

**Through Hell and High Sludge: Traditional Knowledge and  
Environmental Justice at the Fort Belknap Indian Reservation**

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A thesis submitted in partial fulfillment of  
the requirements for the degree of

BACHELOR OF ARTS WITH HONORS

DEPARTMENT OF HISTORY

UNIVERSITY OF MICHIGAN

March 31, 2017

Advised by Professor Tiya Miles



*For Grandma Doana, a true left-hander*



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## Acknowledgements

Sometimes you get lucky. Other times you get so lucky you're incapable of talking about it without seeming histrionic. This is how I feel about my time with the Department of History and the Native American Studies program at the University of Michigan. I therefore write in gratitude to an incomplete list of people that contributed so much to this project:

To Tiya Miles, for too many things to list and many more that it will take me years to understand, but above all, for teaching me how to be critical and kind to myself at the same time.

To Scott Lyons, for letting me chew your ear off after class and for opening me up.

To Professors Greg Dowd, Joe Gone, and Phil Deloria, for being good examples.

To Professor Michael Witgen, for teaching me I am only 50% full of shit.

To the staff at the Montana Historical Society, the Aaniih Nakoda College Library, and the Stephen S. Clark Library, for lending me your time and space.

To Matt, Josh, and Addi, for introducing me to Evan Stephens Hall, Kyrie Irving, Bill Ratchet, and Ross Gay.

To my multispecies family, for being patient with me.

To the members of the Red Thunder Oral History Project, for the gift of sharing your lives, and your dreams.

And to Professor John Carson, for being a role model in all things and for making my undergraduate career extraordinary.

## Terms and Abbreviations

**Acid rock drainage:** potentially indefinite outflows of acidic water in drainages of mining operations

**BLM:** Bureau Land Management (federal)

**Cyanide heap-leaching:** an industrial mining process in which large quantities of rock are sprayed with a cyanide solution to dissolve precious metals (i.e. gold and silver) from the rock and later recover the minerals from the solution; this was pioneered by Pegasus Gold Corporation at the Zortman and Landusky mines as a large-scale, open-pit operation

**DEQ:** Department of Environmental Quality (Montana)

**DHES:** Department of Health and Environmental Sciences (Montana)

**DSL:** Department of State Lands (Montana)

**EIS:** environmental impact statement

**EPA:** Environmental Protection Agency (federal)

**Fort Belknap Indians:** American Indian members of the Fort Belknap Indian Community, especially those that lived on the Fort Belknap Indian Reservation in north-central Montana

**Grinnell agreement:** an agreement made between a subset of the population of the recently created Fort Belknap Reservation and William C. Pollock, George Bird Grinnell, and Walter M. Clements, representing the Secretary of the Interior, on October 9, 1895 that involved the cession of most of the Little Rocky Mountains to the federal government

**IBLA:** Interior Board of Land Appeals (federal)

**IMP:** Island Mountain Protectors

**Little Rockies:** the Little Rocky Mountains, at the southern edge of the Fort Belknap Indian Reservation

**Loud Thunder:** cultural group that operated out of Great Falls, Montana, during the 1990s that consistently collaborated with Red Thunder

**Pegasus:** Pegasus Gold Corporation

**Red Thunder:** 501(c)(3) grassroots advocacy group that operated mainly out of the Lodgepole area of the Fort Belknap Indian Reservation during the 1990s to protest the destruction of the Little Rocky Mountains by Pegasus Gold Corporation

**The Council:** Fort Belknap Community Council

**ZMI:** Zortman Mining, Inc.

**Zortman and Landusky mines:** the gold and silver mining complex that was operated in the Little Rocky Mountains from 1979 to 1997 by Pegasus Gold Corporation; the complex contained two cyanide heap leach mines that were each hundreds of acres large

**1872 Mining Law:** General Mining Act of 1872, enacted by the 42nd United States Congress to protect the right of all United States citizens over the age of eighteen to place mining claims on public lands administered by the federal government

## Introduction

In July 1993, residents of Zortman, Montana seeking shelter from the storm raging around them looked out their windows to see a nearly phosphorescent stream of orange sludge running through the town's main road. Nestled into the southeastern edge of the Little Rocky Mountains, Zortman welcomes visitors to "The friendliest little town in Montana! Population: 50, 48 nice people and two grouches."<sup>1</sup> Just north of the Little Rockies less than 10 air miles north of Zortman, residents of Lodgepole, one of the main settlements of the adjacent Fort Belknap Indian Reservation, likely sat in their living rooms contemplating the violent weather, discussing tribal politics, and telling stories about storms of days gone by. Though the people in Lodgepole did not witness the peculiar glow of the wastewater that day, for at least a few years they had been concerned about how the nearby Zortman and Landusky mines might have been affecting local streams and wildlife, and their children. Months before and almost 300 miles southwest in Helena, a hydrogeologist for the Montana Department of State Lands reviewing water monitoring reports found evidence of the presence of acid rock drainage (an outflow of acidic water from metal or coal mines) in waterways leading from the Zortman and Landusky gold mines, which operated in the heart of the Little Rockies.<sup>2</sup> Later that July, the federal Environmental Protection Agency (EPA) issued a citation to Pegasus Gold Corporation, the company that operated the Zortman and Landusky sites, for illegally discharging cyanide,

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<sup>1</sup> I came across this sign while visiting Zortman. It is also one of the first results in a Google images search of the town.

<sup>2</sup> The presence of acid rock drainage in waterways surrounding the mines is well known by those familiar with the story of Zortman and Landusky, but here I refer specifically to an interview I conducted with Wayne Jepson on October 16, 2016, who has worked on the Zortman and Landusky mines since the early 1990s. He is now a hydrologist for the Operating Permit Section of the Hard Rock Mining Bureau of the Montana Department of Environmental Quality.



arsenic, lead, and acid into their drainages.<sup>3</sup> The years that followed would be full of courtroom theatrics, petition drives, confidential meetings, countless letters and reports, and a good deal of prayer. By 1998, Pegasus had declared bankruptcy and what was once one of the largest gold-mining complexes in the United States had been abandoned. Six years later, the federal Bureau of Land Management listed this region of the Little Rockies under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the same legislation that controls Superfund sites. Today, grasses and a few weeds slowly grow over sheared rock faces at the Landusky site but the young vegetation does little to conceal the smell of sulfur or the stark contrast with the forested peaks surrounding the mines.

This story of the Little Rocky Mountains over the last several decades is a familiar one. The United States of America, and especially Indian Country, is rife with scarred landscapes. From the first explorations of Columbus to the warzone that erupted at the Standing Rock Reservation in the fall and winter of 2016,<sup>4</sup> sites of environmental destruction have served as venues for both highly visible and lesser known political and economic dramas—exchanges of land, natural resources, funds, and tears—such as the one in the Little Rocky Mountains in the 1990s. It is not a coincidence that these encounters have involved the intersection of ecological

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<sup>3</sup> Heather Abel, “The rise and fall of a gold mining company,” *High Country News* (December 22, 1997).

<sup>4</sup> Leading up to the 2016 Presidential election in the United States, one of the most publicized and controversial stories in popular and alternative media was the fight over the Dakota Access Pipeline, a 1,172-mile oil pipeline project that, among other things, ran through the Standing Rock Indian Reservation in southern North Dakota and posed a significant pollution risk to the Missouri River. During the second half of 2016, protesters at Standing Rock caught the attention of indigenous and environmental activists from around the country as many flocked to the reservation, many without invitation or a clear purpose. In November 2016, state and federal forces used water cannons, tear gas, security dogs, and other measures to undermine resistance efforts. Many protesters were also arrested and held in custody without foreseeable trial as the protests were ongoing. For better or for worse, these events have set a paradigm for conversations about indigenous environmental justice. The script at Standing Rock has been seen many times across Indian Country for decades: an extractive project threatens or inflicts environmental and cultural harm on Native lands, Native people respond with a variety of claims, their efforts receive wider attention when celebrities and other sympathetic non-Indians show support or visit those Native lands, non-Indian interest is not sustainable or necessary desired by resident Indians, ultimate outcomes are less well-known and generally equivocal.

degradation, the deterioration of (human) public health, and financial disparities. Indeed, this is the legacy of a colonial history where the basis of exploitation, intergovernmental relationships, and cultural attitudes was a failure to negotiate competing notions of the meaning and value of the natural world. Time and again, the history of an entire state, or continent, makes itself known in remote localities: as acidic water travelled from the Zortman and Landusky sites into Little People's Creek and flowed towards the Fort Belknap Reservation, it would soon awaken centuries of transformation, injustice, and cultural resilience in the hearts and minds of those who knew and cared about the mines. Though most people perceived it as an insincere deflection, the Pegasus spokesperson who referred to pollutant discharges as "acts of God" during "extremely heavy rains"<sup>5</sup> revealed much more than he might have realized. The battle over these mines invoked not just state and federal legislation and regulatory agencies; state, national, and international environmental organizations; and tribal council people and United States Senators, but was also in conversation with concepts of the supernatural. One could not possibly talk about water treatment plants, reclamation bonds, or wildlife surveys without acknowledging the cultural, spiritual, and philosophical contexts with which they interacted.

The Little Rocky Mountains are one of several small mountain ranges in the region of north-central Montana referred to as the Hi-Line. Their peaks are a drainage divide, separating streams leading to the Missouri River drainage to the south and those leading to the Milk River in the north.<sup>6</sup> The Little Rockies are surrounded by the Fort Belknap Indian Reservation from the north, west, and east and bordered by the Upper Missouri River Breaks National Monument in the southwest. Besides the historic mining districts of Zortman and Landusky, both settlements

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<sup>5</sup> Heather Abel, "The rise and fall of a gold mining company."

<sup>6</sup> I first learned this from Larry D. Mitchell, "Zortman and Landusky Mines: House Joint Resolution 43 Water Quality Impacts," a staff paper presented to the Environmental Quality Council (2004) 2.

of less than 100 people,<sup>7</sup> all of the closest population centers surrounding the Little Rockies are American Indian communities. The communities of Hays and Lodgepole at the southern end of the reservation both lie at the base of the Little Rockies and a mosaic of small farms and pastures operated by Fort Belknap Indians stretches for over 30 miles northward.<sup>8</sup> Fort Belknap covers just over 1,000 square miles (~650,000 acres). Its northern border is formed by the Milk River (which flows for 729 miles across most of the Montana's longitudinal scope and reaches into Alberta), closely follows the (still operated) rail route of what was once the Great Northern Railway, and is consistently less than 40 miles from the Canadian border.

Fort Belknap is home to the Gros Ventre (Aaniih) and Assiniboine (Nakoda) tribes, fifty percent of whose roughly 7,000 enrolled members lived on or near the reservation as of 2013.<sup>9</sup> Along with Hays and Lodgepole, Fort Belknap Agency and Dodson are the reservation's other districts. Agency is the most highly and densely populated district and is home to the Aaniih Nakoda College, the Fort Belknap Casino, and administrative offices for the tribes and Bureau of Indian Affairs. The reservation economy has long been stifled by its incredibly limited mineral resources, lack of alternative sources of income to generate capital or development, and reliance on agriculture despite the average fertility of the region, unpredictable weather, and remoteness. Though the entire region of north-central Montana is economically depressed, the reservation's economic circumstances are exceptionally severe. In 1979, the median household income on the

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<sup>7</sup> Zortman is a census-designated place with a population of 69 people and a total land area of 3.953 square miles. Landusky was not listed on the 2010 census.

<sup>8</sup> 77% of reservation land was used for pasture and grazing, eighteen percent for agriculture; Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987) 17. At the end of her introduction (pages 12-19), Fowler provides geographic, economic, and demographic information for Fort Belknap during the mid-1980s.

<sup>9</sup> Montana Department of Labor and Industry, Montana Labor Market Information, "Fort Belknap Reservation: Demographic and Economic Information," (October 2013). Accessible at: <https://lmi.mt.gov/Portals/135/Publications/LMI-Pubs/LocalAreaProfiles/Reservation%20Profiles/RF13-FortBelknap.pdf>.

reservation was \$6,846, less than half that of Montana and roughly 39% of the national figure. By 2013, household income had increased substantially but Fort Belknap's median remained just 63% of the national income.<sup>10</sup> The reservation's primary employers have long been the tribal government, the Indian Health Service, the Bureau of Indian Affairs, and the Aaniih Nakoda College. Many of those jobs and income-supplement programs created in the 1960s and 1970s (social security, state-administered welfare, BIA assistance) declined in the final decades of the 20th century as federal budget cuts were made beginning in the early 1980s. Moreover, ninety-five percent of reservation land is in trust status with the federal government so that land cannot be sold or leased without the approval of the Secretary of the Interior, and land and the income it produces cannot be taxed by the Fort Belknap Community Council.<sup>11</sup> That Council, composed of six Gros Ventres and six Assiniboines, has facilitated land management and economic planning and has overseen housing, health, and education. However, their efforts have been persistently strained by severely limited infrastructure and capital and inconsistent support from the federal government. However, interest in tribal and indigenous culture at Fort Belknap has swelled in the last several decades and as recently as 2013, almost 60% of Fort Belknap residents aged 25 and older received some form of education beyond a high school diploma.<sup>12</sup>

Even so, like most reservation communities in the United States, Fort Belknap was and remains politically and economically vulnerable. It is not just that economic opportunities on the reservation are startlingly limited; the administration of Indian lands and resources is frustratingly convoluted, one of many legacies of a history of territorial dispossession, broken

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<sup>10</sup> Income statistics from Fowler, *Shared Symbols, Contested Meanings*, 16, U.S. Department of Commerce, Bureau of the Census, "Money Income of Households in the United States: 1979," Consumer Income Series P-60, No. 126 (June 1981), and Montana Department of Labor and Industry, Montana Labor Market Information, "Fort Belknap Reservation: Demographic and Economic Information," (October 2013). The national median household income in 1979 was \$16,530. The figure for Fort Belknap in 2013 was \$32,778.

<sup>11</sup> Fowler, *Shared Symbols, Contested Meanings*, 16-17.

<sup>12</sup> Montana Labor Market Information, "Fort Belknap Reservation: Demographic and Economic Information," pg. 4.

treaties, and unintelligible legal doctrines. American Indians seeking improved financial security and standards of living for their communities, less adulterated self-determination, and cultural recognition must negotiate with legislation, government agencies, and cultural narratives that have usually considered Indians as less than an afterthought. Compounded by the physical isolation of the reservation, these forces combined to make Fort Belknap an ideal locale for the violation of environmental and religious freedom legislation, and for a more grave disregard of sacred places, a vision of the world, and a community's right to exist.

But the Fort Belknap Indian Reservation, the Little Rocky Mountains, and the various towns in the region mean many different things to many people. The various types and groups of people involved with the Zortman and Landusky mines in the 1990s experienced those events through particular interpretive lenses that imagined the interface of political economy, ecology, and cultural meaning in specific ways that were historically rooted, influenced by economic and political circumstances, and shaped by a variety of intellectual traditions. Many scholars in multiple disciplines have discussed these lenses. In her thorough study of Gros Ventre history and culture, anthropologist Loretta Fowler interpreted historical memories and collective sensibilities among Fort Belknap residents that were formed and evolved based on collaborative and sometimes antagonistic interactions with the same memories, stories, arguments, and customs maintained by members of different groups on the reservation, particularly those of different generations or tribal designations.<sup>13</sup> More recently, environmental historian Jennifer Price described the consumptive habits of 19th century Americans as mediated through “worlds of meaning.”<sup>14</sup> Most notable for this project, legal scholar Jedidiah Purdy suggested a politics for

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<sup>13</sup> Fowler, *Shared Symbols, Contested Meanings*.

<sup>14</sup> In *Flight Maps*, Jennifer Price rewrites the story of the disappearance of the passenger pigeons in 19th-century North America by discussing not just overexploitation and ecological factors that contributed to collapse, but also the shifting meanings of pigeons for Americans across time and space. She argues that during the 1800s, cultural

our current induced epoch, the Anthropocene, based on consideration of his own term: “environmental imagination.” Purdy writes: “Imagination means how we see and how we learn to see, how we suppose the world works, how we suppose that it matters, and what we feel we have at stake in it. It is an implicit, everyday metaphysics, the bold speculations buried in our ordinary lives.” Described as imagination, these lenses become worldviews both deliberately and unconsciously constructed based on decisions about what to notice and what to ignore, what types of information and knowledge matters, whom and what to extend moral consideration to, and the sorts of individual, political, and community actions those decisions demand.<sup>15</sup> At their core, the conflicts that emerged surrounding the Zortman and Landusky mines reflect a mosaic of environmental imaginations that endowed the Little Rocky Mountains with varied symbolic power that was legible in the context of multiple, interacting cultural and political histories and actionable in the specific circumstances of that moment. Each individual’s and group’s conception of that symbolism led people to disagree about acceptable land and resource use, the significance of certain statements and policies, the obligations of governments to various communities, the grounds on which ownership and other connections to landscapes can be claimed, and the means of ecological restoration. These disagreements underscored more general interpretations of the way the United States was at that moment, the ways it had always been, and the ways it might one day be. The interactions (or perhaps, lack of meaningful interactions) between these environmental imaginations that occurred while these mines were in operation,

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narratives about pigeons became unmoored from the species and their natural history. She suggests that this alienation led to Americans connecting to pigeons and their habitats through complicated and expansive economic networks that encouraged overuse. Jennifer Price, “Missed Connections: The Passenger Pigeon Extinction,” in *Flight Maps: Adventures with Nature in Modern America* (New York: Basic Books, 1999).

<sup>15</sup> Jedediah Purdy, *After Nature: A Politics for the Anthropocene* (Cambridge: Harvard University Press, 2015). Purdy offers “an intellectual history of the natural world in America,” outlining how Americans have conceived of their relationship to trees, rivers, mountains, and wildlife and the various types of power they hold. His explanation of “environmental imagination” can be found on pages 6 and 7, which serves as a guiding framework for this thesis.

and particularly during the period of most intense resistance in the 1990s, offer lessons about how environments and sacred and cultural sites on or near reservations in the U.S. West are understood and protected (or more often, not protected) through various public and private mechanisms. These tendencies, and the relationships that emerge from them, point to instances of analogous intellectual origin, illustrate regions of philosophical and cultural overlap, and provide a blueprint for more effective environmental protection via more robust citizen participation in environmental legislation and regulation.

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Pegasus Gold Corporation (hereafter, Pegasus)—a Spokane, Washington-based Canadian multinational company with mines throughout the American West and projects in Australia, Central Asia, and South America—and its wholly-owned subsidiary Zortman Mining Incorporated (hereafter, ZMI)<sup>16</sup> began operating two gold and silver mines near the historic mining districts of Zortman and Landusky in 1979. While the Little Rocky Mountains had been mined periodically since the 1880s, the Pegasus mines marked the beginning of “modern, large scale mining” in the range as the company pioneered cyanide heap-leaching technology, a novel and cost-efficient way to extract precious ore from low-concentration bedrock.<sup>17</sup> Long before Pegasus’s original 1979 operating permit was approved, the Fort Belknap Community Council

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<sup>16</sup> A note on terminology: ZMI operated the Zortman and Landusky mines while Pegasus owned them and controlled their stocks. Throughout this project, I mostly refer to them as a collective entity as Pegasus. I made this decision based on information about their corporate structure from their own documents (e.g. Pegasus identifies that they had 100% ownership of ZMI), representation in newspapers and other publications throughout the last few decades of the 20th century (and statements made in those articles, which was almost exclusively by people identified as Pegasus representatives but speaking about pollution and regulation of the Zortman and Landusky mines), and a 1994 decision in a Montana District Court that ruled Pegasus and ZMI were not distinct entities.

<sup>17</sup> The phrase “modern, large-scale mining” comes from a 1996 Environmental Impact Statement prepared by the Montana Department of Environmental Quality and federal Bureau of Reclamation. Pegasus boasted about their mining innovation regularly. This specific reference to cyanide-heap leaching can be found in their 1994 annual report to shareholders: Pegasus Gold Inc. Annual Report. 1994. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P 348R 1994.

voiced official opposition to the mines and their insufficient environmental analysis, and other members of the Fort Belknap community circulated petitions.<sup>18</sup> The Zortman and Landusky mines sat on land that had once been a part of the reservation but that was ceded to the federal government in 1895 under questionable circumstances. As early as 1971, years before ZMI began exploring prospects there, the Fort Belknap Community Council took official steps to facilitate the return of the Little Rockies to the reservation community.<sup>19</sup> Fort Belknap Indians had long-standing but contested legal and cultural claims on those mountains that were a primary object of contention throughout these decades. By contrast, most residents of the small towns of Zortman and Landusky, as well as nearby Malta, the county seat of Phillips County, embraced the renewal of mining in the Little Rockies. Despite disapproval from Fort Belknap and at least 9 amendments to the original permits being approved, the Zortman and Landusky mines did not generate much attention or paperwork for the first decade they were in operation.

The exact opposite can be said of the last decade of the 20th century, which was filled with multiple court cases; thousands of pages of figures and tables, correspondences, modification plans, and proposals; and widely distributed frustration in a case that would defy the traditional narrative of mining in Montana. By the middle of 1990, the Fort Belknap Community Council, along with two citizen groups, Red Thunder Incorporated and Island Mountain Protectors (IMP), had already taken legal action against the mines by appealing the decision of the Lewistown District Office of the Bureau of Land Management (BLM) to approve

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<sup>18</sup> The Montana Historical Society Research Center has fairly extensive records relating to Pegasus dating as far back as the late 1970s. For example, in April 1979, Chairman of the Fort Belknap Community Charles Plumage sent Leo Berry, Commissioner of the Montana Department of State Lands, a letter voicing opposition to mining with an eleven-page attachment responding to the agency's EIS. There are also several petitions signed by Fort Belknap Indians requesting a public hearing to review that same EIS. These and other related document can be found in Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20. Folder 3.

<sup>19</sup> A Resolution of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, Requesting the Assistance of the Congressional Delegation in having the "Little Rockies" Returned to the Fort Belknap Indian Community. 1971. Accessed at Aaniih Nakoda College Library.



a 10th amendment to the operating permit of the Landusky mine. The Interior Board of Land Appeals (IBLA) denied that appeal.<sup>20</sup> In the following few years, Red Thunder, Island Mountain Protectors, other members of the Fort Belknap Community, and environmentalists and indigenous activists from around the continent, made a lot of noise. An international environmental conference was held at Fort Belknap. Red Thunder produced a documentary on the mines and screened it in Boulder, Colorado. The mines and the organizers received fairly substantial coverage in local periodicals, as well as more widely circulating papers in Billings and Helena. By the 1993 storm, a great deal of Montanans knew at least something about the Pegasus mines and, even if they were inclined to dismiss fears about toxicity from mine tailings and the trauma resulting from the violation of sacred lands, state and federal governments were forced to at least address the accumulating empirical evidence from their own agencies of excess pollutants in streams surrounding the mines.

The month after the storm in the summer of 1993, the state of Montana, via the Department of Health and Environmental Sciences (DHES), filed a lawsuit against Pegasus and ZMI under the Montana Water Quality Act. With the case still unresolved two years later, the EPA and the tribes filed a similar suit under the federal Clean Water Act. In mid-1996, the United States of America and the State of Montana, along with the Fort Belknap Community Council, the Gros Ventre and Assiniboine tribes, and Island Mountain Protectors, signed a Consent Decree with Pegasus and ZMI settling the clean-water suits out of court. The Consent Decree outlined financial remediation for Fort Belknap and state and federal governments (which amounted to roughly \$37 million) and pollution control and compliance guidelines that

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<sup>20</sup> United States Department of the Interior, Interior Board of Land Appeals. Appeal from a decision of the Lewistown, Montana, District Office, Bureau of Land Management, approving an amendment to Federal Plan of Operations MTM 77779 and recommending approval of an amendment to Montana State Mine Operating Permit 00095. December 19, 1990.

Pegasus was bound to.<sup>21</sup> The settlement allowed Pegasus to move forward with their 11th expansion, which they had proposed in late 1992 but had been stalled by the persistent litigation. Called the Zortman Expansion Project by Pegasus, this proposal, which would have tripled disturbed land, was by far the most extensive action the mining company pursued. Dissatisfied with the Consent Decree and terrified of the potential consequences of the expansion, the tribes and the Fort Belknap Community Council, along with the National Wildlife Federation and a few Montana environmental organizations, appealed the most recent BLM decision approving the expansion to the Interior Board of Land Appeals in early 1997. In the time it took for that case to be heard, the global price of gold dropped precipitously, Pegasus had substantial difficulties at several of its other mines, and the corporation eventually declared bankruptcy in late 1997. In the several years that followed, lawsuits were filed against the Montana Department of Environmental Quality (DEQ) and another full-scale environmental impact statement was completed for the wholesale reclamation of the Zortman and Landusky sites. Public and private attention to the mine in the 21st century will not be developed in this thesis, though the ultimate outcome is significant and relevant: while no mining has occurred in the Little Rockies since the late-1990s, surface reclamation is ongoing and water treatment will be required indefinitely at certain streams around the mines. In late 1998, after declaring bankruptcy earlier that year, Pegasus Gold dissolved and reorganized under Apollo Gold, which held on to a small fraction of Pegasus's former subsidiaries. Consequently, the Montana DEQ and the BLM took responsibility for surface reclamation and water treatment at the sites, which they maintain today.

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<sup>21</sup> A more detailed account of the Consent Decree and its allocation of funds is provided in chapter 4.

One of the main goals of this thesis is to describe how and why that ended up being the case. In the pages that follow, I will offer the first historical account of the resistance to the Pegasus gold mines. I locate this story in larger contexts of the history of extractive industries and environmental regulation in the U.S. West and the complicated socioeconomic, cultural and legal dimensions of American Indian life and sovereignty. Though this story presents an exciting and important opportunity for ecological analysis as an environmental history of polluted reservation rangelands, I have primarily adopted the priorities and sensibilities of intellectual and cultural historians and anthropologists. By focusing on human communities and the personal, I have sought to characterize the interior lives of those that fought, financed, studied, and operated the Zortman and Landusky mines. I argue that the ways those individuals and groups imagined the spaces, people, organizations, and institutions they interacted with explains the behaviors they pursued and the outcomes they made possible.

The first chapter seeks to locate the Little Rocky Mountains as a contested symbol integrated by each of the environmental imaginations in interesting ways. Though diversity within communities and organizations was certainly evident, I delineate three main groups involved in this story, namely grassroots organizers, representatives of Pegasus and ZMI, and various government organizations (including state and federal regulatory agencies and the Fort Belknap Community Council). I also incorporate the perspectives of Fort Belknap Indians, mining employees, and other non-Indian Montanans, though to a lesser degree. For each of the groups involved, I trace the origins and development of their environmental imaginations based on notable historical events like the Grinnell Agreement (the land transfer that ceded the Little Rockies to the federal government); the course of gold mining and environmental regulation in the Little Rockies throughout the 20th century; and cultural loss and revival at Fort Belknap.

This longer historical context serves two inextricable purposes: to explain how the economic, political, and cultural conditions in which “the Pegasus affair”<sup>22</sup> came to be, and to illustrate how different relationships to that history and those conditions shaped what people believed, said, and did about the mines and the other groups of people whose fates were tied to the mines.

The second chapter explores the more immediate context of the two decades leading up to the 1990s when the Little Rockies were most heavily contested. It begins by tracing the unsuccessful efforts by the Fort Belknap Community Council in the 1970s to have the mountains returned to their community. I then turn towards the novel and extraordinarily invasive technology used by Pegasus, open-pit cyanide heap-leach mining, and early efforts at environmental regulation at the Zortman and Landusky mines in the late 1970s. This section in particular demonstrates that because the formation and enforcement of environmental legislation is a product and reflection of certain environmental imaginations, regulation of the Pegasus mines inevitably privileged certain interests and arguments over others. By uncovering the many attitudes toward the mines and their regulation that emerged during consultation for the 1979 environmental impact statement, I reject the notion that environmental regulation during the late 1970s was a democratic process that was capable of protecting the Little Rockies ecosystem. The second half of the chapter is dedicated to discussing the origins and beliefs of a central group of grassroots organizers, Red Thunder, Incorporated. The chapter closes with their first formal efforts to resist the Pegasus mines: an unsuccessful appeal of a BLM decision to the Bureau of Land Management. This section outlines the legal contours for the rest of the story.

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<sup>22</sup> Throughout this thesis, I use this term to refer to the events that occurred at Fort Belknap, towns like Zortman and Malta, and in courts in places like Helena during the final three decades of the 20th century but especially the 1990s. More broadly, “the Pegasus affair” includes all of the ways that the Little Rocky Mountains were contested over the last twelve or so decades.

The third and fourth chapters detail the events that occurred in the 1990s at Fort Belknap and throughout the Hi-Line. The third chapter picks up right where the second chapter leaves off with the legal efforts to prevent pollution at the Zortman and Landusky mines, and then turns towards other modes of resistance pursued by Red Thunder and other opponents of the mines. It highlights the ways grassroots organizers employed state, federal, and tribal governmental machinery, why certain forms of organizing were preferred over others, and which actions were most effective based on the environmental imaginations of those interpreting and being targeted by organizers' efforts. Framed as a collision of environmental imaginations, the chapter uses these contests over the Little Rocky Mountains as a way to discuss building communities, communicated across differences, and the various ways to understand and pursue justice.

In the final chapter, I narrate the final years of mining in the Little Rocky Mountains. The chapter begins with a discussion of the first court cases brought against Pegasus for violations of the federal Clean Water Act and the Montana Water Quality Act. It then takes a foray into the generation of an environmental impact statement for an expansion project at the Zortman and Landusky mines issued by the BLM and Montana Department of Environmental Quality in 1996. This section describes the changes in environmental regulation practices since the mines were initially permitted and offers a diagnosis for how pollution was able to reach the levels it did in the Little Rockies. The chapter concludes by outlining the legal resolution of the court cases discussed earlier in the chapter (the Consent Decree mentioned earlier), the dissolution of Pegasus after declaring bankruptcy in 1998, and the longer-term legacy of the mines' environmental and cultural harm.

I conclude by assessing this story as a case study to illustrate the unique challenges of achieving environmental justice in a reservation environment. I argue that the issues that

emerged for all communities involved, but especially Fort Belknap, during the Pegasus affair reflect fundamental flaws of federalism in the United States. Therefore, using the environmental imaginations approach that is interwoven through the entire thesis as well as the principles of the environmental justice movement, I offer my own interpretation of how these events point towards superior models of environmental legislation and regulation and modes of citizenship and collective organization in a multicultural republic with a hierarchy of sovereignties. I suggest that executing the environmental democracy that this story calls for requires contextualized listening; it asks people to take seriously other people's lives as imagined. This thesis seeks to do that listening by reading back a mediated account of why these mines and their destruction mattered to certain people and what motivated them to act in specific ways.

It is essential to recognize that my own interpretation of these events and the ways they were understood is ineluctably animated by my own environmental imaginations. Moreover, this project seeks to recognize asymmetries of knowledge and opportunity that makes the space and capacity to listen unevenly distributed. I do not just mean that state and federal governments have always and continue to listen more closely and sincerely to the concerns and formulations of its white constituents. Nor am I simply trying to acknowledge that many of the Indian organizers pursued their activism on top of full-time jobs that often did not provide sufficient financial security and that they had less access to infrastructure, technology, and public officials to represent themselves and their message. (To be sure, many white Montanans also lived in environments with quite limited economic opportunities and relied on Pegasus for employment and benefits. These Montanans had less liberty to listen than their employers and perhaps than certain Indians. This is exactly the point.) While both of those things are important, I am trying to make a more metaphysical point about the means of cultural receptivity. All the groups

involved postured their arguments in particular ways based on context and audience. Certain historical circumstances—one example is the revival of Gros Ventre tradition among young people at Fort Belknap during the 1970s and 1980s; the pervasive neoliberal logic of Ronald Reagan's America in that same decade is another—made certain people more inclined and more effective at constructive and contextualized listening. Put another way, the environmental imaginations of particular individuals and groups sometimes made space for understanding, and sometimes dictated suspicion and hostility. The major effect of this was that, particularly by Pegasus representatives but also by many government agents, Indian concerns were mostly fielded in dismissive or convoluted ways. Simply put, most people involved, including sympathetic journalists and some collaborating white environmentalists, missed the point the grassroots organizers were trying to make about constructing a “moral landscape”<sup>23</sup> from certain types of encounters with the natural world, the animacy and interconnectedness of that world, and the continuities between cultural, social, economic, and environmental justice.

