Jaimes, 1992).

When Treaties Came About and Who Negotiated Them

Indian treaties are represented in many examples recorded by colonial scribes (Boyd, 1938). Treaties were a product of agreements and meetings from which they emerged. Jennings (1975) writes that "treaty is one of our ambiguous English words that can refer either to a process or product" (p. 119).

Treaty-making was a serious and ritualized affair between Indians and Europeans. Customary procedures for negotiation developed and resulted in agreements between governments. The establishment of treaty-making was not the result of a society living in social disorder. Nor was it the innovation of the English devised to bring the Indians under control and make them governable. Indians manufactured treaty protocol, and Englishmen adapted (not always willingly) to a process which made coexistence between two interdepen-
dent, organized societies possible (Jennings, 1975). As time went on, and in an effort to ingratiate themselves to the Indians as well as create a sense of solemn obligation, Europeans conformed to native rituals in developing treaties.

Jennings (1975) writes that from records available to him, that the Iroquois Five Nations developed treaty protocol and taught it to other Indian peoples and Europeans with whom they did business. The beginnings of full pomp can be seen in minutes from meetings in the late seventeenth century, and the minutes of the eighteenth century show full pomp. The meetings were very formal with exchange of presents. Diplomatic speeches of Europeans and Indians were translated by interpreters. The treaty conferences lasted at least two days. Some went on much much longer. Present giving by both sides played an enormously important part in these conferences. The English calculated the value of each of the Indian presents and then made sure they returned presents of much noticeably greater value. Present giving had very deep roots in Indian custom. The mere fact that the English took measures to ensure greater value of the gifts definitely demonstrates their understanding that this act was very instrumental in establishing respect and loyalty. In several instances, present giving became the impetus for holding treaty meetings.

The question asked to this day is, "did the Indians realize what they were signing?" Wampum belts and treaty minutes marked the end of successful meetings. Indian chiefs were asked by the English
to place their marks on the contract to validate the agreement. Procedures during the making of treaties usually called for the document to be read by the English out loud to the Indians before they signed it, and what was read did not always correspond to what was on paper. Treaties were signed by Indians who believed what they heard, but the English held them to what was written on paper (Jennings, 1975).

For example, Jennings (1975) writes that John Winthrop, Sr., who wrote History of New England (1690), probably rewrote the substance of the Indian treaties to meet the Puritans’ political and ideological needs. He, or one of his relatives, then destroyed the originals. However, this cannot be absolutely proven because the essential evidence is gone.

The Purpose of Treaties

Treaties could be made for any number of reasons, but primarily they dealt with military affairs. In exchange for frontiers free of trouble, the English promised protection to the Indians from their own people or other English or French colonies. Complex trade agreements and land cessions came about as part of the deal.

The relationship forged between Europeans and Indians opened up channels of trade and enabled the colony to accomplish things through Indian agency that it otherwise dared not or could not commence. On the surface it appears that the issue was one of Indian versus European. But in reality, we must look at the issue of Euro-
pean versus European trying to dominate not only the natives, but each other. Through treaty relationships, Indians were used as military power by one colony to harass another. Basically one colony would use the Indians allied with them against other Indians allied with another colony. The victory of one colony against another enabled the former to enlarge their jurisdiction beyond its chartered bounds (Jennings, 1975).

How Europeans Gained the Upper Hand in Treaty Making

Factionalism that existed between Indian nations pitted one group against another on a continual basis. George Edward Ellis (cited by Jennings, 1975) remarked that

only because Indians were set against Indians, giving opportunity to the whites to find most effective allies in their forest warfare, could the early colonists from Spain, France, or England have been so uniformly the conquerors. If the natives of this continent had been at peace among themselves, and had offered a united resistance to the first feeble bands of European intruders, its occupation would have been long deferred. (p. 125)

Indians wanted to stay on the good side of Europeans to obtain favorable conditions of trade and to ward off European hostility. This led to competition among Indians not just for favor, but for greater favor than other Indians enjoyed (Jennings, 1975).

Subchiefs and warriors were sometimes encouraged to break away from allegiance to his tribe or to compete for the number one spot as leader in the tribe. His interests were promoted through a sponsoring European colony, and he would be supplied with goods and weapons needed. Coming to the forefront bearing these goods and wea-
pons gave this person diplomatic recognition. As a successful challenger recognized by a colonial government as a sachem for treaty purposes, the challenged leader already in power had to have strong loyalty from his people to retain his position (Jennings, 1975). Relationships such as these gave Europeans a measure of control over the internal political institutions of the tribes. In order to survive politically, a tribe’s leaders became adept at finding effective European patronage.

However, some tribes were able to play off one colony against another to maintain their traditional process of tribal leadership that could remain responsible to tribal members. The Iroquois Five Nations were the best at using this tactic, but at a tremendous cost. Powerful as they were, even the Iroquois could not lessen the force or intensity of the European drive to dispossess and force them from their lands. Cooperation by some Indians was an essential part of dispossessing all. Jennings (1975) writes that Indians were the colonists’ foremost pioneers politically as well as physically. When a tribe that was cooperating with a certain colony had subdued another tribe or area, the colonists would ask permission to share the conquered territory. When enough colonists moved in and the moment was right, the Indians were forced out.

To achieve dominance over Indians, Europeans in North America have had to come to terms with tribal forms of government from the beginnings in the seventeenth century up until today. The structure, function, and motives of Euro-american government evolved very rap-
idly. The two societies changed in relationship to each other both militarily and economically as personal independence diminished and Indians became dependent on their white fathers.

The way treaties were written reflected the change in relationships between the two societies as evidenced in the destruction of tribal independence, but Euro-americans would not acknowledge that this process was killing tribal governments. Jennings (1975) states that Euro-american government could not have committed the crime of killing tribal government because the victim never lived. He writes that

the logic is as simple, faulty, and compelling as that of most other fallacies: Civilization is that quality possessed by people with civil government; civil government is Europe's kind of government; therefore Indians were not civilized. Uncivilized people live in wild anarchy; therefore Indians did not have any government at all. And therefore Europeans could not have been doing anything wrong--were in fact performing a noble mission--by bringing government and civilization to poor savages. (p. 127)

The Importance of Treaties Today

At the Mining Resource Meeting in Tomahawk, Wisconsin held in October, 1992, Mike Sturdevant, leader of the Menominee Warrior Society asked, "Why should we help whites (in fighting mining corporations)? Because Indians have treaties and treaties protect the land." His statement sums up why treaties have come back into the picture today. Treaties outline the issue of ownership as well as the value of resources and who has the right to manage them. Native people are on the frontlines of the battles over mining and other
projects because their lands are directly threatened.

The Chippewa of Wisconsin have defended themselves using their very limited resources against giant multinational corporations. Very few people were aware of their struggle until recently with the increased awareness of resistance to the ecologically destructive projects proposed by the multinational corporations. Key to this resistance is the role played by native assertion of treaty rights. Once the Chippewa asserted their sovereignty and rights to control the resources within their territories as outlined in the treaties, the question shifted from how projects would be developed to who will be involved in the decision-making process.

Multinational corporations rarely make provisions for public participation in their resource development decisions. Usually they make their plans without public participation, and then present their proposed projects to the public as an inevitability. This tactic discourages potential opposition until it is too late to stop the project.

Once native people assert their treaty rights and become participants in the decision-making process, the state-corporate entity is slowed down giving natives and their environmental allies time to research and share their concerns about the wide-ranging social, economic, and environmental impacts of these projects with a larger audience.

In 1984 the Chippewa tribes formed the Great Lakes Indian Fish and Wildlife Commission. This commission provides coordination ser-
vices for the implementation of their treaty rights in ceded territories and represents tribal interests in natural resource management. An important part of GLIFWC's mission is to provide environmental protection, "recognizing that fish, wildlife, and wild plants cannot long survive in abundance in an environment that has been degraded" (Gedicks, 1992, p. 185). This is the area where treaty rights have the greatest potential to protect the environment and it also answers the question why treaty rights have come into play today. Treaty rights have enormous potential to protect the environment for Indian and non-Indian communities as well as provide knowledge about the new colonization practices of huge corporations.

New Colonialism

The long history of colonization by Europeans and the treaties that came about changed the face of the land. A new economic order was forged on the land, not with the land. Forests and wildlife began to disappear all across the country, and with them, indigenous peoples. Land was sacrificed to meet the needs of a developing technological society which became separated from nature and more synthetic. With the wilderness tamed, man is master of the universe; that is the essence of the American synthesis, the foundation of American power (LaDuke, 1992).

The new colonialism that is a result of this history is described by Robert Davis and Mark Zanis (1973) in their book The Genocide Machine in Canada:
Simply stated, the difference between the economics of the old colonialism, with its reliance on territorial conquest and manpower, and the new colonialism with its reliance on technologically oriented resource extraction and transportation to the metropolitan centers, is the expendable relationship of subject peoples to multinational corporations. This fact has implications for both the new ways in which genocide is committed, and the new kind of dependence created. Under the old colonialism, the economy of a subject peoples was more or less incorporated into the colonial system in a fashion which altered the subject people as little as possible. The economic base commodities were extracted and semi-processed, in part, by the subject people. These people were expected to maintain their own subsistence economy basically intact. . . . Under new style colonialism, the subsistence economy is not a matter of great concern to the corporations. The raw material they wish to process is usually not organic, nor does it require heavy labor. The multinational corporation today does not see any relationship between what they want (mineral wealth) and the local economy (organic wealth). (p. 37)

Marx predicted this new colonialism when he observed that the price of industrialization would be the expropriation of general masses of people from their lands and their means of subsistence. In Marx's view, this fearful and painful expropriation of the peasant formed the prelude to the history of capitalism (LaDuke, 1992).

The new colonialism predicted by Marx is very apparent when we look at what is happening on reservation lands today. Reservation lands constitute a small part of North American soil, yet over one-half of U. S. uranium deposits lie beneath Indian lands. Other important resources such as oil, natural gas, coal, and other sought after minerals can also be found on Indian lands in substantial quantities as well.

Through various methods of land confiscation, very much a part of colonization, tribal ownership and control of these resources has been stripped away in direct violation of standing international...
agreements. When this is taken into consideration, the amount of American Indian resources is actually much higher than most figures show (LaDuke, 1981). Given that the United States is the seat of the most comprehensive system of imperialism ever witnessed by humanity, fueled by nuclear capabilities which are fed by uranium, the relationship of the reservations to that uranium is clear (Churchill, 1993).

To bring this notion of new colonialism into sharper view, we need to look back to the early part of this century. In 1934, the Indian Reorganization Act became the vehicle for neocolonialism. Tribal council governments replaced traditional forms of Indian governments such as the councils of chiefs. The new governments were responsible for economic planning such as entering into mineral lease negotiations, contracting with corporate agencies, land transfers, etc., but only with the approval by representatives of the Bureau of Indian Affairs. The rationale of the United States government in this scenario is apparent. Reorganizing existing Indian governments into new tribal councils "created a structure within which U.S. developmental policies could be implemented through a formalized agency composed of the Indians themselves" (Churchill, 1993, p. 244).

Consolidation of political power on this neocolonial principle allowed modern internal colonialism to become possible in North America. With this policy came a reduction in native self-sufficiency. Economic power became part of the neocolonial structural
relationship between the U.S. and the tribal council. Developmental aid from the United States (Churchill, 1993) came in the form of an educational system that trained people for the labor needs of industrialism,

employment contracts with mining and other resource extraction concerns, 'housing programs' to provide appropriate workforce concentrations, and--eventually--actualization of cooptive social control mechanisms such as unemployment and welfare for newly dependent Indian citizens. (p. 245)

Social and economic problems experienced by many American Indian nations are due to the needs of energy corporations. Problems of land use, and employment, as well as community organization are affected when tribes are forced to physically relocate when these corporations move in (Churchill, 1993).

U.S. government intervention with existing Indian governments for its own self-serving ends, facilitated the opportunity for exploitation on the corporate level; and, where treaties limited legitimate means of obtaining corporate goals, government intervention enabled corporations to act unethically and/or illegally.

The colonial manifestation of dependency has turned many Indian nations into economic hostages of the mining industry--uranium in particular. Energy resource exploitation as a means to self-sufficiency has resulted in lethal radioactive spills contaminating water consumed by Indian people, wind erosion carrying large amounts of radioactive contaminants into water supplies, extremely low wages, unsafe working conditions resulting in death, and the list goes on.

With promises from the U.S. government and the mining corpora-
tions that development of the uranium industry will not result in ill effects, environmental devastation has occurred causing destruction that is effectively permanent. For example, communities within the Navajo and the greater Sioux Nation have become radioactive colonies within the schema of new colonialism.

Another example of the Navajo and Sioux situation comes from the Nixon administration in 1972. During that time (Churchill, 1993) in conjunction with studies of U.S. energy development needs and planning undertaken by the Trilateral Commission, the government secretly termed and sought to designate both the Four Corners region and the impacted region of the Dakotas, Wyoming and Montana as National Sacrifice areas. (p. 253)

These would be areas now uninhabitable because of deliberate elimination of total water supplies for industrial purposes as well as nuclear contamination. Replenishment of the aquifers is estimated at 5,000 to 50,000 years, and the nuclear contamination carries a lethal half-life from a quarter to half-million years. Destruction would be permanent, and if the government and energy corporations were successful in designation of such an area, genocide of the Indian peoples there would be the result.

New Indian Policy for the 1990s

The data on corporate mineral leases reveals that most of the leaseholdings lie with a few powerful corporations, such as Exxon, Kerr-McGee, Kennecott, and others. Exxon alone has leased 161,470 acres of potential mineral reserves. With the Rayrock lease being immediately adjacent to Exxon's lease in Langlade county, in Wiscon-
sin, there is reason to believe that Exxon may control another 23,000 acres of this land as well. Kerr-McGee, largest uranium producer in the United States, comes in second with ownership of 93,459 acres of mineral rights (Gedicks, 1982).

A very significant impact of this concentration of ownership of mineral rights in the hands of a few powerful corporations is that decision-making about the land is taken away from the people who live there and is placed in the hands of multinational corporations, not merely a few individuals within the corporations, which regard northern Wisconsin as merely another resource colony from which huge amounts of wealth can be extracted. According to Gedicks (1993),

whenever a conflict arises between the needs of communities in mining areas and the needs of the corporation, the needs of the community are likely to be sacrificed in favor of corporate growth and profitability. This is the essence of the recourse colony. (p. 17)

Uranium deposits are found in abundance on native lands in many different countries. For example, in Australia, over 80% of that country’s reserves as well as three of the four largest uranium deposits are on aboriginal lands (Bello, 1979). In Namibia, a former colony of South Africa, Rio Tinto Zinc (RTZ) operates the largest uranium mine on aboriginal land. In northern Saskatchewan, Canada, the highest grade of uranium anywhere in the world can be found (Lindsey, 1988); and "in the United States, 16 to 37% of the nation’s total uranium holdings are on Indian lands" (Federal Trade Commission, 1975, p. 9).
Gedicks (1993) writes that Forbes magazine (the self-proclaimed Capitalist Tool) has summarized the strategic importance of American Indian resources as follows:

Now, at a time when the United States seems to be running out of practically everything, the 272 federally-recognized Indian reservations constitute one of the largest and least known mineral repositories on the continent--nearly five percent of the U.S. oil and gas, one-third of its strippable low-sulfur coal, one-half of its privately owned uranium. . .from a national standpoint,' says David Baldwin, an Osage who heads the technical division of the BIA's Office of Energy and Minerals, 'you are talking in the neighborhood of 25 percent of the U.S. mineral wealth located on Indian lands.' (pp. 40-41)

The exploitive dynamics of capitalist society will assure that those most privileged by wealth and power, i.e., corporations and the government, will have access to this mineral wealth.

