



THE STRUGGLE CONTINUES



NATIVE AMERICAN AFFAIRS faded from the headlines, and from much of the nation's consciousness, in the years after Wounded Knee. Yet the movement toward Indian self-determination continued as Native people across the country worked to achieve greater economic, political, and cultural independence. The struggle in the final quarter of the twentieth century was perhaps less spectacular than it had been in previous years, but it was no less important. It is a struggle that continues to this day.

CONTROL OF ENERGY RESOURCES

One of the attention-grabbing events that dominated the news in the early 1970s was "the energy crisis." Just months after the end of the occupation of Wounded Knee in the spring of 1973, the Organization of Petroleum Exporting Countries (OPEC) announced a sudden and dramatic increase in oil prices. The consequent soaring of the cost of energy affected all Americans, but none so profoundly or unexpectedly as the nation's Indian people. As oil prices skyrocketed, the value of the vast energy resources beneath Indian lands rose accordingly. On the Navajo reservation alone were an estimated 100 million barrels of oil, 25 trillion cubic feet of natural gas, 50 billion tons of coal, and 80 million pounds of uranium.

For decades, American energy corporations had enjoyed access to reservation resources through long-term leases negotiated with tribal governments. The leases provided for the payment of "royalties" to the tribes at rates that were just a small fraction of what the resources were worth. Utah International Corporation, for instance, had signed a twenty-year lease in the mid-1950s for the strip-mining of coal on the Navajo reservation. The lease provided the tribe with a royalty of as little as fifteen cents a ton for coal that sold for more than fifteen dollars a ton. Likewise, leases on oil and natural gas reserves typically provided tribes with royalties at rates between 1 and 2 percent of market value. The dramatic rise in energy prices during the early 1970s led many tribes to conclude that such rates were no longer acceptable. The tribal governments of the Navajos, Crows, Northern Cheyennes, and many others demanded a renegotiation of their leases.

In the fall of 1975 leaders of more than twenty of the nation's largest tribes, representing 600,000 Native Americans, organized the Council of Energy Resource Tribes (CERT). Its stated purpose was "to promote the general welfare of energy resource owning tribes and their people through the protection, conservation and prudent management of their oil, natural gas, coal, uranium, geothermal, and oil shale resources." The formation of CERT was a clear signal to the nation's energy corporations that the tribes henceforth would take a more active and aggressive role in the development of their valuable resources.

Along with LaDonna Harris (Comanche) and Charles Lohah (Osage), the prime mover in the formation of the Council of Energy Resource Tribes was Navajo Nation tribal chairman Peter MacDonald. Born in 1928, MacDonald had served in World War II as a Marine code talker and earned a degree in electrical engineering from the University of Oklahoma. After working for several years in the aerospace industry in southern California, he returned to the Navajo reservation in 1963 and soon became active in tribal affairs. MacDonald's main interest was the proper development of the reservation's natural resources. The incumbent tribal chairman, Raymond Nakai, had signed several contracts and leasing agreements with various corporations that proved to be highly unpopular with many reservation residents. The tribal council had granted the Peabody Coal Company—the largest coal producer in the United States—the right to strip-mine a rugged plateau of Arizona desert land known as Black Mesa. The council also had leased reservation property for the construction of

several huge coal-fired power plants. Expressing grave concern about the terms of these agreements, MacDonald successfully challenged Nakai for the tribal chairmanship in 1970. In his inaugural address in January 1971, MacDonald pledged that he would never "barter away the Navajo birthright for quick profit." Once in office, MacDonald began the renegotiation of existing contracts and leases on terms more favorable to the Navajos.

Peter MacDonald believed that economic development was the key to true self-determination (meaning greater independence) for Native Americans. This vision led him to become chairman of the Council of Energy Resource Tribes in 1975. As MacDonald explained:

CERT exists because of a twist of geological fortune. A subsector of American society that has been overlooked for hundreds of years, which inhabits less than 5 percent of the land that was once theirs, today finds itself the owner of a potential energy resource whose wealth is so vast that it has not yet been measured.

At first, many federal officials were leery of CERT. But after MacDonald began meeting with emissaries from OPEC, the international oil cartel, federal authorities decided it was in their best interest to work with this new and powerful Native American organization. The Bureau of Indian Affairs (BIA) and the newly formed Department of Energy began channeling funds to CERT and providing it with technical services. In response, MacDonald pledged his support for the national goal of energy self-sufficiency and promised that the member tribes of CERT were "posed to make a massive contribution to [this] national effort."

The first order of business for CERT was to assist individual tribes in the renegotiation of their leases with energy corporations. One of its earliest victories came when the Crow tribe in Montana successfully renegotiated its coal leasing agreement with Westmoreland Resources Company, winning an increase in the royalty rate from less than seven and a half cents to forty cents a ton. CERT also assisted the Crows in invalidating older leases with Shell Oil Company, Gulf Oil Corporation, and Peabody Coal Company, all on the grounds that the terms of the leases were anachronistic in light of increased energy prices. Similar renegotiations were begun on the Fort Berthold reservation in North Dakota and among the Northern Cheyennes in Montana. CERT scored another major victory in 1982 when the Supreme Court ruled that the Jicarilla Apache tribe in New Mexico had the