Though the theft, destruction, and poisoning of native lands observed in this case at Fort Belknap was nothing new, it was no less devastating for Indians at Fort Belknap. That indigenous peoples are perceived by many as the eternal protectors of the natural world is an unfair and ahistorical imposition but also an opportunity to evaluate why different communities accept certain treatments of the natural world and not others. It offers us the chance to learn how certain individuals and communities are capable of creatively, defiantly, and compassionately shaping their lives, customs, and values in ways that are rarely detected even in scholarship. By rigorously assessing how Fort Belknap Indians protected their places; listening very carefully to what they said, how and when they said it, and trying to decide why; and especially searching

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<sup>23</sup> This is a term used by Keith Basso in his discussion of the Western Apaches in *Wisdom Sits in Places*.

for the emotional and psychological dimensions of the movement against the Zortman and Landusky mines, we not only learn a bit about how to functionally protect native spaces elsewhere, we find the patience, alacrity, and the intrepidity to keep walking on this rocky and uphill path that often seems indifferent to suffering. As the old and controversial medicine man Betonie tells the protagonist Tayo in Leslie Marmon Silko's 1977 *Ceremony*: "This has been going on for a long time now. It's up to you. Don't let them stop you. Don't let them finish off this world."<sup>24</sup> The provisions of the 1996 Consent Decree and the ongoing reclamation were by no means an outright victory for those organizing against the mines. The Little Rocky Mountains will forever be a tarnished symbol of all that has been lost. But there is no longer mining in the Little Rocky Mountains and will not be for the foreseeable future. Moreover, in 1998, the state of Montana outlawed the cyanide heap-leach mining process. That does mean something. Once, a multimillion dollar multinational corporation had to respond to a small group of young and tireless Indians working out of their living rooms. As we look forwards towards the imminent collapse of federal machinery that protects natural environments and marginalized communities,<sup>25</sup> we need this story more than ever.

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<sup>24</sup> Leslie Marmon Silko, *Ceremony*, 30th anniversary ed. (New York: Penguin Books, 2006) pg. 140.

<sup>25</sup> On March 28, 2017, United States President Donald Trump signed the "Presidential Executive Order on Promoting Energy Independence and Economic Growth" alongside coal industry workers. The order pledged to nullify the climate change efforts of the former President, Barack Obama. This included withdrawing and rewriting the Clean Power Plan, which made several commitments to lower fossil fuel emissions to levels that would help prevent catastrophic global warming. In the days surrounding this order, President Trump did not clarify if he would withdraw the United States from the 2015 Paris agreement within the United Nations Framework Convention on Climate Change. Without the United States' involvement and leadership in the Paris agreement, many believe limiting global temperature rises below calamitous levels and building clean energy infrastructure will be impossible. Climate change is just one of the countless federal initiatives to protect human and ecological communities that President Trump has proposed to dismantle. The executive order is available here: <https://www.whitehouse.gov/the-press-office/2017/03/28/presidential-executive-order-promoting-energy-independence-and-economy-1>. For perspectives on the order, see Coral Davenport and Alissa J. Rubin, "Trump Signs Executive Order Unwinding Obama Climate Policies," *The New York Times* (March 28, 2017), available at: [https://www.nytimes.com/2017/03/28/climate/trump-executive-order-climate-change.html?\\_r=0](https://www.nytimes.com/2017/03/28/climate/trump-executive-order-climate-change.html?_r=0). For more information on Trump's proposed cuts, refer to the following article on his administration's budget: Alicia Parlapiano and Gregor Aisch, "Who Wins and Loses in Trump's Proposed Budget," *The New York Times* (March 16, 2017), available at: <https://www.nytimes.com/interactive/2017/03/15/us/politics/trump-budget-proposal.html>.





## Chapter 1. Locating the Mountain: Environmental Imaginations at and Around Fort Belknap from the mid-19th to the late 20th Century

“On top of that butte, you are on top of the world. Thousands of square miles lie below, stretching out in each of the four sacred directions. Looking down, with the wind blowing your mind clear of thoughts, you feel an unidentifiable presence there. The wind cleanses you, and you feel pure. You know you are in a holy place, holier than any church. You can *feel* God. The Old Timers prayed there for these reasons and more. These high solitary sentinels put them closer to The One Above and allowed them to *see farther* than they had seen before...Everything the Old Timers believed is true. The power or ‘medicine’ is still there, although we must look harder for it now. It is there on the buttes, but it is also alive in our hearts, waiting for us.” (emphasis in original)

-George Horse Capture, in his introduction to the lifestory of Gros Ventre holy man Bull Lodge<sup>1</sup>

Travelers along the Hi-Line have two options for terrestrial transport: Burlington Northern Santa Fe’s aptly named Empire Builder transcontinental rail line, or, one of those 20th century bringers of empire, U.S. Route 2. As they pass through north-central Montana on to places like Glacier National Park and Seattle, or Chicago in the other direction, they might wonder if empire had ever arrived. While dotted with stunning canola fields and occasional towns of a few thousand people, the route from Minot, North Dakota to Havre, Montana is, according to environmental historian Theodore Binnema, “a landscape dominated by lifeless shades of yellow, brown, and white.” Binnema refers to both the region’s meager human settlements and its apparently uninspiring natural scenery and atmosphere, largely bereft of vegetation and subject to some of the planet’s most erratic shifts in weather. Yet he offers this characterization in contrast to an estimation of the region as a country that the Great Spirit put “exactly in the right place,” made by the 19th century Crow, Sore Belly.<sup>2</sup> Binnema suggests that farmers in the 1930s that abandoned their homesteads and dreams in north-central Montana after their crops repeatedly failed would have met Sore Belly’s view with contempt. Binnema

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<sup>1</sup> Garter Snake, Fred P. Gone, and George P. Horse Capture, *The Seven Visions of Bull Lodge, as told by his daughter, Garter Snake* (Lincoln: University of Nebraska Press, 1992) 19-20.

<sup>2</sup> Theodore Binnema, *Common and Contested Grounds: A Human and Environmental History of the Northwestern Plains* (Norman, OK: University of Oklahoma Press, 2001) 17-19.

understood what George Horse Capture's homily makes clear: there have always been numerous ways of seeing, experiencing, and understanding the lands of north-central Montana.

Among the most important of those lands are the region's several small mountain ranges, which are called the island mountains because of their somewhat arbitrary emergence from the vast, grassy sea. The primary concern of this story are the Little Rocky Mountains, which hug the southern border of the Fort Belknap Indian Reservation, visible across miles of farms and pasture. This chapter outlines the various ways of knowing the Little Rocky Mountains by tracing the ecological transformations that came to the range beginning in the late 19th century and up to the final decades of the 20th century when Pegasus Gold Corporation operated the Zortman and Landusky mines. Exploring how those transformations were understood uncovers the "hidden transcripts"<sup>3</sup> of the battle over mining in the Little Rocky Mountains that took place in the last three decades of the 20th century. Those unspoken stories, conversations, and anxieties stood alongside a massive paper trail of environmental impact statements, articles in local and regional periodicals, the policies and statements of state and federal agencies, and reports by private engineering and environmental consulting firms. That list of sources reveals that imaginations of the Little Rocky Mountains and of environments more generally were not merely the metaphysical musings of a few adventurous Indians, they were the stuff of economic and political machinery. Taking inventory of these various perceptions of nature and of the purpose, outcomes, and promise of environmental protection points to an underlying assumption of this thesis: the terms of conversations about Native American sacred sites and indigenous

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<sup>3</sup> I first came across this term in Robin Kelley, "'We Are Not What We Seem': Rethinking Black Working-Class Opposition in the Jim Crow South," *The Journal of American History* *American History*, 80 (June 1993): 75-112. Kelley refers to the work of James C. Scott of the Subaltern Studies Group. Kelley describes hidden transcripts as "a dissident political culture that manifests itself in daily conversations, folklore, jokes, songs, and other cultural practices."

environments were and continue to be necessarily uneven as a result of not just economic, political, and infrastructural disparities, but also a more deep-seated ideological calcification occurring in the minds of all actors. As was the case at Fort Belknap, the task of regulating and reclaiming mining operations on or near reservation environments has always relied on institutions, legislation, processes, and resources that are more equipped to serve certain (read: non-Indian, off-reservation) communities because they were born out of the intellectual, political, and religious traditions of those communities. While sincere efforts to empower and consult tribal communities were at least superficially pursued, environmental regulation in the Little Rocky Mountains in the 1980s and 1990s mainly reinforced the environmental understandings from which they emerged. Just as those understandings and the mechanisms they constructed did not appear out of thin air, the spiritual and cultural beliefs and convictions that led Fort Belknap Indians and environmentalists to organize against the mines can be historically delineated. All of the “environmental imaginations”<sup>4</sup>—or more specifically, different conceptions of the symbolic, ecological, and economic importance of the Little Rocky Mountains—at play in the Pegasus affair were understood and expressed in specific ways at specific moments as a result of individual, local, national, and global circumstances.

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<sup>4</sup> Environmental imagination is a term proposed by Jedidiah Purdy in *After Nature: A Politics of the Anthropocene*. It refers to ways of seeing and relating to the natural world and affording it different types of significance. Distinct environmental imaginations are constructed and maintained by individuals, but they do not just emerge from the everyday experiences and personal convictions of those individuals, they are influenced by historical moments and their various interpretations; philosophical and religious schools of belief and practice; multiple cultural narratives; legal, political, and economic institutions; social life; and identification with real and imagined communities.

## **Islands on the Prairie<sup>5</sup>: The Mountain Ranges of north-central Montana in 19th-century Indian Country**

Like many of the other nearby ranges, the Little Rocky Mountains have an especially high concentration of gold compared to other igneous rock formations.<sup>6</sup> Yet for the overwhelming majority of the time the Little Rockies have existed, most of the life that cycled through them remained almost entirely indifferent to their rich veins of ore. The island analogy in “island mountains” is not just aesthetic: the prairies of the northern Plains act as barriers to montane species that are poorly adapted to grassland habitats, a feature that intensified during the 19th century with the increase of agriculture, roads and railways, and intensive hunting in the region.<sup>7</sup> Much more important to human and nonhuman inhabitants of the northern plains than gold was their unique vegetation and chinook wind patterns, which made forage easily accessible to grazing animals and kept plants more nutritious than moister regions of the plains, all of which made the northwestern plains exceptional habitat for the large herds of bison that have come to characterize the American West. Binnema argues that a human history of conflict and cultural contact on the northern plains is unrecognizable without an intimate understanding of bison ecology.<sup>8</sup> A few such histories already exist that outline the intricate connections between shifts in political and economic forces on the plains and the ecosystems in which they occurred.<sup>9</sup> I will direct my attention more specifically to how human communities on the northern plains and

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<sup>5</sup> This phrase comes from Mark Meloy, *Islands on the Prairie: The Mountain Ranges of Eastern Montana* (Helena: Montana Magazine, 1986).

<sup>6</sup> Meloy, *Islands on the Prairie*, 15-18.

<sup>7</sup> Meloy, *Islands on the Prairie*, 22, 30.

<sup>8</sup> This entire description of plains grassland ecology and the importance of bison on human communities in the region comes from Binnema, “Chapter 1. ‘A Good Country,’” in *Common and Contested Grounds*, 17-36.

<sup>9</sup> For the northwestern Plains, see Binnema, *Common and Contested Grounds*. For other excellent environmental histories of the Great Plains, see, for example, Dan Flores, “Bison Ecology and Bison Diplomacy: The Southern Plains from 1800 to 1850.” *The Journal of American History* 78, no. 2 (1991): 465-85; and Pekka Hämäläinen, “The Politics of Grass: European Expansion, Ecological Change, and Indigenous Power in the Southwest Borderlands”. *The William and Mary Quarterly*. 67 (2): 173-208.

around the Little Rocky Mountains made sense of environmental features like bison and small but mineral-rich mountains.

It is now nearly a truism that both pre-Columbian American Indians and their colonized counterparts manipulated their physical environments. Most famously, William Cronon outlined the land and resource use and territoriality of New England Indians, noting important differences in conceptions of abundance and poverty and in community responses to natural cycles in climate and wildlife populations.<sup>10</sup> More recently, Pekka Hämäläinen has demonstrated how Comanches on the Southern Plains maintained an economic and political empire during the middle decades of the 19th century that rested on a delicate balance between horse herding and raiding and bison hunting and that eventually exhausted the Great Plains ecosystem.<sup>11</sup> Binnema cites evidence of indigenous peoples on the northern plains managing their environments through selective burns, taking advantage of the fact that most plant and animal species utilized by humans are most abundant during primary succession.<sup>12</sup> Studies like these have gone a long way to explicate the complicated and diverse ways that American Indian communities across time and space have related to the natural world and developed extensive and rigorous experiential knowledge of plants, animals, and cycles. However, the imagined association between American Indians and natural environments is an inveterate feature of American cultural production and political discourse that requires many more decades of disturbance, and in more places than academia. It is born from centuries of misunderstanding and distortion surrounding Indian ecology and has been aggravated by notions of social progress and

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<sup>10</sup> William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983, 2003); especially “Chapter 4. Bounding the Land,” pgs. 54-81.

<sup>11</sup> See Hämäläinen, “The Politics of Grass,” and Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008).

<sup>12</sup> Binnema, *Common and Contested Grounds*, 34.

racialized biology. The cultural heritage of those centuries is vast and pervasive even among those who consider themselves tireless advocates of American Indian rights and the environment. All American Indian histories must reckon with that heritage, especially those that deal with environmental destruction because the imagery and language it produced are deeply implicated in the construction of environmental imaginaries.

That imagery and language converge on one of the most pervasive stereotypes in mainstream American culture: the ecologically noble savage. Anthropologist Paul Nadasdy explains how this trope assumes “indigenous people live in perfect harmony with the environment, more *of* nature than *in* it,” and that, “it portrays indigenous peoples as environmentalists par excellence.” While Nadasdy acknowledges that this has sometimes improved perceptions of Native Americans and created space for political and cultural creativity, it has mostly obscured the complicated relationships between American Indians, their environments, and environmentalists and anti-environmentalists from without by framing and evaluating indigenous beliefs and actions based on Euro-American cultural terms and expectations.<sup>13</sup> Darren Ranco reminds us that the persistence and the ensuing scholarly debate over the ecological Indian has tangible consequences, potentially leading to historical erasure, distraction from the actual land and resource use of some Native communities, and most importantly, neglect of the fact that “neocolonial arrangements” continue to exist and that “reservation environments are regularly targeted for detrimental environmental practices because of their unique semi-sovereign status.”<sup>14</sup> The ways that Indian ecology has been publically

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<sup>13</sup> Paul Nadasdy, “Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism.” *Ethnohistory* 52, no. 2 (March 20, 2005): 291–331.

<sup>14</sup> Darren Ranco, “The Ecological Indian and the Politics of Representation: Critiquing *The Ecological Indian* in the Age of Ecocide,” in Michael E. Harkin and David Rich Lewis eds., *Native Americans and the Environment: Perspectives on the Ecological Indian* (Lincoln: University of Nebraska Press, 2007).

understood has meant that, for example, the perceptions 17th-century English colonists had of Pequots in Massachusetts dictated not just how Gros Ventres and Assiniboines in 20th-century Montana were understood, but also the legal and cultural mechanisms available to them. This provides an imperative to flesh out spatially and historically specific environmental imaginations instead of, as Ranco warns, perpetuating “unified, ahistorical cultural identities.”

If Cronon, Hämäläinen, and Binnema offer one way of understanding Indians and their environments based on the intersection of political economy and ecological science, anthropologist Keith Basso offers another using the names and stories of indigenous places. It is no secret that though it has made immense contributions to our understanding of how North American ecosystems and cultures came to be, environmental history is a certain imposition of the Euro-American environmental imaginary on indigenous logics and practices. In his landmark work, *Wisdom Sits in Places*, Basso instead uses Western Apache language and social customs to explore the construction of “moral landscapes.” Basso’s analysis is a crucial foundation for understanding the “indigenous” and “traditional” environmental imaginations that were expressed during the Pegasus affair.

For Indian men and women, the past lies embedded in features of the earth—in canyons and lakes, mountains and arroyos, rocks and vacant fields—which together endow their lands with multiple forms of significance that reach into their lives and shape the ways they think. Knowledge of places is therefore closely linked to knowledge of the self, to grasping one’s position in the larger scheme of things, including one’s own community, and to securing a confident sense of who one is as a person.<sup>15</sup>

Mediated by labor, ceremonies, and especially by stories that are at once humorous, tragic, and whimsical and that are invoked by specific social circumstances, American Indians’ relationship to their places is the means of individual and collective reform, of producing and

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<sup>15</sup> Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996) 34.



reimagining history, and of developing, revising, and passing down important knowledge about how to be a contributing member of an environmental, moral, and spiritual system. As Blackfoot historian Rosalyn LaPier notes, landscapes are “living sacred texts” full of stories and potential experiences that might plant a seed to gradually help Indians “smooth their minds” so that they might know how to continue improving themselves and their communities.<sup>16</sup> As statements like the one made by George Horse Capture in the epigraph at the beginning of this chapter make clear, interpreting landscapes as texts have never been about logic and intellect alone, they offer opportunities for emotional experiences and learning, they are where one can “feel God.” Such complicated and instructive relationships to place have mainly been taken for granted and deserve more attention. But while indigenous relationships to place might have been more sophisticated, harmonious, gentle, and flexible, it is important to recognize that Euro-American colonizers also constructed “moral landscapes.” It would be a disservice to suggest that the products of indigenous and Euro-American moral landscapes have been comparable, but our responsibility lies less in that judgment than it does in recapitulating the historical development of those moral landscapes and explaining how they interact with each other.

For Fort Belknap Indians, an environmental imaginary centering around the Little Rocky Mountains can be traced back to around the middle of the 19th century. From the late 16th century to the early 19th century, both the Assiniboine, a division of the Yanktonai Sioux, and the Gros Ventre, an offshoot of Algonquian-speaking Arapaho, migrated around northern Montana and southern Saskatchewan and Alberta. By the 1820s, one group of Gros Ventres had set up more permanent occupation around the Milk River, which now serves as the northern

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<sup>16</sup> Rosalyn LaPier, “Why understanding Native American religion is important for resolving the Dakota Access Pipeline crisis,” *TheConversation* (November 2, 2016). Accessible at: <https://theconversation.com/why-understanding-native-american-religion-is-important-for-resolving-the-dakota-access-pipeline-crisis-68032>.

boundary of the reservation.<sup>17</sup> By the middle of the century, the Gros Ventres and Assiniboines were pushed towards a peace by a combination of the effects of successive smallpox epidemics among both tribes and the economic and military security an alliance would provide. In 1851, both tribes signed the first Treaty of Fort Laramie with the United States federal government that outlined traditional territorial claims for several tribes in the region. A subsequent treaty made by the Gros Ventres and Blackfeet with the United States extended some hunting rights within Gros Ventre territory to the Assiniboine.<sup>18</sup> The 1850s then were the beginning of the unsteady partnership between the Gros Ventres and Assiniboines that persists to this day. However, accepting that narrative, which comes from (mostly non-Indian) academics, as an objective and tenable history is itself an exercise in ethnocentrism that distorts environmental imagination at Fort Belknap. Anthropologist Loretta Fowler demonstrates how the different interpretations held by Gros Ventres and Assiniboines of their shared history, referred to as “here first” stories, were facilitated by federal policies and led to distinct cultural identities based in part on moral and behavioral contrasts with the other tribe. The form and content of those stories reflect the ways that Gros Ventre and Assiniboine self-images developed within the “physical, socioeconomic, and political confines” of their reservation where what whites thought of them influenced economic programs and political opportunities offered by the government, separate political and cultural identities were denied to both tribes, and where indicating moral superiority over whites was important.<sup>19</sup> The specific, multitribal history of Fort Belknap requires that the first step in developing a coherent environmental imaginary for the Indians that have lived there is simply

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<sup>17</sup> William L. Bryan, “Fort Belknap Reservation,” in *Montana’s Indians: Yesterday and Today*, Montana Geographic Series, (American & World Geographic Publishing, 1996) 30.

<sup>18</sup> Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987) 198.

<sup>19</sup> Fowler, “Chapter 3. Who Was Here First? Gros Ventre and Assiniboine Interpretations of History,” in *Shared Symbols, Contested Meanings*; quoted phrase from 225.

understanding that, as the title of Fowler's study of Gros Ventre history and culture suggests (*Shared Symbols, Contested Meanings*), shared histories and cultural symbols are contested there, something that became even more convoluted when Euro-American imaginaries were introduced.

Yet before those tribal interactions could take place and before Fort Belknap was established, Gros Ventres and Assiniboines were living off the northern plains and making sense of the Little Rocky Mountains in creative and sometimes elusive ways. It is unclear the extent to which their moral landscapes resembled the Apache landscapes Basso describes, but there is substantial evidence the plains environment and the surrounding peaks occupied an important place in Gros Ventre and Assiniboine culture. In the early 20th century, anthropologist Alfred Kroeber visited Gros Ventre villages and documented their material culture, social customs, and most importantly their oral history. He subsequently published two volumes which included myths and other stories that had been passed down through families for generations.<sup>20</sup> Those stories were full of talking and conniving horses and bison, mice who performed Sun Dances, crows that married humans, and a suite of previously unknown mythical creatures. The animals in those stories had distinct personalities, complicated social lives, and importantly, had powers that humans did not and the ability to manipulate or punish humans when they behaved inappropriately.<sup>21</sup> The Assiniboines had a similar tradition. Edward Thompson Denig spent two decades among the Assiniboine during the 1830s and 1840s as a trader for the American Fur Company. In 1854, he published an exhaustive account of his observations of Assiniboine life

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<sup>20</sup> Alfred L. Kroeber, *Gros Ventre Myths and Tales*, Anthropological Papers of the American Museum of Natural History Volume, 1, Part III (New York: Order of Trustees, 1907) and Alfred Kroeber, *Ethnology of the Gros Ventre*, *Anthropological Papers of the American Museum of Natural History* 1 (4) 1908.

<sup>21</sup> This is most clear in Kroeber's collection of *Gros Ventre Myths and Tales*.

and traditions. His account is a rare opportunity to witness interactions between environmental imaginations during the middle of the 19th century. Of Assiniboine mythology, Denig wrote:

This subject would not present any useful information and only tire the reader with endless fable without arriving at any important conclusions. We could fill volumes with their stories of giants, demons, transformations of men into animals and other shapes, but do not think any fact thus elicited would avail any useful purpose.<sup>22</sup>

As with Kroeber, Denig was referring to stories that were meant to be fantastical, but both their tone and Denig's characterization of them are significant. These early ethnographies reveal a vivacious indigenous conceptual world on the northern plains, one where more of its members—human, nonhuman, “nonliving”—were understood to be animate and autonomous members of a network of relationships. This northern plains “environment” imprinted certain moral and behavioral expectations on the human communities that lived there. When those expectations were violated, northern plains Indians risked losing access to sustenance and opportunities to gather power as retribution for disrupting the harmonious system. Gros Ventre and Assiniboine cultures grew, in part, out of this desire to avoid supernatural punishment, which might be wielded by any sort of creature. Denig's dismissal is characteristic of Euro-American efforts to come to terms with indigenous worldviews while justifying their own conquest of the continent. While Denig admitted that most of the legends “contain[ed] a kind of moral or double meaning and are occasionally interesting and imaginative, sometimes obscure,” he demonstrated very little curiosity about those meanings and clearly did not consider them worth readers' time. This is as clear a case as any of Euro-American colonizers conveniently reframing indigenous environmental beliefs according to their own cultural logics. This lack of curiosity prevented those beliefs and practices from being accurately expressed and as a result, many observers lost

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<sup>22</sup> Edwin Thomas Denig and J.N.B. Hewitt (ed.), *The Assiniboine* (Norman, OK: University of Oklahoma Press, 2000) 106.

track of the spirit world that influenced how many Gros Ventres and Assiniboines continue to understand interconnectedness in and obligations to the natural world.

The best record of northern plains Indian environmental imagination during the 19th century is the account of the life of Gros Ventre holy man Bull Lodge, which was originally reported by his daughter Garter Snake to Frederic Peter Gone, who worked as a reservation worker for the Montana writer's project of the Works Progress Administration in the 1930s. Bull Lodge's spiritual journey, from teenage boy to warrior to medicine man to the keeper of the Feathered Pipe (one of the two most holy objects in traditional Gros Ventre religion), was centered around seven solitary journeys he made to peaks around the Hi-Line in which he fasted, cried, made sacrifices of strips of flesh and finger joints, and had visions where he communicated with supernatural beings. During these vision quests, Bull Lodge received the instructions for elaborate rituals and ceremonies that gave him his healing powers. These mountain journeys were the sole reason that Bull Lodge was able to become "a great man of the tribe"<sup>23</sup> and fulfill his spiritual destiny and that of his community.

*The Seven Visions of Bull Lodge* is the essential 19th century Gros Ventre religious text that serves as one critical point of origin for environmental imaginations at Fort Belknap. It outlines many key religious concepts and cultural practices that continued to be expressed in various forms by Fort Belknap Indians into at least the 1990s. Perhaps the most obvious idea is the centrality of the mountains. The buttes that Bull Lodge fasted on operate on multiple spiritual dimensions. On one level, they are cultural sites where important moments in the life of a Gros

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<sup>23</sup> This phrase first appears on page 29 and is used throughout the book to describe Bull Lodge's motivations to endure his fasting journeys and vision quests. In this context, greatness was understood as a person's ability to earn the favor of supernatural beings so that their community could experience material and spiritual uplift. See also, Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815* (Baltimore: The Johns Hopkins University Press, 1992) for indigenous conceptions of supernatural and the means of obtaining it from before the 19th century.

Ventre historical and religious figure occurred. But more fundamentally, the mountains are endowed with supernatural power; a place where mystical beings dwell and where humans must go to access that power, and to find out what they need and what they can do for their community. But the mountains are not merely a domicile for supernatural beings, they possess their own animate spirit. After successful war parties, Bull Lodge rode to the top of nearby buttes and made an offering, always reciting some iteration of the following: “My Father, Mountain Man, here is the scalp and the horse I captured from the enemy for you. I give you these in return for what you have done for me.”<sup>24</sup> It becomes clear that Bull Lodge perceived himself in a reciprocal relationship with an abiding spirit resident in those mountains, as if it were an inherent quality of the primordial stone. Moreover, Bull Lodge refers to that spirit as his father, implying both an intimacy and an asymmetry to their relationship. It was in this spiritual universe—where the lines of animacy and kinship were blurred, the rules of Western biology were defied, and the expectations of Judeo-Christian logic violated—that the mountains made their mark on Bull Lodge and Gros Ventres that would come after him.

While the story of Bull Lodge was culturally and spiritually significant for many Gros Ventres in the 19th and 20th century, his life was exceptional in many ways (which is exactly why his story has been recorded). The foundations of his spiritual journey (namely, fasting and vision questing in the mountains), however, were by no means an exceptional activity for Gros Ventres at any point in their early history. In 1901, Kroeber recorded several war narratives of Gros Ventre men who described their journeys through the Little Rocky Mountains and other island mountain ranges in the previous century. Reflecting more generally on Gros Ventre life, Kroeber explained:

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<sup>24</sup> *The Seven Visions*, 62.

Men went out to fast with the intention of becoming doctors, or receiving miraculous powers...Not all men tried to acquire such powers, and some of those that did failed. They went to hills and high places, usually high up on mountains. Among the rocks above the timber...they remained fasting and without drinking water for one or two or more often four or five nights.... Besides fasting, a man cried incessantly. After a time a spirit might appear to him...Sometimes it was in full daylight, and the man really saw the spirit like a true person; but more usually he saw him in his sleep. It might be a person that appeared, that is to say, an untrue person (spirit), or an animal, or the spirit of a rock or of the brush...Then the spirit appeared to him, saying, 'I pity you. What do you want?' The man said that he wished to be wealthy, or successful in war or love, or to become a medicine-man.<sup>25</sup>

Kroeber's description could serve as a remarkable summary for Bull Lodge's life. Pairing this characterization with a few other key features from *The Seven Visions* narrative shows that fasting and vision questing in the Little Rocky Mountains and other nearby mountain ranges was done by a variety of 19th-century Gros Ventres for numerous material, social, and spiritual reasons. Recognizing this allows us to broaden the symbolic and interpretative power of the Bull Lodge story to include Assiniboines and what might be referred to as "indigenous" peoples more generally.

Two of the features that stand out most in the Bull Lodge narrative are the physical and mental endurance required for his mountain journeys and the meticulous recounting of ceremonies and rituals. Bull Lodge's first vision quest, executed when he was just a boy, provides a particularly vivid example of the former: "Before he reached the top of Black Butte, Bull Lodge could already feel the pangs of thirst. It was a hot, clear summer day. At the top, he began to cry. He cried for the rest of that day, resting only at short intervals." It continues, "On the sixth day, just before the sun rose, he numbed the little finger on his left hand by hitting it, then he took out his knife and cut the finger off at the first joint below the nail. Taking the severed finger, he laid it on a rock and offered it up as a sacrifice. Short after this, he lay down.

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<sup>25</sup> Kroeber, *Ethnology of the Gros Ventre*, 221-222.

The loss of blood, coupled with his weakness from fasting, caused him to pass out.”<sup>26</sup> Perhaps the most striking part of this whole story is that Bull Lodge did not cry as a mere physiological response to hunger, thirst, exhaustion, and dismembering himself, it was all a means of supplication to the proximate divine powers. “Resting” in this context meant both sleeping and releasing himself from awareness of his wretchedness and helplessness in the face of the supernatural. By enduring those nights on the mountain, Bull Lodge developed gratitude for all of the ways his body, mind, and soul were provided for by the beings and spirits around him.

Those mountain experiences also, of course, gave Bull Lodge important spiritual knowledge, particularly about specific practices. Whether during a conversation with a supernatural being in one of his visions, making a sacrifice on a butte following a successful military expedition, or during a healing ceremony, Bull Lodge tirelessly followed very precise directions. For example, the story of the healing of Crow Child explains how, “Bull Lodge took a sip of the red medicine and removed the black cloth from the child. He stood before her to her right and blew a fine spray onto the right side of her neck. He moved around behind her, stopping at her left side and blew a fine spray onto the right side of her neck. Then Bull Lodge held the black cloth bunched on top of her head...By now the child was resting comfortably.”<sup>27</sup> These passages would be disorienting if they did not make up so much of the narrative. The ostensible tediousness of these descriptions can be explained in the context of a mid-20th century decline in traditional Gros Ventre culture that will be discussed in more detail below. The motivation to record suppressed and disappearing traditions in the face of an imperial force though is easy enough to understand and is shared by many indigenous peoples across North America and the globe. This particular iteration of that tendency can be further explained by

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<sup>26</sup> *The Seven Visions*, 35.