During the Reagan administration, obstacles to mining such as environmental, health, and safety laws were diluted, and recommendations for a "New Indian Policy" that would put Indian resources into a program of U.S. "energy independence" emerged (Hopi Epicenter for International Outreach, 1987, pp. 3-4). According to Churchill and LaDuke (1986), the existence of such a policy and the notion that these Indian nations exist as colonies is crucial to extraction of resources by energy corporations and maintains and expands North American imperialism.

By 1970, almost all Indian mineral and energy resources were effectively controlled through lease agreements between the Bureau of Indian Affairs and energy corporations. These leases have resulted in Indian nations being paid as little as two percent of the value of the minerals extracted (Pratt, 1979).
Resistance

Along with receiving bare minimum subsistence from the minerals extracted, food and water are contaminated by the process of extracting the resources. What people produce and how they do so serves as a foundation for all other relations. In this instance, the exploitive dynamics of capitalist society serve to ritually structure power in a hierarchical fashion so that those most privileged by power keep their position of economic dominance in our society. The resistance of those who threaten such privilege has come from native rights and environmental movements. Even though watered-down, American Indians have treaties and treaties protect the land.

Just as corporations and government agencies have strategically planned to circumvent treaty rights, so too, have native peoples and environmental groups armed themselves with knowledge about the costly effects of destructive mining projects, and have begun counterstrategies to stop the exploitation of native lands. Organizations such as People Against Rio Tinto Zinc and its Subsidiaries (PARTIZANS) in England, the Aboriginal Mining Information Centre in Australia, and the Center for Alternative Mining Development Policy in Wisconsin are a few of the groups comprising an international network which disseminates information and knowledge about multinational mining corporations to people directly affected. By doing so, native communities, who are otherwise isolated from the centers of political and economic power, "can forge effective links with en-
vironmental, labor, religious, and human rights organizations in the home territory of the multinational mining corporations" (Gedicks, 1993, p. 44).

This international networking has resulted in native delegations from various countries attending the general meetings of Rio Tinto Zinc of London, the largest mining corporation in the world. With the appearance of native peoples at these meetings, stockholders and the general public will become aware of the devastation of mining to the environment and native peoples. At the 1992 World Uranium Hearings in Salzburg, Austria, native peoples from every continent testified about "the destruction being inflicted upon their cultures, lives, and lands by a civilization addicted to nuclear weaponry and energy" (Gedicks, 1992, p. 45).

Mining is an extremely capital-intensive industry with projects costing over one billion dollars or more. This extremely expensive business produces huge amounts of waste that causes environmental and health problems. Damages caused from past mining practices have contributed to a growing public awareness of the conflict between environmental protection and corporate expansion. An example of this awareness is found in an HONOR Digest Special Edition on Environmental Issues: Toronto’s Great Lakes Minerals (GLM) has leased the rights to 200,000 acres in the Keweenaw peninsula of Michigan. Along with multinational giant, Noranda, Great Lakes Minerals will spend about $4 million exploring and extracting additional copper deposits in Keweenaw.
Great Lakes Minerals has several milling and smelting options, but the Centennial Mill north of Calumet, Michigan, seems the most likely place to mill. Bringing public awareness and knowledge to the forefront in this matter is an environmental coalition known at The Association Working Against Keweenaw Exploitation (AWAKE). This environmental organization believes the smelting should be done at Copper Range, where Wisconsin's Flambeau mine plans to do its processing, rather than pollute another site. Copper Range, located in White Pine near the shores of Lake Superior is, however, out of compliance with state laws regarding solid particles.

Copper Range emits 110,000,000 pounds of sulphur dioxide per year into the atmosphere. Sulphur Dioxide is the most important contributor to the acidification of inland lakes in the Upper Peninsula. Reports from the Department of Natural Resources indicate the lakes are becoming more and more acidic. Mercury poisoning is one of the primary causes for the state warnings against eating fish caught in Upper Peninsula waters. Copper Range emits well over 1,200 pounds of mercury per year. Currently, there is no law regulating sulphur dioxide emissions at Copper Range.

AWAKE is a small, grassroots organization seeking to disseminate information to educate the public concerning the poisoning of Lake Superior as well as contamination of ground waters. Three members of this small group are asking questions about mining development in Keweenaw County, and they have been sued by Great Lakes Minerals over a flyer they circulated and letters to the editor of the
local newspaper. The corporation contends that the statements were not statements of fact but libelous. AWAKE contends the opposite. All the claims made in the flyers and letters were drawn from public documents. Inferences and interpretations were based upon facts drawn from these documents.

Law suits like these are called SLAPP suits (Strategic Law-suits Against Public Participation). The purpose of these suits is not to seek justice, but to intimidate small grassroots groups like AWAKE and to shut off public debate. Social awareness on the part of groups such as these effects the mining industry through costly delays, more stringent regulations, and higher taxes for the industry.

Political struggle over who will pay the costs for mine pollution is another cause for much of the conflict between environmental protection and corporate growth. According to Gedicks (1993),

this increased potential for environmental conflict occurs at the precise moment when the risks of mining are already exacerbated by the large capital outlays required for new mining projects and the long lead time before production begins to return a profit on investment. (p. 48)

Therefore, it comes as no surprise that the growing concern of environmental groups and native rights activism is the cause of much concern of mining companies in the large mining countries.

In a 1991 article in Engineering and Mining Journal, Jeffrey Zelms warned of the consequences of environmental activism:

If we’re to be in business in the year 2000, we need to take action today. . . today’s environmental activism is as much a battle of public perception as it is of facts. Substance does not always prevail over style. And mischievous entities should
not be underestimated in their ability to misrepresent mining. (p. 24)

Gedicks (1993) writes that suddenly

it seems environmental activists have replaced communists as the major threat to U.S. business and western civilization. Perry Pendley, of the conservative Mountain States Legal Foundation, told the Wyoming Mining Association that environmentalists are the same people who used to be communists before the fall of the Soviet Union. He said environmentalists are like ‘watermelons’ because ‘they’re green on the outside and red on the inside.’ (p. 49)

Environmental activism from the tribes and grassroots movements has made it virtually impossible for mining companies to assume the public will accept destructive extraction processes in potential mining areas. This case study provides an important insight into how the world’s largest and most powerful energy corporations (Exxon, Kennecott, RTZ, etc.) are trying to control resources while facing important and consequential resistance from Indian and non-Indian communities.

The lessons that can be learned from these struggles may help other resource communities to look for, become informed, and adequately respond to future corporate strategies in facing future resource battles.
CHAPTER III

THE CULTURAL AND INSTITUTIONAL CONTEXT
OF THE MINING WARS IN WISCONSIN

This chapter will focus on the basic tenets of capitalism and how capitalistic values stand in contrast to American Indian values. The differences in values are a source of culture conflict. Culture conflict and how it affects state-corporate relationships will be examined as well as the historical background to the mining wars in Wisconsin.

Examination of past and current relationships between the Chipewa and state-corporate actors reveal the extent of the conflict and how the situation is changing with the assertion of treaty rights.

Capitalism

Capitalism is an economic system in which natural resources and the means of producing goods and services are privately owned. A capitalist society encourages people to acquire the greatest amount of private property, even at the expense of others. Capitalism defines a self-centered orientation as natural and simply a matter of doing business, and it is the base on which corporations are structured. The capitalistic goal of economic gain is built into the very structure of a corporation.

The pursuit of profit has also been defended as being practi-
Scottish economist Adam Smith (1723-1790) claimed that the pursuit of profit benefits everyone. "A selfish orientation on the part of individuals," Smith argued, "leads an entire society to wealth and prosperity" (cited by Macionis, 1991, pp. 530-531). Smith's orientation to the hierarchical nature of capitalism is one example of the culture conflict between American Indian values and European values.

The values of capitalism are referred to as the American Dream by Messner and Rosenfeld (1994). They propose that there is a fairly high consensus over basic values in contemporary American society. They define the American Dream as "...a commitment to the goal of material success, to be pursued by everyone in society, under conditions of open, individual competition" (p. 69).

According to Messner and Rosenfeld (1994), the basic tenets of the American Dream consist of achievement, individualism, universalism, and the "fetishism" of money (p. 69). They write that one's personal value tends to be evaluated in terms of success and achievement. "The cultural pressures to achieve at any cost are very intense. [A] strong achievement orientation, at the level of basic cultural values, is highly conducive to the mentality that 'it's not how you play the game; it's whether you win or lose'" (p. 70).

The second value orientation they write about, which lies at the core of American culture, is individualism. People in our society "...become competitors and rivals in the struggle to achieve social rewards and, ultimately, to validate personal worth"
The value of universalism encourages everyone to aspire to social ascent, and is a method of evaluation on the basis of individual achievements (Messner & Rosenfeld, 1994).

Finally, they propose that money is a value in itself. They make the point that "...the distinctive feature of American culture is the preeminent role of money as the 'metric' of success...money, in this context, is a currency for measuring achievement" (Messner & Rosenfeld, 1994, p. 71).

In this view, the capitalist model assumes businesses operate independently and compete with one another in our economic system. Ideally, the need for government intervention in a capitalistic society is minimal. However, corporate power is enormous and competition is minimal so that government regulation is often the only resource for protection. Generally, though, the government cannot be described as slowing down or impeding the growth and accumulation of wealth by corporations. Contrary to protecting public interests, the typical situation is one in which corporations and government work together to stabilize the economy and make it more profitable (Macionis, 1991).

Culture Conflict

During certain points in time, the pattern of history repeats itself in current events. Such moments take on a new meaning when a people and a region are shaped and changed through economic advance-
ment and social conflict. The continuing loss of Indian land today through mining and other capitalistic enterprises is rooted in the first contacts between the native American and Europeans. When two different races of people come together, lives are changed; sometimes for the better, but often for the worse. The Europeans' search for gold, precious metals, and fossil fuels demonstrates such a meeting with an outcome that adversely transformed a region and a people through social conflict which is still occurring today.

The Chippewa suffered more than the loss of their native lands at the hands of the first European explorers. Chippewa culture, spirituality, and language were also at the mercy of the Europeans. Some tribes were totally eliminated through genocidal practices. Even though settlement in permanent villages occurred with treaties ending their nomadic life-style, the Chippewa have survived and have managed to keep their culture alive, despite the persistence of the paternalism of the French, British, and Americans.

Without a doubt, the wearing away of traditional Chippewa culture by white Americans has left its mark in many areas, but although times and traditions change, the roots of the Chippewa have remained strong. Through failed attempts of the federal government to make the Chippewa reservations self-supporting and assimilate its residents into mainstream America, the importance of their culture became clear. The resistance to total assimilation and their strong tribal cohesiveness have been a nurturing source of strength allowing the Chippewa to survive the interference of destructive govern-

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
ment policies for the last three hundred years.

That their traditional culture and beliefs were able to survive at all through centuries of European domination demonstrates the high degree of strength found in their strong sense of ethnic identity. The traditional beliefs of the Chippewa endure in the old and new ways of life representing a strong legacy and a firm foundation of great importance to the Indian people (Danziger, 1990).

The history between Europeans and Chippewa lead to the perception of the Chippewa as an exploitable group, or disposable resource. In retrospect, the historical relationship that evolved between these two peoples lends insight to the reason why exploitation is occurring today. The Chippewa, and many other American Indian tribes, believe in a strong sense of balance. Before the first Europeans came, the Great Lakes region of the Chippewa was a vast landmass. The trees, earth, and the sense and sight of the environment itself influenced the intellect and thinking process of the Indians in creating the notion of balance. This precarious balance still exists, and the relationship between plants, animals, the elements, the air, water, wind, and the earth, are all equally and evenly placed within the whole. For many Chippewa even today, the way of life revolved around the environment. One does not, and indeed cannot, own the other if a healthy balance is to be maintained. Rather, only what is necessary to survive is taken from one another (Ramirez, 1992).

As it is with balance, the spiritual connection with the na-
tural world is sacred. There is a balance of power between humans, animals, all of the environment, heaven, and earth. All these pieces tied together make up the whole. Spirituality, or The Way guides the balance.

The French who came to the Great Lakes region during the 16th century, followed by the British, and then the American settlers, did not respect, let alone try to understand the ways of native peoples. The exploitation that occurred as the settlers in the 1800s demanded more and more land resulted in massive land losses to the Chippewa. The ceding of lands in exchange for services (economic extortion) caused the loss of almost all of the Chippewa lands. At the center of all treaties was the American businessmen's desire to acquire land to further their capitalistic economic gains. In time, the lands ceded often suffered dire environmental consequences at the hands of the big money moguls; a practice that has continued to this day. To understand this, some facts need to be considered.

Many American Indians are very rich spiritually, but suffer severe economic hardships as a result of being forced to live within a nation whose mainstream culture is so different from their own. Hunting, gathering, and fishing were enough for the Indians of the Great Lakes region to survive many years ago, but the development and destruction of the land and resources by the descendants of the first explorers and settlers means that these methods, as a sole means of survival, are no longer available. Therefore, most American Indians have had to find other ways to survive. Sometimes they
have been successful, but all too often, they suffer from the con­sequences of economic extortion and dependence on the white culture.

American Indians have been victimized into giving up their lands, or allowing the use or development of their lands, in return for economic relief. More times than not, this economic relief has led to the failure of capitalism to work to the advantage of the Chippewa as well as to other problems such as alcohol and drug abuse.

The incongruence in the values and in the understanding of progress of two different cultures was a major factor in the loss and destruction of Chippewa lands. The American Indian values expressed the strong relationship between family members, kinship ties, the environment, and the unity of all things. European values allowed land and environment to be viewed as commodities to be exploited, and they imposed their will upon the land with little thought of the consequences. The values of the Indians emerged from their woodland cultures and spirituality. There was a timeless value placed on all things. Native values are circular with all things being related as revealed from the outer world and their religion (Fixico, 1992).

The Anishinabe (Chippewa) people developed a code of ethics and a value system which guides the behavior of many in accordance with Natural Law—or mino bimaatisiwin—translated as the good life or continuous rebirth. Mino bimaatisiwin "guides behavior toward others, toward animals, toward plants and the ecosystem, and it is
based on tenets of reciprocity and cyclical thinking" (Gedicks, 1993, p. x).

