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Breaking the Iron Bonds: Indian Control of Energy Development. By Marjane Ambler.

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Powered by the <u>California Digital Library</u> University of California Breaking the Iron Bonds: Indian Control of Energy Development. By Marjane Ambler. Lawrence, KS: University Press of Kansas, 1990. 270 pages. \$35.00 cloth.

Freelance writer Ambler has been publishing articles about Indian energy development and environmental matters regularly for the last decade. Those who have followed Indian energy developments since the Anthropology Resource Center published its pioneering *Native Americans and Energy Development* in 1978 will remember Ambler as the contributor of a short piece to its companion volume published in 1984, *Native Americans and Energy Development II*.

This book, then, is the culmination of a long-term interest. The title comes from a quote by A. David Lester, a former director of the Council of Energy Resource Tribes and of the federal Administration for Native Americans: "An iron bond has linked Indian people to exploitation, paternalism, and dependency. Development of Indian resources has the potential for breaking that pattern. . . ."

In a well-written, comprehensive narrative, Ambler leads the reader through the labyrinthine interstices of history, issues, and case studies to the challenge of the future for mineral-rich tribes: negotiating agreements that are advantageous to their people, not to the energy industry, and riding herd on developers to prevent abuses of the past from recurring. The book is well organized into nine chapters, with a detailed and very useful index. Ambler has footnoted her narrative meticulously with published accounts, government reports, and personal interviews. Ambler was on the spot when the news broke about many important events and when important issues surfaced, and much of the book's best parts resonate with the immediacy of first-hand observation.

Breaking the Iron Bonds is a welcome resource. It fills in many gaps and clarifies some heretofore murky issues with good, reliable discussion. Ambler begins with a tilt at former interior secretary James Watt's ill-conceived and misinformed notions about Indian reservations, correcting them with an initial chapter on the legal nature of Indian land tenure and the cultural and economic importance of the reservation as a crucible of continuity and change. The narrative continues with additional background on the history of Indian mineral leasing in the allotment, the Indian New Deal, and the termination eras. One whole chapter is devoted to the complicated issues surrounding allottees' mineral rights, mismanagement of these rights by the BIA, and the allottees' stormy legal and lobbying efforts to gain redress.

Ambler's discussion is framed by two watersheds: the Supreme Court's devastatingly destructive decision in *Lone Wolf v. Hitchcock* in 1903, which declared Congress's plenary power over Indian tribes and the BIA's right as trustee to unilaterally dispose of Indian land and resources; and the Black Mesa crisis. The *Lone Wolf* decision sent tribes on a downhill slide through the next seven decades, which Ambler rightly characterizes as the "rubber stamp" era. Even the much-touted Indian Reorganization Act of 1934, notes Ambler, failed to change the rubber-stamp leasing methods; in fact, it made rubber-stamping easier. Ambler's documented cases confirm what some observers knew and others suspected—that the energy industry, aided by the Interior Department, continued to decide where, when, and how much of Indian-owned resources would be exploited.

The Black Mesa crisis began to change much of that. The outraged Hopi, upon discovering the magnitude of the giveaway of coal, water, land, and electricity to Peabody Coal Company and to America's consumer society, filed a lawsuit, in which they were eventually joined by the Navajo and the Sierra Club, to stop the strip-mining. Although unsuccessful, the lawsuit and the entire situation served as a lesson in how tribes should not do things and inspired many tribes such as the Northern Cheyenne to cancel or renegotiate leases and to band together to confront the energy industry.

Ambler is at her best in the chapter on the Council of Energy Resource Tribes (CERT). Her discussion is revealing, straightforward, and hard-nosed. Ambler is not afraid to air the complaints and accusations leveled at some of CERT's earlier non-Indian administrators, nor to provide the documentation supporting them. Critics who saw CERT as a proponent of the energy industry's priorities and some of its consultants as akin to used car salesmen pressuring Indian tribes with an "act now" spiel reminiscent of late-night television sales pitches, were not far wrong, and Ambler tells why. Neither were those who were skeptical of CERT's high budget for administration and for hiring its own outside consultants. CERT was not the first coalition of energy resource-owning tribes, nor did it include all of them until quite recently. Its usurpation of the earlier Native American Natural Resources Development Federation's role and the political implications of that group's collapse, as well as the political implications of vascillating CERT policy vis-à-vis the United States and its funding ties to government agencies, are neither glossed over nor given undue prominence. Readers learn about the demise of CERT's questionable proposals for coal-gasification plants as well as about the more recent change in image and priorities, from promoter of energy development to technical consultant on lease and partnership agreements.

The most valuable chapters for the tribes themselves cover case studies of tribes negotiating partnership agreements; renegotiating unfavorable leases (including the Peabody lease); obtaining favorable Supreme Court rulings on power to tax; developing resources on their own; and seeking to implement regulatory measures over nontribal energy resource exploiters. Ambler's last chapter contains a series of "do's" and "don'ts" for tribes, and a similar list for the energy industry is given in an appendix. Ambler and her editors had enough foresight to include this section, if only to provide work points from which tribes can develop their own specific policies and procedures.