<sup>27</sup> *The Seven Visions*, 81-82.



local Gros Ventre custom and belief. Gros Ventre cultural psychologist Joe Gone has written about how the Bull Lodge narrative has been mediated by each stage of production it has gone through. Gone describes many potential motivations Bull Lodge may have had for recounting his life story to his daughter, including to “salvage knowledge” and commemorate his life, but ultimately speculates that Bull Lodge was attempting to harness “generative Power, the recirculation of divine favor and the redistribution of life itself for the benefit of his interlocutors.”<sup>28</sup> Both of these tendencies have been long-lived at Fort Belknap and in many other American Indian communities. Particular encounters with nature, specific ceremonies and rituals, certain land-use practices and stories—each of these were not just the means of subsistence and of maintaining indigenous cultural identity, they were essential to living righteous and poetic lives. As far as Bull Lodge was concerned, Gros Ventres like his daughter could only live long and fulfilling lives if some of them knew, for example, which clothes to put on which body parts and how many singers to have in a lodge during healing ceremonies. Those particulars, of course, reflect a more general access to supernatural power and knowledge, which Bull Lodge only gained by humbling himself in the mountains. If Bull Lodge had not had access to the mountains like many of his forbearers, his community might have lost favor with the supernatural and therefore their ability to prosper. This would have been especially true since, as Kroeber and subsequent documentation throughout the 20th century show, Bull Lodge was just one of many Gros Ventres that fasted in the mountains surrounding their communities. The degradation of that culturally-specific relationship to the land would imply a loss of knowledge and practices that meant not just the decline of tribal and indigenous “identities,” but more fundamentally that future generations of Gros Ventres and Assiniboines would not learn how to

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<sup>28</sup> Joseph P. Gone, “‘As if Reviewing His Life’: Bull Lodge’s Narrative and the Mediation of Self-Representation,” *American Indian Culture and Research Journal* 30, no. 1 (2006): 67-86.

humbly locate themselves in relation to the universe around them and that entire ecosystems would suffer as a result. For many Fort Belknap Indians looking back on the late 19th and entire 20th century, particularly those that identified as traditionalists, that was exactly what happened.

### **A Spoiled or Productive Landscape: The Development of the Little Rocky Mountains**

In a panel on the history of mining and grassroots resistance in Native communities, Blackfoot historian Rosalyn LaPier brought the audience's attention to the Montana state motto: "oro y plata." Meaning "gold and silver" in Spanish, the motto is scrawled across the bottom of the state seal, which also depicts a reaper in the foreground of a beautiful mountain landscape. LaPier considered this an obvious and revealing reminder that since the late 19th century, Montana has always been "equal parts settler, equal parts miner."<sup>29</sup> In their definitive history of the state, Michael Malone, Richard Roeder, and William Lang note that while the most important mining in Montana was eventually for copper, "Montana's foundation, like that of many other western states, stands on a golden cornerstone."<sup>30</sup> The coincident arrival of the United States federal government and the onset of gold mining in the Little Rockies that took place in the final decades of the 19th century is best understood through this familiar, "Western" cultural landscape that celebrated industry, agriculture, and private property.

There is a large wooden sign at the base of the Little Rocky Mountains that reads:

The Little Rocky Mountains are rich in Indian lore, tales of gold strikes and fortunes made, stories of the days when cowpunchers from nearby cattle outfits made Zortman and Landusky their off-time headquarters, of the Kid Curry Outlaw Gang and a hundred others of the days when these towns were booming, thriving, typical western mining camps. The future, as well as the past, of the Little Rocky Mountains, may lie underground...For the future, the Azure Caves which honeycomb Saddle Butte with

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<sup>29</sup> Rosalyn LaPier as a member of a panel entitled "Histories of Mining and Grassroots Resistance in Native Communities" at the 56th Annual Conference of the Western History Association (October 22, 2016).

<sup>30</sup> Malone, Roeder, and Lang, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1991) 64.

crystalline rooms and passages of grandeur and the beauty are expected to make the Little Rockies one of the west's most awe-inspiring wonders. But, in the opinion of mining experts, there is still gold in these hills. Once again Zortman and Landusky will be thriving camps, they believe.<sup>31</sup>

There are few better ways to articulate the attitudes that have existed around the Little Rocky Mountains among certain white Montanans than this perpetual expectation of mineral wealth. Most people that hear stories about the Little Rockies have little difficulty placing themselves into the beautiful world drawn onto the Montana state seal where the personalities were almost as big as the sky and the vibrant promise of empire ran through the veins of every person lucky enough to find themselves in that new and exciting world. Most of these stories are accurate in certain ways, and they have been compelling to Montanans for decades. But, as with most stories emergent from environmental imaginations, they are incomplete. As with so many events in western and American Indian history, recovering these stories from their essentialized versions can begin with recounting the legislative and treaty history of the region.

On May 10, 1872, President Ulysses S. Grant signed the General Mining Act of 1872 into law. Still in effect today, this law enshrined the right of all Americans (eighteen and over) to place mining claims on any federal lands. While perhaps not reflective of general public attitudes at any point in the last 144 years, the 1872 mining law reflects a continuous stream in mainstream environmental imagination that evaluates resource-rich sites as commodities explicitly available for manipulation by forward-thinking Americans for public utility and to contribute to abstract expressions of social value. Besides protecting that right, the law also implemented a system to monitor and regulate mining claims on public lands. That system alleges to evaluate prospective mining operations in terms of equity, economic efficiency, and

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<sup>31</sup> This is one of two signs at the junction of Highway 191 and Highway 66, which lies less than 10 miles south of the Little Rockies.

administrative feasibility. These considerations seek to address potential issues related to the distribution of wealth among present and future generations, to minimize mineral explorations involving unnecessary and unproductive expenditures, and to discourage environmental disruption. These sensible stipulations have proven to be deficient time and again by multiple modes of analysis.<sup>32</sup> Particularly in the final decades of the 19th century, the 1872 mining law encouraged a relationship between individual Americans and their institutions and places like the Little Rocky Mountains based on this paradigm of entitlement and limited investment in environmental, cultural, and community concerns. Settlers and prospectors that ended up in the Little Rocky Mountains and surrounding towns sincerely acted in what they considered the best interest of their families and their communities, and their government considered their behaviors worth protecting. Their imaginations were captured by a belief in the righteousness and achievement of the nation they were building and destined to build, the conviction that they were approaching a type of material, cultural, political, and religious life unprecedented in human history.<sup>33</sup>

The Little Rocky Mountains became a characteristic boom mining settlement and a symbol of the region's potential in the decades following the 1872 mining law. The federal Fort Belknap Indian Agency had been established just five years earlier south of the Milk River. It stood at the center of shrinking Gros Ventre and Blackfeet territory. The 1855 treaty had reserved land for the Blackfeet and Gros Ventre and common hunting land for them and other

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<sup>32</sup> The preceding summary of the law comes from Robert C. Anderson, "Federal mineral policy: the General Mining Law of 1872." *Nat. Resources J.* 16 (1976): 601-619. For other criticisms of the law, refer to, for example, Carol Ann Woody, Robert M. Hughes, Eric J. Wagner, Thomas P. Quinn, Leanne H. Roulson, Lori M. Martin, and Kitty Griswold. "The mining law of 1872: change is overdue." *Fisheries* 35, no. 7 (2010): 321-331; and Perry R. Hagenstein, "Changing an Anachronism: Congress and the General Mining Law of 1872." *Nat. Resources J.* 13 (1973): 480-494.

<sup>33</sup> "Manifest destiny" is as common an idea as any in United States history. For one of the best works on American public imagination during the 19th century, refer to Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford: Oxford University Press, 2007).

tribes that encompassed a territory that was bordered by Canada in the north, the current southern border of Montana in the south, and reached as far west as the Rocky Mountains and as far east as the Upper Missouri River Breaks. An 1874 executive order reduced that territory to exclude all lands south of the Marias and Missouri Rivers.<sup>34</sup> The timing of that order just two years after the 1872 mining law was likely not a coincidence, though the Little Rockies remained Indian territory. By the early 1880s, gold prospectors had flooded into north-central Montana.

Most sources indicate that gold was first found in the Little Rockies in July 1884. Phillips County historian Gladys Costello explains how almost immediately after, famed miner Pike Landusky, for whom one of the historic and extant mining towns is named, began trying to attract people to form a mining district. According to Costello, “Within a week the first arrivals were staking out claims along the creek. Within a month a mining district had been formed and within two months the mining camp, as yet unnamed, was a bustling, rowdy, lawless community of tent saloons, dugouts, and hastily constructed log cabins, a dance hall, and a grocery store of sorts.”<sup>35</sup> Here is the next good example of a common history being understood in variable ways. Reading Costello’s description of the hasty development of mining camps in the Little Rockies, it is not hard to understand why miners might have been perceived by Indians then, and by Indians and environmentalists in the late 20th century, as a cancerous growth. It is widely acknowledged that even Fort Belknap agents, representatives of the federal government, felt like they could not control the trespass and spread of miners.<sup>36</sup> Yet people like Costello seem ambivalent about those early days. In another work, Costello acknowledges the moral ambiguity of the mining efforts. Decrying “progress,” she explains, “The destroyers had arrived;

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<sup>34</sup> For an excellent visual representation of the reduction of reservation lands assigned to Gros Ventres in the second half of the 19th century, see Fowler, *Shared Symbols, Contested Meanings*, 69.

<sup>35</sup> Gladys Costello, *The Golden Era of the Little Rockies* (Zortman, MT: Dick and Lucy Kalal 1978) 4-5.

<sup>36</sup> E.g. Bryan, *Montana’s Indians*, 32.

forerunners had been the explorers and adventurers at the beginning of the century. Greed and lust had at least destroyed a civilization in tune with nature. A free and proud people saw their mother, the earth, raped by the plow, her hair, the luxuriant prairie grass, torn by the teeth of the white man's cattle and her hills and mountains violated by seekers of gold, the refuse from which choked the streams at their very sources."<sup>37</sup> While reflective of more general and enduring trends in North American imperial history, such one-dimensional characterizations do little to attribute moral responsibility or develop that "free and proud people" as a culture that actually existed and who might contain members that were simply curious about the loud and hectic activity on the other side of the mountains. Instead, at least in the work from which this quotation comes, these elegies are mere footnotes in what is otherwise a eulogy of industrious and creative Montana miners. Rather than perhaps being a serious injustice, the "bustling, rowdy, and lawless community" at the foot of the Little Rockies was an object of curiosity and excitement. Out on the frontier, where laws meant something different and life had urgency, Americans experimented and tested their limits. Frederick Jackson Turner's "frontier thesis"—which suggested that a distinct American character and way of life had emerged on the frontier, where a demanding and virginal natural landscape allegedly whittled away inherited distinctions in class and political capital and other imperious European customs—is explanatory but Turner's ethnocentric, teleological interpretation fails even to capture the interests and desires of 19th century Americans and those that would follow them.<sup>38</sup> White Montanans looking back on this history in, for example, the 1990s, might have been less interested in explaining how the nation

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<sup>37</sup> Gladys Costello and Dorothy Whitcomb Klimper, *Top O' the Mountain: Charley Whitcomb, Mining Man* (1976. (from Lewis and Clark Library, Helena, MT) 10.

<sup>38</sup> Turner's "The Significance of the Frontier in American History," a paper presented to the American Historical Association at the Chicago World's Fair in 1893, is one of the most widely discussed and thoroughly disputed works in American history. It is widely available in online and library collections.

came to be than they were in entertaining themselves, either way they were choosing to consume certain stories. And many of those Montanans whose families had lived there for generations—especially ranchers, farmers, and miners whose lives were intimately tied to the soil—felt a deep and honest connection to the land. Guiding the content and direction of those origin stories likely felt less like justifying their presence in a foreign land than reminding themselves of where they came from and what they held dear.

While mining activity expanded in the 1880s, it did not take off until the last decade of the century. The Fort Belknap Reservation was officially established in 1888 when Gros Ventres and Assiniboines were offered just over \$1 million and the “opportunity” to live on the same reservation.<sup>39</sup> Six years later, after much exploration, Pike Landusky struck a rich vein at another site in the Little Rockies and soon after, another famous prospector, Pete Zortman, constructed a mill that extracted gold from low grade ore for several years.<sup>40</sup> The last five years of the 19th century were perhaps the most decisive in Fort Belknap history. In 1895, a commission consisting of William Pollack, George Bird Grinnell, and Walter Clements was sent by the Secretary of the Interior Hoke Smith to visit Fort Belknap and conduct negotiations for a land cession.

George Bird Grinnell occupies a precarious place in Montana and environmental history. Perceived by many to be the father of environmentalism, LaPier notes how Grinnell explored many areas of Montana in the late 19th century for the explicit purpose of resource development.<sup>41</sup> That same Grinnell commission successfully convinced President Grover Cleveland to protect the territory that would eventually become Glacier National Park in 1910

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<sup>39</sup> Bryan, *Montana's Indians*, 32.

<sup>40</sup> Costello, *Golden Era of the Little Rockies*, 4-5.

<sup>41</sup> Statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

despite its violation of Blackfeet treaty rights. Environmental historian Mark David Spence suggests that Grinnell's role in the formation of Glacier National Park actually indicates his continuity with early environmentalism. According to Spence, Grinnell embodied a late 19th-century trend in which Americans increasingly conceived of wilderness as uninhabited and his attempt to protect some of it reflected his belief that vanishing Indian cultures belonged in untarnished landscapes.<sup>42</sup> The types of encounters with the natural world that became possible in Glacier National Park represent peculiar departures and continuities with the mining and fisting that white Americans and Fort Belknap Indians, respectively, were engaged in in the Little Rockies at the same time. Spence explains how Glacier became a sacred place "where tourists combined an experience with sublime nature with a deep sense of patriotism," and the belief that "only citizens of an emerging world power could experience the mountains with an appropriate awe and reverence."<sup>43</sup> This spiritual and philosophical component of white Americans' relationship to the Glacier "wilderness" deconstructs the well-established dichotomy of Indian spiritual ecology versus scorched earth Euro-American exploitation and instead suggests that certain types of interactions with the natural world that have cultural, intellectual, and economic motivations are confined by available resources and the polity administering those resources. LaPier explains how the only reason Glacier was protected and the Blackfeet Reservation was not exploited in the same ways as Fort Belknap was because they did not find gold there. This was not for lack of trying: soon after the Grinnell commission signed their 1895 agreement with the Blackfeet, thousands of miners engulfed those lands in search of gold and other minerals.<sup>44</sup>

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<sup>42</sup> Mark David Spence, "Crown of the Continent, Backbone of the World: The American Wilderness Ideal and Blackfeet Exclusion from Glacier National Park." *Environmental History* 1, no. 3 (1996): 29-49.

<sup>43</sup> Spence, "Crown of the Continent," 36.

<sup>44</sup> Statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).



But gold was found in the Little Rocky Mountains, then part of Fort Belknap, and the result was the 1895 Grinnell treaty that ceded the Little Rockies to the federal government. The negotiations for that treaty are apprehensible through alternative perspectives on the political and economic dimensions of the environmental imaginaries of Euro-Americans and Fort Belknap Indians. In his landmark environmental history of Chicago during the 19th century, William Cronon quotes French political scientist Emile Boutmy:

Their one primary and predominant objective is to cultivate and settle these prairies, forests, and vast waste lands. The striking and peculiar characteristic of American society is, that it is not so much a democracy as a huge commercial company for the discovery, cultivation, and capitalization of its enormous territory...The United States are primarily a commercial society...and only secondarily a nation.<sup>45</sup>

Cronon goes on to explain how though Americans were also motivated by religious pursuits, or ideas about freedom, or providing a particular type of life for their families, even these “noneconomic dreams” depended on bounding and connecting what we might consider wild or uncultivated landscapes to urban markets. That was exactly what Grinnell, the Congressmen that sent him, and the miners that took advantage of the 1895 treaty had in mind for the Little Rocky Mountains. As with the Americans that took spiritual journeys into Glacier National Park with nationalistic motivations, the settlers around Fort Belknap were able to juggle multiple, harmonious (and some incompatible) priorities. This is what is meant by “environmental imagination”: a dynamic physical and psychological relationship to the land based on numerous streams of human and nonhuman life. Boutmy may have been correct that Americans were singularly devoted to commercialism, but that devotion cannot be understood outside the context of the ideological and legal infrastructures they produced and operated within, which created and eliminated certain possibilities. Among those eliminated was any sort

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<sup>45</sup> William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Company, 1992) 53.

of serious consideration of an environmental imagination that endowed trees, rivers, and rocks with spirit.

Perhaps even more important, Fort Belknap Indians did not just weigh these religious and philosophical priorities, they were quite literally faced with the disintegration of their community and culture. The previous two decades had been very difficult for Gros Ventres and Assiniboines. Especially since bison herds had almost disappeared by the 1880s,<sup>46</sup> they were both pushed towards life on a reservation with another tribe with whom they had complicated relations but where they were ostensibly less likely to starve. Once on the reservation, Indian agents were at liberty to use military force to suppress native customs and direct Indians towards agricultural lifestyles. As hunting traditions dissolved and Indian agents misused tribal funds and property, age-grade ceremonies and lodges that had long served as a source of social cohesion and understanding faded away and members of each tribe increasingly viewed the other as rivals for political influence and limited resources.<sup>47</sup> The tension within and between the tribes therefore made negotiations with the Grinnell commission particularly precarious.

During those negotiations, Fort Belknap Indians were forced to exercise their environmental imaginations in a political and legal process that, whether Grinnell pursued it intentionally or not, was invested in the desolation of Indian communities and their

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<sup>46</sup> In 1887, American zoologist and conservationist William T. Hornaday announced “the almost complete extermination of the great American bison,” in *The Extermination of the American Bison*, (Washington: Government printing office, 1889). The decline of the North American bison on the Plains during the 19th century is well-studied. Refer to Dan Flores, “Bison ecology and bison diplomacy: the southern plains from 1800 to 1850.” *The Journal of American History* 78, no. 2 (1991): 465-485, and multiple works by Pekka Hämäläinen, among others, for comprehensive accounts of the ecological, economic, technological, and military forces that led to the collapse of those populations.

<sup>47</sup> In a section titled “‘I Call Myself a White Man’: 1878-1901” in *Shared Symbols, Contested Meanings*, 52-61; Loretta Fowler outlines living conditions and social disintegration during the first two decades on the reservation. The age-grade and lodge ceremonies, and their preservation of traditional tribal values and practices like cooperative altruism, generosity practices, and consensus, are far more complicated and historically rooted than could be demonstrated here. One cannot, however, get a real sense of how disorienting the initiation of reservation life was for Gros Ventres and Assiniboines without those contexts, which cannot be understood without Fowler.

environmental imaginations. This tendency is well established in literature on American Indian history. In a work of creative scholarship on treaties in Indian Country, Scott Lyons describes x-marks on treaties as “a contaminated and coerced sign made under conditions that are not of one’s making.”<sup>48</sup> This was clearly on high display at Fort Belknap by 1895, but the proceedings of the Grinnell commission exacerbated the uneven circumstances. To begin, while Fort Belknap Indians were well aware of how Euro-Americans operated by the 1890s, the circumstances of the treaty negotiations still must have seemed like a bizarre violation of indigenous environmental imaginations. The fact that lawmakers in Washington, who had never laid eyes on the Little Rocky Mountains and who knew little of the Indian communities who had resided in the region for generations (and might have even known similarly little about the white mining communities there), had so much control over the human and ecological communities of the Little Rockies was curious and out of touch with the place-based moral landscapes that Basso describes.

But things at Fort Belknap were even less subtle. Representatives had been sent to Washington in 1894 to voice their opposition to the proposed cession and to express anxieties about economic conditions at Fort Belknap. Federal officials presumably convinced those representatives that their communities would receive more aid if they did not resist the cession.<sup>49</sup> But while those representatives voted in favor of the cession, many other Fort Belknap Indians remained unconvinced by the 1895 proceedings and the Grinnell commission pursued more insidious means. After telling Fort Belknap Indians they were blind and incapable of prudence, Grinnell said:

Two years from now, if you don’t make any agreement with the Government, you will just have to kill your cattle and then you will have to starve. It makes me feel badly to

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<sup>48</sup> Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010) 2.

<sup>49</sup> Loretta Fowler, “‘Look at My Hair, It is Gray,’: Age Grading, Ritual Authority, and Political Change among the Northern Arapahoes and Gros Ventres,” *Smithsonian Contributions to Anthropology* Number 30 (1982): 88.

think of this. If you sell some of this land and get money enough to keep you going for some years longer, and then work and take care of your cattle, after that you will be like white people and be able to take care of yourselves.

Just before that, William Pollack told them:

We are not here to try to force you to sell any of your land. We are willing to advise you what we think will be for your best good to do. We told you on Saturday that we saw no way for you to get beef, cattle, flour, wagons, or anything else after your present agreement expires, unless by the sale of some more of your land. We still believe this is the best plan for you. If the majority, the most of you, do not think this, all we can do is go back to Washington without having done anything. If we do this and you come to the agent three years from now and ask him for something to eat, or for a wagon, or for some cattle, you will be very much disappointed when you can not get it. If, then, you go back to your women and babies without anything and they are crying for something to eat, you will be sorry that you did not think better at this time.<sup>50</sup>

These passages speak for themselves, but it is worth noting that Grinnell, Pollack, and Clements likely did not consider their words particularly problematic. Exposed to ideas about social progress/evolution and appropriate land-use practices their entire lives, likely familiar with a long literary tradition surrounding disappearing Indians, and negotiating in what was the demographic nadir for American Indians, they might have even thought they had Fort Belknap Indians' best interests in mind. What is especially interesting, and important, though are the ways Fort Belknap Indians responded to these conditions. While, as demonstrated, Lyons thinks those conditions are important, he wants to acknowledge that there was "always the prospect of slippage, indeterminacy, unforeseen consequences, or unintended results." For Lyons, x-marks on treaties signified Native assent to concepts, policies, technologies, and ideas that collectively might represent modernity ("which is not the same thing as civilization").<sup>51</sup>

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<sup>50</sup> Letter from the Secretary of the Interior, Transmitting an Agreement Made and Concluded October 9, 1895, with the Indians of the Fort Belknap Reservation, in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, Commissioners Appointed Under the Provisions of the Act of March 2, 1895. Presented by the Vice-President to the Senate on February 12, 1896, pgs. 7-8.

<sup>51</sup> Lyons, *X-Marks*, 2-3.

The act of coercion notwithstanding, the 1895 “agreement” is an unreliable indicator of assent to modernity at Fort Belknap in the late 19th century. Only 100 of 334 adult male Indians signed the agreement. Support for the treaty fell along tribal lines, with five-sixths of Assiniboines and just one-fourth of Gros Ventres signing. Most of those that signed did so on the basis that it would be a ten-year treaty that would involve the U.S. government providing the reservation with cattle, plows, and other resources to allow them to continue living on the land. In resignation to the agreement, many Fort Belknap Indians expressed their environmental imaginations with various iterations of the same statement. For example, Bull Elk, a Gros Ventre said, “I come here to see you, to tell you that I am willing to sell a portion of the reservation, but I am going to have some of the Indians to go out, and we want to know exactly how big a portion of land you want. Eating is the only thing that makes people live, and if I don’t eat I will not live. *I am not willing to sell the timber nor the grasses nor the water, but just that little strip of land there where the mines are,*” (emphasis added).<sup>52</sup> The repetition of this final line throughout the negotiations is quite remarkable, and likely reflects a profound truth about Fort Belknap Indians at this time. Fort Belknap Indians in the 1890s seem to fit the trope of Indians not believing the natural world was theirs to sell. This was not because of some primitive ecology or a stoic indifference to poverty,<sup>53</sup> but rather reflects overlapping spiritual and subsistence concerns that arose from the belief that commodifying those parts of the natural world would disrupt the network and therefore undermine their own ability to survive there.

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<sup>52</sup> Letter from the Secretary of the Interior, 1896, pg. 10.

<sup>53</sup> Although a few Fort Belknap Indians were adamant about their resistance. For example, The Breath, a Gros Ventre, proclaimed, “I can’t say any different from what my friends say; if I starve to death it will be all right. I never had anybody to show me the white man’s ways; all the things I know I learned myself...I learned myself how to take care of cattle, and when my cattle are gone then I am willing to starve if I must. I can’t very well sell any part of the reservation...It was not me that made those lines of the reservation, it was the Great Father gave us this portion of land. Wherever my friends lie after they starve to death I will lie there too, with them.”

We could speculate further about whether or not Fort Belknap Indians in 1895 were motivated by this spiritual and moral conception of the Little Rocky Mountains, but a pragmatic concern for posterity becomes clear regardless. For example, Little Chief, an Assiniboine, plead, “As you stated, I would not like to sell any of the forest, grass, or water, but I would like to see the future generation live upon that, if possible. You see me here before you, and you can see that I am weak, and not strong. You see me stand here, weak, and I can not dig that mine, but your race can, and I would like to make a ten-year treaty with you.”<sup>54</sup> Many Fort Belknap Indians explored notions of helplessness, and some even suggested assimilation to white culture in order to gain industriousness. Jerry Running Fisher, a Gros Ventre, expressed a more compelling sentiment, “Most of these people are in favor of selling. That is all they depend on, is what money that got from the Government—they have got nothing else to depend upon. I walk around and try to look for some other way to make a living and I can’t; I have to come back and be supported by the Government.”<sup>55</sup> Lyons’ refrain of “Damned if you do, damned if you don’t,”<sup>56</sup> rings true here. Some Indians were more pointed in their comments about their unreasonable circumstances. White Weasel, a Gros Ventre asserted, “When these white men come to buy any land from us it is like when a child cries and you take sugar and give it to him to make him stop crying. *That is about the way they have always used us.* When they made the treaty before I didn’t know much, and that is the reason we gave a large piece of land away; but now I know a little better and I can’t spare any of my land.”<sup>57</sup> Given that so many agreed conditionally to a partial sale of the Little Rockies, it is fairly easy to forget the substantial number of Fort Belknap Indians that opposed the treaty outright. Fowler argues that opposition

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<sup>54</sup> Letter from the Secretary of the Interior, 1896, 8.

<sup>55</sup> Letter from the Secretary of the Interior, 1896, 13.

<sup>56</sup> Lyons, *X-Marks*, 3.

<sup>57</sup> Letter from the Secretary of the Interior, 1896, 14.

consisted of almost exclusively Gros Ventres. She claims the Gros Ventres, at that time in better financial shape than the Assiniboines, had plans to mine the Little Rockies.<sup>58</sup> She cites White Weasel: “The whites say that there isn’t much money in that mountain, but I don’t believe it; therefore I don’t care about selling it.”<sup>59</sup> The validity of Fowler’s claim about an established plan to mine the Little Rockies is uncertain, but White Weasel’s testimony at least shows that Fort Belknap Indians in the 1890s were capable of conceiving of the Little Rockies in terms of utility. It is not necessary (or, perhaps, possible) to determine if traditional Gros Ventre and Assiniboine religion categorically rejected mining as an acceptable economic activity. Just as fasting did not emerge as an important point of contention in the treaty negotiations even though many Fort Belknap Indians were using the Little Rockies for fasting and ceremonial purposes,<sup>60</sup> Fort Belknap Indians had much more urgent concerns, like starvation and social collapse, than asserting principles of economic philosophy. This reflects a more general tendency in which specific aspects of environmental imagination are emphasized based on economic and political conditions and the power and worldview of the individual or institution being negotiated with. This is not mere opportunism; it is a persistent reality for colonized peoples. Fort Belknap Indians that signed the 1895 should not be held to an impossible standard of authenticity and consistency. Just because they were not intransigent about opposition to mining did not mean they did not object to it strongly on a personal level; just because they did not discuss fasting extensively does not mean those practices and the mountains they required were not important to them. Those facts more likely reflect a perspicacious assessment of their situation and their oppressors.

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<sup>58</sup> Fowler, *Shared Symbols, Contested Meanings*, 71.

<sup>59</sup> Letter from the Secretary of the Interior, 1896, 14.

<sup>60</sup> As noted, see Kroeber, *Ethnology of the Gros Ventre*, 221-222.

That argument aside, the morality and legality of American ownership of the Little Rockies based on the 1895 agreement remains dubious. A majority of the Fort Belknap community did not consent to the cession and those that did considered it a last resort. Even so, the consultation and voting resembled a fair and organized process just enough to receive the approval of Congress. As a result, Fort Belknap relinquished control of a roughly 49 square mile tract of land containing most of the Little Rockies in exchange for \$360,000; cattle, agricultural implements, and other subsistence goods; and an agreement not to allot land in severalty and instead to maintain a “communal grazing tract.” These provisions likely never felt like much consolation, though they might have permitted the physical persistence of the Fort Belknap community.

### **Environmental Imaginations During the 20th Century**

The Grinnell treaty’s first provision, the land cession, made way for unprecedented levels of mining. Over the next several decades, various outfits at multiple mills throughout the Little Rockies engaged in gold and silver mining.<sup>61</sup> Though mining operations were sometimes sporadic, mining activity continued in the Little Rockies until 1936, when a forest fire swept through the mountains and destroyed multiple mills in the range. In those decades, the Little Rockies became a remarkable amalgam of people from all sorts of places. They still had their fair share of outlaws and carpetbaggers, the types of people that filled the pop-up mining camps of the 1880s. Typical Wild West stories about gun fights and personal rivalries abound. In fact, the Little Rockies served as headquarters for Kid Curry and the Wild Bunch, which included

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<sup>61</sup> Hard rock mining in the Little Rockies from the 1890s to 1960s involved mills that did utilize cyanide leaching, but because ore came from underground mines, there was substantially less surface disturbance than during the period of open pit mining in the final decades of the 20<sup>th</sup> century.



Butch Cassidy and the Sundance Kid, for 10-15 years. In 1894 at a saloon in Landusky, Kid Curry killed the prominent early prospector Pike Landusky.<sup>62</sup>

As Zortman and Landusky became more established as prosperous mining towns, different types of prospectors and their families were attracted to the Little Rockies. Esther Deniff, who lived in Zortman in the first two decades of the 20th century, saw the Little Rockies through an idyllic lens: “Zortman was the prettiest little mountains village one can imagine when I first came...Situated on a little flat below the mouth of the Ruby Gulch with a creek running clear and clean through it; chokeberries, June berries, wild roses, alders, cottonwoods and pines along the creek.” The serenity of this world untouched by man, when “tailings from the mill had not choked the beautiful canyon and none had been swept into the town itself in 1908,”<sup>63</sup> is what’s at stake in this particular story of the Little Rocky Mountains and places like it across the U.S. West. We might be surprised to detect this instance of environmental concern and appreciation in this early 20th century mining community, but accounts like Esther Deniff’s complicate ideas about scruffy, greedy, and lecherous mining men scouring the natural beauty of the American continent exclusively for personal gain. Instead, it becomes clear that many different types of people moved through and settled in the Little Rockies with a variety of priorities and sensibilities and if Boutmy’s estimation of American communities as companies is accurate for the mining towns of Zortman and Landusky during the first half of the 20th century, it is not clear those communities would have considered that characterization problematic. In her biography of Charles Whitcomb, Gladys Costello makes an effort to articulate the environmental and cultural damages gold mining in the range has always wrought, but that goal is secondary to celebrating the ambition, individuality, and creativity of Whitcomb and the mining communities

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<sup>62</sup> Costello, *Golden Era of the Little Rockies*, 24, 25.

<sup>63</sup> Costello, *Golden Era of the Little Rockies*, 8.

he helped flourish. The spirit of those communities, articulated by the sign at the base of the Little Rockies as a place of perpetual anticipation of the next boom, becomes clearer in this light.