In contrasting the value system of the Chippewa with capitalistic values defined by Messner and Rosenfeld earlier in this chapter, it is reciprocity or reciprocal relations that define responsibilities and ways of relating between humans and the world around them. LaDuke writes (cited by Gedicks, 1993):

Simply stated, 'the resources' of the ecosystem, whether corn, rocks, or deer, are viewed as 'animate' and, as such, gifts from the Creator. Thus, one could not take life without reciprocal offering, usually tobacco or saymah, as it is called in our language. Within this act of reciprocity is also an understanding that 'you take only what you need and leave the rest.' Implicit in the understanding of Natural Law is also the understanding that most of what is natural is cyclical: whether our bodies, the moon, the tides, seasons, or life itself. Within this natural cycling is also a clear sense of birth and rebirth, a knowledge that what one does today will affect us in the future, on the return.

These tenets, and the overall practice of mino bimaatisiwin, imply a continuous inhabiting of place, an intimate understanding of the relationship between humans and the ecosystem, and the need to maintain the balance. For the most part, social and economic systems based on these values are decentralized, communal, self-reliant, and very closely based on the land of that ecosystem. This way of living has enabled indigenous communities to live for thousands of years upon their land as, quite frankly, the only examples of continuous sustainability which exist on Turtle Island (North America). We hope there will be more. (pp. x-xi)

The European-American values of power, materialism, economic efficiency, and immediacy have led to confusion and misunderstanding about other people and their ways. European-American views toward family and religion are different than the views of many American Indians. Christianity is not connected to the earth or environment as is the religion of The Way of American Indians. The most dis-
turbing aspect of this culture conflict is that both sides see their values and way of looking at life as the only correct way. In this context, the unequal balance and hierarchical social structure produced by the expansionary needs of capitalism is, to many American Indian people, highly destructive to their perception of the need for balance between physical and spiritual worlds. Leonard Peltier (1992) expressed the American Indian point of view well when he stated,

"today, what was once called worthless land suddenly becomes valuable as the technology of white society advances. White society would like to push us off our reservations because beneath the barren land lie valuable mineral and oil resources. It is not a new development for white society to steal from nonwhite peoples. When white society succeeds it's called colonialism. When white society's efforts to colonize people are met with resistance it's called war. But when the colonized Indians of North America meet to stand and resist we are called criminals." (p. 3)

The sharp contrast between these two sets of cultural views is a major point of contention between state-corporate actors and the Chippewa today. These differences also begin to describe the state-corporate relationships with the Chippewa in Wisconsin today.

**State-Corporate Relationships to the Chippewa in Wisconsin**

The strained relationships between state and corporate actors, and the Chippewa will become very evident in following sections. Before beginning to introduce that topic by looking at the historical background to the conflict, it is important to stress the negative impact treaties have on corporate goals of profit.

The scenario that will unfold in sections to follow will show
that the state and corporations have unethically quietly leased portions of reservations in an effort to bypass agreements written into treaties. This indicates the strength of the treaties and the weakness of the state of Wisconsin and corporations in their efforts to abrogate the treaties in other ways. Even though treaties have been violated time and time again, they are strong enough to keep the state from overriding the resistance of the Chippewa, or methods of quiet leasing would not be necessary.

Efforts to do away with treaties in one way or another have led to mistrust on the part of the Chippewa. Since the 1950s many tribes have gone from being politically stable resource colonies to sovereign governments trying to assert and defend their treaty rights. Many bands of Chippewa tribes in Wisconsin have raised the issue of their treaty rights as a basis for objecting to mines. The attitude of the state and corporations is not whether Indian lands will be opened to mining, only when. This attitude goes to the core of the colonization process and the expendability of native peoples touched on earlier. The issue of treaty rights as economic protection for Indian people is a source of strain in relationships between the Indians and those who want the resources on their lands. The strained relations we see today which contribute to the current conflict are deeply rooted in the past.
Historical Background to the Conflict

Treaties

When the Northwest Territories of 1787 were established, the area now known as Wisconsin became part of the United States. Wisconsin became a separate territory in 1836 and became a state in 1848. Formal relations between the government and the Chippewa were established in the late 1700s, but the controversy surrounding fishing rights (which has been used by corporations in an attempt to gain access to mineral rich Indian lands) centers around treaties agreed to in the mid-1800s. The treaty of 1837 was agreed to (Strickland, 1990)

with the understanding that the privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers, and the lakes included in the territory area, is guaranteed to the Indians during the pleasure of the President of the United States. (p. 3)

The Treaty of 1842, in accordance with the Treaty of 1837, stated that "the Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to move by the President of the United States" (Strickland, 1990, p. 3).

In 1850, President Millard Fillmore signed a removal order which sought to expel the Chippewa from these territories under federal policy of the western resettlement of American Indians. "However, at the urging of the Wisconsin state legislature and Wisconsin citizens, President Fillmore rescinded the removal order and allowed
the formation of reservations in the ceded territories of Wisconsin" (Strickland, 1990, p. 3). After rescinding the removal order, treaty rights exercised by the Chippewa were increasingly restricted until about 1908 when the state of Wisconsin began to strictly and systematically enforce game laws against the Chippewa.

With the removal order rescinded by the President came the realization of the vulnerability of the Chippewa to the whims of the government. The formation of reservations resulted in the creation of checkerboard land ownership patterns. Non-Indians could move into territory previously settled by the Chippewa. With non-Indians now residing on ceded land, it became increasingly easier to restrict the hunting and fishing rights of the Chippewa. Treaty rights continued to erode as the government exercised its paternalistic powers.

Not long after the 1850 removal order came the federal government's General Allotment Act of 1887 bringing about the historical origins of the anti-Indian movement. With the division of communally held reservations into individual parcels or allotments to be conveyed to individual Indians, the remaining surplus land became available to white settlers. The jurisdictional complications that followed between tribal, federal and state governments (Strickland, 1990) provided fertile ground for the growth of the anti-Indian movement as resident and absentee non-Indian landowners and businesses objected to the growing exercise of general governmental powers by tribal governments. This was particularly true in the areas of taxation, zoning, construction and land-use ordi-
The prospect of valuable minerals on certain lands left little doubt that these lands would be closed to Indian selection and left open to non-Indians and business owners.

At that time, the Chippewa bands of Lake Superior knew about the rich copper deposits in Lake Superior's Ontonogan country, Keeweenaw Peninsula and Isle Royale. They had known about the valuable minerals for centuries. French explorers and missionaries told of the rich copper, and in 1771 an Englishman tried unsuccessfully to mine the deposits.

Even though the British attempt at mining failed, American businessmen, looking forward to monetary gain, made known to Benjamin Franklin the rich copper deposits in this area, especially in the ancient mines of Isle Royale. "As a result of this concern, Isle Royale was the only island of the Great lakes specifically mentioned in the Treaty of Paris in 1783" (Strickland, 1990, p. 4).

In 1826, Henry Schoolcraft had confirmed that there were indeed deposits of rich copper along the Lake Superior shoreline, exceeding all other copper deposits anywhere in the United States. Schoolcraft discussed this part of the country as being an important area in which to exploit mineral discoveries. He knew that the copper, iron and lead would be an important capitalistic enterprise for the rapidly expanding country (Strickland, 1990).

Schoolcraft held the position of superintendent with the Office
of Indian Affairs and actively promoted mineral development. The next 28 years brought about a series of four treaties by the United States with the Chippewa removing them from the mineral districts and opening up this land to white miners. The U.S. gained the mining rights to all of Chippewa country in the 1826 Treaty at Fond du Lac. The Winnebago, Potawatomi, and Chippewa became dispossessed of their lead mines with the Treaty of Green Bay in 1828.

The Chippewa of the Keeweenaw copper districts became dispossessed of their minerals with the Miner's Treaty of 1842. The provisions of the 1842 Miner's Treaty stated that unless the Chippewa agreed to cede their mineral rights to the U.S. government, they would be moved from the upper great Lakes region to Oklahoma (Gedicks, 1991).

The western boundary of this treaty was originally set at the Montreal River, on the Michigan/Wisconsin border. When Robert Stuart, Michigan's Indian superintendent at the time, learned that the minerals extended even further west, he recommended the government include all unalienated Chippewa land along Lake Superior. According to Stuart, the main importance of Wisconsin territory lay in its great mineral productiveness. The Chippewa then became dispossessed of the iron wealth of northern Minnesota with the Treaty of 1854.

"In all of the transactions, the federal government, state governments, and Indian tribes understood the stakes in the four treaties. The tribes resisted and the white man triumphed. . . ."
(Gedicks, 1991, p. 4). The high stakes in these transactions with the government secured a definite capitalistic advantage. Immense suffering on the part of the tribes occurred because of the unequal nature of this relationship evidenced with the Treaty of 1854. With this treaty, the government secured, for its monetary gains, the north shore mineral resources as well as valuable pine timberland. The natives who lived along the shores of Lake Superior remained, allowing lumbering firms, shipping companies, mineral, and railroad construction companies to exploit them as a cheap labor resource (Danziger, 1990). Exploitation and mistrust became the basis for this relationship between the government and the Chippewa as these treaties came about. Paternalism and racism dictated that the white man would be a dominant, controlling force in this unequal relationship.

Because of the exploitation and paternalism exercised by the government, impoverishment of the Chippewa resulted while several generations of East Coast copper and iron mining families, including the Aggasizs and the Rockefellers, were enriched. Also set in motion were the great mining and lumber booms that went bust, leaving large portions of the Lake Superior region in severe economic depression that still continues today (Gedicks, 1991).

The amount of wealth the U.S. acquired as a result of the treaties with the Chippewa has been calculated by historian David Wrone (cited by Gedicks, 1991) as follows:

* 100 billion board feet of timber; * 150 billion tons of iron ore; * 13 and 1/2 billion pounds of copper; * 19 million acres
of land; * water, ports, power sites and quarries; * fish, fowl, and game numbering into the billions. (p. 4)

The issue of off-reservation treaty rights faded from public attention and reappeared only in recent decades after members of the Lac Court Oreilles band of the Lake Superior Chippewa challenged the state's right to limit treaty-recognized hunting and fishing rights in the ceded territories, both on and off the reservation. This issue is a great source of contention today.

**Fishing Controversy**

In the vast cession of land that occurred in 1837 and 1842, the Chippewa retained hunting, fishing, and gathering rights. After two Chippewa men were arrested for ice fishing by the Department of Natural Resources, the Lac Courte Oreilles filed suit against the state for not following the treaties of 1837 and 1842 which granted them fishing rights off the reservation (Lac Court Oreilles v. Voigt, 1983). Judge James Doyle ruled against them (this was the first ruling against a tribe on fishing rights) due to Presidential Removal in 1850, and acceptance of reservations saying these abrogated that right. The Chicago Court of Appeals reversed Doyle's decision and remanded the case back to him to decide the extent of states' rights. Doyle died of cancer before making his decision and the new judge, Barbara Crabb, decided that the Chippewa should be able to take as much fish as they needed. Finally, she tried to negotiate a lease agreement in which the bands of the Chippewa would give up fishing rights, but they refused (Fixico, 1992).
In 1983, the Supreme Court refused to hear the state of Wisconsin’s appeal of the Voigt decision (Midwest Treaty Network, no date) reaffirming Chippewa treaty rights.

While the U.S. Constitution says that treaties are the ‘Supreme Law of the land,’ the state administration of Governor Tommy Thompson has criticized the Chippewa for exercising their treaty rights. Indeed, as the Strickland report notes, ‘the state of Wisconsin has acted as if its problem in northern Wisconsin is the result of Chippewa behavior.’ (p. 3)

The Voigt case and other decisions which arose in response to this challenge have been the focus of sustained public controversy in recent years. They are a legal framework for the current practice of Chippewa spearfishing, which seems to have been the focus of the most attention. The public response to these decisions and to the practice of spearfishing during the Spring season (around mid-April) has ranged from outright hostility to demonstrations of support for the Chippewa.

Hysteria has been orchestrated by anti-Indian groups surrounding outdated Indian treaties and misuse of resources. However, the state has also played a part. The Strickland report noted that the state appears to be trying to regulate the Chippewa indirectly, through manipulation of public opinion surrounding the fishing controversy. The hysteria generated today is reminiscent of the panic experienced by the settlers in the 1800s over rumors of Indian uprisings. Angry (and perhaps even frightened) protestors, sportsfishermen, and people looking for jobs from mining companies are demanding abrogation of treaties without realizing the benefit treaties have for all people.
There appears to be a hidden agenda behind the Chippewa exercising their treaty rights to spear fish. After the Voigt decision in 1983, several anti-treaty groups were organized in Wisconsin. These groups include: The Wisconsin Alliance for Rights and Resources (WARR), Equal Rights for Everyone (ERFE), Protect Americans' Rights and Resources (PARR), and Stop Treaty Abuse (STA). These groups tried to convince the public that the Chippewa were out to rape the resources, over-harvest deer as well as fish, and exercise their treaty rights without limitations which would destroy the entire economy of northern Wisconsin (Gedicks, 1991). As the sportsmen physically try to keep the Chippewa from exercising their treaty rights, the state of Wisconsin acts as though the Chippewa are the cause of the problem. They are criticized for exercising their rights and have become a scapegoat for economic problems.

The way in which the Chippewa have become scapegoats is through the manner in which the Wisconsin DNR manipulated bag limits on non-Indian sportsfishing. Studies conducted by Wisconsin's DNR have shown a steady decrease in the walleye fish population due to habitat destruction and pollution, while at the same time, demands for sportsfishing have increased (Gedicks, 1993). A report issued by the DNR in 1979 recommended decreasing bag limits as a way to eliminate the problem, long before the spearfishing controversy. The Strickland report noted that the DNR reduced the bag limit only on those lakes speared by the Chippewa, making it appear that the Chippewa are responsible for reduction in bag limits. The bag limit
proposed by the DNR would have come about anyway, but the state refuses to acknowledge that lowering the bag limit is due to other factors and not to Chippewa exercise of reserved rights. Resort owners fear these lower bag limits will decrease tourism and, therefore, blame the Chippewa.

Using the Chippewa as a scapegoat for the economic problems of northern Wisconsin has allowed anti-treaty groups and the state to divert attention from the significant environmental threats to the economy of both the Indian and non-Indian communities.

During the time of the fishing controversy, Governor Thompson and Secretary Klauser continued to meet with representatives of Protect American's Rights and Resources and the more militant Stop Treaty Abuse, headed by Dean Crist of Minocqua, Wisconsin (Gedicks, 1993). Crist has stated that his organization's goals are similar to the Ku Klux Klan, and that he welcomed Governor Thompson's involvement because it showed "we are not a tiny group of racists--we are indeed representatives of thousands of people" (Jasperse, 1989, cited by Gedicks, 1993, p. 180). Gedicks (1993) writes that the political legitimacy extended to these racist groups should not be under-estimated. Gedicks quotes the Strickland report as stating that "meeting with leaders of these groups is precisely analogous to consulting with the Ku Klux Klan regarding voting rights" (Gedicks, 1993, p. 180).