Ambler is not neutral in her approach, and there is no reason why she should be. She addresses all issues in the tradition of "Red Power" and Indian sovereignty: Self-determination is a constantly eroding and thus limited good, and it is to be had by taking action, not waiting for Congress to pass another law. She does not hide the capriciousness, inefficiency, and unreliability of the BIA, nor the problems that other federal agencies have had recently in assuming some of the BIA's former duties. Ambler stresses the necessity for these agencies to cooperate with, and take their cues from, the tribes, and she balances the pitfalls and challenges of tribal regulation against the absolute necessity for tribes to move in this direction despite the possibility of making mistakes. She is not sanguine about energy companies such as Amoco, notorious for cheating on its royalty obligations to the Wind River Shoshone and Arapaho, and discusses this and other cases factually but with a clear intent: to emphasize the need for tribal, not federal, control. Ambler's heroes are not the politicians who are known for their splashy leadership styles and their ability to make headlines. Rather, they are the crusaders who have exposed fraud, fought for investigations, and doggedly forged ahead, often with little recognition and much thinly veiled opposition from officialdom and from the titans of industry.

No book can possibly cover all ground equally well, and readers might find a few puzzling items and significant omissions. One is Ambler's discussion of royalties, which needs clarification. When she says (p. 58) that "Peabody agreed to pay an average royalty of 25 cents a ton (compared with 17.5 cents per ton for most standard leases)" on the notorious Black Mesa leases, she confuses price with rate. The Peabody leases, signed in 1964 and 1966, as well as the 1957 Navajo lease with Utah Mining, provided for very low dollar amounts: 20-25 and 17.5 cents per ton, respectively. The 25-cent royalty on Black Mesa coal was divided between the Hopi and Navajo tribes, resulting in 12.5 cents per ton going to each tribe. The 20-cent rate was for coal used exclusively in the non-Navajo operated "Navajo Generating Station," and thus the Navajo ended up getting more per ton than the Hopi. But the royalty rates were 12.5 percent for all three leases. Peabody and Utah Mining were supplying coal at about 80 percent below the going rate of sixteen dollars per ton to the consortium of power companies operating the three plants fueled by coal from the Kayenta, Black Mesa, and Four Corners mines. Thus it was the electricity consumers of Los Angeles and other western cities, not just the coal companies, that were getting the great break.

Some readers might wonder how traditional Indian environmental ethics square with energy development. Ambler mentions that some tribes "considered economic as well as legal factors" in making decisions that secured claims to water by allocating it to coal-fired power plants (p. 229). One wonders, Did they also consider environmental factors? Ambler relates several cases such as that of the Northern Cheyennes' bending of the EPA's regulatory arm to protect air quality; the Southern Utes' rejection of one of the most economically favorable partnership agreements for oil and gas development; and the Big Mountain Navajos' protests against Peabody Coal—that obliquely touch on this question. Yet the question remains: What is the role of traditional environmental ethics in energy development now that tribes are, as Ambler puts it, climbing into the "Boss's Seat?" This question is important. But in all fairness, it must be treated as a topic for another author and another book. So also must any questions of analysis in terms of sociological, anthropological, and political-economic theories of development. Ambler has done a superb job with her topic and has executed an admirable service to tribes and to all parties, including scholars, who are interested in Indian energy development.

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**Books Without Bias: Through Indian Eyes.** Edited by Beverly Slapin and Doris Seale. Berkeley, CA: Oyate, 1989. 462 pages. \$25.00 cloth.

Books Without Bias: Through Indian Eyes reminds us of the serious need for credible Native American children's books, publications that do not have the propensity to emotionally distort indigenous images and prejudice readers, including Indian readers, against native culture. Young minds are easily influenced, and biased books do a lot of emotional harm to our children. Slapin's and Seale's book has taken on a difficult task, eradicating false imagery of native people, not only from books, but from the minds of readers. The difficulty is not in compiling and harvesting the children's literature that is available and usable in the classroom and at home. The editors of *Books Without Bias: Through Indian Eyes* have succeeded in contributing to this. The real literary struggle is in raising the consciousness of educators, of opening their minds to the terrifying one-sidedness in children's literature and in Western classroom lesson plans.

The 237 pages of children's book reviews and the short essay by Rosemary Gonzales, "Notes from an Indian Teacher," sum up the point at issue. If you are searching for an unbiased collection of kindergarten to twelfth grade classroom, native, children's material or merely are looking for good books for teaching indigenous philosophies to your children, *Books Without Bias: Through Indian Eyes* fuses the current literature. The editors have researched and compiled recent, unbiased, educational material, fully and effectively.