Costello describes the town of Zortman in the first few decades of the 20th century:

Everyone was working in Zortman. The boilers fired by wood, provided employment for Indians and halfbreeds who were rapidly clearing the mountains of timber. The stagecoach hauled passengers to and from Malta. Often the coach was dangerously overloaded. Freight outfits made regular trips to Malta for supplies of food, mining equipment and whiskey and beer. Paydays were boisterous. Cowboys from nearby ranches sought amusement in Zortman. Gunfights were casual affairs. Zortman was wide open and rarin' to go.<sup>64</sup>

The energy and the possibility of that world are palpable. Even for the members of the mining communities, it was clear that this was a world in flux and one can get a sense of how Americans might have perceived that world as humanity on its way to reaching its potential. In the Little Rockies in the early 20th century, everyone was working and active, they were collaborating and creating. Their activities connected them to surrounding towns like Malta, and less than 50 miles north, the Great Northern Railway made the burgeoning continental commercial endeavor ironclad. This exciting and promising world most importantly was an exigency for individual excellence, it was a place where Americans, more specifically American men, could become what they were supposed to.

We see this most clearly through the life of Charles Whitcomb. Born in Wisconsin, Whitcomb made his way west to the Little Rockies as a young man to accumulate enough wealth to take care of his new fiancé and their inevitable children. After years scraping by on earnings from things like footrace competitions with Canadian Indians, gambling most of his savings on sometimes dubious mining ventures, and having to start essentially from scratch after losing his fortunes, Whitcomb died triumphantly with his beloved wife by his side as the most successful

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<sup>64</sup> Costello, *Top O' the Mountain*, 32.

miner in the early history of the Little Rockies. He is remembered warmly by Costello and other people from Phillips County. Carl Traurerman offered, “He took long chances and reaped long profit. However his plunges were tempered with judgment. He played his own game - not the other fellow’s. He enjoyed life to the fullest and his greatest pleasures were in helping needy friends. He had the attributes of genius, achievement and good fellowship, indeed a rare combination.”<sup>65</sup> Comparisons between men like Whitcomb and Bull Lodge are problematic and incomplete, but useful in evaluating how historical symbolism and personalities inform how people construct meaning for places. Whether they were aware of him specifically or not, many white Montanans during the second half of the 20th century would have perceived men like Charles Whitcomb as both an exemplar worthy of veneration and a symbol of a certain type of world. This act of collective nostalgia was one way that the Little Rockies were placed into larger American narratives. Making a judgment on Whitcomb’s character and even on the mining communities and related infrastructure is less important in this story than merely recognizing that these stories about the Little Rockies have meant powerful things to people in north-central Montana, including during the Pegasus years. Those stories were and are predicated on a conception of the environment just as much as they reflect certain ideas about personal responsibility and social progress. Costello explains how Whitcomb viewed the Little Rockies: “They explored canyons, outcrops, climbed dizzying heights and scrambled over brush strewn slopes. Samples were brought back to the ranch and assayed with crude equipment. None of their finds proved of any value. But Charley was not discouraged. The Little Rocky Mountains had come to mean riches for him.”<sup>66</sup> It seems as if Whitcomb believed he could will the mountains to make money for him and indeed it was that resolve, applied to all aspects of his life, that made

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<sup>65</sup> Costello, *Top O’ the Mountain*, 4.

<sup>66</sup> Costello, *Top O’ the Mountain*, 30.

Whitcomb an honorable man in the eyes of many Montanans. It is clear though that while voices like Esther Deniff's might have been more common than documents can reveal (and such a romanticized view of the natural world is not totally incompatible with Whitcomb's), Whitcomb and his companions viewed the Little Rockies primarily through an economic lens. The vibrant, dynamic, sometimes lawless, and ultimately productive communities that developed in the towns of Zortman and Landusky, and therefore the cultural ideas they nourished, depended on a relationship with the Little Rockies where minerals, timber, and water had become commodities. As those towns fluctuated in population and mining activity throughout the first half of the 20th century, distinct but related developments occurred on the other side of the mountains.

If the 1895 Grinnell treaty represented an "assent to modernity" among Gros Ventres and Assiniboines, modernity brought to Fort Belknap much of what it had brought to the rest of Indian Country: broken promises, mismanaged land, cultural disorientation, and a fair bit of poverty. The totality of political, cultural, economic, and demographic changes that occurred at Fort Belknap in the first half of the 20th century is beyond the scope of this project and has been documented.<sup>67</sup> In general, it was a period of disappointing efforts at self-determination and cultural loss and innovation. In the late 1930s, two anthropologists from the Catholic University of America, Regina Flannery and Dr. John Cooper, visited Fort Belknap to conduct interviews with Gros Ventres on the reservation who explicitly stated their desire to have their "old way of life" recorded. Flannery and Cooper's subsequent writings provide a portrait of the material and conceptual worlds of Fort Belknap Gros Ventres in the several decades surrounding the Grinnell treaty. These accounts, too, are rich in material that will not be given adequate attention here, but

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<sup>67</sup> Refer especially to Fowler, *Shared Symbols, Contested Meanings*. Also consult Mindy J. Morgan, *The Bearer of This Letter: Language Ideologies, Literacy Practices, and the Fort Belknap Indian Community*. (Lincoln: University of Nebraska Press, 2009).

a few points are especially important in tracing the development of environmental imagination at Fort Belknap over the course of the 20th century.<sup>68</sup>

For Gros Ventre traditionalists in the 1930s, the most important supernatural being was the Supreme Being, who resided “up above” but was distinct from the sky or any heavenly body. The Supreme Being was “emphatically the owner and master of all things, of the universe, the supernatural beings, as above stated, human beings (not merely the Gros Ventres), the animals, the earth, the heavenly bodies.”<sup>69</sup> Moreover, the Supreme Being was believed to be invested in human welfare and especially in morality and social customs, providing punishment and rewards based on individual and collective behavior.

Another supernatural being, the Thunder Being (Bha’a) resided in the mountains and executed the will of the Supreme Being, especially through storms, thunder, and lightning. The basis of mountain sanctity and the impetus for fasting was directly related to these two beings:

Supernatural power too, while gotten immediately from animals, mountains (mountain spirits), and other creatures, through fasting and sleeping out on the hills, came ultimately from the Supreme Being, as mentioned previously. A person going out on a power quest, would pray first to the Supreme Being to command or compel the lesser being to give the power being sought. Power to doctor and to achieve war success and even to acquire wealth thus in the last analysis came from the Supreme Being.<sup>70</sup>

Several other supernatural beings existed, though, as this passage reflects, all were subservient to the Supreme Being in some way or another. The continuities with Bull Lodge are clear: in order to live fulfilling, prosperous, and appropriate lives, Gros Ventres had to please supernatural powers (in this case the Supreme Being). An essential component of achieving that

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<sup>68</sup> Especially considering Flannery and Cooper mainly interviewed elder men, and only Gros Ventres, the following “religious” and “spiritual” ideas do not represent the whole or even the majority of belief at Fort Belknap during the first half of the 20th century. Indian Catholics and Assiniboines especially are not represented here. They do, however, show ways of thinking about supernatural beings and the Little Rockies that remained relevant to Fort Belknap Indians of numerous tribal designations, especially in the last quarter of the 20th century.

<sup>69</sup> John Cooper, Regina Flannery, *The Gros Ventre of Montana: Part II Religion and Ritual* (Washington, D.C.: The Catholic University of America Press, 1957) 5.

<sup>70</sup> Cooper, Flannery, *The Gros Ventres of Montana*, 7.

was fasting and vision questing in the mountains. Just as the Little Rockies provided Charles Whitcomb the means and connections with which to live an honorable and vigorous life, in the same decades they provided Gros Ventres access to the supernatural and to knowledge and rituals that would strengthen themselves and their community.

During the first half of the 20th century though, that community was under assault from numerous forces. After decades of economic hardship, activity at the St. Paul's Catholic mission, gradual acceptance of individual land ownership as a result of changes made during the Allotment Era, the undermining of tribal independence following the Indian Reorganization Act in 1934, mistrust of business council leadership, changing social conditions, and shifts in secular rituals, the Gros Ventre community no longer exhibited the same patterns they once had. Fowler describes this as not just a religious decline but as a wholesale erosion of Gros Ventre social and economic values.<sup>71</sup> Others described it with less admonishment. Fowler quotes Tom Main in 1952 commenting on a controversy over whether to allow oil drilling on the reservation, ““There is a revolution taking place here. This generation is waking up...They are raising a lot of questions—that is, the people are, about their standard of living.”” This reflected a growing demand for wage work in these middle decades in order to participate in the national consumer economy. By the 1950s, intermarriage between Gros Ventres and Assiniboines was quite common and, for many, tribal differences were hardly felt.<sup>72</sup>

As pre-World War II ceremonies and social life faded, many middle-aged Fort Belknap Indians began to believe their children belonged to a new age with new values and practices.

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<sup>71</sup> This is a central concern of *Shared Symbols, Contested Meanings*. Fowler traces how Gros Ventre cultural, social, and spiritual values originated, changed over time, responded to various assaults and internal disputes, and were maintained and refashioned. Among the most important that were “lost” by the middle of the 20th century were an inability to reach consensus in political and economic decisions, a shift from communal sharing, and the fact that generosity was no longer the path to prominence.

<sup>72</sup> This entire summary of mid-century changes is adapted from Fowler in her first chapter, pages 98-115.

Perhaps the most hardly felt example of this was the sacred pipes. By the mid-1950s, the pipes were largely believed to have lost their power after they had been exposed to outsiders, photographed, neglected, and infested with mice at one point. Not even the five men born between 1875 and 1886 who considered themselves the only remaining Gros Ventres that cared about the pipes had enough specific ritual knowledge of how to treat them and unlock their power.<sup>73</sup> Many considered this prophecy, which Bull Lodge himself had laid out.<sup>74</sup> Some believed the Supreme Being had willed Gros Ventres to become Catholic. For many younger Gros Ventres the pipes and the rituals and knowledge needed to access their formidable supernatural power became symbols of a past when their tribe was once great and cohesive. Coupled with the social and economic changes described above, many traditional Gros Ventres noted the loss of their way of life before the 1940s.<sup>75</sup>

Yet by the 1960s, Fort Belknap cultures were experiencing a renewal of sorts. This period of renewed interest in tribal and indigenous cultures has been discussed widely as part of the transformative 1960s and 1970s, which enjoyed the confluence of a highly visible activist movement centered around the American Indian Movement, the ethnic studies revolution which created Native American studies programs at universities across the country, and the literary movement labelled the Native American Renaissance. Cities and college campuses offered opportunities for Indians from around the country to share experiences and establish relationships, and these decades were characterized by great interest in the meaning and expression of “Indian” and indigenous identity. At Fort Belknap, as elsewhere in Indian Country,

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<sup>73</sup> Fowler, *Shared Symbols, Contested Meanings*, 110-113.

<sup>74</sup> *The Seven Visions*, 97. Bull Lodge explained, “At one time it was decided that every sixteenth man would receive the great powers supernaturally, until four had received them. This has come to pass. Since I was the last of these four men, the Feathered Pipe and its purpose for the tribe has run its course. There can be no more supernatural powers attached to it. I pity my son the Feathered Pipe, for its days are ended. It shall change hands no more than two or three times after me.”

<sup>75</sup> Fowler, *Shared Symbols Contested Meanings*, 115.

cultural renewal also involved a push to revive traditional Gros Ventre religion. In the 1970s and 1980s, this led to generational tensions that were far too complicated to explain well here, but that exhibited a few important characteristics. The revival was led by youths interested in engaging their Gros Ventre and Indian identities. Particularly when it had to do with the sacred pipes, elders were quite resistant to the revival. This was not just because many of them considered the youth's interest in their tribal heritage an insincere effort to construct a fashionable "Indian" identity, but also because they believed the youths, as unqualified stewards quite removed from the knowledge and rituals from when the pipes were still being used, would make mistakes that could be extremely dangerous for all people.<sup>76</sup> Contests like these were coupled with more general cultural tensions related to respect for elders, materialism, and attitudes towards white institutions like the United States government and Christianity. Ideas about these things varied as much within groups of youths and elders as they did between them and these differences generated many conversations about traditionalism and authenticity which sometimes led to hostility between various subgroups within the Fort Belknap community. Even so, while religious, political, and economic sensibilities were quite variable at Fort Belknap during the final decades of the 20th century, those differences also provided opportunity for creativity and connection. While they may have disagreed strongly sometimes, youths went to elders with questions about religion and traditional lifeways. Interactions between all types of Fort Belknap Indians with varying exposure to people and places outside the reservation allowed for exploration of multiple cultural narratives, allowing them to clarify for themselves which ideas and organizations to admire and reject and the extent to which they wanted to build their identity negatively based on opposition to certain white forces. Most importantly, while the pipe

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<sup>76</sup> Fowler, *Shared Symbols, Contested Meanings*, 152.



ceremonies may have disappeared and stories and supernatural beings may have been forgotten or altered, certain ways of conceiving of supernatural power and the traditions and obligations they encourage persisted and still closely resembled the world Bull Lodge described in the 19th century. This might be described as the difference between religion and environmental imagination, both of which guide behavior and the development of political and economic systems. Fowler explained how in the mid-1980s, “For youths, fasting on a butte is perceived as central to Indian identity. Most youths express admiration for those who have completed the rite...Other youths feel an urgent need to undertake the experience themselves, even if they do not seek supernatural powers.”<sup>77</sup> It is entirely possible that these fasting youths could have been inspired by Bull Lodge and Moses.<sup>78</sup> By the 1980s, Fort Belknap Indians had found novel ways to delineate their Indian identities in the context of their expanding connections with various media, cultural traditions, and people from around the country and globe. To ask those Indians to draw single, unbending lines between the specific buttes they fasted on and the specific religious or cultural traditions of either the Gros Ventre or Assiniboine tribes that indicate sufficiently long habitation is to ignore patterns of Indian ancestry and the extremely complicated and overlapping cultural landscape that any late 20th century person, but particularly American Indians, navigated. What seems to matter is that, for a variety of reasons (many of which grounded in the traditions and ways of understanding the world that Fort Belknap Indians have long practiced), the Little Rocky Mountains had a powerful place in the Fort Belknap imaginary by the 1970s that may never have diminished.

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<sup>77</sup> Fowler, *Shared Symbols, Contested Meanings*, 156.

<sup>78</sup> For example, in 1991, Theresa Lame Bull, a Gros Ventre from Fort Belknap explained how one of the two sacred pipes was received on one of the peaks of the Little Rocky Mountains “‘just like Moses getting the ten commandments.’” B. Derek Strahn, “‘Asking for Survival’: The Environmental Implications of Cultural Revitalization on the Fort Belknap Reservation,” professional paper, Montana State University-Bozeman (April 1992), 6. Courtesy of Special Collections. Montana State University Library. Bozeman, Montana.

Over the hundred or so years between when Bull Lodge travelled through north-central Montana and when Pegasus filed their first mining permit, the Little Rocky Mountains were a contested but most importantly dynamic symbol for the few communities that lived in and around the range. In this chapter, I have traced how that shifting symbolism can be explained by changing economic and political circumstances and by various levels of interaction between the ideologies the traditions of those communities. For both Indian and white inhabitants of the Hi-Line, their evaluation of the Little Rockies was informed by religion and/or spirituality, economic philosophy, legal developments, and a set of other forces and ideas. But particularly for Fort Belknap Indians, those forces began to coalesce. The persistence of limited economic opportunities and a barrage of unmet promises from the federal government had made clear the connections between certain patterns of oppression. By the last quarter of the 20 the century, an asymmetrical history and a mass and heavily broadcasted society and media had left indelible marks on the meaning of the Little Rocky Mountains. It was in this context that Pegasus Gold Corporation not only redefined those mountains for the communities surrounding them, but also quite literally physically transformed them.



## Chapter 2. The Unsteady Foundation of Pegasus Gold Corporation in the Little Rocky Mountains, 1978-1990

“We don’t know, us Indians, we don’t know anything about these chemicals. But we know there’s something happening, we know that much about the water and the land. I have a little garden down here that I irrigate out of this crick, I pump it into there and so far it’s been okay. We haven’t turned blue or, our hair hasn’t started falling out yet, so maybe they’re waiting for that before they do something. Then it’d be too late, you know.”<sup>1</sup>

-Jim Main, of Fort Belknap, in the documentary *Indian Tears of Love*

“Beginning of time, beginning of time. At the time, only the Indian tribes were here. Our prayers, our worship was always important to us. Our worship was to the Creator, how the father, He the maker of all things. And at the time, there was no hunger, famine in this country. There was no problems, there was no social problems. In those days that we prayed together, worshipped together. The history will show that we recognized the Creator’s creation, our father. Our father, his creation...they respected that Creation.”<sup>2</sup>

-Robert Gopher, a Chippewa of Loud Thunder International

The ways that all of the communities surrounding the Little Rockies integrated the mountains into both their public and interior lives for generations shaped the nature and perception of the battle over the Zortman and Landusky mines that took place mostly in the 1990s. In a few important ways, the final two decades of the 20th century were unlike anything the Little Rockies and the people that lived near them had ever experienced. Though the Little Rockies had been mined for many decades, the opening of Pegasus Gold Corporation’s cyanide heap leach mines began a period of unprecedented environmental disturbance. Moreover, while the Little Rockies had been subject to treaties and federal and state legislation for over a century, the instruments of global capitalism and American bureaucracy would descend on the region at a scale none of its inhabitants of any species were prepared for. As the fight over the Little Rockies became more elaborate, it drew the attention and investment of businesspeople, government agents, and activists from around the state, country, and even continent. When people from places like Helena, Boulder, and Quebec arrived at Fort Belknap and towns like Zortman and

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<sup>1</sup> *Indian Tears of Love* by Loud Thunder International, 1991. Courtesy of Red Thunder Oral History Project.

<sup>2</sup> Robert Gopher, “Our Sacred Mother Earth,” Loud Thunder International Inc. (1989). Courtesy of Shanti Zaid.

Malta, they brought with them traditions, priorities, and ideas about nature that had an incredibly wide range of origins. Just as the infrastructure of market economies makes local ecosystems beholden to the whims of far-away consumers, the Pegasus affair brought the Little Rocky Mountains into a vast and immensely heterogeneous conceptual landscape. In this chapter, I render that landscape in an effort to explore the implications of a mountain range becoming the principal object of attention for corporate initiatives, legal processes, and cultural practices.

### **The Fort Belknap Community's Efforts to Reclaim the Little Rocky Mountains, 1970s**

The Little Rockies have faithfully embodied that 19th century naturalist idea of the sublime in that they have been both a source of serene beauty and material bounty and a severe, ominous, and supernatural place to be approached with great care.<sup>3</sup> Miners and investors at the end of the 20th century looked back on life in the towns of Zortman and Landusky at the beginning of the century with fondness, but experiences in those towns were consistently equivocal, filled with various natural and infrastructural pressures alongside the excitement of living in a frontier community. Though she also mainly celebrates the mining history, Phillips County historian Gladys Costello portrayed Zortman as a place filled with long and severe winters while isolated from any other settlements, occasional murders that went unresolved, and a dearth of basic services like doctors. In 1936, a devastating forest fire ravaged the Little Rockies despite the efforts of hundreds of firefighters from Malta, Dodson, Harlem, and Fort Belknap.<sup>4</sup> Costello recorded the memories of some of those firefighters: “Men, some of them with tears in their eyes, told of smoke blinded deer running, stumbling, and falling; of birds

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<sup>3</sup> For an account of the importance of religious and philosophical estimations of nature during the 19th century, refer to Barbara Novak, “Introduction: The Nationalist Garden and the Holy Book,” in *Nature and Culture: American Landscape and Painting, 1825-1875* (New York: Oxford University Press, 1980) 3-17.

<sup>4</sup> Gladys Costello, *The Golden Era of the Little Rockies* (Zortman, MT: Dick and Lucy Kalal 1978) 19-20.

plummeting through the smoke or from trees with their feathers aflame; of the almost human crying of trapped porcupines; of a singed coyote running in frantic circles snapping at the burns on his body; of the cries of mountain lions and of all the little wild animals dead or dying.”<sup>5</sup>

Those who lived near the Little Rockies always knew them as a place filled with a wide range of beings, energies, and possibilities. Though their sense of the mountains’ mysterious and wild power may have pushed them towards material conquest, residents of Zortman and Landusky understood that their claim on the Little Rockies was not absolute, even if they believed their political and economic rights were.

Yet the challenges and pleasures of life in the Little Rockies were not just caused by the environment itself; mines in those mountains have always been accompanied by pollution, not least of which because cyanide was used to aid extraction efforts as early as the first decade of the 20th century.<sup>6</sup> In 1938, residents of Zortman were faced with one of the fundamental dilemmas of montane mining communities: the fact that their livelihood depends on an activity that could dramatically compromise their well-being. One Helena journalist spelled catastrophe after a heavy storm: “Tailings from the Ruby Gulch mill are gradually burying the town of Zortman. Every heavy rainfall washes the tailings down from the head of the Ruby Gulch, where they have been deposited to a depth of hundreds of feet, and leaves them on the wide flat where Zortman is built. The Ruby Gulch mill, the life blood of the town, is slowly but surely destroying it...It seems certainty [sic] that eventually the town will have to be moved to one of the high benches below.”<sup>7</sup> The fact that this storm bears an uncanny resemblance to the storm over half a

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<sup>5</sup> Gladys Costello and Dorothy Whitcomb Klimper, *Top O’ the Mountain: Charley Whitcomb, Mining Man* (1976. (from Lewis and Clark Library, Helena, MT) 91.

<sup>6</sup> Costello, *The Golden Era*, 11.

<sup>7</sup> “Tailings Threaten Zortman, Colorful Old Gold Village,” *The Independent Record* (Helena, MT; May 26, 1938): 8. Courtesy of Karen Robertson.

century later in 1993 that finally brought wider attention to the Zortman and Landusky mines is only partial evidence of historical amnesia. For many residents of Zortman, those types of events remained mere externalities. On the reservation side of the mountains, there were not such dramatic cases of pollution before the late 20th century, but Fort Belknap Indians did not forget the gradual dispossession and loose legislation that made it almost inevitable that mine tailings would become an important issue in the Little Rocky Mountains.

That tradition, of fluctuations between indifference and violence towards Indians by multiple levels of American government, likely preoccupied members of the Fort Belknap Community Council (the Council) and other Fort Belknap Indians before and throughout the Pegasus period, including in the 1970s when the Council pursued formal efforts to have the Little Rockies returned to the Fort Belknap Indian Community. In 1971, the Council passed a resolution requesting the assistance of the Montana Congressional delegation in those efforts. Through that resolution, the Council formally articulated an “environmental imagination”<sup>8</sup> for the reservation that a fairly wide range of Fort Belknap residents would have been comfortable with. They specifically reference the Grinnell agreement as an instrument to secure the Little Rockies for gold and note the reduction of the reservation to one-third of its original size by 1971. They then position the Little Rocky Mountains as a focal point in Fort Belknap society:

WHEREAS, parts of the Little Rockies have traditionally been held as sacred grounds and have even today hold special religious and historical meaning to the Fort Belknap Indian Community justifying a return of these lands to the Fort Belknap Indian Community; and WHEREAS, the Little Rockies form the major watershed for the southern part of the Fort Belknap Indian Reservation and are very important to the economy, well-being, and future of the Fort Belknap Community...NOW, THEREFORE, BE IT RESOLVED That the Fort Belknap Indian Community supports return of the Little Rockies into trust status for the benefit of the people of the Fort Belknap Indian Community from the supervision of the Bureau of Land Management.<sup>9</sup>

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<sup>8</sup> Throughout this thesis I use this term, which I came across in Jedidiah Purdy, *After Nature: A Politics for the Anthropocene* (Cambridge: Harvard University Press, 2015).

<sup>9</sup> Resolution No. 45-71, Fort Belknap Community Council (1971). Courtesy of Aaniih Nakoda College Library.

From at least as early as 1971, Fort Belknap Indians were demonstrating the simultaneous cultural and environmental importance of the Little Rockies to their community in formal capacities. Crucially, they did so in a moment when non-Indians seemed to be the least invested in the mountains that they had been in decades, not as a reaction to destructive gold mines or other disturbances: “the land is now owned by the United States and under the supervision of the Bureau of Land Management (BLM) and the U.S. Forest Service but all mining activities have ceased and the land presents no great economic or other benefit to the United States and instead is a deficit to the United States.” By indicating their ancestral right to the land by treaty, illustrating their intricate, multifaceted relationship with the Little Rockies, and suggesting the mountains had little economic value, the Council offered the federal government little choice but to either assert its ownership on the basis of a dubious legal fundamentalism or confirm the continued existence of the American settler colonial state.<sup>10</sup> Rebuttals, particularly those made in retrospect after Pegasus began mining the Little Rockies, suggested that any land with the promise of mineral wealth ought to remain in the hands of the federal government according to the 1872 Mining Law.<sup>11</sup> Enthusiastic objections to that law among Fort Belknap Indians, legal scholars, and environmentalists notwithstanding, this conflict of interest embodies a fundamental environmental dilemma of Indian-white relations throughout American Indian history: how to bound the land and distribute the abundance of the natural world.<sup>12</sup> While that debate will

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<sup>10</sup> For example, refer to Lorenzo Veracini, “Introducing settler colonial studies,” *settler colonial studies* 1 (2011) 1-12. There is a large body of literature on settler colonialism that I have not consulted for this project. Here, I simply refer to the differential effects of colonialism and settler colonialism on bodies and places. Veracini elegantly explains this as the difference between “you, go away,” and “you, work for me.”

<sup>11</sup> As I discuss in the previous chapter, the General Mining Act of 1872 is a controversial piece of legislation that still closely resembles the document approved in the 19th century. It protects the rights of United States citizens to make mining claims on public lands and has been repeatedly employed by multinational corporations.

<sup>12</sup> William Cronon, “Bounding the Land,” in *Changes in the Land: Indians, Colonists, and the Ecology of New England*, 20th anniversary edition (New York: Hill and Wang, 1983, 2003) 54-81. Cronon demonstrates how, before and during English colonization of the region, New England Indians practiced a “shifting, non-agricultural land



obviously not be resolved here, it is important to remember some of the more specific ways that the legacy of colonialism guided people's' arguments and behavior during the Pegasus affair. More importantly, this 1971 resolution demonstrates that Fort Belknap Indians had been vocal about the importance of the Little Rockies to their community for at least two decades by the time their concerns were brought to the courts in the 1990s.

In 1973, the Council passed its fourth resolution on the return of the Little Rockies with a few interesting and important additions. Unlike the 1971 resolution, the Council opened the 1973 resolution by recognizing the reservation community as “a Federally Chartered Corporation as defined by the Indian Re-organization Act of June 18, 1934, and under its Charter, Constitution, and By-laws as approved by the Secretary of the Interior has full power and authority to negotiate with the Federal, State, and local governments on behalf of the Community.”<sup>13</sup> This assertion of tribal sovereignty further elucidated the obscure nature of the relationship between Indians and the federal government, and specifically that government's failure to respect its own laws.<sup>14</sup> It was also likely a product of the time: just a few months earlier, the American Indian Movement (AIM) had staged the most visible American Indian demonstration in history when they occupied the village at Wounded Knee on the Pine Ridge Indian Reservation in South

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tenure” that involved seasonal harvesting patterns and hunting grounds. English colonists estimated this as nomadism and continued the European tradition of conceiving Indians as of the wild since some of them did not practice sedentary and enclosed agriculture.

<sup>13</sup> Resolution No. 34-73, Fort Belknap Community Council (September 21, 1973). Courtesy of Aaniiih Nakoda College Library.

<sup>14</sup> In *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence, KS: University Press of Kansas, 2008), Daniel Cobb de-centers the American Indian Movement and other highly visible campaigns in the 1970s that have come to define Native American Activism in order to draw out a politics of tribal sovereignty and self-determination that is intimately tied to “the larger global politics of modernization and decolonization or the turbulent contests over race, poverty, and war at home,” (4). Cobb, along with several others writing about Indian sovereignty and governance, have elucidated the unique challenges and opportunities of American Indian politics that must contend with the legacy of the 1830s Supreme Court doctrines of discovery and domestic dependent nations and the supremacy of the federal Department of the Interior over tribal constitutions beginning in the reorganization era.

Dakota.<sup>15</sup> Two years later, the United States Congress passed the Indian Self-Determination and Education Assistance Act of 1975, providing tribal governments with federal funding and offering them more responsibility for administration of programs for Indians.<sup>16</sup> Throughout that decade, as multiple pieces of legislation friendly to Indian Country were passed, the American public's attention to Indians increased, and Indians from around the country interacted with each other on college campuses and in cities, people at Fort Belknap, as elsewhere in Indian Country, reoriented their relationship to Indian history and culture, expressed renewed interest in native religion, and discussed the basis of Indian and tribal identity and the most effective ways to address their economic, political, and cultural dilemmas. Anthropologist Loretta Fowler notes how this led to disagreements about the most important sources of identity and the most effective means of political organization that fell along tribal and generational lines.<sup>17</sup> Overall, the 1970s, often referred to as the Red Power years, were a time when imagined possibilities for Fort Belknap Indians greatly expanded.

The cultural and political climate of the 1970s almost certainly motivated the Council to be even more ambitious in their effort to have the Little Rockies returned to them. They

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<sup>15</sup> In *Like A Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996), Paul Chaat Smith and Robert Allen Warrior chronicle the most famous moments of the Red Power years. While offering important critiques of the movement, they argue the publicity and defiance of the Red Power years offered Indians around the country new hope and new tactics. Concluding a chapter on the Wounded Knee occupation, they write, "For Indian people, the movement's grand entry had raised dizzying hopes of respect for treaties and sacred lands, but also a new kind of person, a new kind of democracy, and a new kind of Indian future. The season of occupations may have ended in defeat at Wounded Knee, but with those occupations a door had been opened, and with it a new world of possibilities," (268).

<sup>16</sup> Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987) 115. For a thorough review of the history of federal Indian policy, specifically as it relates to environmental regulation, refer to James M. Grijalva, *Closing the Circle: Environmental Justice in Indian Country* (Durham, NC: Carolina Academic Press, 2008).

<sup>17</sup> Fowler, *Shared Symbols, Contested Meanings*, 124. Fowler explains how the Gros Ventres' and Assiniboinés' different conceptions of their shared history, different relationships to cultural/religious declension, and different ideas about each other (e.g. generosity, preoccupation with status, resistance to whiteness) led to some tension at Fort Belknap in the 1970s and 1980s. She also notes an arguably sharper divide between Indians that had mostly remained on the reservation and those that had mulled over ideas about tribal sovereignty on campuses and in cities, the latter of which often being more interested in pan-Indianism and more concerned with improving the status of tribal governments with respect to national and state political and economic institutions.

continued their efforts throughout the decade. In 1977, the Chairman of the Fort Belknap Community Council, Charles Plumage, contacted Montana Senator Lee Metcalf directly to urge him to help them obtain the necessary Congressional support for their request, reminding Metcalf, “The Fort Belknap Community Council, has on numerous occasions in the past, requested the return of the Little Rocky Mountains because of the economic, cultural, and religious significance of the Little Rockies to members of the Community.”<sup>18</sup> Metcalf appears to have received the message and contacted the Solicitor General of the Department of the Interior for more information on the history of the Grinnell land. The Solicitor’s reply revealed that because the land was in the public domain, it could not be returned by the Secretary of the Interior and would require an act of Congress.<sup>19</sup> Notes from Metcalf’s office from a phone call with Plumage revealed that the Council thought the BLM was mismanaging the Little Rockies, as evidenced by an unaddressed bark beetle infestation, the fact that an earthwork dam meant to hold the tailings from an earlier mine had not been repaired for over a decade, and an extensive concentration of saline seep in stream beds near roads that might have been killing off the fish.<sup>20</sup> This likely would have registered as just one more instance in a long tradition of federal agencies mismanaging Indian lands that served as a persistent impetus for Indian self-determination.<sup>21</sup>

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<sup>18</sup> Letter from Charles Plumage, Chairman, Fort Belknap Community Council, to Opal Winebrenner, Aide to Senator Lee Metcalf. July 27, 1977. Lee Metcalf Papers, 1934-1978. MC 172. Box 200, Folder 7. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>19</sup> This 1977 exchange between Leo Krulitz, Solicitor General, US Department of the Interior and Montana Senator Lee Metcalf can be found in Lee Metcalf Papers, 1934-1978. MC 172. Box 200, Folder 7. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>20</sup> “Memo to Teddy.” Undated. Lee Metcalf Papers, 1934-1978. MC 172. Box 200, Folder 7. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>21</sup> Fowler, *Shared Symbols, Contested Meanings*, 72-73. Fowler explains how during the early 20th century, BIA agents at the Fort Belknap Agency were incredibly inconsistent in the land-use practices (e.g. agriculture, cattle ranching, horse ranching) they encouraged and sometimes required Indians to participate in so that many Indians could not establish themselves in any of them. The agents simultaneously conducted expensive irrigation projects using tribal funds, controlled tribal income, diverted Indian water, and leased land to outsiders, all without being able to prevent cattle trespassing or facilitate particularly productive agriculture. It should be noted that this was all part of a “civilizing mission” that sought to push Indians towards Euro-American customs of land-use, property, and political organization.