PARR and STA are both part of a national alliance of the anti-Indian movement called Citizens Equal Rights Alliance (CERA). Fred
Hatch, former Bureau of Indian Affairs lawyer who is now general counsel for STA and its delegate to CERA describes CERA as "a political lobby of ranchers, doctors, lawyers, businessmen, and large corporations like Burlington Northern and Exxon. All of these companies are having problems with the federal Indian policy" (Kerr, 1990, cited by Gedicks, 1993, p. 180).

The corporations are using the scenario which unfolds at the boat landings each spring as a smoke screen which hides a highly organized, corporate financed attempt to dissolve treaties. This attempt at treaty dissolution is evidenced by a meeting in 1988 when CERA "joined other right wing extremist groups like the American Freedom Coalition and corporations like Exxon at a Multiple Use Strategy Conference in Reno, Nevada" (Ryser, 1991, cited by Gedicks, 1993, p. 181). This conference was called to respond to environmental groups who wanted to reform the 1872 Mining Law, which gives mining companies free access to federal land without having to restore it or pay royalties (Gedicks, 1993). With their continued push of multiple use on public lands, mining companies have appealed to ranchers, loggers, and anti-Indian groups in a backlash against emerging environmental reforms (Williams, 1991, cited by Gedicks, 1993). The multiple-use conference was important in establishing organizational links between the anti-Indian movement and right wing politics, while CERA's ties with the Wisconsin Counties Association has helped legitimate anti-Indian politics in mainstream national political debate.
Racism, then, is as effective today as it was in the 1800s. Treaties were formed in part because American Indians were viewed as savages, not able to control their own lives. Their ways of life were different from Euro-American life-styles, and treaties were a good way to get rid of the problem. Today, however, racist information is being disseminated through the media saying the exercise of fishing rights will deplete resources. The corporations, along with help from the Thompson administration, have fueled the flames of anti-treaty, white sportsfishermen, and the revival of a call for the termination of Indian treaties and reservations of the 1850s.

Along with financing anti-treaty groups, another tactic corporations are promoting is the buy out and lease of Chippewa treaty rights. Erosion of treaty rights, specifically the Mole Lake Sokaogon who are rich in resources, is a case in point. The basis for treaty buy-outs, or at least erosion of treaty rights, is the need for economic gain of corporations which also benefits the state.

The Wisconsin Department of Justice approached the Mole Lake Sokaogon in December of 1988 with a ten year pact with the state that would have required the tribe to refrain from exercising spear-fishing and timber harvesting rights in exchange for a $10 million dollar aid package. Nicks (1991) reported that

one of the least publicized provisions of the agreement was the tribe’s withdrawal from the ongoing Voigt litigation over conditions of the harvest and potential economic damages owed to the tribes during the period of state pre-emption of the treaties. (p. 23)

Had this agreement been ratified by tribal members, the solidarity
of the Lake Superior Chippewa tribes in the Voigt litigation would have been seriously undermined.

State leaders and anti-treaty agitators appealed to the state's congressional delegation after the Mole Lake rejection of the state's buy out offer. The Wisconsin Chippewa chairmen were threatened by the entire Wisconsin Congressional delegation who said they would "take into account the tribes lack of cooperation and their lack of sensitivity in assessing tribal requests for federal grants and projects" (Nicks, 1991, p. 25). At this time, Congressman James Sensenbrenner introduced legislation to abrogate the Wisconsin Chippewa treaties of the mid-1800s.

The Chippewa were not persuaded to give up their treaty rights, so the next step involved the Thompson administration's attempt to obtain a federal court order to prevent the Chippewa from exercising their treaty rights because of the violence threatened at the boat landings by the anti-treaty protestors (Nicks, 1991) Judge Barbara Crabb rejected this petition as groundless, but the point is that this legal maneuver demonstrates the complementary nature between the anti-treaty groups and the state. With increased agitation at the boat landings by the anti-Indian groups, the state could step in and suggest that some form of de facto abrogation of Chippewa treaties could solve the conflict.

The bottom line throughout this history has always been resources of fish, game, minerals, etc. It has always been federal policy to open up Indian land to development, which continues to
this day. Indians were pushed to lands thought to be the most desolate. These lands have now turned out to be some of the richest in mineral or energy resources. Under BIA management, reservations sometimes lease out prime farmland, or sell mineral, oil and timber rights at practically give-away prices (Midwest Treaty Network).

One might reasonably ask how is it possible for the state and corporations to organize and exploit the Chippewa in this manner? One answer is the weakening of tough mining laws which have eroded since the early 1980s under then governor Tony Earl’s administration. These laws have continued to weaken under Governor Tommy Thompson (UW Greens Northwoods Taskforce, n.d.). A review of legislative lobbying impacts since 1976 reveals a carefully orchestrated and largely successful effort to diminish the protection of Wisconsin’s mining laws. One example is Wisconsin’s Senate Bill 240, the bad actor bill which exempts multi-national mining companies from review of company environmental track records outside the U.S. Allowing only U.S. felony convictions to be examined further weakened the bill. Typical civil and environmental permit violations and fines were exempted from scrutiny (Rusk County Citizens Action Group, n.d.).

Grassroots Resistance

Historically, the Chippewa have had to submit to a paternalistic government, coercive threats of removal from their homelands, and a confusing mix of Indian/White relationships affecting them
culturally, politically, and socially. With the rise of the civil rights movement, American Indians became aware of all that had been taken from them over the past three hundred years. The Chippewa began to look at their rights as a tribe and as individuals. The revitalization of tribal councils led to a departure from the previous submissive posture of the Chippewa and the hold of white domination over their lives (Fixico, 1992). The Chippewa are, therefore, empowered enough to stand against the large mining corporations who would abrogate Chippewa treaty rights for their own capitalistic gain with the single stroke of a pen.

To put the 1983 Voigt decision into historical perspective, the resistance by the Chippewa to corporate attempts to dissolve treaties and grab the resources has risen from the past history of Indian/White relations involving exploitation, racism, broken promises discrimination, and victimization. The relationship has been unequal in the past with the Indians having very little impact on the white side of the equation. That situation seems to be changing today with the assertion of treaty rights.

Today, one corporation after another is meeting with stiff resistance from the tribes. These large corporations have developed sophisticated strategies to override and neutralize their opposition, but the Chippewa are the ones with the treaties--and the treaties will protect their lands--a major stumbling block for the state and corporations today.

To conclude, past history and relationships today between the
Chippewa and state-corporate entities have created a situation in which something will happen either in favor of the multi-national corporations and the state or the Chippewa. That remains to be seen.

The economic stakes involved in mining are staggering. At the same time that the public has become more aware of the serious environmental costs of mining, the anti-Indian movement has become more politically sophisticated and has extended its influence into mainstream politics at both the state and national level.

Underneath all the racist rhetoric of the spearfishing controversy lies the essential and inseparable connection between the political assault against Indian treaties and the corporate assault on the environment in the 1990s.
CHAPTER IV

THE CHIPPEWA VS. EXXON

Because of their environmentally destructive nature, mining operations tend to be highly visible, more so than those of an oil company. One consultant (Davies, 1982) to a multinational corporation states,

the development of a mine assaults the physical, the cultural, and the economic environments, all by its very nature. Therefore, mining companies have a very different socio-political vulnerability pattern than oil companies, even though both are extracting nonrenewable resources. (p. 61).

As the higher-grade resources are exhausted, new mining ventures exploit lower-grade deposits in less accessible and more fragile environments (Gedicks, 1993). This was the situation confronted by Exxon in Crandon, Wisconsin. The unequally matched battle between the Sokaogon Chippewa and Exxon Minerals began in 1975 and ended in December 1986 with Exxon's withdrawal from its proposed project (Gedicks, 1993).

Case Study #1: Exxon

Exxon first stated its intention to mine a zinc-copper deposit near the town of Crandon, just one mile from the Sokaogon Chippewa's wild rice lake, in 1976. If this mine were to be built, acid runoff and seepage could destroy the lake. Exxon's own environmental report stated that the "means of subsistence on the reservation may be ren-
dered less than effective" (Gedicks, 1993, p. 61). The Chippewa be-
came even more concerned when Exxon's own biologist mistook their
wild rice for a bunch of weeds.

Because of its proposed geographic location at the headwaters
of the Wolf River, enormous quantities of toxic waste would have
been generated contaminating both surface and ground-waters. Ged-
icks (1993) says that

Over the 20-year life of the mine, an estimated 58 million
tons of acidic waste would be generated. Approximately half
of this tonnage would contain high levels of acid-generating
sulfides and other heavy metals (arsenic, lead, cadmium, zinc,
copper, mercury, etc.). These would be stored in tailings
ponds covering approximately 400 acres. Each pond would be
90 feet deep. The remaining coarse tailings would be rede-
posited in the mine as backfill. An Exxon engineer pointed
to the terrain map of the mine and said that, from the stand-
point of the wetlands, the groundwater, and the overall top-
ography, 'You couldn't find a more difficult place [in the
world] to mine.' (p. 62)

The Sokaogon Chippewa would not be the only tribe affected.
The Menominee, 30 miles downstream, were in the direct path of the
pollutants that would be generated from this mine. A report pre-
pared for the Menominee (Gedicks, 1993) states that

the development of the orebody poses a potential threat to the
Wolf River basin. . . . Groundwater contamination will be
especially hard to detect and contain. The residual effects
may not, in some cases, express themselves until years after
the development has occurred. If Exxon's plan to contain the
tailings fails, pollutants could ruin life in the Wolf River.
(p. 62)

Even though this report told of the environmental devastation
that would occur with the building of this mine, and that the Menom-
inee were in the direct path of the pollutants that would be gener-
ated from this mining operation, Exxon deliberately did not mention
the tribe on their maps showing American Indian lands and the local study area (Gedicks, 1993). Any contamination of the ground or surface water in the area posed a threat to survival. Exxon's own geologist stated that "contamination is bound to occur no matter how wisely a mine is designed or how diligent are the operators" (May & Shilling, 1977, p. 44).

These concerns raised the issue of Chippewa treaty rights. Sokaogon Chippewa tribal leaders claimed that the orebody Exxon wanted runs underneath their reservation which lies in the middle of a 92,000 acre tract of land promised to them by the U.S. government following an 1854 treaty (Gedicks, 1993). Exxon gave a check for $20,000 to the Sokaogon tribal chairperson in September of 1975 for the right to explore on their 1900-acre reservation. At the same time, Exxon made offers, including one of $200,000 for 40 acres of corporate-owned timberland just one mile away. When the tribal council found out about this offer, about a week later, they took Exxon's check, tore it to pieces, and reasserted the Sokaogon Chippewa's treaty claim to lands surrounding the discovery site (Dorgan, 1977). This marked the beginning of a decade-long conflict between Exxon and the Sokaogon.

This decade-long environmental conflict would not have occurred if Exxon could have limited the contest between itself and the Sokaogon. From the perspective of the history that has taken place between the Chippewa and the state of Wisconsin since its inception, we can see how multinationals have overwhelmed native peo-
people in the past in an attempt to control resources found on their lands. Not only is this practice found between multinationals and the Chippewa, but between multinationals and native peoples world-wide. To reduce corporate political and financial risks as much as possible, multinationals limit the scope of the conflict so that the victims are completely exposed to the corporation while the corporation has only a small part exposed to the opposition (Nader, 1982).

Because of the loose regulations on industrial tailings ponds, environmental threats were of major concern to many non-Indian local residents as well. Also of concern was the precedent that would be set for other corporations to follow if Exxon's proposed mine became a reality. Other multinational corporations who are looking at northern Wisconsin as a colony where rich deposits of base metals and radioactive minerals could be mined at minimal costs without cleaning up afterwards include Kerr-McGee, Universal Oil Products, Amoco Minerals, Noranda (Canada), Kennecott, Phelps Dodge, BHP-Utah, and from Germany, Urangesellschaft (Gedicks, 1993).

An article in American Metal Market (Crown, 1980) noted,

Exxon Corporation expects to begin serious prospecting of a rich 70 million ton zinc and copper orebody at Crandon, Wisconsin next year while it works to neutralize objections from the environmentalists, residents, and Indian tribes. (p. 1)

When concerned citizens realized Exxon would likely be given the go-ahead for the proposed mine, they began to use existing organizational networks in place and to seek out allies who were also worried about the mine. The Sokaogon Chippewa were the closest allies and worked together with the citizens alliance to challenge Exxon's
proposal. "The multiple environmental concerns of this Indian-citizens alliance became a central focus of town politics thereafter" (Gedicks, 1993, p. 66).

Environmental concerns from several groups raised the issue of treaty rights that would become a monkey on the back of Exxon in the form of stockholder resolutions and a federal lawsuit. Church groups who own stock have asked corporations to state their position publicly on issues such as divesting in South Africa, ending nuclear weapons production, and corporate responsibility regarding environmental concerns. These kinds of resolutions put forth by stockholders to the corporations rarely succeed in gathering large numbers of votes, but they do succeed in dramatizing issues and forcing corporations to state their position on them. This tactic has been used successfully by the Sokaogon Chippewa and the Forest County Potawatomi tribes with the help of the Wisconsin Resources Protection Council (WRPC) and church stockholders. Exxon filed its mining application in December of 1982 with the Wisconsin Department of Natural Resources. The Sinsinawa Dominican Sisters of Wisconsin, who own stock in the corporation and in conjunction with six other religious groups, entered a stockholder resolution with Exxon requesting a postponement of further investment in the project until claims made by the Chippewa were settled (Honor Digest, 1994).

Sister Toni Harris of the Sinsinawas reports a successful 'encounter' with Exxon--6% of the vote or 49 million shares were registered in favor of the resolution. Exxon's Board of Directors had advised shareholders to vote against the resolution. The resolution urges that potentially affected tribes be treated as sovereign nations and equal authorities in deci-
sions which impact their communities. (p. 10)

In 1984 the Sokaogon tribe threatened Exxon with another resolution in an effort to force the corporation to invest in pyrite-removal technology for the tailings ponds—an effort that would curb environmental pollution. Exxon's vice-president of shareholder relations and other members of its staff met with the Chippewa and the Dominican Sisters to persuade them to withdraw their resolution. Exxon Minerals refused to invest in the technology, and in return, the Chippewa refused to withdraw their resolution. Through a petition to the Securities and Exchange Commission, Exxon asked to disqualify the resolution. The Securities and Exchange Commission suppressed the resolution (Gedicks, 1993), but the Chippewa

once again demonstrated that they could effectively translate widespread local discontent with the project into political action that reached into the center of the parent company's decision-making process. Many of the tactics used in the Exxon conflict—private legal action, petitions and referenda, and shareholder campaigns—have been widely used by environmentalists in their efforts to delay, modify, or block new industrial projects. (p. 75)

After a decade of opposition, Exxon finally abandoned its plans to construct their proposed mine. Exxon cited low metal prices as the reason for backing out and denied that pressure from Indians and environmentalists had anything to do with their decision. Public criticism would not have been enough to force Exxon to abandon the project, however.

