

Marlene Lang: The mountain that will split poison

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Mother Earth is not for sale.

That's what the Western Shoshone National Council has told the U.S. government.

The Nation was offered pennies per acre for their land in parts of Nevada, Utah, Idaho and into California, but the Nation's council said: No deal.

The U.S. government said, "Yes deal," and moved in. We needed a radioactive waste dump there, and a place to test nukes.

In 2005, the Western Shoshone council filed a lawsuit claiming the land is theirs under an 1863 treaty. They further claim that the Bush administration's 2002 approval of one tract of the land -- Yucca Mountain -- for a nuclear waste repository, violates both the treaty and, in turn, the U.S. Constitution, which their lawsuit points out makes treaties "supreme."

I keep my little copy of the Constitution handy when I write. Let me check that. Yup. It does say that, in Article 6. "All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby."

The treaty made with the Western Shoshone allows only five uses of the land by the U.S. government; settlements, mines, ranches, railroads and roads. Any use beyond the five listed must be approved by both the U.S. government and the Western Shoshone National Council, the treaty states.

And to add intrigue, there's gold in them thar hills.

Ten percent of the world's supply and 64 percent of U.S. gold comes from this desert site, where mountainsides are blasted up tract by tract and the rubble treated with cyanide-laced water, to get the gold out.

No one anticipated, back in the days of cowboys and Indians and dirty gold miners, that we would need a place to hide radioactive waste for 10,000 years, lest it poison and deform us all. But that day has come, thanks to science and the ethical deficiencies of mankind.

After years of scouting out the best reservation property to use for the really big nuke-dump-to-end-all-nuke-dumps, the Bush administration picked Yucca Mountain in 2002. This was after the

U.S. military had already established a nuclear test site nearby, on land included in the 1863 treaty -- a spread the size of Maine, with its own volcano and fault lines.

Last's week's column was not long enough to explain this travesty.

Nevada's governor in 2002 immediately vetoed the generous approval of a nuke dump in Nevada, only to have the U.S. Congress override that veto. Nevada last week protested the legislation that a sweat-soaked Secretary of Energy Samuel Bodman was again pressing urgently along.

Nevada is resisting, as is the Western Shoshone Nation.

How, then, does the U.S. government explain or justify its violation of an apparently legitimate treaty, authorized by Ulysses S. Grant in 1863?

That's what the United Nations wanted to know, after the Western Shoshone Nation's council in 2005 filed an urgent action request with the U.N. Committee on Elimination of Racial Discrimination.

Several excuses have been floated. The first and most predictable is that the treaty was merely a friendly agreement. The old, "just kidding," defense.

That's the least obscene reason. The Earth Island Institute reports that when the Western Shoshone National Council refused to give up the land for a radioactive waste dump in exchange for money, politicians said the takeover was legitimate because -- pause here and perhaps be seated -- POLLS showed many of the tribe's members want the deal. Never mind letting the Nation settle its own disagreement. Never mind dealing with its rightful representatives.

Need I point out the irony of this whopper to my readers? For slow folks, this is a case of convenient governing: We can toss out the representative form when it suits us in mowing over native peoples, but we can use the representative system to mow over the people of Nevada.

And why should Chicago's Southland readers care? The official state Web site reports that Illinois stores more radioactive waste at its eight temporary sites than any other state, with a heap in Grundy County.

Lemont and Morris were on the radar for industry expansion projects when the Department of Energy visited less than one month ago. ComEd's Zion plant has shut down, but its LaSalle reactors are still pumping out the power and the "spent fuel." It's piling up, and once a home for the big dump is finagled, all that radioactive garbage will be moving around.

If that doesn't scare you, maybe this will: To the Western Shoshone, Yucca Mountain is Snake Mountain, a place of prayer and of reputed powerful spiritual energy.

One of the Nation's traditional stories is that Snake Mountain will one day be awakened and will split open and spit out poison.

Before you sneer, think about that radioactive waste, sleeping safely in its giant tube beneath Snake Mountain, and think of that volcano across the valley, and the nuclear test site not so far away, and the unusual subterranean river system below this part of the desert.

What we put in the mountain may not stay in the mountain.

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