This effort to reclaim the Little Rockies received little attention past these few exchanges between public officials even as control of the Little Rockies was becoming increasingly urgent for Fort Belknap Indians who sought greater self-determination and were wary about the multiple effects of mining. In the final years of the decade, a few smaller Canadian mining ventures began surveying the Little Rockies under the names “Zortman Mining Company” and “Landusky Mining Company.” By the end of the decade, the Canadian-owned transnational Pegasus Gold Corporation, which already had mining sites around the United States and the world, had negotiated agreements with those companies to incorporate them and develop the Zortman and Landusky sites. The responses of people in the communities surrounding the Little Rockies to Pegasus’s presence varied considerably, but by 1979, larger mining permits were approved and the era of modern mining in the Little Rocky Mountains began.

### **Cyanide Heap Leach Gold Mining and the Early Years of Pegasus Gold**

As has been made clear, by the late 1970s the Little Rocky Mountains were no stranger to mineral mining or even cyanide. Miners had employed a number of methods there since the 1880s and more invasive mills were constructed during the early decades of the 20th century. However, in terms of scope and elaboration, Pegasus initiated mining techniques that were not comparable to those of any prior period. Those techniques included large-scale open-pit mining and a massive implementation of cyanide heap-leaching. A journalist from Billings explained, “In surface or open pit mining, the mine area is cleared of trees and stripped of topsoil, which is saved for reclamation. Holes are drilled in the rock and filled with explosives, which blow the once-solid rock into chunks small enough to load into trucks.”<sup>22</sup> That mining by definition

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<sup>22</sup> Jill Sundby, “Miners find gold that prospectors missed: Picks...And Shovels,” *The Billings Gazette* (June 30, 1991) pg. 1F.

involves a certain reshaping of the natural world is no secret and is comfortably acknowledged by both miners and environmental regulators, but the violence of this imagery surrounding open-pit mining carries immense power. It is not difficult to see how or why analogies of violation and insertion, of things being stripped bare and holes being filled, have emerged.<sup>23</sup> The novelty and power of open-pit mining moreover added a new dimension to that fundamental human dilemma of negotiating between dominion and collaboration with the natural world, which began to take on more haunting forms in the mid-20th century.<sup>24</sup>

Yet the tremendous excavation of open-pit mines was not the only novel feature of mining during this period. Pegasus was an international leader in the field of mineral extraction that pioneered cyanide heap-leach technology,<sup>25</sup> a process that combines the ability of open-pit mining to gather immense volumes of bedrock with chemical methods that could separate trace amounts of gold and silver from that rock. In 1990, one federal court described the operation that had been maintained at Landusky mine for a decade:

Pit run ore from the mine[is] trucked approximately three quarters of a mile to the leach site where cyanide solution [is] applied in a closed-circuit leaching process. Ore [is] placed on an impervious barrier, the cyanide solution [is] applied using pvc pipe and irrigation type sprinkler heads. A "pregnant" solution containing gold and silver values [is] recovered from the leach heap and pumped to a precipitation press to remove the gold and

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<sup>23</sup> I am referring to popular and scholarly literatures on domestic violence and sexual assault that I am only superficially familiar with. In *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015), Sarah Deer provides an essential account of the history and nature of rape in Indian Country. Deer notes that rape, particularly of Native women, is “a fundamental result of colonialism,” (x).

<sup>24</sup> In *The Firecracker Boys: H-Bombs, Inupiat Eskimos, and the Roots of the Environmental Movement* (New York: Basic Books, 2007) Alaska historian Dan O’Neill outlines the history of a proposed nuclear excavation project that was slated to take place at Point Hope, two hundred miles north of the Arctic Circle in the extreme northeast of Alaska. That project was part of a national phenomenon during the 1950s that sought to utilize nuclear power to create an “Eden on Earth” by reshaping topographical and climatic “imperfections” that had stymied human societies for millennia.

<sup>25</sup> In a 1994 annual report to their shareholders, Pegasus notes how they were the first corporation to experiment with cyanide heap leaching. Pegasus Gold Inc. Annual Report. 1994. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P 348R 1994. This claim, however, is disputed by others in the mining industry. Wayne Jepson of the Montana Department of Environmental Quality suggested that Pegasus may have only been the first outfit to use cyanide heap-leaching in Montana. He believes that the United States Bureau of Mines developed the technology first and recalls that the technology may have been used in Nevada in the 1960s.

silver from solution. The barren solution [is] adjusted for cyanide levels and re-applied to the leach heap.<sup>26</sup>

Less than a mile from where the Gros Ventres had once held Sun Dance ceremonies and in the montane forests where Fort Belknap Indians of multiple designations still went to fast, noisy trucks moved through a network of roads between various structures and to leach pads many acres large. Though this was not well understood when the Zortman and Landusky mines first opened, these processes and structures introduced to the Little Rockies the potential to generate acid rock drainage (from the exposure of prehistoric bedrock to air and water) and to the risk of a variety of contaminants, including cyanide, arsenic, copper, iron, manganese, aluminum and sulfates, spreading throughout the montane ecosystem. The extent and implications of that pollution were the basis of the protests, legal battles, and reclamation efforts in the 1990s that will be explored later in this thesis. Here, it is useful to note that at the end of nearly two decades of operation in the late 1990s, the Zortman and Landusky mines removed 247 million grams of gold and silver, which amounted to 1 gram of precious minerals for every 715, 263 grams of displaced waste and ore.<sup>27</sup> This statistic is even more stunning when one considers that the chief innovation of cyanide heap leaching was its ability to make such meager ratios like the one above profitable (at least as long as the long-term costs of reclamation and water treatment were not recognized). Indeed, this peculiar process of leveling mountains and spraying piles of rock with poisonous chemicals in order to transform its physical form and symbolic value evokes that uneasy meeting point between the liberating and destructive ways that humans channel their

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<sup>26</sup> Department of the Interior, Interior Board of Land Appeals. Appeal from a decision of the Lewistown, Montana, District Office, Bureau of Land Management, approving an amendment to Federal Plan of Operations MTM 7779 and recommending approval of an amendment to Montana State Mining Operating Permit 00095. December 19, 1990.

<sup>27</sup> R. David Williams, Joan Gabelman, Shannon Shaw, Wayne Jepson, Chris Gammons, and John Kill Eagle, "Zortman-Landusky: Challenges in a Decade of Closure." 1583-595. Proceedings of Revitalizing the Environment: Proven Solutions and Innovative Approaches, Billings, MT. May 30-June 5, 2009.

curiosity and creativity.<sup>28</sup> In this case, the elaborate system that had to be maintained, use of a well-known poison, and the remarkably slim material returns were indications to many that not only was this method of mining unjustifiable, but that the process and its consequences were themselves evidence that cyanide heap leaching was an aberration<sup>29</sup> in humanity's relationship to the natural world. Particularly since gold and silver are principally ornamental metals, opponents of the mine struggled to overcome their bewilderment at the apparent waste, destruction, and superficiality of cyanide heap leach mining. Joe Azure of Red Thunder summarily captured the feelings of most opponents to the mine:

You know just them days it was just pick and shovel because it wasn't much damage, they couldn't do much damage. But nowadays with these multinational mining corporations, they got this modern technology where they can just blow up whole mountaintops and pile them up and pour poison and cyanide and arsenic and all kinds of chemicals on them and leach out a handful of gold and destroy a whole mountaintop. And what do they make out of it you know? Just like little microscopic particles of gold to make cell phones and rings and watches.<sup>30</sup>

Pegasus Gold Corporation permanently modified the Little Rockies ecosystem by removing elements that had been there for millennia and introducing chemical compounds, sounds, and smells to the mountain range for the first time in history. Pegasus and their wholly owned subsidiary, Zortman Mining, Inc. (ZMI), received permits for the Zortman and Landusky mines in June 1979 after an environmental impact statement (EIS) was prepared by the Montana

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<sup>28</sup> In "Atomic Sublime: Toward a Natural History of the Bomb," in *The Republic of Nature: An Environmental History of the United States* (Seattle: University of Washington Press, 2012), environmental historian Mark Fiege outlines what I would classify as the environmental imaginations of the members of the Manhattan Project, the famed four-year research project that produced the atomic bombs that were dropped on Japan to end World War II. Fiege describes the Manhattan as a stimulating, egalitarian, and compassionate community full of people who were dedicated to striking the core of material and spiritual existence. Playing with ideas about wonder and sublimation, Fiege argues that intense curiosity and love for the natural world led the Manhattan scientists to aspire to an utter control of nature that allowed them to create the most destructive device imaginable. In one shuttering but illustrative sentence, Fiege writes, "Yet if the blast was terrifying, it also was beautiful," (310).

<sup>29</sup> As in a mental disorder, a form of psychosis that stands out to those not afflicted.

<sup>30</sup> Joe Azure, made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

Department of State Lands.<sup>31</sup> Prior to that decision, the mines were not considered inevitable and in the several months leading up to that decision, the Department of State Lands and a few related state and federal agencies (e.g. U.S. Fish and Wildlife Service) engaged in the ostensibly democratic processes of environmental regulation, namely reviewing the sites and consulting the public. The voices and decisions that emerged from that process illuminate the complexion of conversations about mining in the Little Rockies in the 1970s and importantly set formal and rhetorical precedents that would be remembered and manipulated in different ways by different groups throughout the Pegasus affair.

In June 1977, Frank Duval of Zortman Mining, Inc. (ZMI, who would soon be purchased by Pegasus) submitted a “Small Miner Exclusion Statement” to the Department of State Lands. Under Montana law, mining operations under five acres were offered certain exemptions if they filled out required paperwork. The bureaucratic record<sup>32</sup> from this period is strikingly limited, and so any conclusions reached from it should be made with caution, but it does reveal some general characteristics that help explain why pollution at the Zortman and Landusky mines was so dreadfully managed.

A slender field inspection report conducted on a “squally and windy” day by an agent of the Montana Department of State Lands revealed that Zortman had begun conducting underground and surface exploration by late 1977. While the field inspection report had fairly extensive criteria for “Grading and Backfilling,” “Revegetation,” “Method of Operation,” and “Water Quality,” those portions of the form were ignored completely. Several months later,

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<sup>31</sup> This date can be found in many places. One reliable option is the above-cited decision issued by the Interior Board of Land Appeals to an appeal of the 10th amendment to that permit in 1990.

<sup>32</sup> The documents analyzed in this paragraph come from Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 3, Folder 9. Montana Historical Society Research Center, Archives, Helena, Montana.



Duval submitted a renewal request for Zortman's "Small Miner Exclusion Statement" that was similarly sparse with no complete sentences and a total of seven words on the entire form. This was despite the expectation of Montana law for "small mines" to generate no pollution whatsoever in streams and to provide for the protection of human and animal life surrounding the mines. Moreover, this was several years after the National Environmental Policy Act, Clean Water Act, and Endangered Species Act were made into law in the early 1970s. Undoubtedly the hasty and halfhearted assessment of Pegasus's early activities was a result of the fact that Zortman had applied as a "small miner," but these documents suggest that state regulatory agencies were ill-equipped to monitor remote mines and had little ability to demand more stringent self-monitoring by mining companies. This would become especially problematic by 1979, when Pegasus had devoted their resources and capital to ZMI's venture in the Little Rockies and they submitted applications for operating permits for two adjacent mines that would each cover over 250 acres, far exceeding the range of 5 acres for small miners seeking exclusions. Those permits were approved, however, after the environmental impact statement prepared by the Montana Department of State Lands determined that cyanide heap-leaching operations posed no irreparable environmental risks to the lands and waters in and around the Little Rockies.

The Fort Belknap Community Council opposed the Zortman and Landusky mines from their onset, especially since they were still quite serious about having the Little Rockies returned to them. In April 1979, Charles Plumage, Chairman of the Council, wrote Leo Berry, the Commissioner of the Montana Department of State Lands, declaring in unambiguous terms the Council's opposition to the mines. Plumage outlined many problems with the "grossly inadequate" environmental impact statement, which failed to perform a comprehensive study of

all of the potential effects of the mines on streams, groundwater, and wildlife in the region. It also criticized the minimal attention given to how the reservation communities of Hays and Lodgepole would be affected.<sup>33</sup> The Fort Belknap Indian Community's formal reply to the draft EIS adopts a similar tone, reinforcing the fact that opposition to the mines from Fort Belknap was at once cultural, scientific, legal, and emotional from the beginning. The reply criticizes the EIS's methods, its failure to cite scientific literature on the ecological problems associated with cyanide, its failure to provide alternative mining methods, and its vague reclamation information. The same document includes quotes from Fort Belknap residents who integrated Pegasus into a history of white exploitation on the reservation and who considered the Little Rockies a place where they could take their families to relax and reflect on the lessons of their ancestors. The document concludes, "A non-essential resource is not worth risking the health and well-being of our Indian people. Degradation of Indian lands by profit seeking non-Indians must stop somewhere. The land and water of the Little Rocky Mountains are all our people have left. Please understand that we must cherish and protect our home. Do not allow the Zortman and Landusky mines to re-open."<sup>34</sup> This reply reproduced a message that was consistently offered by Fort Belknap Indians throughout the Pegasus affair. The logic of that message implied that the entire history of Indian-white relations (i.e. the relentless assault of "profit-seeking" whites on native lands for increasingly trivial desires) could be written in the Little Rockies and that by the final decades of the 20th century, the meager remains of native land had become a sacred symbol of resistance. While some Fort Belknap Indians might have framed the struggle for the Little

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<sup>33</sup> Letter from Charles Plumage, Chairman, Fort Belknap Community Council, to Leo Berry, Commissioner, Department of State Lands. April 3, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana. Plumage CC'd the Secretary of the Interior and the Governor of Montana on the letter.

<sup>34</sup> Fort Belknap Indian Community. Reply to Draft Environmental Impact Statement, Zortman-Landusky Mining Operation. April 3, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

Rockies in terms of literal survival (especially since they faced a mine that would use high volumes of cyanide), most likely did not. Rather they asserted something equally urgent: that they were not asking for much, that they were tired of explaining themselves, and that their view of history deserved to be listened to. Their home was in and around the Little Rocky Mountains and their community had developed by bringing those mountains into their collective imagination. Approving a remarkably intrusive and dangerous mining operation that utilized a chemical widely known for its poisonous properties was not just a rejection of the values and customs that had emerged from that community, it dishonored generations of Fort Belknap residents who had made their homes and families on the reservation with the assumption that their descendants would be able to live healthy and fulfilling lives as a part of a particular community.

This attitude was fairly popular at Fort Belknap in 1979. Francis Lamabull, a lawyer who served as general counsel for Fort Belknap, sent the Montana Department of State Lands director Leo Berry a petition with nearly 200 signatories from Fort Belknap and nearby Harlem requesting a public hearing to discuss the EIS for the mines.<sup>35</sup> These signatories did not call for outright rejection as the Council had and instead merely asked that their voices be heard. Lamabull requested that, particularly since the residents that would be most affected by the mines lived in the southern end of the reservation nearest the Little Rockies, such a hearing be conducted on the reservation. Berry's response is striking: "The Department considers Malta, the county seat of Phillips County, the most appropriate site to conduct the meeting, as the greatest risk for physical, biological, and social/economic impacts resulting from the proposed mining

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<sup>35</sup> Letter from Francis Lamabull, General Counsel, Fort Belknap Indian Community, to Leo Berry, Commissioner, Montana Department of State Lands. April 10, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

has been identified to occur in Phillips County.”<sup>36</sup> Malta is almost 50 miles from Zortman, the mining town at the base of the Little Rockies. By contrast, Hays is less than 10 miles from Zortman and the only thing separating the two towns are the Little Rockies themselves. Moreover, the eastern part of the Fort Belknap Reservation lies in Phillips County. Here, Berry seems to confirm what many Fort Belknap Indians had long suspected: the Montana government privileges the interests of its white citizens. Aware that limited infrastructure and financial opportunities would make travel to Malta difficult for many Fort Belknap Indians, Berry’s choice of venue was not just strategic, it was embedded in Western/Euro-American cultural logics about how to bound land, attribute sovereignty, and organize communities. His use of the somewhat arbitrary legal designation of county seat instead of proximity to the mines violated place-based valuations of the land in favor of the abstract interconnectedness of market economies. The text of Berry’s decision made clear that “social/economic” impacts for non-Indian communities were more important to the state government than “physical” and “biological” impacts on wildlife and natural resources in the Little Rockies. In a letter to an environmental administrator for the Department of State Lands, Lisa Anderson, a consultant for an economic, management, and social research firm commissioned by the Department, explained, “As stated in our report, it is questionable whether the mining company could recruit many employees from the Zortman-Landusky area because of the limited population size and hence, labor force. Unless Indians from the Ft. Belknap reservation are employed, the new labor force is likely to come from outside the primary impact area.”<sup>37</sup> If they gave it much thought at all, Berry’s Department may have been

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<sup>36</sup> Letter from Leo Berry, Commissioner, Montana Department of State Lands, to Francis Lamabull, General Counsel, Fort Belknap Agency. April 13, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>37</sup> Letter from Lisa Anderson, Helena Manager, John Short & Associates, Inc., to Ralph Dreier, Environmental Administrator, Montana Department of State Lands. April 4, 1979. Department of Environmental Quality,

indifferent to Indian employment, but given the Council's formal resistance to the mines and whatever ideas they may have had about Indian ecology, they likely considered Indian miners implausible. Instead, the Department of State Lands likely looked towards Pegasus Gold as a resource to invigorate a larger state economy they were more invested in.

It seems likely therefore that Berry and his colleagues believed they were fairly weighing the interests of all the citizens they were obligated to represent. After all, support for the mines was strong in places like Malta. The Malta Area Chamber of Commerce, the Superintendent of Malta Public Schools, the Mayor of Malta, and the Phillips County Board of County Commissioners had all expressed their support for the EIS and for the mining companies. Berry received a petition from citizens of Malta, Dodson, Zortman, Landusky, and even Glasgow, Montana, that stressed the mines' promise of employment, revenues for Montana companies that would do business with Pegasus, and expansion of state and federal tax revenues. One letter from three prominent families from Zortman explained, "The people of our community no doubt love these mountains, or we would not make this our home by choice, and I am sure if any of us were interested in only the dollar, we would not be living here in what most people consider an isolated location. We are convinced they [Pegasus] will leave the mining areas in as good or better condition than they found them. We ask that the operating permit be granted."<sup>38</sup> While the notion that open-pit mining could improve the quality of an ecosystem is fictive, it can at least be partially explained by the fact that effectively no one in 1979 understood how dangerous cyanide heap leaching at the scale proposed might be.<sup>39</sup> It is more interesting to consider their

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Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>38</sup> These letters and petitions can be found in Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>39</sup> Indeed the effects of these mines continued to be quite elusive for several years. Wayne Jepson, a hydrologist for the Montana Department of Environmental Quality, notes that until around 1990, environmental analyses of the

motivations assuming their intentions were good and sincere, not necessarily towards Indians but at least towards those they considered part of their community. This allows us to get a better sense of how those small Montana towns came to be and how people in them crafted meaningful lives. As can be seen in letters like the one from those Zortman families, their livelihoods, sense of justice and order, and their ability to live out their principles were predicated on a network of economic relationships that had generative power; the material, cultural, moral, and even spiritual health of their communities depended on the flourishing of partnerships that increased connection between those communities and to more distant sources of innovation, education, and capital. Anti-capitalists and environmentalists might have offered dismissive claims about how those relationships (with each other and with the natural world) were excessively transactional, but people from places like Landusky and Malta would have found their claims unconvincing or uninteresting.

As the letter indicates, people from Zortman also had a unique and intimate relationship with those mountains. There is less reason to believe that people from Malta had a similar appreciation for them, but overall these responses to Pegasus's first mining permit reiterate that there are multiple ways to love a mountain, including through economic relationships with other community members and other towns. Evaluating the relative merits of those methods of care entirely depends on the priorities of the respective environmental imaginations of those involved (e.g. the integrity of the ecosystem, the supernatural power resident in those mountains, the mountains as a keystone of a particular type of community). Beginning in 1979 and throughout

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mines focused on the dangers of cyanide heap leaching instead of the development of acid rock drainage. While cyanide use is undoubtedly quite dangerous, it was not the most important polluting process in the Little Rockies. Rather, the massive scale of open pit mining at the Zortman and Landusky sites exposed sulfide bedrock to oxygen, which led to the acid rock drainage problem that is still being managed today and could persist for hundreds of years.

the Pegasus affair, the conceit of regulatory agencies like the Montana Department of State Lands was that it had the will and the means to understand and appreciate all of those priorities while mainly reinforcing the priorities of the environmental imaginations of the agencies themselves, which were envisioned as nonpartisan, colorblind, and religiously impartial sources of expertise. Berry and his Department also worked with a Billings-based firm called Energy and Environmental Resource Consultants, who identified that tailings from the Zortman and Landusky mine would have the potential to adversely affect water quality in nearby creeks and that sampling in 1978 had found levels of lead and arsenic in Little Peoples Creek (in the northwest corner of the Little Rockies near Hays) that were, respectively, 300 and 1200 times the maximum levels outlined by the EPA Safe Water Drinking Act of 1974.<sup>40</sup> Moreover, Clarence C. Gordon, a renowned professor of botany at the University of Montana called the Department's draft EIS, which lacked functional literature reviews and baseline studies on the effects of cyanide, "basically a totally deficient document in relating to the citizens of Montana the serious environmental problems associated with the proposed mining and cyanide leaching process."<sup>41</sup> Approved just a few months later, the final version of the EIS did little to address these concerns and the Montana Department of State Lands may not have been especially concerned by that. Despite unambiguous opposition from Fort Belknap on multiple grounds and a body of evidence suggesting pollution could be substantial, they approved Pegasus's mining permit application because a defense of employment and state revenue made more sense in their world than

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<sup>40</sup> Letter from Richard L. Brown, President, Energy and Environmental Resource Consultants, Inc., to Joan Racine, Assistant Planner, Fort Belknap Planners. March 20, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

<sup>41</sup> Letter from Clarence C. Gordon, Professor of Botany, University of Montana, to Leo Berry, Commissioner, Department of State Lands. March 28, 1979. Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Box 20, Folder 3. Montana Historical Society Research Center, Archives, Helena, Montana.

statistics on heavy metals and the snarky derision of a botany professor. Soon after, Pegasus began expanding their roads and building PVC pipes and sprinkler heads.

Fairly little attention was given to the Zortman and Landusky mines during the 1980s. In 1981, two years after state operating permits were approved, the Plan of Operations produced by the Bureau of Land Management (BLM) was approved and Pegasus began their operations in earnest. Between 1979 and 1991, 11 amendments to the state mining permit for the Zortman mine, and 10 amendments to the permit for the Landusky mine, were approved. Wayne Jepson, a hydrogeologist for the Montana Department of Environmental Quality who has had assignments on Zortman and Landusky for over two decades, notes that most of those amendments were more like revisions than expansions, involving minor adjustments like relocating proposed roads, creating more detailed designs for leach pads, and modifications to reclamation plans.<sup>42</sup> Even so, BLM records indicate that amendments during those twelve years allowed disturbance at the mines to increase by 686 acres, making total disturbance at the Zortman and Landusky mines over 1200 acres, half of which was on BLM-land.<sup>43</sup>

Mining practices and their effect on ecosystem functions and services from this time period are not easily traceable, but the analysis of the 1980s that exists does not paint an auspicious portrait. In a staff report to the Environmental Quality Council of the Montana Legislature in 2004, Larry D. Mitchell explained, “A review of agency files between 1977 and 1995 documented acid mine drainage from historic and contemporary mine workings, multiple releases of cyanide to surface and ground water from leaks, spills, overflows, and emergency

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<sup>42</sup> Email correspondence with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality.

<sup>43</sup> Bureau of Land Management, Lewistown Field Office, Lewistown, Montana. “Zortman & Landusky Mine History and Project Background.” Presentation available at: [https://www.blm.gov/mt/st/en/fo/lewistown\\_field\\_office/zortman.html](https://www.blm.gov/mt/st/en/fo/lewistown_field_office/zortman.html).



cyanide solution disposals, and elevated metals in surface and ground water samples in many areas of the Zortman and Landusky mines.”<sup>44</sup> If the Zortman and Landusky mines began their tenure on dubious terms, their first decade of operation exaggerated the lame efforts to regulate them. This had less to do with conceptions and the voracious appetites of Montana consumers than with state regulatory agencies’ barren capital and resources. This might be the most important but least acknowledged aspect of the Pegasus affair and of environmental regulation in general, particularly on and near reservation environments in the West. Montana had just two offices (the Hardrock Bureau of the Department of State Lands and the Water Quality Bureau of the Department of Health and Environmental Sciences) that were responsible for regulation of all hardrock mines in the state. At the time, those offices—overworked, underpaid, and constantly losing employees (and therefore experience, expertise, and continuity) to more lucrative jobs in the private sector—had never had all of their positions filled at the same time. These were important constraints that directly affected the Zortman and Landusky mines. For example, in late 1989, Zortman Mining, Inc., was issued a “notice of noncompliance,” by the Hardrock Bureau for overloading a leach pad by 75 feet, yet the state “never pursued the matter because the state’s own files concerning the pad were ‘ambiguous,’ parts of documents were missing, ‘no specific paper trail’ existed as to the tonnage allowed on the pad, and ‘staff turnover and bureau filing systems have further clouded the approval issue.’” The same article identified another problem that hobbled those offices: mining companies often dissolved themselves and began new companies or relocated to different states, or mines were collectively owned by several companies and none took responsibility for pollution, so that civil penalties were virtually unenforceable. In 1991, the Northern Plains Research Council estimated that the state of

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<sup>44</sup> Larry D. Mitchell, "Zortman and Landusky Mines: House Joint Resolution 43 Water Quality Impacts," a staff paper presented to the Environmental Quality Council (2004) 7.

Montana was due over \$600,000 in uncollected fines from hardrock mines, which only incorporated violations that government agents had the time, timing, and equipment to detect.<sup>45</sup> Ecosystems surrounding Montana mines that operated in the final decades of the 20th century may have suffered unknown damages that have yet to be appreciated.

This failure of government infrastructure was an indication of the unique dilemmas faced by citizens of a nation-state with an obdurate legal system that seek to responsibly utilize technologies whose power they do not understand. Unsurprisingly, coverage of the Zortman and Landusky mines and similar mines throughout the state focused on the recent failures of the 1872 Mining Law and the eventually unsuccessful Congressional efforts in the early 1990s to reform the law.<sup>46</sup> To many Montanans by this time it seemed clear that mining legislation, regulatory procedures, scientific knowledge, and monitoring technology had not kept up with the industry. Gary Amestoy, then of the Reclamation Division of the Department of State Lands, explained, “Reclamation is a new science...We don’t know all the answers yet but we’re giving it our best shot with the laws and resources we have.”<sup>47</sup> By the late 1990s, the state’s “best shot” was simply not enough to protect the Little Rockies ecosystem, the reservation’s watershed, and the sacred landscape of north-central Montana.

## **Red Thunder Incorporated**

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<sup>45</sup> This entire characterization of regulation in the late 1980s and early 1990s comes from Jill Sundby, “Mines go unchecked as agencies struggle,” *The Billings Gazette* (July 5, 1991) pg. 8C.

<sup>46</sup> In 1991, *The Billings Gazette* and the *Great Falls Tribune* both ran a number of stories on mining in Montana. They showcased specific mines (including Zortman-Landusky); interviewed public officials, miners, corporate executives, and environmentalists; and provided essential information on the processes involved in cyanide heap leaching. At the time, all four Montana Congressmen had different opinions on the 1872 Mining Law, and it seems Montana citizens were somewhat evenly distributed between outright abolition of the law and on the other end, resistance to amending the law at all.

<sup>47</sup> Jill Sundby, “Mines go unchecked as agencies struggle,” *The Billings Gazette* (July 5, 1991) pg. 8C.

Though a comparable record does not exist for the 1980s, opponents of the mines were not inactive during that decade. Rather, conversations that took place in living rooms and over landlines, and realizations made on peaks, in sweat lodges, and along roadside ravines are not recorded in the same ways as letters, accounting statements, and legal decisions. In the years leading up to 1990, partnerships were being formed between people at Fort Belknap, as well as with environmentalists and activists from around Montana and the U.S. West. In the 1990s, this motley coalition led an ambitious and breathtaking campaign to prevent further and potentially lethal destruction of the Little Rockies by the Zortman and Landusky mines. They inherited the traditions of people like Bull Lodge, Rachel Carson, and Russell Means. The role of women organizers has been grievously neglected, but their resilience and contradictions are both inspiring and instructive.

The most important organization in the early years of the campaign to protect the Little Rockies was Red Thunder, Inc., a spiritual and environmental group based near Lodgepole. Red Thunder initiated the first legal challenges to Pegasus when they appealed a BLM decision in 1990, and spent the following several years mobilizing support; studying the mines and environmental legislation; recruiting lawyers, tribal politicians, and environmental groups; and fasting, praying, and worshipping. Red Thunder was a decidedly religious organization whose vision of the environment, the global economy, and tribal, state, and federal politics cannot be traced to any one source or tradition. Heterogeneity and multiculturalism were both a reality and an ideal for Red Thunder. For them, the assault on the Little Rocky Mountains was both visceral and symbolic, a confirmation of their worst fears that violated their greatest aspirations. Especially because Red Thunder included black, white, and Indian members, who were also from places like Boulder and Great Falls, they did not represent a “worldview” that was

distinctly Indian or even Fort Belknap Indian. Nor did they neatly align with the Gros Ventre and Assiniboine tribes in composition or imagination. Indeed, the immense diversity within Red Thunder itself, never a group of more than 20 people, is a testament to the individual and dynamic nature of a concept like environmental imagination. Even so, the members of Red Thunder were united by the conviction that the natural world is full of power and wonder, and that they were all fighting to give their descendants an opportunity at the good life in a world that was interested in justice.