In 1986 Exxon sought the zoning permits from the town of Nash-ville, Wisconsin that would be required before mine construction could begin. When Exxon representatives came to a town meeting,
local residents grilled the Crandon project staff about issues affecting every aspect of the proposed operation. Not being satisfied with answers given by Exxon regarding the impact of the mine, the town decided to withhold zoning approval until after the DNR master hearing on Exxon's permit application was over (Gedicks, 1993).

Even if Exxon Minerals went through the time and enormous expense of a master hearing, the possibility of being denied local zoning approvals by township officials still existed. Gedicks (1993) goes on to say that

by the time Exxon announced its withdrawal from the Crandon project in December 1986, they confronted a powerful Indian-environmentalist alliance that had strong support in the local area, among other tribes, within the tourist community downstream from the mine on the Wolf River, and among the state's largest and most influential environmental organizations. Rather than admit defeat due to a grassroots organizing effort, Exxon blamed their decision on weak metal prices. (p. 75).

Chippewa treaty rights were not the only, or even the decisive factor in Exxon's decision to withdraw from the project, but the treaties were a formidable blockage in the path of the mining project's major supporters. For Anthony Earl, governor of Wisconsin from 1982-1986 and active supporter of the Exxon-Crandon project, the Chippewa treaties were a powerful defensive blockage against environmental destruction that would come from the proposed mine. "The implications of that mine on the Wolf River and the people who live downstream were among the most serious questions raised about that mine. And that was on account of the treaties" (Mayers & Seely, 1990, cited by Gedicks, p. 13).
With an improvement in metal prices, Exxon announced its plans to reapply for mine permits in August, 1992. Exxon also came in with a new partner to share in the financial risks of the project as well as provide their considerable experience in the copper and smelting business. This new partner, Phelps Dodge of Phoenix, Arizona, is the largest nongovernmental copper producer in the world (Seppa, 1992). Phelps Dodge also had valuable knowledge and experience in dealing with tribal sovereignty over natural resources. McCool (1981) says that

much of the southern Arizona copper belt, where Phelps Dodge has mining operations, is on lands that used to be part of the Papago Indian reservation. Once copper was discovered on Papago lands, pro-mining interests convinced the U.S. Congress to pass legislation that deprived the Papago of all mineral rights on their own lands. (p. 64)

Exxon could not have chosen a better partner.

Even though the current Thompson administration has aided the international mining industry in Wisconsin, the Indian-environmental coalition has gained more experience in fighting mining companies and has a much broader base than in the past. Members of the Wolf River Watershed Alliance were urged to send letters to Exxon advising the company not to pursue reopening the mining permit process. Once again, Chippewa treaty rights and the status of the Wolf River as an outstanding water resource, have the potential to create a political nightmare for Exxon and Phelps Dodge (Gedicks, 1993).

Raymond McGeschick, Sr., tribal chair of the Sokaogon Chippewa noted that the tribe has been, and continues to be, in litigation with Exxon over the company's violation of tribal hunting, fishing,
and gathering treaty rights. Concerning Phelps Dodge, McGeschick stated that the Phelps Dodge management and shareholders have been informed of the current litigation, and that, should the company choose to buy into the controversy, its shareholders will not claim surprise if it encounters opposition.

A month before McGeschick's statement became public, Exxon and Phelps Dodge met with the DNR and recommended that the project proceed, meaning the project was technically and feasibly sound. When McGeschick's statement of the opposition became known, Phelps Dodge withdrew from the project supporting the idea that the tactics used by the Sokaogon made the project a political risk.

With the negative evaluation of the Crandon project by Phelps Dodge, it will be difficult for Exxon to find another partner for this project. Another obstacle for Exxon is that the Midwest Treaty Network has assembled over a half-dozen tribal mining committees and as many environmental organizations who will act together in concert to halt production if Exxon decides to revive this project and venture into it on their own. At this time, whether or not Exxon decides to revive this project remains to be seen.

Case Study #2: Kennecott

Kennecott announced its plans to mine a six million ton copper deposit, known as the Flambeau deposit, near Ladysmith, Wisconsin in 1970. If Kennecott and its partner, Rio Tinto Zinc, were allowed to go ahead with this project, other mining corporations would follow
suit. Though small in size, the Flambeau deposit became important because it would allow northern Wisconsin to become a domestic mining district (May & Schilling, 1977).

At the time of the proposed mine, not enough was known about mining to raise any significant objections. "At first, most of us thought a copper mine would bring prosperity to this area," said Roscoe Churchill, retired school principal, part-time farmer, and Rusk County supervisor (Gedicks, 1993, p. 85). Doubts about the mine began to surface when William Bateson, a University of Wisconsin economist at the Institute for Environmental Studies calculated that the Ladysmith mine stood to gain $20 million worth of copper and $5 million worth of gold and silver each year. Rusk County would gain only $4,688 each year while Kennecott's after-tax profits were conservatively estimated to be around $5 million annually.

Churchill and others also discovered that long-term jobs with the mine would last only eight years and employ about 40 people. Concerns about environmental consequences of the mine also began to raise doubts. The mine would be only 300 feet from the pristine Flambeau River, one of Wisconsin's prime walleye fishing areas. The Lake Superior Chippewa also held hunting, fishing, and gathering rights in the northern third of Wisconsin precisely where this mine would be located. Massive sulfide-type rock (Gedicks, 1993) surrounded the orebody to be mined.

When massive sulfides are exposed to air and water during mining, they form sulfuric acid, which can contaminate both

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
groundwater and surface waters. Contamination of this sort could devastate the dairy farming economy of Rusk County as well as the tourist trade. (p. 87)

A hearing concerning an environmental impact statement for the proposed mine revealed that Kennecott planned to run the project through with the help of the state. An environmental impact statement (EIS) must be prepared by the Department of Natural Resources (DNR) before major development projects can proceed. The town of Grant, Wisconsin, hired Kevin Lyons to represent their township on mining issues. Lyons (1979) describes how this public hearing was conducted:

Before testimony began, the Wisconsin Department of Natural Resources hearing examiner ruled that the only lawyer allowed to ask questions would be the Kennecott lawyer, who would be questioning his own witnesses. The examiner also ruled that there would be no cross-examination of the Kennecott witnesses by anyone. The Kennecott lawyer then called and examined his witnesses, all of whom supported the EIS. . . . At the end of the hearing, the examiner ruled that the EIS was adequate. (pp. 1-2)

In the meantime, Churchill organized a meeting of concerned citizens. They learned as much as they could about the environmental devastation that would occur if plans for this copper mine were allowed to proceed. Visits were made to other copper mines and findings reported throughout the county through public meetings and "Letters to the Editor" column of the Ladysmith news. Churchill's visits confirmed that no high-sulfide metallic mine has ever been successfully reclaimed, anywhere in the world. Current mining proposals are all based on experimental technology that has never been operational. Even the most modern mining companies frequently violate
pollution standards and have a very poor record of environmental safety (Anishinabe Niiji, n.d.). One "Letter to the Editor" came from Carolyn Brown of Yarmouth, Nova Scotia. She wrote:

...we were so excited; the 2500 acre East Kemptville Mines, owned by Rio Tinto Zinc (parent company of Kennecott and Flambeau Mining) would create 200 jobs for seventeen years. We were assured that this mine would be chemical-free; gravity would do all the work and keep the environment clean.

After only a few months the Tusket River was full of sediment from tailings ponds. ... Chemicals--cyanide, arsenic, PAX, and others.

Six years later the East Kemptville Tin Mine has been shut down. RTZ left us a hole one mile long, a quarter mile wide and almost 200 feet deep--with heavy metal laden water in it. In heavy wind the fine tailings are carried far over our forests. In heavy rains the tailings ponds overflow into the river.

We pray we will not have a disaster like RTZ's Wheel Jane Tim Mine in Cornwall, England. After a year of closure it overflowed, poisoning the Carnon River and Fal Estuary.

RTZ has left us with a sleeping monster which may annihilate our river, our land and our fisheries. Don't let this happen to you!

Armed with information about poisoned rivers and streams in other areas of the country and Canada, the newly formed Rusk County Citizens Action Group (RCCAG) prepared a legal appeal of the DNR's approval of the environmental impact statement for the proposed mine. They sought legal counsel and, as the final permit hearing on Kennecott's mine application drew near, the Rusk County Citizens Action Group had put together a defense team with Kevin Lyons representing the town of Grant; and Frank Turkheimer, attorney for the Natural Resources Defence Council (NRDC). NRDC is a well respected national environmental organization which utilizes scientific research, cit-
izen education to protect natural resources combined with legal action. Citizens of the state in the proceedings were represented by Intervenor Peter Peshek (Gedicks, 1993).

Investigations revealed that the DNR had accepted Kennecott's environmental impact statement without ever verifying critical interpretations of groundwater quality, soil permeability, seepage of toxic metals, and so forth (Peshek & Dawson, 1981). In their report, Kennecott reported that no potential danger of pollution to the river existed because the heavy metals and toxic materials would go into a small artificial lake (some 300 feet from the river) and remain their permanently. Peshek later gained access to a letter from Kennecott which stated exactly the opposite (Peshek & Dawson, 1981).

The Department of Natural Resources' deliberately misleading environmental impact statement helped put an end to the permit proceedings. But the biggest blockage to the state and Kennecott was, by far, the public education efforts of the Rusk County Citizens Action Group. Churchill, member of the Rusk County Board of Supervisors, introduced a resolution to stop the issuance of county mining permits until adequate laws were in place to protect the environment and sufficient tax revenues were available to pay for the costs associated with mining to local communities. Without sufficient tax revenues, it is possible that local governments would incur expenses (like road construction) before they have enough new revenue from the mine. In that case, taxes on local residents would have to be
raised to make up the difference. Once the mine closed down, the impacted communities would have very high public service expenses, taking care of unemployed workers and their families. None of the tax the state collects (net proceeds tax) would be earmarked for these expenses. Also, the local tax base could be cut by as much as a half, meaning the county and towns would have less money available to meet the new expenses (Northeast Wisconsin Environmental Network, n.d.).

Members of the board passed Churchill's resolution unanimously, and after eighteen months of struggling, the applications were dismissed. Gedicks (1993) cited Bauman by stating that

a handful of citizens beat a multinational corporation, said Peshek. They whomped the living tar out of 'em. There were eight legal proceedings and the people won every one of 'em that ever ended. A grassroots citizen's movement convinced the town of Grant and Rusk county boards to deny Kennecott's mining application. And, to further safeguard the community from future mining projects, the county passed a tough mining code in 1984. The whole experience moved one Kennecott corporate vice-president to describe the state in an internal corporate letter as the People's Republic of Wisconsin. (p. 91)

But, this is not the end of the story. In the face of Kennecott's defeat and Chippewa resistance to Exxon's proposed mine at Crandon, corporate strategy to gain future access to resources in Wisconsin needed to be reevaluated. One option involved coopting and splitting the opposition and building an alliance between the state of Wisconsin and the mining corporations to neutralize opposition to mining. Two powerful organizations are involved in this strategy with the goal of profit for each organization.
Through lobbying efforts of Kennecott, lawyers from Wisconsin regulatory agencies, key legislators, and environmental lobbyists formed a new consensus decision-making process to try once again to begin mining in northern Wisconsin. This new corporate-state alliance to promote mining focuses public attention on corporate compliance with environmental laws. The goal of this strategy is to gain approval of projects without major legal delay, political attention or public scrutiny. The idea is to delay environmental opposition by meeting the letter of the law, more or less. When used in other states, this tactic has swayed, intimidated, awed, outraged, and finally, split state environmentalists (Gedicks, 1982).

This process would involve Indian tribes, local citizens, and environmentalists in negotiations with mining companies and the state about rules that would allow mining companies to begin their projects. Gedicks (1993) says that

> the assumption underlying the consensus process is that mining is inevitable no matter what the social and environmental costs may be. And if it is inevitable...it is better to have the state effectively regulate the social, economic, and environmental effects of such projects. (p. 92)

Lawyers for Exxon, Kennecott, and Inland Steel; the DNR; Wisconsin's Environmental Decade; the public intervenor; and lawyers for three of the affected townships comprised this elite planning group with Exxon assuming a leadership position and providing funding from the very beginning. Roscoe Churchill pointed out, however, that the citizens who were supposedly represented in the consensus were given no active part in the drafting of mining rules, especially AB 800,
the groundwater rules for mining (Gedicks, 1993).

The consensus process legitimates the political inequality of access to information and organizational resources between the mining companies and the public during the formulation of public policy. Mining companies have the best of both worlds with their dominant role in shaping mining rules and regulations while diverting potential opposition from outside political organizing, public education and legal battles. Disagreements among consensus participants are not brought to the attention of the public through the media—a key feature of the consensus process. Gedicks (1993) goes on to say that

this strategy of consensus decision making is in reality a subversion of democratic decision making whereby potential conflicts which may otherwise arise between corporate and community interests are either suppressed or neutralized in the legislative and regulatory processes. (p. 93)

Naming this decision making process consensus leads one to believe that everyone participating has an equal voice in these decisions. But it may, as one political scientist observed, "only serve to hide the fact that powerful interests and their legislative partners are using the process to force their will upon weaker interests" (Amy, 1985, p. 15). In other words, unequal methods used by those privileged by power of forcing weaker interests to comply with powerful corporate groups are being facilitated with help from the state. Corporate and government collusion is occurring in a variety of different ways. For example, a pamphlet prepared by UW Green Northwoods Taskforce (n.d.) reports that
* Current Secretary of Administration, James Klauser, worked for Exxon until 1986 lobbying for a copper-zinc mine in Crandon, Wisconsin.

* Wisconsin's tough mining laws have eroded since the early 1980s during Tony Earl's administration, and continue to do so under Governor Tommy Thompson.

* Tony Earl, Wisconsin's governor from 1982-1986, is now a paid lobbyist for Noranda Corporation. Pete Peshek, Public Intervenor under Earl, was responsible for reducing groundwater quality standards from non-degradation to maximum contaminant levels (MCL's).

Corporations can now legally pollute up to a level determined safe on the basis of how much water in New Jersey had to be cleaned up before it was fit for human consumption.

* In 1988 Kennecott drafted an amendment to Wisconsin statutes allowing corporations to circumvent local mining moratoriums by entering into a local agreement with a subdivision of local government, signed into law by Governor Thompson in 1989. Thompson also signed a bill giving permission to mine Wisconsin's state parks.

* The DNR (whose top staff are Thompson appointees) granted six variances enabling Kennecott to bypass what little remains of Wisconsin's mining statutes—one enabling Kennecott to mine 140 feet from a river instead of 300 feet. (According to Wisconsin ordinances, you can't even put a swimming pool 140 feet from a river).

* Nearly all the studies used by the DNR in the final Environmental Impact Statement were conducted by Kennecott or with reference to Kennecott compiled data.

With lessons well-learned in the wake of their previous defeat, Kennecott planned to revive its mine permit for the Flambeau deposit beginning in 1987. This time, Kennecott came back with a corporate counteroffensive against local environmental activism that they believed would help get the permit through. According to Gedicks (1993), Kennecott's plan included three components:

1. a divide and conquer approach to local politics using sophisticated mass media promotions, behind the scenes poli-
tical influence and gifts and donations to community groups; 2. legal threats; and 3. pressuring the DNR into putting the mine permit application on a fast track for approval. (p. 96).

In an attempt to revive the previously defeated mining attempts, Kennecott convinced some Ladysmith business people that a scaled-down version of the project would be a definite boost to downtown businesses. Ladysmith town officials invited the town of Grant and Rusk County to join them in a united effort to see what Kennecott had to offer, and perhaps negotiate a mining agreement. Two elected officials from each of the three governments were selected in a very informal process, and meetings began in December 1987. The negotiations were held in closed session. Kennecott lawyers were in attendance, but the general public was not permitted to take part.

As part of the negotiations, Kennecott said that "the local communities must agree to provide Kennecott with relief from the local approvals such as the Rusk County ordinance" (Gedicks, 1993, p. 97). The local impact committee had no authority to negotiate with Kennecott, but that was not seen as an obstacle. There was no environmental impact statement prepared by the DNR, committee members did not have the benefit of legal council, and therefore, had very little information about the social, economic, and environmental impacts of the project.

Roscoe Churchill was vice-chair of the board for Rusk County, and the town of Grant passed a moratorium on mining in 1982. Kennecott (cited by Gedicks, 1993) anticipated the possibility of resis-
If an agreement cannot be worked out which would provide for local approvals, there appear to be only two potentially viable alternatives to satisfy the local approval requirements according to the company's strategy paper. These are either to have the entire parcel annexed by the city or to initiate litigation challenging the existing local law. (p. 98)

If Ladysmith annexed the mine site, Grant would be deprived of any proceeds from the mine. Committee members were reminded that Kennecott's lawyers had a petition ready to annex the entire property to Ladysmith. If the threat of annexation was not sufficient to force the committee to reach an agreement Kennecott could live with, the lawyer for the committee said Kennecott probably would have legal grounds to sue if they did not alter tough local mining laws. The threat of a huge lawsuit against a small city within an economically poor county is quite frightening (Gedicks, 1993).

Now that Kennecott had intimidated the local negotiating committee with a lawsuit, all they needed was passage of legislation allowing them to proceed. With legislation drafted by a Kennecott lawyer, and with help from a pro-mining state senator, the bill became an amendment to the state budget bill. No public hearings were held, and very few legislators were even aware that it was part of the budget bill. Then in May of 1988, pro-mining Governor Tommy Thompson signed this bill into law with hardly any public notice (Gedicks, 1993).

Kennecott used their overwhelming economic and political power to make the mine seem inevitable, and managed any environmental opposition through their vice-president, Larry Mercando. Mercando
visited churches and civic clubs where he declared the mine to be environmentally safe. Even so, large numbers of citizens still protested the mine. In an effort to keep protestors in their place in the social hierarchy they were referred to by Mercando as outsiders and as un-American. Projecting such an image to the public would make it seem as though to be patriotic and a good citizen of the Ladysmith community, one must be in favor of the mine.

Kennecott did not limit its efforts to neutralize environmental opposition with Mercando. They also hired a public relations firm to publish a weekly supplement to the local town paper. The company also spread money around the community by contributing thousands of dollars to local charities, schools and governments (Churchill, 1992).

By bribing the local community and intimidating the environmental opposition, Kennecott tried to establish an offensive position. Kennecott also let it be known that Rusk County and the town of Grant could be sued for zoning codes that restrict mining. The threats of a lawsuit and lost tax revenues worked to Kennecott's advantage. Grant's town chairperson, Bob Plants, feels that the mine has been forced on his community. "They know all the loopholes, and they have the best lawyers. Sometimes you have to see the light of day and realize that some things are going to happen whether you want them to or not" (Gedicks, 1990, p. 10).

One major obstacle to this corporate power play came back to haunt Kennecott. During negotiations and in gathering information
for the environmental impact statement, neither Kennecott nor the DNR consulted with the Lake Superior Chippewa. Mercando viewed the treaty rights as unimportant. He told a reporter that Kennecott owned the land and the mineral rights (Kewley, 1990). However, with treaty rights, the Chippewa could legally stand to intervene in the efforts of corporations trying to gain mine permits that could endanger treaty-protected resources.

Added to the already intense environmental opposition, the Chippewa treaty rights were a major obstacle to Kennecott's parent company, Rio Tinto Zinc. RTZ has several mines which have displaced native people from several countries in the past, and Kennecott/RTZ cannot point to a single example, worldwide, where their mining operations have not caused irreparable harm (UW Greens Northwoods Taskforce, n.d.). For example, the UW Greens Northwoods Taskforce reports that an RTZ uranium mine in the Elliott Lake region of Ontario, Canada has contaminated the Serpent River Basin with radioactivity to the point where it is unfit for human use and all the fish are dead.

Promises from the mining company and the state of Wisconsin that the health of people and other species would not be damaged (at least not more than what is considered acceptable) is not enough for the Chippewa. The Chippewa treaties can protect the land for both Indians and non-Indians. While the treaties do not cover mineral rights, they can be used as legal tools to protect the natural resources reserved for the Chippewa (Madison Treaty Rights Support
As stated earlier, treaties are legally binding agreements made between two nations, in this case the United States and the Chippewa tribe. Treaty rights were never sold by the Chippewa, nor were they granted or given by the federal government. The Chippewa kept the right to obtain food and other necessities on ceded lands in order to be sure future generations would always have a source of food and survival (Great Lakes Indian Fish and Wildlife Commission, 1993).

Armed with knowledge of Kennecott/RTZ's infamous environmental track record and with knowledge of the protection treaties can produce, Gaiashkibos, tribal chair of the Lac Courte Oreilles Chippewa traveled to London in May of 1990 to attend RTZ's annual general meeting to address the environmental concerns of the Chippewa (Gedicks, 1993). Gedicks (1994) quotes Gaiashkibos as stating he intended to tell RTZ's Board of Directors

that the tribes and environmentally concerned people of Wisconsin will not accept the degradation of ground or surface water, nor the stockpiling of hazardous and toxic materials simply so a foreign company can exploit the natural resources of our region. The track record of Kennecott and RTZ in the United States, Canada, and around the world is one of pollution, dead rivers, dead fish, boom and bust economies, and displaced native peoples. That is unacceptable in northern Wisconsin. (p. 106)

When he asked if RTZ would respect Chippewa rights in Wisconsin, board chair Sir Alistair Frame answered, "We will deal directly with the federal and state government. Next question" (p. 110). Gaiashkibos tried to ask a follow-up question, but Frame turned off his
microphone. London's very famous "Financial Times" publication noted that such rude treatment of the head of a sovereign nation overshadowed the announcement that Standard and Poor’s and Moody’s had awarded RTZ the top rating for its bonds. Gaiashkibos replied that "What we’ve observed today confirms our worst suspicions about the intentions of RTZ. We have been told firsthand that RTZ couldn’t care less about our rights or concerns" (Bauerlin, 1991, p. 3). Further challenging the mining project, Gaiashkibos stated "The company is saying it will be here for six years. Their liability goes for another 30 years. We’re going to be here forever" (Bauerlin, 1991, p. 3).

As the U.S. economic picture gets more desperate, mining firms' long-term strategy draws from Third World countries right back to the U.S., where many of the richest mineral deposits are located in the poorest areas. The state of Wisconsin has fought treaty rights tooth and nail from the day it was hauled into court by the Lac Courte Oreille. Spearfishing/anti-treaty protests have not been discouraged by the state and have, at times, been encouraged because the demonstrations put pressure on the tribes. Eventually, the logic goes, the tribes may give up their rights and open the way for the state's vision of industrial development. The anti-treaty group mentioned earlier, Protect America’s Rights and Resources (PARR) said on February 23, 1991, that it "will not endorse any mining controversy solution reached as a result of long-dead treaties" (Midwest Treaty Network, n.d.).
Statements from Wisconsin officials do little to discourage the belief that they are racist and see the Chippewa as an easily exploitable resource. In 1990, after two seasons of demonstrations in which slurs like timber niggers! and save a walleye, spear a pregnant squaw were used, and even after anti-treaty leader Dean Crist expressed his sympathy for the Ku Klux Klan and David Duke, Governor Thompson declared that he saw no sign of racism in the protests (Bauerlin, 1991).

Even so, education of the public about the destruction that is inevitable with mining is leading some of those who protested at the boat landings to join together with Indians and environmentalists to protect endangered resources. According to Gedicks (1990) Kermit Benson, speaking for the 6,000 members of the sportfishing group, Muskies, Inc., stated

> When the time comes that you can’t eat fish out of the Flambeau River, we don’t want someone coming to us and saying, 'where were you when they had this public hearing.' We want it on record here and now that we oppose this mining project. (p. 9)

The outcome of the Kennecott/Ladysmith mining controversy is still uncertain. Whatever the outcome, Kennecott faces opposition from Wisconsin’s six Chippewa bands—Mole Lake, Lac du Flambeau, Red Cliff, Lac Courte Oreilles, St. Croix, Bad River, several treaty rights support groups, national environmental organizations, and local grass-roots environmental organizations. In 1989, they formed Anishinabe Niiji (Friends of the Chippewa), to support the Lac Courte Oreille tribe’s decision to exercise its rights and oppose
Kennecott.

Resistance to the Kennecott/RTZ mine has been fierce. In 1992, Anishinabe treaty rights activist Walt Bresette climbed over a ten-foot high security fence carrying a war club once used by Black Hawk and counted coup on some earth movers (Green Net, Detroit Summer Coalition, 1992). Bresette, a member of the Red Cliff band of Lake Superior Chippewa and a founder of the Wisconsin Greens, hit the machines with his war club but did no physical damage.

With the help of three other activists, Bresette then removed an American flag flying above a 50 foot pile of topsoil at the site being cleared for mining alongside the Flambeau River. The protestors neatly folded the flag and planned to hold it hostage until RTZ agreed to postpone further mine construction. The protestors were charged with trespassing and theft. These are the first activists to be charged in connection with opposition to the mine.

According to the Green Net, Detroit Summer Coalition (1992), Bresette said,

it's obviously a faulty permit, so I don't recognize the authority of this mine to move forward. There's no proper environmental impact statement completed on this. The DNR is a rogue government. They are bypassing democracy in this process. . . . The State of Wisconsin has abdicated it's fiduciary responsibility to protect the Lake Superior Chippewa. Endangered species are threatened. (p. 1)

After the arrests, the Sierra Club filed a lawsuit asking the court to order the DNR to follow the Wisconsin Environmental Policy Act and conduct public hearings on the supplemental environmental impact statement before allowing mining to proceed. Damaging test-
imony came from a DNR diver who is now a staff biologist for the Great Lakes Indian Fish and Wildlife Commission. The diver testified that he was prohibited by his DNR superiors from surveying the Flambeau River to determine possible damage to the endangered species from sediments that washed into the river after failure of the mining company's erosion control system in September, 1991.

Siding with the state and mining corporation and despite evidence of the DNR's failure to comply with the requirements of the Wisconsin environmental Policy Act along with its disregard for the public's right to participate in the mine permitting process, Dane County Circuit Judge Angela Bartell dismissed the lawsuit on June 13, 1992. One of the reasons for the dismissal was that citizens waited longer than 30 days to appeal the January 1991 decision to grant the permits. Lac Courte Oreilles lawyer, Larry Leventhal stated Bartell's ruling "essentially says if an agency hides information from the public, it won't be held accountable for it" (Green Net, Detroit Summer Coalition, 1992, p. 3).

Lawsuits such as the one above slow down ecologically devastating mining projects, but more often than not, mining corporations can outspend and outmaneuver their opponents. When this happens, mining corporations are discovering that their opponents have other weapons in their arsenals. Aggressive litigation, mass demonstrations, shareholder resolutions, non-violent direct actions against polluters are all forms of counting coup on earth destroyers and placing massive blockages in the path of the state and corporations.
This combination of blockages has been successful in defeating RTZ mine projects in the past and may work in northern Wisconsin.

Even though the outcome of this particular controversy is still uncertain, with treaty rights as a powerful tool to protect the lands, at the very least mining corporations can no longer barge into a community and dictate when and how valuable resources will be removed. Mining corporations can no longer disguise their disregard for community concerns under the guise of a consensus decision making process. If the multifaceted concerns of local communities are not respected by mining corporations, there will be no mining in northern Wisconsin (Gedicks, 1982).
CHAPTER V

SUMMARY AND CONCLUDING REMARKS

A common thread running through this case study of resource colonialism and native and rural resistance to environmentally destructive projects is the key role played by native assertion of treaty rights. In the second chapter of this study, we saw how treaties were used by Europeans as a tool of oppression. Many times Indian people were told what was presented in a treaty without realizing exactly what was written in the document. Treaties served European capitalist interests by facilitating the removal of Indian people from their homelands and moving them to desolate places which no one else wanted; places believed by European colonizers to be worthless. Upon the discovery that valuable minerals and other resources were beneath reservation lands, these areas became prime targets for all sorts of major profiteering projects for multinational corporations.

As these projects came about on some reservations with disastrous results, people in other targeted areas began to take notice. Indian people became knowledgeable about environmental concerns, and many decided the cost of losing the environmental stability of their homelands was not worth the price gained from letting their resources be mined. Now the tide began to turn. Treaty documents that were once used as a method of oppression were now being used by Indian
people who demanded that the terms be met. Once the Chippewa of Wisconsin challenged the power structure of multinational corporations and the state, asserted their sovereignty and their rights to control the natural resources within their territories according to the treaties, the question of power and control over resources began to change.

In a society built upon hierarchical power such as the United States, critical perspectives argue that the control of resources is governed by the interests of those most privileged by power, i.e., the state of Wisconsin and the multinational corporations. The critical perspective used in this study argues that American Indian people have been historically ritually stripped of their power, except for treaty rights. Resistance of the Indian people through assertion of treaty rights to keep their land base and protect their resources threatens the privilege and control of powerful multinational corporations and the state. The Chippewa have fiercely resisted destruction of the environment and the destruction of treaty rights.

Critical perspectives also argue that resistance by those less powerful to established social order is often labeled as deviant. Those who have resisted the projects described in the case studies have been portrayed as deviant and un-American as a device to mobilize public opinion in favor of mining corporations. According to Spitzer (1975), potentially deviant problem populations such as the ones in this study, came from within the capitalist political eco-
nomy through critical awareness not only of environmental concerns, but also awareness of unequal power structures and unequal economic gains. Spitzer identified a few of the factors which increase the likelihood that troublesome populations will be officially controlled as deviants. These factors include, but are not limited to, the level of the threat presented by the problem population, and the effectiveness of informal civil controls. In this study, multinational corporations came into small communities and tried to neutralize the opposition, thereby maintaining social control, through gaining the trust of families, church groups, and the media. As described earlier, when these tactics failed, the Chippewa were used as scapegoats and blamed for the economic problems in Wisconsin.