These features represented various continuities and departures from Indian activism of the second half of the 20th century and AIM in particular. Both Red Thunder and AIM were quite heterogeneous and drew membership from many places; for both, this inclusivity was a guiding principle. However, while Red Thunder had urban members and connections in places across the U.S. West, they were a decidedly rural and local organization. This meant that instead of references to inherent political rights and widely acknowledged historical narratives, Red Thunder's message was rooted in a specific place, community, and heritage: the Little Rocky Mountains and surrounding terrain, Fort Belknap, interactions between Gros Ventres, Assiniboines, and other groups or cultures. Among other things, this meant that Red Thunder was far more preoccupied with custom and landscape. Contrary to expectation, this did not make their work provincial and indeed their commitment to tolerance and multiculturalism was stronger than that of AIM, not least of which because they were an interracial coalition. Due to the individual proclivities of members of Red Thunder<sup>48</sup> and the tradition of fasting in the Little Rockies, Red Thunder adopted a notably more spiritual emphasis. While the cultural continuity of certain members of Red Thunder and the specificity of the history and traditions they evoked

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<sup>48</sup> And the central role of Red Thunder, who is discussed in the following paragraph.

may have offered them greater tribal or indigenous “legitimacy” than the young and usually urban AIM militants who did not know their tribal languages, both Red Thunder and AIM expressed an intense longing for “tradition and ceremony, wisdom and ancient knowledge,” and a resentment for those people and institutions that had stolen those things from them and their communities.<sup>49</sup>

Though he was not even an official member of the group, Red Thunder’s philosophy and actions can be traced back to a man named Robert Gopher.<sup>50</sup> Gopher was a Chippewa and a spiritual leader that lived in Great Falls and ran a traditional cultural organization called Loud Thunder International. Red Thunder’s president and CEO, Joe Azure, of Fort Belknap, recalled returning home from a trip to North Dakota in the late 1970s and being struck by how dramatically the Zortman mine had defaced peaks in the Little Rockies. Azure described a general uncertainty about the extent and nature of Pegasus’s activities among Fort Belknap Indians, and how after that moment he began having more serious conversations with Gopher, his brother-in-law, and others about the mines and how they might be resisted.<sup>51</sup> Ali Zaid, another leader of Red Thunder, recounted how during a vulnerable period in his life he met

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<sup>49</sup> Throughout this paragraph I am reflecting on Smith and Warrior in *Like A Hurricane*. The reference to wisdom, knowledge, and ceremony is from page 199 but I draw from their entire characterization of AIM as an assertive and eclectic group that has faced multiple legitimate criticisms and that was often inconsistent, but that was united by and has been revered for the alternative historical narrative they made more visible in the United States and their demand to live dignified lives in “Indian” ways.

<sup>50</sup> As a corollary to the previous footnote, Robert Gopher’s was analogous to that of Leonard Crow Dog for AIM. Crow Dog is a Lakota medicine man who practices traditional herbal medicine and leads Sun Dance Ceremonies. During the 1973 occupation of Wounded Knee, Crow Dog led a Ghost Dance. He imagined himself in the fashion of Paiute visionary Wovoka, who defiantly led the Ghost Dance movement in the 1890s. Gopher and Crow Dog were similar in the symbolic connections they made between their own circumstances and that of American Indians throughout history whose traditional beliefs and customs were repressed. Members of Red Thunder also would have resonated with Crow Dog’s faith in the power of visions and out-of-body experiences to reveal essential truths. Interestingly, Robert Gopher was not from Fort Belknap and did not have a long-standing connection with the Little Rocky Mountains. Gopher never claimed to, but he did inspire the members of Red Thunder to imagine the Little Rockies as a place to connect with supernatural forces and with their ancestral cultures. For more information on Crow Dog in the context of AIM, refer to Smith and Warrior, *Like a Hurricane*, especially 229-230.

<sup>51</sup> Joe Azure, statements made in a teepee circle during the Red Thunder Camp and Cultural Retreat, Big Warm Valley, Fort Belknap Indian Reservation, (July, 15, 2016).

Robert Gopher somewhat serendipitously and within minutes of meeting him, participated in a sweat lodge ceremony. Zaid's memories make very clear that his involvement with Red Thunder was part of an intellectual and spiritual journey, that his relationships with Gopher and Azure were intrinsic bonds of kinship, and that his ability to access the knowledge he needed and to navigate the world honorably depended on his relationship to a supernatural power often referred to as Creator.<sup>52</sup> Following Zaid's first encounter with Gopher, the two of them, Azure, and unnamed others pondered the mines, their community's circumstances, spiritual truths and the essence of their being. Those conversations would culminate in the creation of Red Thunder, which would go on to make multiple documentaries about the mines and hold an environmental conference on the reservation. They eventually connected with Don Marble, a lawyer from Chester, Montana and Paul Zogg, a lawyer for the Land & Water Fund in Denver, who helped Red Thunder take legal action against Pegasus. However, the steps taken by Red Thunder in the 1990s are only intelligible through an interpretation of those early years in the 1980s when Red Thunder was still crystallizing.

Robert Gopher led what might be described as a religious awakening that many members of Red Thunder participated in. The movement occurred in living rooms at Fort Belknap, in basements in Great Falls, in sweat lodges, and other unknown places. It left essentially no paper trail and its tenets are only truly knowable to those who participated. Nevertheless, Gopher and members of Red Thunder, principally through recordings of oral recitations or spoken conversations, shaped a consistent, coherent, and adaptable message that guided their political and rhetorical actions.

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<sup>52</sup> Ali Zaid, statements made throughout the Red Thunder Camp and Cultural Retreat, Big Warm Valley, Fort Belknap Indian Reservation, (July, 15-17 2016).

In his environmental treatise entitled “Our Sacred Mother Earth,” Gopher laid out their guiding principles. He begins unambiguously: “Original teachings recognize the Creator of all things, the spirit of all things in the Universe. He, and He alone, is recognized first, the foremost in our prayers so we can pray, we say, Creator, our father, provider of all things, we love you so.”<sup>53</sup> This notion can be elusive; Creator was understood to be both a gendered individual and an omnipresent spirit. This departs from conceptions of the Judeo-Christian God in that not only does Creator reside in all of creation, every place He resides is regarded as sacred in and of themselves and therefore worthy of some, but not necessarily equal, consideration.<sup>54</sup> The omnipresence of Creator served as an exigency for a sacred environmentalism based on “traditional” beliefs and practices: “The living planet, Earth, has feelings, like a human. At this point, we have separated from the original practices: caring for it, respecting the waters like our body, respecting the wind, air we breathe on, and respecting the soil like our body. A Mother Earth has feelings. There is imbalance. We’re losing our touch with Earth, were separated from Earth as our body, which it is.” This exercise in historical and cultural nostalgia was neither novel nor unique in and around Indian Country, and was sometimes reductive: even Gopher himself sometimes referred to American Indians as “natural born environmentalists.”<sup>55</sup> Yet what

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<sup>53</sup> This and several of the following quoted passages are from Robert Gopher, “Our Sacred Mother Earth,” Loud Thunder International Inc. (1989), courtesy of Shanti Zaid. I refer to this as his “environmental treatise.”

<sup>54</sup> This departs most significantly from Christianity and Judaism in that it suggests no hierarchy of beings. This did not mean that animals, mountains, and streams were conceived of as equals worthy of rights, but rather that they also possessed certain types of power and had an influence over other beings in the interconnected network that made up the natural world. In short, all of Creator’s creations were endowed with spirit and worth considering in any number of ways. Especially during the days of Bull Lodge, this conception of the natural world encouraged a fear and curiosity about the nonhuman members of the world. In the 1990s, Gopher and members of Red Thunder emphasized the beauty of creation as a basis for love and respect of all creatures.

<sup>55</sup> Speech by Robert Gopher at the Premiere Screening of the documentary “Indian Tears of Love,” (Boulder, CO: Hotel Boulderado, 3/15/1992). Speech courtesy of Loud Thunder International, Inc. Transcript courtesy of Karen Robertson.

might seem like prima facie platitudes actually contained profound priorities that are unsurprising given the historical experience of American Indians.

The first was an urgent call to preserve and revive traditional ways of being. As N. Scott Momaday writes of the oral tradition, “it was always one generation removed from extinction.”<sup>56</sup> Of course, the meaning and function of the “traditional,” is disputed in Indian Country and scholarship, understood by many as a noble and necessary means of cultural strength and by others as an ahistorical invention that implies extinction. Yet if Robert Gopher and certain members of Red Thunder embraced some of the more superficial aspects of “Indian ecological traditions”, they also heeded critical theorist Scott Lyons’ call for “modern” beliefs and practices that could serve as “another stopping point in a migration that is always heading for home, always keeping time on the move.”<sup>57</sup> A second priority laid out by Gopher in his environmental treatise is regard for future generations, a principle laid out historically and more recently in terms of “seventh-generation thinking.”<sup>58</sup> Gopher explained how the preciousness of children’s lives obligates adults and elders to “raise the children the best way we know how” and that failing to do so violates the “human rights” embedded in “our sacred system” now and forever. Moreover, Gopher’s childcare advice consisted of more than amorphous earth love and vague references to traditions. Though framed in terms of loss, Gopher provides a broad philosophical framework with which to approach subsistence and prayer:

Now, these spiritual leaders were capable to lead the prayer, they had the practice the way the Creator was, or is, that they must love everyone. They must respect everyone, that is to include the Mother Earth. And they would pray about how the season after season, it would be same, how the growth would be there for them for the next season, and the

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<sup>56</sup> N. Scott Momaday, “The Man Made of Words,” in *Nothing But the Truth: An Anthology of Native American Literature*. Eds. John L. Purdy and James Ruppert (Upper Saddle River, New Jersey: Prentice Hall, 2001) 82-95.

<sup>57</sup> Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010) 10.

<sup>58</sup> For example, Patty Loew, *Seventh Generation Earth Ethics: Native Voices of Wisconsin* (Madison, WI: State Historical Society of Wisconsin Press, 2014).



water. Speaking of the water, it's always part of our ceremonies. The water is very powerful. It gives all the plant life to everything. That is to include all the species in this planet... You have to practice the universal creational form, nothing is separated.

These principles of the universal value and inescapable interconnectedness of all aspects of the natural world, and its basis in the Earth's cycles, provided the framework for all of Red Thunder's arguments and actions. Water in particular became an especially poignant symbol, though often as a reflection of purity. While perhaps insufficiently executed and not uniquely indigenous in origin, these ideals were taken quite seriously by members of Red Thunder and were expressed not just in environmental terms, but also as the basis for anti-racism (sometimes colorblindness), a fairer economic system, and a truly representative politics. Moreover, Gopher produced more than maxims, he also encouraged specific behaviors that grounded his principles in the everyday lives of late-20th century reservation Indians.

Sweat lodge ceremonies and particularly fasting were integral practices for Red Thunder members that enabled them to reconcile not only all of Gopher's sometimes evasive concepts, but also many of the various historical and cultural threads, and political and economic realities, they produced or were exposed to. In so doing, they asserted a firm place for "the traditional"—based on compassion, transparent but deliberate admission of helplessness, and an expansive conception of the self—in the context of an accelerating, multifarious "modernity." Gopher muses, "Sometimes you wonder: what is a sweat lodge... It is a place to learn of the unity, to be able to counsel together, and counsel others, and you will be counseled by your friends. Within the prayer you will be asking for the peace of the world: there shall be no wars, there shall be no famine; all the drugs and liquor will be minimized within our communities." Here, Gopher articulated a collective mission where we relocate ourselves by reminding each other of how to be grateful and of what we should really long for. As with imagery of muddied waters, Gopher's

suggestion of abstinence from drugs and alcohol comes from notions of environmental, bodily, and cultural purity that have a long history in Indian religious revivals.<sup>59</sup> Yet the essence of this request, that we must strive to be the best version of ourselves for those around us, has relevance that transcends cultural and historical boundaries. Nowhere was this clearer than in the practice of fasting.

Robert Gopher explained:

Our highest prayer is fasting. It could be done in many different forms. We can go fasting in the mountains for four days... Being in the mountains to fast is our system. That reminds us, when you are hungry how the hunger hurts, thirst hurts. And in the meantime, you pray better that way. It teaches you a lot of things: how to love the people of the world. It teaches you: we must have water, we must have the four seasons, and we must have the nourishments so the nature will continuously nurture us.

Here is where the experiences and teachings of Bull Lodge and others like him are most evident, though they took on new dimensions in this late-20th century context. Though it seems Gopher and his kindred did attribute some animacy to rocks and deer, trees and streams (in a similar way that Bull Lodge and Gros Ventre storytellers in the early 20th century did), the goal of fasting was never to resolve the scientific and philosophical debates over animal consciousness, it was to recognize that, when rooted in suffering and gratitude, social values and environmental values need not be separate. On this point, Gopher was lucid: “After the fasting you become a better human. You are very grateful to see anyone, anyone including those that you don’t know or unknown to you, to be in a good health. The closest times you will ever be with the Creator during the fasting. It is educational for anyone.” Even, perhaps, an executive of

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<sup>59</sup> For an essential account of early Indian resistance movements with spiritual bases, see Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815* (Baltimore: The Johns Hopkins University Press, 1992). For discussion of attitudes towards alcohol and corporeal and cultural purity, see his discussion of the movement led by Neolin, the Delaware Prophet, during the mid-18th century, pages 33-35.

a transnational mining company, though Red Thunder rarely got the opportunity to share these experiences with most of the non-Indians they interacted with in the 1990s.

The imagery, arguments, and tactics associated with “traditional” American Indians like Robert Gopher and certain members of Red Thunder are contentious and perhaps the most misunderstood aspect of American Indian culture and politics. Preventing environmental destruction and violation of sacred sites in Indian Country demands a deep engagement with conversations about traditionalism that pays equal attention to traditionalists and their critics. Scott Lyons criticizes the traditionalist caricature as merely inverting cumbersome binaries and making unwarranted judgments on nonexistent cultures based on conceptions of Indian space and time as “simplistically circular and cyclical and ‘natural.’”<sup>60</sup> Lyons takes aim at both traditional Indians and those who have written about them. Other scholars have used similar logic to more specifically assess the “ecological Indian” trope as the newest iteration of the noble savage. In an anthology on Native Americans and the environment, historian Brian Hosmer asks, “What happens when this evidence seems to suggest that cultural values play less of a role in human interactions with their environments than technology, population density, or luck?” In the same volume, anthropologist and environmental scholar Darren Ranco asserts that Native Americans talk about land and see themselves as ecologists “because of what we have witnessed others do.”<sup>61</sup> Ranco is referring to Euro-American colonialism, but he might have made a similar argument based on positive observation of Indian ancestors. While most Indians probably find Russell Means’ onscreen reverence for his ungulate brethren in *Last of the Mohicans* hysterical,<sup>62</sup>

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<sup>60</sup> Lyons, *X-Marks*, 7-12.

<sup>61</sup> Hosmer and Ranco contributed to Michael E. Harkin and David Rich Lewis eds., *Native Americans and the Environment: Perspectives on the Ecological Indian* (Lincoln: University of Nebraska Press, 2007). Hosmer quote on pg. xv, Ranco on 38.

<sup>62</sup> In Michael Mann’s 1992 film adaptation of James Fennimore Cooper’s 1826 novel, *The Last of the Mohicans*, Daniel Day Lewis plays an honorary Indian frontiersman whose “father” is played by Russell Means, the famed

the polycultural planting model of the Three Sisters (corn, beans, squash) and the ethos of the Haudenosaunee Thanksgiving Address emerged from generations of lived experiences.<sup>63</sup>

Since colonization began, indigenous peoples around the world have been described as having been forced away from their “ways of life.” Insofar as these conversations explore land and resource commons, proselytization, and the character and feasibility of representative governments, especially when they inform domestic policy and diplomacy, they are assuredly worthwhile. Yet it is no secret that the well-intentioned campaign to elevate indigenous cultures has often failed to capture diversity within indigenous communities. More specifically, it has failed to recognize that, if such a thing can be said to exist, “ways of life” are imagined by individuals, and are refined and complicated through conversation and collective action. They are, as Jedidiah Purdy describes environmental imaginations, “an implicit, everyday metaphysics.”<sup>64</sup> For Fort Belknap Indians in the 1980s and 1990s, losing access to the Little Rocky Mountains was not *just* acquiescence to the destruction of a sacred place, to an inability to practice important ceremonies and rituals, and to perpetual political and economic vulnerability, it more fundamentally prevented them from knowing how to be good human beings. To them, the defilement of a place that had that much to offer the world was unintelligible, and their determined and sometimes illiberal campaign reflected that.

### **Initiating the Fight Over the Little Rockies, 1990**

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leader of the American Indian Movement. In the film’s opening scene, the two chase down a deer and, while kneeling, say a prayer for the deer’s strength, honor, and courage.

<sup>63</sup> For a controversial but sophisticated treatment of traditional ecological knowledge, refer to plant ecologist Robin Wall Kimmerer’s *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teaching of Plants* (Minneapolis: Milkweed Editions, 2013). To be clear, members of Red Thunder were not thinking about what Kimmerer wrote about over two decades later. This is merely meant to indicate that there are certain ideas and environmental practices that have moved through Indian Country for several decades and that not all of them are false.

<sup>64</sup> Purdy, *After Nature*, 7.

In June 1990, the Lewistown District Office of the Bureau of Land Management approved a tenth amendment to the mining permit for the Landusky mine. Soon after, Red Thunder, along with a similar group from Fort Belknap called Island Mountain Protectors (IMP), Virgil McConnell of Fort Belknap, and the Fort Belknap Community Council (the Council) appealed this decision through the Interior Board of Land Appeals (IBLA), an appellate review body for the Department of the Interior. Though Red Thunder and McConnell, and IMP and the Council initially filed separate appeals, the degree of cooperation in this first legal action against Pegasus was somewhat surprising and would not characterize the entire campaign.<sup>65</sup> In this case, the major dispute was over how much cyanide could be left behind following reclamation activities. Fort Belknap Indians requested that a full EIS be performed before the amendment was approved. The IBLA eventually affirmed the appealed decision to allow the expansion with some minor modifications. The logic and language of their decision, which did not call for a full environmental impact statement, is revealing.

Most of the 1990 decision was a detailed record of past practices, pollution, and reclamation at the Landusky mine. The IBLA presented these data and arguments to suggest the environmental concerns of Fort Belknap Indians were exaggerated and affirm that a mere environmental analysis, and not a full EIS, was sufficient. The IBLA wrote: “There is no dispute that the members of Red Thunder, as users of land that are being impacted by the Landusky mine, are adversely affected by BLM’s decision.”<sup>66</sup> This was actually part of an argument that helped dismiss Red Thunder as claimants through a legal loophole since they were not

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<sup>65</sup> This is, however, at least partially a matter of fuzzy and selective memory. Members of Red Thunder were fairly reticent about IMP, and the entire period is remembered a bit vaguely, with years, events, and conversations blending into each other.

<sup>66</sup> Department of the Interior, Interior Board of Land Appeals. Appeal from a decision of the Lewistown, Montana, District Office, Bureau of Land Management, approving an amendment to Federal Plan of Operations MTM 7779 and recommending approval of an amendment to Montana State Mining Operating Permit 00095. December 19, 1990. Page 173.

technically incorporated until after the BLM's decision was made.<sup>67</sup> That the IBLA was so forthcoming is likely only surprising to those Americans who have never had reason to question their faith in the virtue and capacities of their legal system, something that has historically been correlated with race and socioeconomic status. Even so, such bald indifference to hardship seems inconsistent with Americans' imagination of themselves and not characteristic of what federal judges are expected to be. The logic that permitted that indifference turned out to be embedded in the convoluted jurisdiction of relevant legislation and agencies.

In addition to environmental concern, Fort Belknap Indians also claimed the proposed amendment violated their religious freedom protected by the American Indian Religious Freedom Act (AIRFA) of 1978. Their use of AIRFA demonstrates that the expansion of possibilities during the 1970s had spread across the continent and had made lasting impacts on Indians that sought to protect and empower their communities using the law and their special legal status. It also, however, indicates that 1970s Indian policy, as with all programs of colonial governments, offered incremental improvements but did not initiate the political and cultural revolution that Indian activists in that decade envisioned. The IBLA presented the following defense in relation to AIRFA:

The Court was also clear to reject the Indians' argument that AIRFA itself prohibits the Federal Government from infringing their religious freedom by enacting their interpretation of the First Amendment into statutory law. According to legislative history, it held, the purpose of AIRFA was simply to erasure that 'the basic right of the Indian people to exercise their traditional religious practices is not infringed without a clear decision on the part of \* \* \* the administrators that such a religious practice must yield to some higher consideration.' ... (emphasis supplied). Thus, implicitly, if there is careful agency review leading to a clear decision that religious practice must yield, the requirements of AIRFA are met.<sup>68</sup>

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<sup>67</sup> As Red Thunder explains in the same document, they had simply been operating under a different name, Loud Thunder International-Little Rockies Chapter, before Red Thunder was incorporated. Loud Thunder was Robert Gopher's organization, and the only difference between the Little Rockies Chapter and Red Thunder was a formal recognition in writing.

<sup>68</sup> IBLA. 1990. Page 196.

This is a crucial framework, one consistent with legal and treaty histories across Indian Country, with which to understand all of the litigation and regulation that followed this 1990 decision. This entire line of thinking follows from the notion of a “careful agency review,” the nuts and bolts of scientific management that can be traced back at least as far as the Progressive Era. Because they were imagined as utilitarian, the review processes of government agencies and courts tend to ignore their culturally-specific parameters. They lack a certain self-awareness of the fact that “clear decisions” about which religious practices “must yield to some higher consideration” are made by individuals, typically non-Indians. In this case, one interpretation of the American Indian Religious Freedom Act amounted to reminding Indians that they do not share the same First Amendment rights as other Americans, a persistent and maddening dilemma for Indians seeking to utilize the law since John Marshall’s 1831 precedent of “domestic dependent nations.”

Though undoubtedly disappointed by the IBLA decision, Red Thunder and other opponents of the mine were likely not especially surprised. By 1990, most Indians were fairly familiar with the peculiar logic of the American legal system. After 1990, Red Thunder’s campaign to prevent the pollution that would result from an expansion of the mines took on a variety of forms that reflected both their abiding spiritual foundation and a specific and sophisticated awareness of the systems they were working within and, sometimes, against. They continued their legal resistance to the mines, but they also made a documentary about the mines, held an environmental conference, circulated petitions, and contacted public officials and local and regional publications.

The religious dimensions of Red Thunder’s activism underlay all of their actions, which were usually opened with the practice of smudging sage<sup>69</sup> and were often paired with other ceremonies. Reflecting generally on the work decades later, Joe Azure, Red Thunder’s CEO, explained, “Well I guess the best way I can answer that question is we started with our traditional Native American ceremonies, the fasting for four days at a time in the hills and mountains without food or water or human companionship to ask The Creator, The Great Spirit I should say and his creation for courage and support and help and guidance to stand up against a multinational multimillion dollar mining corporation.” He continues, “Without [Robert Gopher’s] spiritual guidance to keep pushing us with the ceremonies, the pipe ceremonies and the sweat lodge ceremonies and the fasting ceremonies, I don’t think we could’ve done it.” Ali Zaid agreed, musing in disbelief that devotion to Creator had helped all of their work come together even in the most unlikely of circumstances.<sup>70</sup> This sentiment was widely held and, along with their more general environmental concerns, their message attracted support on and off the reservation. Most notably, certain American and Canadian chapters of the American Indian Movement, a mining watchdog group from Bozeman called the Mineral Policy Center, the Montana Environmental Information Center of Helena, and the Northern Plains Resource Council of Billings, and several others offered Red Thunder formal endorsements and collaborated on environmental investigations, helped them obtain aerial footage of the mines for their documentary, traveled to Washington, D.C. with Red Thunder to lobby for reform of the

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<sup>69</sup> Statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>70</sup> Statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).



1872 Mining Law, lobbied the Montana State Legislature in Helena, and provided general financial assistance, guidance, and encouragement.<sup>71</sup>

Yet the campaign remained a distinctly grassroots endeavor. Red Thunder kept their board of directors under five people to prevent excessive deliberations and streamline their work. That board worked in direct collaboration with a variety of relatives, friends, and other collaborators.<sup>72</sup> Red Thunder's activities became a nexus for political and environmental organizing and spiritual exploration. Some people came and went, providing assistance when they could while others had much more consistent and well-defined roles, namely Connie Azure (Joe Azure's daughter), Karen Robertson of Boulder, Dorothy and Melinda Gopher (Robert's wife and daughter) of Great Falls, and Nadine Alvarado. These women in particular, but all of the Indians and others that moved through Fort Belknap during these years helped not only with more routine tasks like making phone calls and raising money, but also made crucial contributions to Red Thunder's spiritual vision. Many members of Red Thunder offered their time despite substantial financial limitations. They were not paid for that work and therefore had to do that work on top of other jobs, and for some the work of Red Thunder even came at the expense of searching for employment.<sup>73</sup>

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<sup>71</sup> Joe Azure, statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>72</sup> The specific titles and responsibilities of those working for and with Red Thunder are difficult to trace. The board of directors consisted of Joe Azure (President), David Healy (Vice-President), Nadine Alverado (Secretary Treasurer), Virgil McConnell (Board Member and Advisor). Clearly Robert Gopher, Ali Zaid, and Karen Robertson also had important roles in Red Thunder's work, though they were primarily focused on the production of *Indian Tears of Love*, a joint project with Loud Thunder. Many voices from the 1990s, however, have been lost or intentionally neglected. This has been the result of complicated gendered dynamics and relationship histories that often emerge when activism is pursued in intimate circles (Tiya Miles, Interview with Karen Robertson for the Red Thunder Oral History Project, January 4, 2017, Denver, CO.). My own account disproportionately represents those who were to or chose to attend the Red Thunder Camp and Cultural Retreat at Fort Belknap and Havre in July 2016.

<sup>73</sup> Letter from Melinda Gopher to David Stern, June 24, 1997. Courtesy of Karen Robertson. The letter notes how Red Thunder lacked the budgets that organizations like the National Wildlife Federation had that allowed them to compensate their employees and leverage political power. Gopher also notes that the Fort Belknap Community Council did not provide Red Thunder support but eventually benefited from their efforts after the 1996 Consent

Red Thunder and the groups they worked with were not uniformly appreciated at Fort Belknap. Many Fort Belknap Indians, particularly those in Hays who worked for the mine, thought Red Thunder was causing trouble for the sake of it and leading an anti-capitalist campaign that would eliminate their jobs. Warren Matte, who was on the tribal council in the early 1990s and who worked with Red Thunder, recalled how a cousin of his who worked for Pegasus had used mine tailings for the driveway of his store in Hays. Matte told that story in explicit terms of ideological conflict, reflecting on how some of their own relatives, who he believed failed to grasp the short-sightedness of cyanide heap leach mining, had come to perceive them as enemies.<sup>74</sup> This reflects a fundamental disagreement between many members of the Fort Belknap community at this time about what it meant to be an Indian.

Yet many other Fort Belknap Indians found Red Thunder's arguments quite compelling. Azure recalled how farmers and ranchers on the reservation supported them when they started to notice calves being born stillborn after their mothers had drunk from streams originating in the Little Rockies. He also remembered human mothers that began to suspect their children were being born with birth defects because they were using water from those same streams while pregnant.<sup>75</sup> These types of claims about pollution from the mines having direct and dramatic effects on wildlife and human health on the reservation became a staple for Red Thunder. Paired with arguments about cultural lineages and an under-appreciated partnership between large corporations and the American government, these claims would become the heart of the campaign against the Zortman and Landusky mines. In the years following the 1990 IBLA

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Decree required to pay Fort Belknap \$1 million for their violations of water quality legislation and indigenous resource rights.

<sup>74</sup> Joe Azure, Warren Matte; statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>75</sup> Statements made in an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

decision, these claims would be articulated, modified, and postured in a variety of ways based on context and audience. They would be firmly and sometimes unthinkingly contested by Pegasus, and to a lesser extent by regulatory agencies and other people in the north-central Montana region. The ways that all of their arguments interacted and were received reveals much about the composite of environmental imaginations at the time and its relationship to specific procedures and institutions tasked with protecting environments and distributing justice. In the late 1970s when Pegasus first applied to mine the Little Rockies, the arguments of mining opponents were presented but effectively not received; they generated no institutional recourse. The same would not be true in the final decade of the 20th century. By the early 1990s, groups like Red Thunder had substantially diminished Pegasus's social license to continue business as usual. Before long, they were able to mobilize state and federal agencies as uncertain partners and a set of formal and rhetorical responses followed. Though the campaign began as an effort to merely reform mining practices—and from the point of view of Pegasus, regulatory agencies, and the courts, the goal was never perceived as anything more than ensuring that their practices simply did not violate questionably effective environmental legislation—the Zortman and Landusky mines were abandoned by the end of the decade and mining has not occurred in the Little Rockies since. I therefore finally turn to tracing how that outcome became possible, what its implications have been, and what lessons it offers on activism and environmental regulation.

### Chapter 3. A Collision of Environmental Imaginations: Early Contests Over the Little Rocky Mountains, 1990-1995

“It’s just- you know can we just stop and take a step back and look at what we’re doing? And in a civil conversation. You know you don’t- nobody’s threatening these corporations. Nobody’s bombing their buildings or threatening their families. We’re just saying we need to really take a serious look at what’s happening because this is new for all of us. The playing field has been leveled and everybody needs to step back and ask if this is really the sacrifice that we’re willing to make for any future generations; to have a job today, but no way of sustaining life itself tomorrow.”

-Karen Robertson, narrator of *Indian Tears of Love*

“I guess the- the other part of it, and you probably already picked up on it, those of us who are trying to be traditional, follow traditional ways, we’re the ones- you know we’re fighting for the environment. We’re fighting for Mother Earth; at least we’re trying to. And we have those that are in power that are kind of fighting against us. You know they want progress. What’s progress? They’re looking at it backwards. They think we’re going forward. No, we’re not. We’re going backwards.”

-Warren Matte, former member of the Fort Belknap Community Council<sup>1</sup>

At some point in the first half of the 1990s,<sup>2</sup> Paul Zogg, an environmental lawyer from Boulder, Colorado, stood up from his seat at a public hearing taking place on the Fort Belknap Indian Reservation. Sensing that his arguments were not convincing those in attendance the way he had hoped, Zogg walked over to the representative of Pegasus Gold Corporation that he had been debating and offered him a glass of water. The entire room quickly noticed the distinctly orange hue in the glasses and the Pegasus official made no motion to graciously receive Zogg’s gift. Zogg had filled the glasses with water from one of the streams at the foot of the Little Rocky Mountains where the Zortman and Landusky cyanide heap leach gold and silver mines were then operating. Depending on which stream he sampled from, he either provided water that would have made its way northwest through Little Peoples Creek across the Fort Belknap Reservation and on to the Milk River (which originates in the Rocky Mountains north of Browning, flows

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<sup>1</sup> Both of these statements come from an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016)

<sup>2</sup> The precise date and location of this event are no longer known. Joe Azure, Ali Zaid, and Paul Zogg collectively remember that it occurred during a public hearing at Fort Belknap, but could not recall more specific information.

through southern Alberta, across Montana's Hi-Line, and ends just west of the border with North Dakota near the Fort Peck Indian Reservation) or water from Montana Gulch, which flows into the town of Landusky and eventually the Missouri River, the longest river in North America. Not long after, Zogg received a notice of termination from the Land and Water Fund, the Boulder-based environmental law firm that employed him, but he continued to work with Red Thunder and IMP.<sup>3</sup>

That hearing was most likely part of the consultation process conducted by the federal Bureau of Land Management and the Montana Department of Environmental Quality as they constructed an environmental impact statement for a proposed expansion project at the Zortman and Landusky mines from 1992 to 1996. It would have occurred around the same time that Paul Zogg appeared in the First District Court of Montana in a lawsuit involving Pegasus's violations of the Montana Water Quality Act. That case would be drawn out for years as it migrated between courts and came to include various other organizations and representatives of Montana state and federal governments. The dispute would eventually be settled out of court with a Consent Decree in 1996 that did not force closure of the Zortman and Landusky mines. By the end of the decade, poor financial management, an increasingly feeble global gold market, and perhaps the burdens of safety standards intensified by the Consent Decree led Pegasus into bankruptcy and to the closure of the Zortman and Landusky mines. If Fort Belknap Indians and environmentalists rejoiced, they did so quietly and briefly. After one steady exhale, they turned their attention to the formidable tasks of stream water treatment, surface reclamation, and pondering their relationship to a defiled sacred space. The resolution of the Pegasus affair, as

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<sup>3</sup> This story was recounted by Ali Zaid during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016). As I mention in the previous footnote, I do not have access to the details of this event. The account that I heard from Zaid was necessarily incomplete and perhaps misleading in certain ways. Human memories are reliable to a certain degree.

with most instances of environmental and cultural harm in Indian Country, was equivocal. It was simultaneously a beacon of previously unknown possibilities and a reminder of the inherent deficiencies of the economic and political infrastructure and the cultural narratives that remained comfortably in place at Fort Belknap even as Pegasus faded away.