In examining this study through a critical perspective, a story unfolded of how a small minority of relatively powerless people have empowered themselves with knowledge of the environment and economy to resist injury and harm they believe will be brought about by those in positions of economic and political power. As described in previous chapters, this resistance has been classified as deviant behavior by those privileged by power. To classify certain behaviors as deviant is to suppress the resistance of those who threaten such privilege. As Leonard Peltier (1992) has noted,

. . . when colonial white society invades and occupies our territories, these are not called criminal acts. But when Native people stand up and resist, these acts are considered criminal. But these are not crimes. They are political acts in which our people stand up for their rights on self-determination, self-dignity, and self-respect against the cruel and oppressive might of another nation. (p. 270)
The effects of social control through colonization is demonstrated through the formulation of treaty-making between the colonizers and the colonized, giving those situated in the higher classes the upper-hand in decisions as to which direction the mode of production takes. Through the treaties, it is abundantly clear that one class of people were ensured the ability to ritually authorize and perpetuate its control over others.

The conquest was complete and, as Marx and Engels theorized, these unequal structures created social divisions between those who controlled and those who were controlled on an economic level. As Pfohl (1994) writes, "the primary targets of social control are those who resist, disrupt, or otherwise threaten the existence of structured economic inequality" (p. 436). The powerful corporate-state efforts to economically and politically order society in a way that will benefit some to the exclusion of others would have us ask "who makes the rules and why?" (Taylor, Walton, & Young, 1973, p. 220).

The Marxist approach would locate the deviant resistance to new colonialism and social control of the Chippewa in historical struggles to control the resources of their land. There is no better example of Marx and Engels' approach to deviance and social control than the imposition of the European cultural reality on Indigenous peoples of this nation. In an attempt to civilize the Indigenous peoples of this nation, European colonizers passed laws declaring religious practices, family structures, and tribal rituals illegal.
Linear logic would argue that those less civilized were unable to properly exploit the land and its resources, therefore, those deemed to be civilized would determine issues about the land.

As Churchill and LaDuke (1992) write,

land has always been the issue of greatest importance to politics and economics in this country. Those who control the land are those who control the resources within and upon it. No matter what the resource issue at hand is, social control and all the other aggregate components of power are fundamentally interrelated. (p. 241)

The case studies presented are a story of how mining companies have used enormous economic and political power to shape the policies of both state and local governments in their battle to control the resources. Ideally, changing policy would clear away obstacles that might hinder long-range plans for a new mineral and energy resource colony in northern Wisconsin. Exxon and Kennecott have revised Wisconsin mining regulations, over-ridden local zoning authorities, and used their economic clout in dividing neighbors against one another in small, rural communities. This intersection of corporate and state political power to promote controversial mining projects is the basis of the resource wars in Wisconsin.

To the extent that state-corporate actors illegally pursued their goals in violation of treaty law, we can evaluate it as a form of state-corporate crime. As described, corporations and the state joined together to violate treaty law to pursue their mining projects. However, coming against this formidable alliance of corporate and state power are a variety of grassroots and mainstream environmental organizations, citizen action groups, and Indians.
Even though their resources are extremely limited, this coalition has placed the mining issue in the forefront of public political debate, challenged corporations before their stockholders, and called into question the legitimacy and integrity of the Wisconsin DNR’s mine permit process (Gedicks, 1993).

The story of resistance in this case study is not solely about Indian resistance, but an environmental social movement able to counteract corporate power as well. The assertion of native land rights takes place in the context of an environmental movement willing to accept other ways of understanding and appreciate the knowledge native people have about the environment as well as accepting native leadership in environmental battles. Native peoples today are challenging the most powerful institutions of a large nation-state by using their capabilities to blend assertion of treaty rights with innovative and militant forms of environmental activism.

Social control is always an exercise of power. The state and multinational corporations in this case study have used their hierarchical positions of power to keep the Chippewa powerless and in a position of relative disadvantage in the past. Through the case studies, it is clear that when the efforts of those privileged by power have been blocked by resistance of Chippewa treaty rights, unethical practices in dealing with the tribes have occurred which have caused them injury and harm. Those in powerful positions have countered Indian resistance by using the force of racism.

The use of a power-reflexive critical perspective in this case
study has helped facilitate an understanding of the way in which those in power are participants in creating an environmentally harmful atmosphere which maintains current hierarchical positions of power. The critical perspective, can be applied to deconstruct the unequal relationship between the state-corporations, and the less powerful Chippewa, and then help reconstruct a better form of balance.

Balance is a very old, and important concept to almost all Indian people, and affects every facet of life. Today, it is widely recognized that something is drastically out of balance. We are in a state of environmental deterioration requiring alternative approaches to economic survival. Underneath the rhetoric of the environmental problem lies the inseparable issue of power and how powerful rituals of control affect human rights; not just the rights of Chippewa people, but all people as a whole. The point is not only to understand the problem, but also to solve it. The common denominator in the preceding chapters has been direct action aimed against the status-quo. There is a firm rejection of business as usual. The synthetic order is being questioned and, in the case of the Chippewa, truly challenged. This is all good and well, but more is needed. No movement or group of related movements can succeed in offsetting present situations through shared rejection. The Chippewa must not struggle against injustice only, but also toward their perception of justice. There needs to be a unifying vision of the alternatives.

As the Chippewa continue to use treaty rights as a defense,
new definitions of who Chippewa people are and the role they play economically will emerge. Circular ways of viewing profitable business in environmentally sustainable ways will assist in redefining the ways Chippewa, corporations and the state do business and redefine relationships between these actors. New and different ways to take what is needed from the environment without causing total environmental devastation may be re-examined in the future. Decreasing the environmental deterioration occurring today will require alternative approaches to economic security. Sharing the knowledge that the Chippewa people have in this area will place the focus on cooperation rather than hierarchical control.

Policy Implications of the Analysis

Policy is built on a variety of philosophical and epistemological arguments, ultimately grounded in subjective choice, and developed using political skills of strategy and persuasion. The central question coming out of this study is, what philosophical and epistemological frame of reference is best suited for policy leading to environmental justice and power relations based on reciprocity rather than hierarchical domination? The critical perspective used in this case study stresses the significance of values in rethinking how environmental policy should be dealt with and is tested by placing views about the environment into an American Indian way of life. In other words, there is a need to reconceptualize those values deemed to be authoritative. Allocative decisions for society should
be grounded in doctrines and principles stressing reciprocal power, and a holistic way of viewing the environment.

For much of this century, positivist philosophies dominated social science with the belief that questions and problems posed in the social world could be understood and solved using the same techniques as those applied to questions about the physical world. Some have come to question the ability of positivist approaches to deal with complex social issues like those considered in U.S. public policy (Fisher & Forester, 1993). The basic problem with the positivist approach is its inability to provide a way to transcend political interest in order to obtain policy knowledge.

What is suggested here is how policy analysis might benefit from a methodology which acknowledges that scientific knowledge is dependent upon the normative assumptions and social meanings of the world it explores. Dryzek (1993) suggests that policy analysis should address ethics and normative theory and the apparent normative basis of the status quo in the decision-making process—that is, the values and interests represented in the existing regime and policy process.

Along the same lines, Mary Hawkesworth (1992) argues that in order to effectively examine policy, the underlying values which drive decision making must be acknowledged. Most importantly, for Hawkesworth, sources of power must be critically examined. Indeed, the critical study of any subject should take into account the hierarchies of power that are inherent in the society.
A critical perspective challenges policy analysts to place themselves within an environmental justice framework which would attempt to uncover the underlying assumptions that may contribute to and produce unequal protection. A framework such as this addresses the ethical and political questions of "who gets what, why, and how much" (Bullard, 1994, p. 119). Addressing ethical and political questions such as these is important because one frame of reference by itself does not inform the whole of the problems associated with negative environmental impacts on people of color and low income groups.

The critical perspective used in this study challenges the policy analyst to choose among social values, and because values underlie decisions, the policy analyst should recognize that the choice of a frame of reference is culturally bound and dependent; a point made by discussing the American Indian way of life.

A Way of Life

A power-reflexive critical perspective offers a new frame of reference for policy-making grounded in the doctrines and principles of American Indian views on the environment. The American Indian perspective demands critical thinking about the policies of the private and public sectors developed by those privileged by power in response to environmental issues. The critical perspective used in this case study questions the assumptions upon which current policies are based and examines traditional solutions as well as advo-
eating new ways of thinking about the environment. It allows for different realities and reciprocal relations of power based upon mutual respect; and that these different realities should be reflected in decisions and policies made to include indigenous peoples.

Formulating environmental policies from a critical perspective includes taking into consideration questions about the responsibilities toward the environment and how these responsibilities ought to be reflected in the policies adopted by the government and private companies as well as in the habits of the population as a whole.

For many Ojibwa people, the environment is not an issue. It is a way of life. As with other tribes, the Ojibwa consider themselves inseparable from the natural elements of their land.

Environmental sustainability is the ability of a community to utilize its natural, human and technological resources to ensure that all members of present and future generations can attain a high degree of health and well-being, economic security and a say in shaping their future while maintaining the integrity of the ecological systems upon which all life and production depends. The four pillars of sustainability are: economic security, ecological integrity, democracy, and community (Cortese, Kline, & Smith, 1994).

This definition of environmental sustainability is relatively new, but many American Indians have been practicing the new concept of sustainability for a very long time. An example is Archie Mosay (n.d.), a 90-year-old Ojibwa elder, traditionalist and spiritual ad-
visor from the St. Croix reservation who teaches by word and example. His lessons on the environment come from the traditional values taught by his parents and grandparents. Mosay’s teachings pass down his belief that tribal members are responsible for working to protect the earth for the generations that will follow. Speaking from his rich traditional background, Mosay gives this message to those of us who are concerned about what can be done to preserve our native environments and values.

I don’t know where exactly I was born. I lived in a wigwam until I was eight or nine. I’ve hunted since I was 12. Our chief said not to take any more from the earth than we would use. And there wasn’t much waste. Indian people didn’t kill for sport—it was to live and to survive.

Try to live with respect for the Earth. Live the way I did when I was young. There was community. Elders talked to the young people about how they should live their life.

Whatever grows on this earth belongs to the Indian people. The spirits put that there for the Indian people to use. Take care of the environment the way my grandparents taught me. Go to your elders and listen. Pray for the Indian people.

There are a lot of things the younger generation forgets about. They’ve got too many things in their minds. Don’t forget about Indian culture. Don’t forget about fasting, about sweat lodges.

Pray. Live right; and heal the earth. (p. 3)

Looking even further than Archie Mosay, Mishi-Waub-Kaikaik gives us an ancient insight into Ojibwa values that influence our current views of the environment with this appeal upon consideration of a proposed treaty (Great Lakes Indian Fish and Wildlife Commission, 1993):

... can man possess a gust of the North Wind or measure of flowing water? Can he control a mass of clouds or a herd of
mooße?

No. Do not mistake the truth. It is not man who owns the land; it is the land that owns man. And we, the Anishinabe, were placed on this land. From beginning to end it nourishes us: it quenches our thirst, it shelters us, and we follow the order of its seasons. It gives us freedom to come and go according to its nature and its extent--great freedom when the extent is large, less freedom when it is small. And when we die we are buried within the land that outlives us all. We belong to the land by birth, by need, and by affection. And no man may presume to own the land. Only the tribe can do that.

Do we have the right to sell our homeland? Do we have the right to rob our children of their claim to it? Do we have the right to sell the resting places of our ancestor? Do we have the right--even if we agreed--to sell what is a gift of the Great Mystery, and what also belongs to those who will come after us? I cannot think so.

For generations our forefathers freely ranged this land, lighting their fires where they wished and burying their dead in places now sacred. During our lives we, too, have enjoyed the land and its freedoms and our children and their children should have the same rights. What I wish for you and for our children is a place where we can watch our children grow and hear them laugh, where we can smoke the pipe of friendship in our old age, and where we can die together and be buried near our ancestors. (p. 6).

American Indian holistic views of the environment have come into conflict with the dominant capitalistic nature of early European settlers and continue to do so today. Since the beginning of the U.S. republic, control of the land and natural resources have been a constant source of conflict between Euro-American settlers and indigenous nations. Disputes over land usage and ownership have defined the totality of government-Indian relationships from the first contact to the present day. The European perspective of exploitation of land and its resources will continue into the foreseeable future. Mining projects, development proposals and get-rich-
quick schemes have been inflicted upon tribes for years. Millions of dollars are at stake with large multi-national corporations and the federal government clamoring to do business on reservations.

The 291 Indian reservations within the United States from Florida to Wisconsin to Alaska, are among the most exploited and environmentally degraded lands anywhere in rural America. With sanctioning of certain power arrangements by the federal Bureau of Indian Affairs, corporations and federal agencies have pressured, bribed, cajoled, and enticed their way in to mine for strategic minerals that would environmentally devastate the sacred rice beds of the Sokaogon Chippewa; to strip-mine coal, as on the Crow and Navajo reservations; to drill for oil, as on the Blackfeet Reservation; to site garbage dumps and medical-waste incinerators, as on the Salt River and Gila River reservations. This process of exploitation and expropriation goes on and on (Knox, 1993).

The belief that Natural Law is supreme law and should provide the guiding principles upon which societies and peoples function is what distinguishes the American Indian perspective on the environment from the dominant paradigm of Eurocentric environmental exploitation. The holistic view of sustainability for the Ojibwa people is that laws made by nations, states, and municipalities are inferior to Natural Law and should be treated in this manner (the reader is referred back to the section entitled, "Culture Conflict" in Chapter III).

The basic practice of mino bimaatisiwiwin, continuous rebirth,
as described in Chapter III, helps us understand the relationship between humans and the ecosystem, and our need to maintain balance. Social and economic systems based on these values tend to be decentralized, communal, and democratic, allowing the people to rely on the land of that ecosystem.

Holistic environmental paradigms stand in sharp contrast to life in an industrial society. Natural Law is preempted in industrial society as man's domination over nature becomes the central way of life. In contrast to the American Indian cyclical process of thinking, this linear concept of progress dominates industrial societies. Progress is defined in terms of economic growth and technological advancement and is key to the development of dominant civilized societies. From this perspective, the natural world is seen as something that is wild and in need of taming and cultivation. Those not part of this mentality were and are seen as primitive and in need of being civilized. Civilizing those not part of the dominant paradigm is the philosophical basis of colonialism and conquest.

Social interpretations of this way of linear, scientific thinking have resulted in particular actions taken, like Darwinism and Manifest Destiny, in which some humans have the god-ordained right and duty to dominate the earth and other peoples. As Winona LaDuke argues, "the difference in these two paradigms demonstrates the scope of the problem and the reality that a society based on conquest cannot survive" (cited by Gedicks, 1993, p. xi).
LaDuke reports that during the last 100 years, industrial society has caused the extinction of more species than have disappeared in the Ice Age and the nineteenth century, and in the past 400 years, an estimated 2,000 indigenous peoples have been made extinct. LaDuke feels that, worldwide and in North America, native peoples are at the center of the present environmental and economic crisis, and not coincidentally. Even though native peoples represent a demographic minority of the total population in North America, native peoples still maintain land occupancy over substantial areas of the continent. LaDuke points out that in many regions in the U.S., native peoples are the majority population in parts of New Mexico, Arizona, northern Minnesota, the Dakotas, and Montana. The native population is the majority in two-thirds of Canada, roughly one-third of the North American continent. Much of the northern population is native in areas such as Quebec, Newfoundland, Labrador, Ontario, and the west coast in British Columbia. The native population of the Arctic and subarctic is substantial as well. In this context, American Indian perspectives regarding native thinking, survival of native communities, issues of sovereignty and control over natural resources are becoming central to North American resource politics.

Even though American Indian perspectives are beginning to inform environmental politics and policy to a greater extent, at this point in time, American Indian philosophies and values are not included in those policy decisions which benefit large corporations.
and serve the interests of the state. There is a vast social dis-
tance between all involved which causes a breakdown in communication
as well as misinterpretation of each other's actions. Walter Bresette, activist and member of the Red Cliff band of Chippewa, argues
that Indians and non-Indians alike are being victimized by large
corporations that reduce economic options (Bresette, 1992).

Activist and author Al Gedicks (1993) writes, "the sooner we
stop labeling 'native issues' as something separate and distinct
from our own survival, the sooner we will appreciate the critical
interconnections of the world's ecosystems and social systems" (p.
202). Environmental concerns can be absolutely crucial within the
context of reservation politics; even before the most hostile of
tribal councils, the kind of "Mother Earth" talk that would make
Anglo mining executives or legislators roll their eyes can make all
the difference (Knox, 1993, p. 50). In dealing with American Indian
people when making important decisions, such as formulating en-
vironmental policy, corporate American and the federal government
would be wise to realize that there is a growing respect for tribal
elders and the old ways. Utilitarian business practices and govern-
ment actions that benefit all involved cannot be accomplished by
ignoring this fact.

Conclusion

Environmental protection or harms follow the path of least
resistance. Environmental harms are connected to many things such
as the air we breath, our food, water, lifestyles, and legal decisions. Developing economically sustainable alternatives will depend on many variables such as research, effective organizing and lobbying, legal representation, effective use of the media, interactive skills involving native rights and environmental movements, and an earnest inclusion of native beliefs and values concerning the environment.

Including these values singularly or in combination, depending on the context, into the political deliberative and allocative process can help bring about environmentally sound, long-term, sustainable economic alternatives. With the inclusion of these values, socially harmful interaction between economic and political institutions can be decreased while at the same time helping restore the balance which is so important to native peoples. Clearly, incorporating these kinds of values and beliefs into policy decisions challenges the harmful and wasteful projects of profit-maximizing corporations and growth-at-all-costs government policies.

Limitations of the Study

The data collected for this study reflects the history of indigenous peoples who were conquered through colonization. Bias is part of the written sources as well as part of the points of view of those from which direct quotes are taken. People who work for and/or depend on the multinational corporations for a living were not consulted for this study. Obviously, there is a side to be taken,
and I have chosen a particular one for examination.

To explain, Filstead (1970) uses the notion of a Hierarchy of credibility. In a social system hierarchically stratified, it is a given that members of the highest group have the right to define the way things really are. Those at the top, supposedly, have access to a more complete picture of what is going on than anyone else. Members of lower groups have incomplete information, and their view of reality is partial and distorted as a consequence. Therefore, any tale told by those at the top deserves to be regarded as the most credible account obtainable of the organizations' workings. If we are proper members of the group, we are morally bound to accept the definition imposed on reality by a superordinate group in preference to the definitions espoused by subordinates. Thus, credibility and the right to be heard are differentially distributed through the ranks of the system.

When we perceive bias in a case study such as this, it is usually seen in these types of circumstances. However, a great many studies are also biased in the direction of the interests of responsible officials than the other way around. It may seem that I have given too much emphasis to the concerns of Indian people in Wisconsin. A common question asked is why are the Indians making so much trouble for corporations that want to mine and open up employment opportunities? Similarly, is it not just as legitimate to ask why the state-corporate actors are trying to abrogate treaty rights, cause environmental devastation, and socially harm a subordinate
group of people?

There seems to be a disproportion in the direction of accusations of bias. Those whose sympathies lie with subordinate groups are more often accused of this than those who are on the side of superordinates. Filstead (1970) argues this is because, like the well socialized members of our society most of us are, we have accepted the hierarchy of credibility accepted the accusation of bias made by responsible officials. That is the basis for using a power-reflexive analysis for this case study.

The point of this research is not to accuse those most privileged and most powerful as acting conspiratorily to secure their interests. What I have attempted to convey is that powerful social forces often get good people to do bad things (Pfohl, 1994). Merely ascribing labels of bad or good to different groups of people would fail to historicize the structures of power in which all labeling occurs. Instead, what I have attempted to accomplish with this study is to trace the path of power as it connects to rituals of both power and resistance. I am suggesting that the reproduction of hierarchy is more complex and more subtle, and a power-reflexive analysis of this particular study may help to change the ritual basis of hierarchical power itself.

In looking at this situation from my own particular history and personal biases, there is a probability that I have interpreted the case study from my own point of view. By taking sides, I have introduced a measure of distortion, but not so much as to render the
results invalid. To write this case study, I have gathered a great deal of information from various sources. To reach conclusions requires dismissing information as much as selecting it. The importance of information that I included or dismissed was a matter of my own judgement.

In attempting to balance the power-reflexive approach, more emphasis could have been placed on the role of reflexive human agency. More attention could have been given to human thought and action rather than directing the emphasis toward the influence of political and economic forces.

Even with these limitations brought forward, the strengths of the methods used in this study far outweigh the weaknesses. This study demonstrates that the events occurring in the resource wars today are a result of the structured influence of power in history. The potential of this study is to utilize a power-reflexive critical analysis to enable us to better recognize the historical economic and racial hierarchies that allow corporations and nation-states to impose megaprojects on native lands without obtaining consent or involving native peoples in the decision-making process. In this, we may be able to take a critical approach to deconstructing hierarchical divisions resulting from the unjust exercise of power in history, to instead create conditions which foster power-reciprocal relations of respect for cultural differences and equal access to material resources.
Alternative Approaches

I will offer two suggestions for alternative approaches to the case study method I chose for this research. This topic is certainly not limited to the few alternatives mentioned in the following paragraphs.

Much of the research that has been done on environmental justice and indigenous peoples relies on qualitative rather than quantitative data. An alternative to the qualitative study conducted here would be to design and conduct survey research based on the struggles occurring in the resource wars. As an alternative, survey research would be an excellent way to empirically explore public claims based on resources, racism, and treaty rights in Wisconsin.

Another way to approach this topic would be through a content analysis of the actual treaty documents. The way the treaties were communicated to the Indian people would help answer questions of exactly what was written, why they were written in a particular manner, and with what effect on the Indian people.

This could give greater insight to the strengths of the treaties as the Chippewa use them as a tool to control their resources and as the state-corporate actors continue to try to use them to make the Chippewa seem backwards and outdated to the general public.

Suggestions for Future Research

One aspect that has come to light with this study is the need for future research that includes indigenous knowledge. The purpose
of conducting research like the case study presented here, is to foster change. In examining theories for this study from a more radical perspective, there appears to be a void regarding American Indians. Churchill (1992) points out that volumes of literature have been written from a conservative angle concerning Indian people. But there is very little analytical work, let alone a body of literature, considering American Indians, both historically and in contemporary terms, as a fundamental ingredient which would make any critical perspective truly American. As Russell Means expressed, "Indians just don't fit in anywhere" (Churchill, 1992, p. 6). Churchill (1992) makes an interesting point by stating that the American left has often devoted much analysis and theory to other colonized peoples of China, Cuba, Vietnam, Zimbabwe, Algeria, Palestine, South Africa, and elsewhere, but have ignored the voices and the knowledge of its own indigenous population.

Grenier (1998) writes that indigenous knowledge has been ignored and maligned in the past by outsiders (for example, social, physical, agricultural scientists, biologists, colonial powers) who view it as primitive, simple, not knowledge, or folklore. The causes of this historic neglect, whether it be racism, ethnocentrism, or modernism, with its complete faith in the scientific method, has contributed to the decline of indigenous knowledge systems, through lack of use and application. Grenier continues by saying that this legacy is still in evidence, and many professionals are skeptical as well. We have been given images of indigenous peoples and their
cultures and methodologies as being backward or out of date. This trend is changing and is fertile ground for many different types of research. As professionals and educators formulating current theory and practice, the addition of indigenous knowledge could contribute to improved design, and add some insights and options to our development approaches.

In dealing with research on environmental justice issues, efforts that ignore local technologies, local systems of knowledge, and the local environment often times are not successful in achieving desired objectives. Louise Grenier (1998) points to examples of Western-lead teams of researchers failing to consult properly with indigenous populations, with the resulting advancements quickly proving to be unsustainable, and even destructive.

The issues surrounding this study revolve around indigenous knowledge of the environment and the connection to their landbase. I have shown that roughly two-thirds of readily extractable U.S. energy resources are underneath lands currently occupied by Indian tribal groups. Future research regarding environmental issues of any kind should include mechanisms to safeguard this landbase and cultural identities of these people.

Keeping the importance of indigenous knowledge, or lack of, in mind, research on the comparative effects of resource colonialism within the global community could offer a different slant on the recurring patterns in this theme. Along the same lines, research that would include indigenous knowledge as a basis for examining
resistance to resource colonialism within the global community could lend a whole new insight to this topic.

A very important piece of research would be to re-examine treaty rights in light of contemporary law, and how interpreting the meanings of treaties in contemporary terms might affect hegemonic power. Another possibility would be to identify a successful treaty transaction that has taken indigenous knowledge into consideration, and consider whether such a treaty could be successful in varying culture-economic communities.

The structure of power in corporate and government agencies is quite well explored at a theoretical level, but it may be interesting to challenge any number of these theories using the holistic knowledge of indigenous peoples. The implications of the trends of indigenous peoples using their knowledge to oppose corporate and government agencies could have important consequences for the future of industrialized societies. The implications of these trends are rarely discussed by social scientists and would offer helpful insights for alternative sustainability.

Research on the effects of indigenous knowledge as it is applied to sustainable companies already in existence (for example, Menominee Tribal Enterprises), as well as improving technologies that utilize renewable energy sources could encourage more of the same.

Research that targets race and racism and the effects of American Indian knowledge in formulating environmental policy in Wiscon-
sin (and elsewhere) could help in restructuring social policy. Studies regarding the grassroots environmental organizations formed in opposition to the problems of pollution that have mobilized their communities to promote environmental justice would be a rich source of information and reinforce the legitimacy of grassroots activism as a valid form of political expression.

These are some suggestions, but consideration of a critical perspective and indigenous knowledge included here could help in future research of the way in which hierarchical structures favor the control of certain classes of people over others and suggest ways in which power relations can be relations of reciprocity rather than relations of hierarchical domination.

Concluding Remarks

The findings of this study are not meant to represent all there is to know about resource colonialism, native resistance and the resource wars. Its intent is to enrich our understanding through a review of these topics within a power-reflexive historical context.

Through use of a power-reflexive critical analysis, I have shown that the powerful rituals that give us our common sense notions of business as usual, are socially constructed. These rituals control our perceptions, our evaluations, and our interactions with others. The data collected and analyzed from a power-reflexive perspective show that the world the Chippewa experience has been arti-
financially given to them by the material and symbolic power of ritual. Conversely, state-corporate actors and their interactions with the Chippewa are historically situated in colonial-style treaties. This has allowed Chippewa resistance to the environmentally destructive forces of mining to be seen as an action that challenges state-corporate senses of what things are and what they should be.

The data are presented so as to show that rituals of resource colonialism are social structuring practices. They are interactional devices that shape people's perception of the world. Through this study, we have seen how rituals oppress just as they enable, and that it is crucially important to examine how rituals have made desirable outcomes possible for certain groups at the expense of others.

The data have revealed that what appears to be natural in the way we live, do business on a daily basis, the common sense of collective action to survive, is really not natural at all. The hierarchical structures which favor the control of some classes of people by others is not natural. As shown in this study, rather than being a matter of reciprocal struggle, social control has become a mode of domination for the Chippewa. To illustrate, many people refer to the Chippewa as Indians, and we know they live in bands on reserves or reservations. These terms have become a natural part of our society, and are rarely questioned. What a power-reflexive perspective asks is, where did these terms come from and how do they affect the people to whom they are applied? Most people do not
think of these terms as a construct of European anthropological classification, a symbolic ritual of power, in placing Indian people in a subordinate category.

The psychological impact of the wording of the treaties, which fostered removal of Indian people from their homelands and placed them on reserves in particular groups, became a mode of domination. People who grew up on reservations many years ago and the generations which followed had unequal access to power firmly implanted in their immediate biographies. The unequal access to power which kept Indian people in a subordinate position, allowed those privileged by power to continue colonial-type practices which continue to this day. But today, as Indian people increase their base of knowledge, they are becoming more powerful, and are challenging the power structures of resource colonialism through resistance. Resistance is taking yet a different form as some Indian people seek to equalize power structures by changing the wording of reservation, and tribe, to First Nations. From a power-reflexive view, deconstructing old European terminology will also change the perspectives of Indian people and the way they view themselves. Generations coming up will not pick up the subordinate attitude of belonging on a reserve or in a tribe, as instead, they consider themselves part of a First Nation. This is an empowering concept and could bring about a massive change in perspective and in the way rituals of power will be shaped in the future as the Chippewa, and other First Nations peoples, continue in their struggles against resource colonialism to protect their home-
lands against environmentally destructive megaprojects proposed by powerful corporations and nation-states.

In light of the history of hierarchical power discussed in this study, the data gathered and analyzed from a power-reflexive perspective can be a step in enabling us to better recognize and deconstruct the unequal hierarchies, such as the ones presented in this case study, which guide current thinking and then help reconstruct multicultural perspectives on power by utilizing indigenous knowledge to help ensure environmental survival of all people.

With a more power reciprocal multicultural view as is suggested in this study, we can begin to deconstruct the notion of technology, short-term wasteful projects of profit-maximizing corporations, and growth-at-all-costs government policies as being natural, and we can then liberate ourselves from the problems these have created. As Mander writes (1991) the only group of people, so far, who are clear-minded on this point are native peoples, simply because they have kept their roots alive in an older, alternative, nature-based philosophy that has remained effective for tens of thousands of years, and that has nurtured dimensions of knowledge and perception that seem outdated to many. It is crucial that Eurocentrism be reassessed for its impacts on the environment, tradition, and native peoples because native societies, not our own, hold the key to future survival.
BIBLIOGRAPHY


Churchill, R. (1992, October 31). Remarks from *A watershed conference on mining and treaty rights*. Tomahawk, WI.


Lac Courte Oreilles Chippewa Tribe. (1991, July 31). LCO band of Lake Superior Chippewa Indians and Sierra Club John Muir Chapter vs. Wisconsin Department of Natural Resources.


Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.


Sturdevant, M. (1992, October 31). Remarks from A watershed conference on mining and treaty rights. Tomahawk, WI.