Paul Zogg's savvy tactics then serve as an instructive symbol for the entire campaign to restrict pollution at the Zortman and Landusky mines and the rhetorical and institutional responses to it. Faced with what he perceived as an implacable legal system and an egregious injustice, Zogg acted creatively and contentiously, forcing everyone in that room to answer for (even if just in their own minds) the glass full of a liquid many shades darker than those streams were allegedly protected to be. He did so knowing that his antics could threaten his credibility as a lawyer and would have unpredictable effects on the judge, defense attorneys, and anyone else in attendance. Ultimately, he lost his means of employment but continued defending his own "environmental imagination,"<sup>4</sup> even though it departed significantly from those of members of IMP and Red Thunder.<sup>5</sup> This example is intended less as a celebration of Zogg's courage and persistence than as a recognition of the circumstances grassroots organizers perceived themselves in, the types of conversations they might have had in their head and with each other about how to manipulate those circumstances and how they were related to other injustices, and the tactics they pursued as a result. They did so in courtrooms, on the reservation, and in places as far away as Boulder, Colorado. In every case, they brought with them the teachings of Robert Gopher, a keen awareness of their surroundings and audience, and their own individual histories,

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<sup>4</sup> I use this term throughout this project. It is adopted from Jedediah Purdy in his most recent book *After Nature: A Politics for the Anthropocene*. Environmental imaginations are ways of imagining oneself and their community in relation with the natural world and the set of political, economic, and social systems that will effectively realize that relationship.

<sup>5</sup> Ali Zaid explained how Zogg expressed discomfort during sweat lodge ceremonies because he did not consider himself a spiritual person. Spirituality, of course, was the foundation of Red Thunder's opposition to the mines.

sympathies, and predilections. As they articulated and executed their environmental imaginations in those spaces, they were met with a variety of individual and institutional barriers and corridors that allowed the host of environmental imaginations to interact in crooked, generative, and sometimes predictable ways. Even if they did not in the 1990s, those interactions—when all those involved made their assumptions, intentions, and ultimate aspirations known—serve as opportunities to consider the exhilarating and unsteady moment of mutual understanding where environments as imagined can be shared, used, regulated, and celebrated.

### **Early Legal Battles, 1990-1992**

As I noted in the previous chapter, the Interior Board of Land Appeals (IBLA) denied the first appeal made by Red Thunder, IMP, and the Fort Belknap Community Council (the Council) in December 1990. The appeal was of a decision by the Bureau of Land Management in June of that year that approved an amendment to the Landusky mine's operating permit without an environmental impact statement. They made the appeal on environmental and cultural grounds, both of which were deemed unconvincing by the IBLA. Just over two months later, on February 28, 1991, the Lewistown District Office of the Bureau of Land Management (BLM) approved a modified version of the amendment (to the permit for the Landusky mine) that was originally appealed in 1990. Soon thereafter, Red Thunder, the Council, and Virgil McConnell unsuccessfully appealed that 1991 BLM decision.

That case, and the studies and appeals that followed it, help us appreciate the nature of the campaign to prevent and reduce pollution at the Zortman and Landusky mines. As with the 1990 IBLA decision, the decision on the 1991 appeal (which was eventually reached in November 1992) is full of things like “cyanide retention studies and reports,” interpretations of

religious freedom legislation, and consultation with state historical and preservation societies. These features complicate conceptions of what constituted environmental and indigenous “activism,” “grassroots organizing,” and “resistance.” Especially by the end of the 20th century, battles over indigenous land were fought in many places and because governments and corporations in modern states privilege the rule of law, courts were the most important among those. The ascendancy of laws, studies, and reports is a reflection of the written, bureaucratic political and economic culture in the United States. That inundation of paperwork—of content, rules, and regulations—renders the decisions of courts less meaningful. Their volume is overwhelming and their content is intentionally obscure, rife with inaccessible language and concepts. Two important and related characteristics emerge from this. The first is that reform through legal mechanisms required increasingly specialized knowledge, experience, and skills. Sorting through environmental impact statements, corporate records, and legal literature is tedious and thankless work that requires education and compensation. The second follows that the mechanisms of reform inevitably disadvantage American Indian and other marginalized communities by deciding the fate of land and resources in legal institutions with historical tendencies to perpetuate injustice and that require participation by professionals in fields that have immense economic and cultural barriers to entry. These tendencies reveal the hegemony of the state and its logics over Native lands, resources, bodies, and the means of resistance. As Scott Lyons reminds us, hegemony entails both domination of the powerful and participation of the less-powerful.<sup>6</sup>

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<sup>6</sup> This is the basis of Lyon’s book, *X-Marks: Native Signatures of Assent*. He describes x-marks on treaties as follows: “The x-mark is a contaminated and coerced sign of consent made under conditions that are not of one’s making. It signifies power and a lack of power, agency and a lack of agency. It is a decision one makes when something has already been decided for you, but it is still a decision,” (2-3).



That hegemony was evident in the 1992 decision made by the Interior Board of Land Appeals, a court designed to allow citizens and citizen groups to hold the federal Bureau of Land Management accountable. The decision notes: “Both Zortman and the State of Montana, Department of State Lands (DSL), have filed documents in support of BLM’s decision.”<sup>7</sup> Of course, the DSL’s mere support of a decision that was inconsistent with the interests of Fort Belknap Indians (recall that the Fort Belknap Community Council joined Red Thunder in both of the IBLA appeals) is not itself evidence of institutional racism; they were entitled to make their own decision on the merits of the appeal based on the state and federal laws they and the Little Rockies were bound to. But, just as the American Indian Religious Freedom Act puts the power of interpreting religious freedom disputes in the hands of non-Natives, agreement between the federal BLM, Montana DSL, and a non-Indian (indeed non-American) corporation on this issue indicated the compatibility of protected private and public interests that depended on neglect of Indian interests.

The approval of the February 1991 amendment came after a supplemental environmental assessment was issued by the BLM and the DSL that Fort Belknap Indians found insufficient and unconvincing. Concerns with the provisions of that statement were the basis of the appeal made by the Council and Red Thunder shortly after. In addressing those concerns, the IBLA explained, “Thus one challenging such a finding must demonstrate either an error of law or fact or that the environmental analysis failed to identify a substantial environmental problem of material significance to the proposed action. The ultimate burden of proof is on the challenging party. Such burden must be satisfied by objective proof. Mere differences of opinion provide no basis

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<sup>7</sup> Department of the Interior, Interior Board of Land Appeals. Consolidated appeals from the decision of Lewistown, Montana, District Office, Bureau of Land Management, approving amendment to mine plan of operations MTM-77779. November 13, 1992. Page 269.

for reversal.” Yet when Fort Belknap Indians expressed frustration with their inability to participate in testing that would allow them to present “objective” proof, the court responded, “we are aware of nothing that would compel a mine operator to consent to participation by third parties in such tests. The reliability of the study is well established by the credentials of its authors and by a statement in support of its methodology by noted authority (Zortman’s Response, Affidavit of Adrian Smith). Appellants have not impeached these credentials.”<sup>8</sup> Quite literally then, the ability of Fort Belknap Indians to satisfy their burden of proof laid in the hands of a consulting firm chosen on the basis of credentials (that were born out of political and educational institutions produced by Euro-American conceptions of merit) as determined by the corporation they believed was poisoning them and violating their sacred sites. Moreover, their ability to “impeach those credentials” rested with the government agency fielding their complaint and Pegasus’s interpretation of that agency’s logic. Finally, the basis of objectivity for their burden of proof was the only system of knowing and testing natural phenomena recognized by political and economic institutions in the United States.

These legal arguments were not particularly subtle. As the passage in the previous paragraph indicates, the IBLA’s obligations were to landholders and corporations before aggrieved citizens; the consent of “mine operators” was a higher priority than desires for citizen participation in environmental regulation. Obviously, there were and are plenty of Americans, in towns like Zortman and Malta and perhaps even some at Fort Belknap, who had and have no objections to such a principle. I will make no attempt to resolve that debate over the government’s obligations and rightful jurisdiction, especially because it is not entirely necessary

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<sup>8</sup> Department of the Interior, Interior Board of Land Appeals. Consolidated appeals from the decision of Lewistown, Montana, District Office, Bureau of Land Management, approving amendment to mine plan of operations MTM-77779. November 13, 1992. Page 279.

to explain the staggering pollution that would follow the 1992 IBLA decision. That decision and several other cases and reports from the first few years of the 1990s focused almost entirely on cyanide retention and its ability to affect water quality. The effects of cyanide pollution from the mines, which are discussed later, remain unclear while the development of acid rock drainage at the sites, which the 1979 environmental impact statement (EIS) deemed incredibly unlikely,<sup>9</sup> was recognized as the major source of pollution in the Little Rockies by the end of 1992.<sup>10</sup> So, while the BLM, Montana Department of State Lands, and the IBLA may have presented expert opinions on some of the potential effects of cyanide heap leaching in the Little Rockies in their supplemental environmental assessment and other reports, their “expertise” failed to help them identify all potential effects and predict their magnitudes. But because the effects of acid rock drainage were not dramatic until the middle of the decade, the BLM and DSL maintained their decisions with conviction and mining continued mostly unchanged. The 1992 IBLA decision denied the appeal of Red Thunder and the Council, who were assuredly disappointed but lost no sense of urgency. They were likely encouraged by the momentum of their actions outside of court in more public spaces.

### **A Collision of Environmental Imaginations, 1990-1992**

By the end of 1990 when the IBLA was considering the first appeal, Red Thunder and others at Fort Belknap and elsewhere had drawn a fair amount of attention to the mines. Their efforts were likely aided by coincident state and national conversations on mining reform. In

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<sup>9</sup> R. David Williams, Joan Gabelman, Shannon Shaw, Wayne Jepson, Chris Gammons, and John Kill Eagle, "Zortman-Landusky: Challenges in a Decade of Closure." 1583-595. Proceedings of Revitalizing the Environment: Proven Solutions and Innovative Approaches, Billings, MT. May 30-June 5, 2009.

<sup>10</sup> I learned of the timeline and respective effects of cyanide pollution and acid rock drainage at from various documents throughout this project but they were not entirely clear to me until Wayne Jepson, the hydrologist who was among those who first discovered acid rock drainage, explained it to me in our interview.

1991, an Arkansas Senator and a Representative from West Virginia independently introduced bills to Congress that would reform the 1872 Mining Law. Among the proposed reforms were “Address[ing] the parts of the law that preclude the federal Bureau of Land Management from denying *any* company’s application to mine,” and “Allow[ing] the BLM to reject plans that would unduly scar the landscape.”<sup>11</sup> Neither bill was passed. At the time, each member of the Montana Congressional delegation had different opinions about the mining legislation ranging from outright resistance to reform to calls for studies and fees. Interestingly, Democratic Senator Max Baucus, who received twice as much in campaign contributions from mining interests than the next highest Montana Congressman, held the strongest opinion, proposing a royalty fee on extracted minerals and arguing that, ““An industry should not enjoy a privileged status... [The 1872 Mining Law] is not fairly balanced to other uses...and it is not fair to the taxpayers.””<sup>12</sup> Though Baucus’s position may have been less friendly to mining than the average Montanan’s, he continued to serve as a Senator for the state for 23 more years as part of an ongoing career in public service career of over four decades.

Baucus served during a fairly tumultuous period as far as mining was concerned. Between 1975 and 1991, nearly 20,000 acres of federal land in Montana were made private through mineral patents and the magnitude of land-use change had begun to make its mark.<sup>13</sup> In 1991, environmentalists from across the state brought concerns about water quality to the state’s Department of Health and Environmental Sciences and threatened to engage the federal Environmental Protection Agency (EPA) if water quality regulation did not improve promptly.<sup>14</sup>

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<sup>11</sup> “Critics pick at old mining law,” *The Billings Gazette* (June 30, 1991) pg. 1A, 9A.

<sup>12</sup> Jim Gransberry, “Congressmen don’t expect mining reform to go away,” *The Billings Gazette* (June 30, 1991) pg. 4F; Michelle Kayal, “Mines guard assets with lobby, PACs,” *The Billings Gazette* (July 1, 1991) pg. 4B.

<sup>13</sup> “Public land turned to private use,” *The Billings Gazette* (July 1, 1991) pg. 4B.

<sup>14</sup> Bert Lindler, “Environmental groups seek stricter water rules,” *Great Falls Tribune* (August 22, 1991) pg. 3C.

Newspapers during the period shined a spotlight on mining and mining reform, sometimes in fairly unfriendly terms as they exposed the frequency of spills of contaminants like cyanide, loopholes in the 1872 Mining Law that international firms could take advantage of, and the substantial limitations in staffing, resources, and funding that state regulatory agencies faced.<sup>15</sup>

Yet that coverage did not offer a consensus. One 1991 letter to the editor in *The Billings Gazette* written by an employee of the Golden Sunlight Mine near Whitehall objected to a recent story he considered churlish:

I am sure that while Brannick was going past our mine site, he was riding along in a comfortable automobile on an interstate road system unrivaled in the world, with a full tank of gas.... when he was so rudely confronted by our mine. I and my fellow employees and our families and our community are sincerely sorry for his discomfort... The writer's point is this to Brannick and people who think like him, there are damn few things free in this world, and our standard of living isn't one of them. Golden Sunlight Mine and its employees are committed to the environment and to making a living in our community. We have posted the largest reclamation bond in the United States—\$38 million—to be able to carry on our mining operation. We are proud of our mine, proud of what it stands for and what it provides for us and our country.<sup>16</sup>

It seems likely that employees of the Zortman and Landusky mines felt similarly about inattentive claims directed at Pegasus by cosmopolitans in Montana's urban areas and college campuses (though they could not claim the same level of commitment to reclamation). Such arguments, however, had to be weighed against statements made by Pegasus officials and the concerns of communities from Fort Belknap who had a similarly intimate relationship with the mines.

The corporate structure, company composition, and stated positions and goals of Pegasus reveal how they imagined the Little Rocky Mountains and their role in the Montana economy, as

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<sup>15</sup> E.g. Jill Sundby, "Cyanide spills frequent at state's mines," *The Billings Gazette* (June 30, 1991) pg. 10F; Todd Wilkinson, "Canadian firms profit from law," *The Billings Gazette* (July 2, 1991) pg. 6A; Jill Sundby, "Mines go unchecked as agencies struggle," *The Billings Gazette* (July 5, 1991) pg. 8C.

<sup>16</sup> Letter to the Editor, Paul Dale, "Proud of our mine," *The Billings Gazette* (June 30, 1991) pg. 7A.

well as how they were understood by Fort Belknap Indians, other opponents of the mine, their employees and supportive communities, and regulatory agencies. In 1994, Pegasus Gold Corporation maintained mining operations in Nevada, Idaho, multiple sites in Montana, and multiple sites in Australia. They also held offices in Chile, Argentina, Guyana, and Kazakhstan to “support an aggressive growth program to increase future gold production.” A British Columbia company headquartered in Spokane, Washington, Pegasus’s Board of Directors had members from places like Vancouver, Calgary, Reno, Chicago, and Butte. In an annual report to shareholders in 1994, CEO Werner G. Nennecker explained,

Our goal is to maximize opportunities at the mines we currently own and to extend our reach through selective international alliances and acquisitions. *We are not limiting ourselves to any particular part of the world*, but will look at projects on an opportunistic basis, as long as they have manageable political, social, and technical risks. Investing our cash balances and future cash flows into acquisitions, mine exploration, exploration and development will help us achieve our growth objectives. (emphasis added)<sup>17</sup>

Several very striking features emerge from this portrait of Pegasus. The international scope of the corporation is unmistakable and stands in stark contrast to both Fort Belknap and the communities of Zortman, Landusky, and Malta. Supported by reservoirs of capital and facilitated by mechanisms like the 1872 Mining Law, Pegasus’s operations bound ecosystems and communities in places around the world, even locations as little known and remote to Americans as Kazakhstan, to the environmental imaginations of (primarily) men from across North America and the markets they interacted with. It is obvious that investments made in places thousands of miles away are not of the same character as those made in one’s immediate surroundings, particularly investments made by communities with historical tenure in a place and whose right to occupy that place has been persistently challenged. But Nennecker did not require speculation

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<sup>17</sup> All of the information in this paragraph, including the quoted passages, come from: Pegasus Gold Inc. Annual Report. 1994. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P 348R 1994.

on the nature of those investments: “cash flows,” “mine exploration,” “exploration and development,” and “growth objectives” were his company’s priorities. There were few clearer articulations of environmental imagination in the entire Pegasus affair than “We are not limiting ourselves to any particular part of the world.” The *desire* to extract wealth from any corner of the planet is probably not specific to any culture, nation, or class, but the *ability* to imagine it as not just a viable possibility but as an inevitable reality almost certainly is. Though it was to be expected considering Nennecker’s words appeared in a report to shareholders, Pegasus plainly indicated their primary obligation to profit generation for stakeholders. That does not preclude them from having admired the Little Rockies or from valuing ecological integrity, but it does reveal that the interests of unidentified investors were given greater consideration than those of people at Fort Belknap, the mining communities of Zortman and Landusky, and the nonhuman inhabitants of the Little Rocky Mountains.

Even so, Pegasus was not utterly heedless as far as the environment was concerned (though that says nothing of their sincerity). A Pegasus pamphlet entitled “Our Environment,” explained: “At Pegasus Gold, we operate in accordance with a simple, three-part environmental protection philosophy. Environmental protection is: a) fundamental to business success, b) every employee’s responsibility, and c) consistent with good mining practices.” Pegasus made no effort to feign values compatible with an inherent value of the natural world. The pamphlet continues, “Protecting the environment while providing metals for today’s world is a challenge best met by a combination of commitment, common sense, on-the-ground experience, academic research and innovative ideas.”<sup>18</sup> In their eyes, the inevitability of extraction made emotional, spiritual, and even cultural relationships to the land nearly irrelevant; such approaches would be incapable of

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<sup>18</sup> Pegasus Gold, Inc. “Our Environment.” Undated pamphlet. Vertical file: Pegasus Gold Corp. Montana Historical Society Research Center, Helena, Montana.

identifying and predicting the effects of pollution and of developing technologies to monitor and remediate such pollution.

Yet it is not as if Pegasus was blind or even indifferent to those types of relationships to the Little Rockies. In 1991, Brian Wilson was Pegasus's CEO. Wilson was a Briton raised in Portugal who had held management positions in at least five extraction companies before arriving at Pegasus, including the famed Anaconda Copper Company and the African Manganese Company, and had served on multiple boards and associations that represented the interests of mining industries in political contexts. An illustrious career in multiple sectors of the industry allowed him to view it in ways that may have surprised members of Red Thunder.

Wilson reflected on mineral extraction in general:

First of all, both sides have to accept that the other side is honest and wants to get on with the business of formulating standards which will allow a successful, but responsible, mining industry in the United States. At the moment, we, the mining industry, don't trust many of the regulatory agencies. The regulatory agencies are coming under too much pressure from what we regard as unreasonable environmental organizations. On the other hand, the environmental people don't trust us. They don't believe anything we say. They think that profit is our only motivator. Starting with that kind of environment, it's very, very difficult to have any kind of sensible conversation toward a better understanding and a dialogue which allows reasonable compromises to be reached.<sup>19</sup>

This was a fairly accurate diagnosis of the ways that grassroots organizers, government agents, and mining officials interacted with each other throughout the Pegasus affair, yet it was deficient in some important ways. Wilson assumed environmentalists were invested in a "responsible mining industry" when many stood in diametric opposition to extraction in general. He also exaggerated the extent to which the relationship between regulators and mining companies was adversarial; as we saw, at least in Montana, the regulatory agencies were woefully incapable of enforcing environmental legislation.<sup>20</sup> But most importantly, Wilson

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<sup>19</sup> "Wilson Blends People & Politics Into Mining," *Mining World News* 3: 4 (November/December 1991).

<sup>20</sup> Jill Sundby, "Mines go unchecked as agencies struggle," *The Billings Gazette* (July 5, 1991) pg. 8C.



implied a moral equivalency of interests that did not and had never existed in the minds of most people at Fort Belknap. His tone-deaf neglect of the fact that he was a European running a Canadian corporation on land in remote Montana, and especially his disinterest in the striking socioeconomic disparities between Indian and non-Indian communities and the tradition of state and federal governments facilitating the transfer of Native lands and resources into the hands of white settlers and companies, gave opponents of the mine little reason not to treat him and his corporation with suspicion. It seemed all too obvious that Wilson's inability to recognize the contexts in which Pegasus operated reflected an inherently solipsistic outlook grounded in an environmental imagination that endorsed mineral extraction, an outlook Fort Belknap Indians were quite familiar with and could be expected to have only so much patience for.

Most Fort Belknap Indians and other opponents of the mine were likely not reading Pegasus's corporate reports or articles in *Mining World News*. They had to base their perceptions off of Pegasus's actions, Pegasus's responses to regulations published in local and regional periodicals, eventually their interactions with Pegasus in court and through public and private arbiters, and their observations of ecological trends in and around the Little Rockies. The arguments and actions of many Fort Belknap Indians that followed are understandable as, simultaneously, responses to the effects of the presence of Pegasus and the types of claims they were making; continuations of cultural, spiritual, and environmental concerns that had been made since before Pegasus began mining; and expressions of environmental imaginations informed by things like Robert Gopher's teachings, stories and practices shared orally between relatives, Indian cultural resurgence during the era of self-determination, and the political

movements of the previous three decades led by organizations like the American Indian Movement.

Though, as noted, they clearly also pursued legal action, Joe Azure maintained that Red Thunder was mostly interested in educating the public on what was occurring in the Zortman and Landusky mines.<sup>21</sup> One of the main ways they did that was through the production of a 1991 documentary on the mines produced by Robert Gopher's cultural group, Loud Thunder International, called *Indian Tears of Love*. The process of producing the film, its style as an artistic text, and the actual arguments made in the film are the most comprehensive and accurate portrait of the environmental imagination that guided Red Thunder's campaign.

Ceremony, prayer, and fasting were interwoven throughout a production process that was expectedly amateur. Ali Zaid, a senior producer, the film's principal photographer, and a first-time filmmaker, recalled how all of the grants he submitted were rejected and that they operated on a "shoestring budget" throughout. He also explained how in the weeks leading up to the premiere screening of the film in Boulder, Colorado, he got less than 20 hours of sleep as he sought to condense over 80 hours of footage into 50 minutes.<sup>22</sup> The footage he edited emerged from substantial collaboration between members of Red Thunder, countless other members of the Fort Belknap community, the Fort Belknap Tribal Library,<sup>23</sup> the Law and Water Fund of Boulder, departments of the University of Colorado, and the Loud Thunder singers of the self-identified Ojibway Nation. Karen Robertson, also of Boulder, wrote and narrated the film's script. Joe Azure, Virgil McConnell, Jim Main, and other principal organizers appeared onscreen

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<sup>21</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>22</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat. Havre, Montana, (July, 17, 2016).

<sup>23</sup> Now the Aaniih Nakoda College.

while Robertson, Nadine Alverado, Melinda Gopher, and other notable female organizers did not. The film did include prominent female testimonials, but from Indian elders and mothers less involved in Red Thunder's work, as well as non-Indians from outside the reservation.

With a characteristic drumbeat and the Loud Thunder singers in the background, the film opens by panning over the forested areas of the Little Rockies and then zooms towards trucks driving across sheared and barren peaks. It then quickly jumps between images of dirtied streams, gold jewelry, signs with messages like "Water Not For Human Consumption," and freshly deceased livestock corpses. The shot then transitions to a distraught Indian woman. As she loses composure and begins to sob while explaining her family's longstanding opposition to mining, the film's title, *Indian Tears of Love*, fills the screen. The rest of the film migrates between wrenching moments like that, sober historical and political monologues, and spiritual invocations. The narration tellingly begins by discussing the 1895 Grinnell Agreement that dispossessed the Fort Belknap community of the Little Rockies: "The tribal leaders were led to believe they were signing a ten-year treaty and then the land would be returned to them unharmed. With limited English and no concept of money, an agreement was made strictly stipulating that it in no way included the sale of the trees, the grass, nor the waters. Nearly one hundred years have passed since that time, and the descendants of those present at the signing are still waiting, waiting for their sacred mountains to be returned to them, waiting for the supplies and payments to be made."<sup>24</sup> Though the suggested lack of monetary understanding and aspiration is ahistorical and consistent with certain other simplifications made by Red Thunder, this passage identifies several important aspects of the Grinnell commission's negotiations, namely that many Fort Belknap Indians endorsed a temporary, ten-year land cession and the

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<sup>24</sup> Preceding information, this passage, and following passages are from *Indian Tears of Love* by Loud Thunder International, 1991. Courtesy of Red Thunder Oral History Project.

widespread sentiment that their sale included only subsurface resources and not timber, grass, or water.<sup>25</sup> This attitude towards the Grinnell agreement was consistent among opponents of the mine. For example, Joe Azure still prefers “the Grinnell coercion” to the Grinnell agreement and “prisoner of war camp” to reservation. Many Fort Belknap Indians identified this as part of a larger and ongoing American imperial tradition that profits off of black and brown bodies.<sup>26</sup> For example, in the film, Joseph Bell discusses how in the aftermath of World War II, the United States experienced the most dramatic prosperity in its history while Native veterans, particularly those relocated to urban environments, were treated with hostility, suspicion, or indifference.<sup>27</sup> These expressions of particular historical memories were mostly underappreciated by courts, regulators, and Pegasus officials during the 1990s, a troubling fact considering those memories shaped both how grassroots organizers conceived of the motivations of mining companies and government agents, and the rhetorical, legal, and economic possibilities they imagined for themselves.<sup>28</sup>

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<sup>25</sup> Letter from the Secretary of the Interior, Transmitting an Agreement Made and Concluded October 9, 1895, with the Indians of the Fort Belknap Reservation, in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, Commissioners Appointed Under the Provisions of the Act of March 2, 1895. Presented by the Vice-President to the Senate on February 12, 1896.

<sup>26</sup> Justice studies scholar Giancarlo Panagia explored the Pegasus affair as an example of “internal colonialism.” Panagia also uses the language of coercion and suggests that, as has historically been the case, regulatory agencies served to facilitate the efforts of transnational companies to exacerbate existing power dynamics between resident populations. Giancarlo Panagia, “Practices of Inverting the Law: Internal Colonialism on Fort Belknap.” *Green Theory & Praxis: The Journal of Ecopedagogy* 6, no. 1 (January 2012): 35-54.

<sup>27</sup> This was a prominent theme of Native literature during the Native American Renaissance, most famously in N. Scott Momaday’s 1969 Pulitzer Prize winning *House Made of Dawn* and Leslie Marmon Silko’s 1977 *Ceremony*.

<sup>28</sup> In the film, Hank Chopwood of Fort Belknap argued of the Grinnell agreement: “Every bit of it was done in trickery, there were nothing honest about it. Always done in a cunning way. It was always, like they took the rest of the United States away from us, it was all done in that same way. There’s nothing ever legal about it. And they never really cared, as long as they got it, they got it anyway that they can.” The impulse to repudiate or corroborate this view reflects a distorting reliance on specific formulations of “truth” by legal bodies and even academia. What seems to matter more is that people like Chopwood were deeply moved by a certain view of history (that can be supported by evidence) and the most important responsibility of witnesses of this particular episode in Fort Belknap history is to wonder why. Loretta Fowler does this at length, especially in the third chapter of *Shared Symbols, Contested Meanings*. Exploring the competing “here first” stories of the Gros Ventres and Assiniboines as claims to the territory on which Fort Belknap now rests, Fowler notes: “Folk histories orient social action are used in the pursuit of political or economic ends, and encourage or retard particular kinds of changes,” (197). Fowler suggests how the storytelling traditions present in many indigenous communities, something Keith Basso explores beautifully

Claims made by Red Thunder that appeared suspicious, even conspiratorial, to some are therefore apprehensible given the history of the Grinnell “agreement,” the 1872 Mining Law, and larger histories at Fort Belknap and across Indian Country, and indeed the impulse to dismiss such claims was part of a long tradition in Indian Country of invalidating marginalized organizers on the basis of criminality, sentimentality, or ignorance.<sup>29</sup> Among those claims made by Red Thunder and others were suggestions that cyanide from leach pads that had seeped into nearby streams had damaged the surrounding wildlife and resulted in birth defects in babies born in Hays and Lodgepole during this period. In *Indian Tears of Love*, a deep green alga sample from one stream is placed alongside a brownish-yellow alga sample from Little Peoples Creek, which originates near the Landusky mine, and Billy Stiffarm, a scientist from Fort Belknap, explains how dead algae growth involves the loss or alteration of color. Though never presented as unquestionable fact, members of Red Thunder consistently mentioned noticing or hearing about things like frogs disappearing from streams and ungulates falling dead soon after drinking from streams. Moreover, Charlie Ereux, then of the environmental committee of the Council,

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in *Wisdom Sits in Places*, would inform environmental imagination. Here, I also refer to the grislier aspects of historical memory associated with genocide, sexual violence, and post-traumatic stress disorder that have been adopted under the term “historical trauma.” This is a contested idea in Indian Country. For example, in “Reconsidering American Indian historical trauma: Lessons from an early Gros Ventre war narrative.” *Transcultural Psychiatry* 51, no. 3 (2014): 387-406, Gros Ventre cultural psychologist Joseph P. Gone complicates the theoretical basis of historical trauma as a psychosocial disability in behavioral health sciences. Gone’s skepticism about how memories of “massive group-based oppression, such as forced relocation, political subjugation, cultural domination, and genocide” are distributed and experienced in Indian Country helps reveal their crucial role in the construction of environmental imaginations. Historical trauma may not be a clinically observable and treatable phenomenon but it does seem to exert certain pressures on American Indian imaginations that frames their conceptions of the federal government and corporate power.

<sup>29</sup> In *Like A Hurricane*, Smith and Warrior outline the occupation of Wounded Knee in 1973 by the American Indian Movement. Though certain individuals in AIM, leaders even, did engage in some criminal and even violent activity, the express purpose of the Wounded Knee occupation was to step outside of the law to draw attention to its unacceptable limitations. Smith and Warrior suggest that the acceptance of AIM by the Oglala Lakotas indicated their willingness to embrace such dramatic measures and, in essence, dare the federal government to inflict the same violence on Indians it had in 1890 (204). However, journalists and politicians usually only detect the lawlessness and aggression of protesters. This tendency is not unique to Indian Country. In 2014, coverage of unrest in Ferguson, Missouri, following the shooting of African American Michael Brown by white police officer Darren Wilson emphasized the immorality and viciousness of “looting” by black “thugs” while treating Brown’s murder with more curiosity and flexibility.

explained how he and others had seen deer and elk with their hair falling out and dead beavers along the side of Kings Creek in the northwest Little Rockies.<sup>30</sup>

While claims like these might have been exaggerated, they were by no means baseless, especially given the information Fort Belknap Indians had. After at least 2 cyanide spills in 1989, the Fort Belknap Community Council Tribal Health Department released a letter telling Indians to be careful of natural water sources on the south end of the reservation and to explore alternative sources or means of water purification.<sup>31</sup> Rhonda Snell, a Fort Belknap resident highlighted in *Indian Tears of Love*, had her seventh child in 1989 and promptly cycled her daughter through countless doctors as the child experienced heart tremors and was discovered to have cerebral atrophy. Especially after EPA officials told her that tolerable limits of cyanide for human consumption were not well understood, Snell attributed her daughter's many health challenges to the mines, particularly because all of her six other children were healthy. Wayne Jepson, a hydrogeologist for the Montana Department of Environmental Quality who has worked on the Zortman-Landusky case since the 1990s, recalled hearing a similar story during a public consultation for an environmental impact statement in which another mother complained of her child developing burns after swimming in Little Peoples Creek in Mission Canyon. After visiting a doctor at Indian Health Service (IHS) on the reservation, the mother was told her child had poison ivy but after the burns persisted, a doctor in Billings argued they were unlike any poison ivy burns he had ever seen. Jepson did not to make a definitive judgment on this case but his description of it reveals how environmental and public health threats from the mine were

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<sup>30</sup> Todd Wilkinson, "Indians, mine both claim mountain," *The Billings Gazette* (July 3, 1991) pg. 8A.

<sup>31</sup> A copy of this letter is depicted in *Indian Tears of Love*. It reads: "As shown on the water analysis, the surface water source is not recommended for domestic use and drinking. The total solids and sulfates exceed the maximum recommended by the U.S. Public Health Service for public water supply. If financial assistance is not available for treatment of these parameters, I would recommend hauling water for cooking and drinking from an approved water supply. If treatment is not feasible and there are no other sources of water that are approved and potable, then a pH cistern and water-hauling cistern may be the best alternative."

discussed then. Having reviewed all of the water chemistry data from between 1990 and 1995, Jepson affirmed that samples met water quality standards and that there was little evidence of threats to human health before the late 1990s. He did not, however, suggest this made Fort Belknap Indians unreasonable, explaining how a culture of fear developed in the “collective community discussion” because of stories like those above, a severely limited ability of Fort Belknap Indians to monitor their water, and poor lines of communication between regulatory agencies, Pegasus, and Fort Belknap.<sup>32</sup>

Though his countenance may have been exceptional, Jepson’s determined empiricism reflected a widespread trend among those that were able to gaze the controversy over the Zortman and Landusky mines from a safe distance. In 1991, the *Great Falls Tribune* ran a story that chronicled studies by EPA officials that concluded aquatic life and vegetation had not been harmed since Pegasus arrived in the Little Rockies. The story did concede, however, that future damage was impossible to predict; for example, mining pollution usually takes forty years to leach into domestic water supplies (something that therefore remains unresolved today). John Fitzpatrick, the director of community and governmental affairs for Pegasus, directed attention towards water quality studies conducted by government agencies just as the article and Jepson had, including one conducted by IHS, that had concluded the water surrounding the mines was perfectly safe.<sup>33</sup> Pegasus armed themselves with the types of knowledge those studies produced and the data they alleged to report throughout these proceedings. In a 1992 report prepared for Pegasus by an anthropological consulting firm from Billings, Pegasus echoed the logic of the 1992 IBLA decision that dismissed water quality concerns voiced by Fort Belknap Indians. A

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<sup>32</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016).

<sup>33</sup> Beverly Badhorse, “EPA say Belknap unharmed by mine,” *Great Falls Tribune* (August 22, 1991) pg. 3C.

Pegasus comment in the report reads, “Tribal authorities have commissioned several studies of water quality on the reservation, and it repeatedly shows the water to be of high quality...There really isn’t any benefit of hiring a third party to conduct water analysis if members of the Fort Belknap Indian Reservation do not trust nor accept studies commissioned by their own tribal government.”<sup>34</sup> Such unambiguous assertions ignored both the general nature of governmental regulation, as if no mining corporation had ever objected to studies commissioned by “their own” government, and the more specific political contexts in Indian Country that led many Indians to treat tribal governments (that are ultimately administered by the Department of the Interior) and organizations like the Indian Health Service (also a federal program) with a history of compromising Indian interests with great suspicion.<sup>35</sup> But historical and cultural ignorance and the monolithic treatment of Indians are well-established traditions in Indian-white relations. It was the condescension of comments like these—which implied an incompetence of Indian study and political organization and reinforced a tacit correctness of Euro-American, technocratic, and capitalist mechanisms—that made a more important mark on the tone of conversations about the mines between Fort Belknap Indians, government agents, and Pegasus officials.

It is in this sense that the Pegasus affair is well understood as a collision of environmental imaginations. In a collision, independent objects come into brief and violent contact with each other before quickly falling away from each other, often contaminated or otherwise weakened.

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<sup>34</sup> Sherri Deaver and Kevin Koolstra of Ethnoscience Inc., *Ethnographic Overview of the Little Rocky Mountains, Montana*, Prepared for Pegasus Gold Corporation, (May 1992) pg. 4.31. Courtesy of Red Thunder Oral History Project.

<sup>35</sup> The tense relationship between American Indians and the Bureau of Indian Affairs, once in the Department of War, is well-documented. Similar sentiments towards the Indian Health Service are less well known. For example, in “The Indian Health Service and the Sterilization of Native American Women.” *The American Indian Quarterly* 24, no. 3 (2000): 400-419, Jane Lawrence explores how American Indians’ relationship to IHS was shaped by the 1960s and 1970s, when the IHS sterilized as much as 25% of American Indian women that visited them, many without their knowledge or consent or sufficient information about sterilization.



To be sure, the environmental imaginations of those involved in the Pegasus affair were not “independent”—as demonstrated, decades of cultural, political, and spiritual developments had allowed them to interact with a variety of forces and each other—but just as objects are only equipped to absorb a certain amount of energy, Fort Belknap Indians, environmental regulators and other government agents, mining officials, and others generally lacked or willfully suppressed the capacity to appreciate the perspectives and complicated motivations of the other parties involved. It is probably not possible to determine if any of the groups involved displayed relatively higher levels of single-mindedness. However, by considering the construction of particular historical memories, the imposition of unsophisticated cultural imagery on Indians, and the institutionalized privileging of “Euro-American” environmental imaginations, it becomes clear that the rhetoric and actions of non-Indians, particularly Pegasus, reflected and perpetuated an uneven valuation of Indian lives, landscapes, and values.

Though all groups acknowledged the benefits of an open and civil discussion about the mines, their perception of the urgency of their own situation coalesced with a skeptical predisposition to produce a sometimes hostile atmosphere of incredulity. This sometimes played out in surprising ways. In 1992, a fifth grade class from Liberty County<sup>36</sup> was scheduled to tour the mines for a class field trip but were contacted the day before by Pegasus explaining that they would not be allowed on the premises. Fitzpatrick, speaking on behalf of Pegasus, explained, “I question whether the tour is legitimate, whether it’s a group of interested citizens or if it’s being conducted under the false pretenses for Red Thunder.”<sup>37</sup> Soon after, Pegasus laid out new visitation policies that required visitors to submit advanced lists of visitors’ names, addresses,

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<sup>36</sup> Liberty County is where the city of Chester is located, which is where Red Thunder’s lawyer, Don Marble, lived and worked from.

<sup>37</sup> Mike Perry, “Golden Paranoia?” *The Chinook Opinion* (1992).

telephone numbers, and occupations.<sup>38</sup> It is a matter of interpretation whether this was evidence of paranoia or a sensible monitoring of company interests. Members of Red Thunder admitted to trespassing on Pegasus property in an effort to get information and footage, and they recalled Pegasus having armed security guards at the mines. Red Thunder had undoubtedly contributed to Pegasus's fears when they circled the property in an airplane while filming the mines,<sup>39</sup> but that they had anything to be fearful of was inconsistent with the narrative that Pegasus repeatedly provided to reporters.<sup>40</sup>

Pegasus publicly expressed their commitment to developing a relationship with Fort Belknap Indians many times and cited their efforts to establish communication with the Fort Belknap Community Council as evidence of their good intentions. Especially considering the Council had formally opposed mining from the beginning, it is curious that Pegasus did not contact the Council in the 1970s when they were first exploring the Little Rockies as a culturally and economically viable mining site. Pegasus did indeed only seem compelled to relate with Fort Belknap Indians once they began to challenge the mines in court. Even so, as far as Pegasus was concerned, the initiation of communication in the early 1990s could have been perfectly fruitful, but they claimed, "The negotiation process was irretrievably harmed, however, when the Fort Belknap Community Council elected to appeal Zortman's mine operating permit for the second time in March of 1991. That appeal asked the IBLA to shut the mine down. Mine closure would have a very substantial negative effect on the company and its employees. Until such time as the Tribal Council drops its demand that the Zortman/Landusky Mine be shut down, there probably

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<sup>38</sup> Sharon Dunham, "Liberty County group barred from touring mine," *Great Falls Tribune* (July 13, 1992).

<sup>39</sup> Stories of time spent near the mines were shared during the Red Thunder Camp and Cultural Retreat. Fort Belknap and Havre, Montana, (July 15-17, 2016).

<sup>40</sup> In multiple newspaper articles and government documents from the early period, many of which have been cited throughout this thesis and that are explored in a few pages, Pegasus maintained that their operations were in compliance with environmental legislation.

isn't going to be a substantive improvement in either communication and/or the resolution of issues of mutual interest.”<sup>41</sup> Though it is not especially surprising considering this comment appeared in that same 1992 report<sup>42</sup> prepared for Pegasus by a firm being compensated by the corporation, that claim was spurious. In 1991, Warren Matte, William Main, and other members of the Fort Belknap Community Council told reporters about a meeting that Pegasus had organized with the Council in which they offered to provide youth scholarships and environmental monitoring for Fort Belknap Indians if they withdrew their support for Red Thunder's IBLA appeal. Matte referred to Pegasus's offer as “an outrage” and identified this as just one more action that Pegasus had taken many steps too late: “As far as I'm concerned, the monitoring wells should have been installed from the beginning when the mine first opened 12 years ago. The Bureau of Land Management should have made them a prerequisite before they ever issued the operating permit.” Matte articulated an environmental imagination by suggesting that precautionary monitoring ought to have preceded development, though many would have considered that a widespread assumption in the late-20th century United States where environmental legislation like the Clean Water Act existed. Though he might have been more open to well-regulated mining in the late 1970s, by the early 1990s Matte had good reasons to adopt a more militant position, especially considering the symbolic power of the Little Rockies: “The real issue is the protection of those mountains...They represent our past, our present, and our future. There is no way you can mine without causing pollution and destruction. Without

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<sup>41</sup> Sherri Deaver and Kevin Koolstra of Ethnoscience Inc., *Ethnographic Overview of the Little Rocky Mountains, Montana*, Prepared for Pegasus Gold Corporation, (May 1992) pg. 4.31-4.32. Courtesy of Red Thunder Oral History Project.

<sup>42</sup> That this report appeared when it did, 1992, is also of note. The report is a thorough review of Fort Belknap history and culture, archaeological and spiritual sites in the Hi-Line region, and the perspectives of Fort Belknap residents at the time. The fact that Pegasus did not commission this study until 1991 suggests that their concern for the cultural consequences of the mines was almost exclusively a response to the legal challenges of the early 1990s that raised environmental and cultural concerns.

those mountains, the tribes have no future.”” Matte’s aggressive opposition was exactly what was expected of him: in 1991, the Council reported that Fort Belknap residents opposed mining at a ratio of 2:1.<sup>43</sup> Considering Pegasus’s history of poor communication and environmental concern and their somewhat mysterious more recent actions towards groups that sought more information about the mines, it is easy to see how Fort Belknap Indians and other opponents of the mines could have developed a narrative of selfish, reckless abandon for the mining corporation by the early 1990s.

Pegasus often seemed determined to validate this narrative. John Fitzpatrick, Pegasus’s director of community and governmental affairs, relentlessly maintained that their mines posed no threats to sacred sites or the environment. Referring to Fort Belknap Indians, Fitzpatrick asserted, ““There is no substantiation for their claims other than the claims themselves...They brought us issues that had never been brought up before. We have a couple major problems with what they’re saying.””<sup>44</sup> Not only was this claim patently false—as demonstrated, Fort Belknap Indians laid claim to the Little Rockies on economic, environmental, and spiritual grounds as early as the mid-1970s—Fitzpatrick’s attitude reflected an accepted outlook that stifled conversation and understanding and made clear to many, as Warren Matte exclaimed, ““that Indian people don’t count.””<sup>45</sup> Fitzpatrick’s attitude was not dissimilar from the one expressed by the IBLA in their 1990 and 1992 decisions and by Pegasus in reference to the water quality studies conducted by Indians, but it is especially conspicuous in Pegasus’s treatment of cultural issues in the Little Rockies. Here is where the Pegasus affair approached becoming an irresolvable ideological conflict:

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<sup>43</sup> Todd Wilkinson, “Pegasus Mining offer stirs anger,” *The Billings Gazette* (August 3, 1991).

<sup>44</sup> Todd Wilkinson, “Indians, mine both claim mountain,” *The Billings Gazette* (July 3, 1991) pg. 8A.

<sup>45</sup> Todd Wilkinson, “Pegasus Mining offer stirs anger,” *The Billings Gazette* (August 3, 1991).

That some people who reside in the Fort Belknap area may consider the Little Rocky Mountains to be sacred is acknowledged. But their views on the sacredness of the mountains or of the earth in general does not give them the right to impose their values on other parties who may not share their views, or to deprive other parties of the right to use their land or to conduct their business affairs as prescribed by law.<sup>46</sup>

This point was accentuated by another Pegasus comment: “It is also interesting to note that at no time in the history of Zortman/Landusky has any tribal member ever contacted Pegasus Gold and/or the staff at the Zortman/Landusky Mine to discuss Indian religious issues and the potential impact of mining operations on important sites.” Pegasus assumed it was the responsibility of Fort Belknap Indians to initiate conversations in which they could articulate their sacred relationships to the Little Rocky Mountains (a place in which they not only had historical tenure but that had once been recognized by colonial legal institutions as their property), so that Pegasus could “acknowledge” those relationships. This was not even a conceit; cultural narratives, financial circumstances, and the law enshrined that assumption. Similar to how the American Indian Religious Freedom Act places the power to evaluate Indian religions and sites in non-Indian political institutions, Pegasus asserted their right to interpret Indian cultural and spiritual beliefs and to attach a moral and legal weight to their interpretation that could be tied to a well-established discourse on “rights.” The existence, protection, and appraisal of those rights in Indian Country leads towards the unavailing task of debating the righteousness of the Euro-American conquest of North America. The Pegasus affair was exceptional in that it was even more difficult to challenge the strict legal logic that has followed that conquest since treaties were not technically broken; even if the validity of the Grinnell agreement was dubious, it did cede the Little Rockies to the federal government. Indeed, the fact that Fort Belknap

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<sup>46</sup> Sherri Deaver and Kevin Koolstra of Ethnoscience Inc., *Ethnographic Overview of the Little Rocky Mountains, Montana*, Prepared for Pegasus Gold Corporation, (May 1992) pg. 2.46. Courtesy of Red Thunder Oral History Project.

Indians could not invoke treaty violations is what gives the Pegasus affair such explanatory power: whether claims were about environmental destruction, threats to public health, or violation of cultural sites, Pegasus and various government organizations were able to filter the concerns of Fort Belknap Indians through their own environmental imaginations so that legal mechanisms and regulatory processes would serve their interests. This ability for financially and politically privileged parties to “impose their values on other [read: Indian] parties who may not share their views” of rights, the obligations of governments, of the meaning and value of the natural world, and of the sources of sovereignty is a defining feature of the justice system of the United States. It pervades legislation, court decisions, and political, economic, and cultural discourses. Reflecting on the status of their relationship with Fort Belknap by mid-1992, Pegasus explained, “The company is not going to entertain a one-way relationship where it diminishes its rights in the Little Rocky Mountains or finds itself participating in or funding mitigation strategies of doubtful scientific value...in order to earn the goodwill of Fort Belknap’s residents. A relationship requires respect and accommodation on both sides. In recent months we have seen little interest or evidence of Fort Belknap’s willingness to entertain such principles.”<sup>47</sup> Pegasus failed to recognize, or at least considered it unnecessary to acknowledge, that many Fort Belknap Indians and other organizers rejected the notion that Pegasus even had rights in the Little Rockies that could diminish. Pegasus neglected both a several-centuries long history in which Indians rarely had the opportunity to not “entertain” asymmetrical relationships that involved little more than diminishing Indian rights and the contemporary reality of a federal government that continued to find creative ways to assert its ascendancy. These foundational outlooks on

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<sup>47</sup> Sherri Deaver and Kevin Koolstra of Ethnoscience Inc., *Ethnographic Overview of the Little Rocky Mountains, Montana*, Prepared for Pegasus Gold Corporation, (May 1992) pg. 4.32. Courtesy of Red Thunder Oral History Project.

history, “justice,” and representation in the United States were largely insurmountable in the first phase of the campaign to hold the mines accountable.

### **The Imagined, Discursive, and Long-Term Aspects of Citizenship, first half of the 1990s**

The ideological distance and more general antipathy between Pegasus and groups like Red Thunder did not seem traversable during these years. Parties did not consider this to be indicative of a wider animus towards their own ideologies, but rather a reflection of the specific group with which they were struggling to communicate. This was especially true for members of Red Thunder, who repeatedly declared their intentions to reach a wider audience with their message. In *Indian Tears of Love*, Joe Azure explained, “We’ll be here for four days in the Lodgepole area to protest the destruction of the Little Rockies. And we hope that the people, citizens of the United States will hear us, will help us put a stop to this destruction.” On the one hand, the desire to earn public sympathy reflected their limited capacity to achieve their goals through legal and economic mechanisms. On the other, it was an affirmation of liberal democratic values, a faith in citizenship. Many would fairly argue that such a faith was naive, but opponents of the mine had some reason to believe otherwise. As noted, Red Thunder and the Fort Belknap Community Council worked with organizations from around the state and country throughout the 1990s, including the Montana Environmental Information Center, the University of Colorado, Missoula Community Access Television, and countless others. Moreover, Joe Azure made the statement above at a conference held at Fort Belknap in 1991. Held at the Chief Nosey Creation Center in Lodgepole, the “American Indian Traditional Environmental Conference” combined lectures and dialogues with pipe ceremonies, traditional

memorial feasts, sweat lodges, “survival marches,” and press conferences. The conference brought together attendees and speakers from places as far as Ontario, New York, and Texas.<sup>48</sup>

Not only did the Pegasus affair attract attention from places far from Fort Belknap, opponents of the mine brought their campaign to those places as well. I have already mentioned how environmental lawyers Don Marble and Paul Zogg worked out of Chester, Montana, and Boulder, Colorado respectively (not to mention the places they and Fort Belknap Indians went to challenge Pegasus in court) and organizations like the Mineral Policy Center of Bozeman that provided important assistance in gathering geological, ecological, and economic data. But alongside Fort Belknap and other places in Montana, Red Thunder and Loud Thunder ran satellite campaigns in Boulder and elsewhere. In Boulder, Karen Robertson, Ali Zaid, and potentially others approached friends and strangers to support Red Thunders work and formally object to the Bureau of Land Management’s handling of the mines.<sup>49</sup> Perhaps most interestingly, the premiere screening of *Indian Tears of Love* was held at the Hotel Boulderado in downtown Boulder. At that screening, Robert Gopher gave a speech that could be interpreted as an embrace of the ecologically noble savage trope<sup>50</sup>: “The beautiful ‘Mother Planet’ is a sacred living Spiritual Mother to us all. Our life with her is our natural religion...The Teachings were that the environment is our religion.”<sup>51</sup> That Gopher was not an authority on the “Teachings” of all

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<sup>48</sup> August 6, 1991 press release announcing the American Indian Traditional Environmental Conference (August 22-25, 1991). The release contains the conferences goals, expectations, and a schedule of events and speakers. The conference was organized by Red Thunder and they invited media outlets to attend. Courtesy of Karen Robertson.

<sup>49</sup> Petition to The Hon. Manuel Lujan, Secretary of the Interior, U.S. Department of the Interior. The petition urged Lujan to instruct the BLM to halt further expansion of the Zortman and Landusky mines until a full environmental impact statement was completed. Courtesy of Karen Robertson.

<sup>50</sup> This literature is robust and I have referenced components of it throughout this thesis. For a concise and clear piece, refer to Paul Nadasdy, “Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism.” *Ethnohistory* 52, no. 2 (March 20, 2005): 291–331; see also this edited volume: Michael E. Harkin and David Rich Lewis eds., *Native Americans and the Environment: Perspectives on the Ecological Indian* (Lincoln: University of Nebraska Press, 2007).

<sup>51</sup> Speech by Robert Gopher at the Premiere Screening of the documentary “Indian Tears of Love,” (Boulder, CO: Hotel Boulderado, 3/15/1992). Speech courtesy of Loud Thunder International, Inc. Transcript courtesy of Karen Robertson.



Native Americans is obvious and a potential distraction from more interesting questions about how American Indians sought to claim control of their lives and communities by reconnecting with their “traditional” culture in the second half of the 20th century. Moreover, the tangential and fairly short-lived connections of Robert Gopher and a few other members of Red Thunder to Fort Belknap and the Little Rockies understandably did and do give rise to skepticism, including by Fort Belknap Indians, of claims about ancestral connections to the land. That skepticism was and is further fueled by statements like the one above made throughout the campaign and its productions about the essential (environmental) character of Indians.

However, these characteristics of the campaign are perfectly sensible given the specific contexts in which opponents of the mine operated in. Many have written about the strategies marginalized groups employ to achieve their political and economic goals and control their public image. Most famously, critical theorist Gayatri Spivak proposed “strategic essentialism” as part of her work on postcolonialism with the Subaltern Studies Group.<sup>52</sup> More recently, Norwegian scholar Elisabeth Eide recorded how ethnic minorities in Norway “emphasize their ethnicity in order to gain better access to media with regard to issues and causes that have nothing to do with their minority background.”<sup>53</sup> There are certainly reasons to believe that members of Red Thunder, particularly Robert Gopher, utilized Indian “environmentalism” as a strategic essentialism. Whether it was New Agers eager to travel to Fort Belknap to participate in sweat lodge ceremonies and “stand in solidarity with Indians” or liberal yuppies in Boulder, Red Thunder was aware of the ways different audiences would receive their message. Making a documentary called *Indian Tears of Love* and screening it in a fancy hotel that is listed on the

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<sup>52</sup> Spivak has written about these and related topics throughout her career. For specific discussions of strategic essentialism, refer to “Subaltern Studies: Deconstructing Historiography” in Ranjuti Guha (ed.), *Subaltern Studies: Writings on South Asian History and Society* (New Delhi: Oxford University Press, 1985).

<sup>53</sup> Elisabeth Eide, “Strategic Essentialism and Ethnification: Hand in Glove?” *Nordicom Review* 31 (2010) 63.

National Register of Historic Places was not just shrewd politics, it was a way of validating their frustrations and asserting that Americans outside of the Fort Belknap Reservation should care about what was happening in the Little Rockies.

Likewise, if Red Thunder and other opponents of the mine deployed a strategic essentialism, they embraced the strategic part just as much as, if not more than, the essential part. I have demonstrated the complicated and distinctly modern ways that Fort Belknap Indians and others resisted the mines: hiring environmental lawyers, filming and producing a documentary, registering Red Thunder as a 501(c)(3), pursuing action through the tribal government. While ostensibly predominantly concerned with spiritual questions, Robert Gopher understood the numerous mechanisms of resistance and their variable registers. At the 1992 Boulder screening, Gopher explained, “Being executive producer of ‘Indian Tears of Love,’ I can say this will not be the last film that we will produce. I so believe that technology can be utilized as a communication, to communicate with each other. We must dialogue. We must understand each other.”<sup>54</sup> This statement, and Red Thunder’s approach in general, reveal that Robert Gopher and others were not reactionary Luddites simply advocating for a return to the non-invasive subsistence practices of the pre-Columbian New World.<sup>55</sup> Rather, they tried to suggest that the accelerating pace of colonization and then global capitalism had robbed every one of the wisdom and knowledge that pre-Columbian cultures produced, and that some Indians since the 15th century have tried to preserve through oral traditions, deliberate subsistence and economic relationships with the land, and eventually literature, scholarship, and activism.

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<sup>54</sup> Speech by Robert Gopher at the Premiere Screening of the documentary “Indian Tears of Love,” (Boulder, CO: Hotel Boulderado, 3/15/1992). Speech courtesy of Loud Thunder International, Inc. Transcript courtesy of Karen Robertson.

<sup>55</sup> This view of Indian history and ecology has been thoroughly disproven numerous times. For example, William Cronon’s *Changes in the Land* provides the quintessential account of Indian ecology in New England throughout the colonial period. Theodore Binnema’s *Common and Contested Grounds* provides a similar environmental history for Northern Plains Indians.

So while the degree to which Indians were generalized was sometimes objectifying, it cannot be said that, as could be said for minorities in Norway, the “issues and causes” that Red Thunder and others fought for had “nothing to do with their minority background.” As should be clear, quite possibly nothing could have been more relevant to the “minority background” of Fort Belknap Indians than the physical destruction of a natural space with environmental, economic, and cultural relevance to them. For those who opposed the mines, the severity of the mines’ destruction, and the ease with which Pegasus initiated and expanded their operation, was perfectly symbolic of a failure to establish the right sorts of communities in North America on a variety of scales. From their perspective, their own local community could not operate effectively, justly, and sustainably for a variety of historical, cultural, and economic reasons. This was not just that the federal government and global markets were predicated on the suffering of the racially, ethnic, and socioeconomically marginalized, but more fundamentally because their natural environment was being irreversibly harmed, they were potentially being poisoned, and they had lost access to the mountains that meant so much to them and provided a venue for self-exploration and improvement.

This is where the campaign against the Zortman and Landusky mines departs significantly from the “commercial exploitation of Native American spiritual traditions” that, as anthropologist Lisa Aldred explains, “has permeated the New Age movement since its emergence in the 1980s.” Describing the New Age as a primarily consumerist movement, Aldred suggests, “The community they seek is only imagined, a world conjured up by the promises of advertised products, but with no history, social relations, or contextualized culture that would make for a sense of real belonging.”<sup>56</sup> There is no doubt that both the image of the protesting

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<sup>56</sup> Lisa Aldred, “Plastic Shamans and Astroturf Sun Dances: New Age Commercialization of Native American Spirituality,” *The American Indian Quarterly* 24, no. 3 (2000): 329-330.

Indians and the messages they offered were marketable, especially given the neoliberal assault on American public life in the 1980s and 1990s. But the Indians themselves, and the non-Indians they worked with, built a community that was more than imagined, and most importantly, the community they aspired to could only exist in their imagination; this campaign rested on the hope that they, the rest of the country, and their descendants would eventually enjoy and participate in that imagined community. This was true of all of the groups involved in the Pegasus affair;<sup>57</sup> they acted and interpreted the actions of others in pursuit of an ideal community they imagined that they considered realistically attainable on some time scale. Instances of environmental destruction of sacred lands in Indian Country like this one are particularly useful in delineating those imagined communities because they usually foreground the interactions between inconsistent legal mechanisms, multiple economic and political disparities, variable historical memories, cultural misunderstanding, and intergenerational concern. In short, the stuff of environmental imaginations. This principle of imagination, environmental or not, permeates all aspects of the human experience, both individual and collective. Reflecting on his own people, N. Scott Momaday explains how the Kiowa remember the fall of 1833, when an exceptional meteor shower filled the sky with falling stars and after which the Kiowa endured a gradual but devastating decline in their political influence and culture: “Do you see what happens when the imagination is superimposed upon the historical event? It becomes a story...The terrified Kiowas, when they had regained possession of themselves, did indeed imagine that the falling stars were symbolic of their being and their destiny. They accounted for themselves with reference to that awful memory. They appropriated it, recreated it, refashioned it into an image of

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<sup>57</sup> Except for, perhaps, Pegasus’s corporate executives, who genuinely seemed singularly concerned with profit margins (or more generously, in an international “corporate community”). Refer to annual reports to shareholders from 1994-1997, available in library collections of Montana Historical Society Research Center, Helena, Montana.

themselves—imagined it.”<sup>58</sup> The same could be said about Fort Belknap Indians and the Grinnell agreement, the decline of traditional Gros Ventre and Assiniboine culture throughout the 20th century, and the tenure of Pegasus in the Little Rockies. Perhaps more importantly, this idea can also be applied to residents of the mining communities of Zortman and Landusky looking back on the era of miners like Charley Whitcomb. All of the groups involved in the Pegasus affair accounted for themselves through stories about communities of the past and potential communities that they imagined

The most coherent imagined community, however, was offered by opponents of the mine. The basis of that community was a commitment to certain self-sustaining customs, ceremonies, and ways of being that would teach those who practice them how to harmoniously operate in an intimately interconnected world of human, nonhuman, and inanimate agents of moral and spiritual regard. The practices were aimed at helping people remember how to be grateful and how to listen to each other. Using the language of the late 20th and early 21st century, those practices inspired commitments to certain versions of environmentalism, multiculturalism, and anti-statism.

Gathered for an oral history workshop over 20 years later to record stories from the 1990s, members of Red Thunder, the Fort Belknap Community Council, and others introduced themselves in a very deliberate way. Joe Azure, the president and CEO of Red Thunder and arguably the leader of the campaign, noted how he had “a little bit of everything”: “Assiniboine, Gros Ventre, Nez Perce, Chippewa, Little Shell... a little bit of French.” Even so, Azure made clear that he is *from* Fort Belknap. Mike Gopher, the son of Robert Gopher whose slow voice,

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<sup>58</sup> N. Scott Mommaday, “The Man Made of Words.” Reprinted in *Nothing But the Truth: An Anthology of Native American Literature*. Edited by John L. Purdy and James Ruppert. (Upper Saddle River, NJ: Prentice Hall, 2001): 89.

long braids, and calm demeanor might mislead some to perceive him as the stereotypically stoic male Indian sage, quipped: “I’m Scottish, French, Irish. I wish I was Native American.” Most participants engaged in this inventory of heritages. Warren Matte, a member of the Fort Belknap Community Council in the early 1990s, diverged slightly from this practice: “My name is Warren Matte. My Indian name is Blue Sky Thunderbird Man. I’m a Gros Ventre; part Blackfoot, which is not even recorded on the records. Part French and I also belong to the American Indian Movement.”<sup>59</sup> Matte’s introduction reflects the intricate dynamics of Indian organizing: Matte’s presence was an indication of the heterogeneity of efforts like these and his impulse to identify with the American Indian Movement reveals the urgency, tactics, and priorities that certain identities privilege, such as using an Indian name. All of the groups and tribal agencies that worked to reduce the effects of mining in the Little Rocky Mountains had to negotiate within and between those identities but the general tendency to recount the diversity of their ancestry reflected a conviction that their conception of justice for human and nonhuman agents transcends immutable characteristics.

Though not explicitly environmental, this preoccupation with multiculturalism and racial equality was offered repeatedly as a way to demonstrate the common origin of state violence against marginalized bodies, environments, and values. Karen Robertson, a white organizer from Denver, made this point directly:

For me, coming from Denver, you know on the black and white battlefield, you know suddenly we had a new ethnicity of being non-Indian. So that was kind of a nice relief every now and then. The perceptions of culture and what defines an Indian, what that means and if it even really matters you know. These ceremonies and teachings speak to you in very mysterious ways and I don’t think it really matters what you look like or what your background is or what your blood quantum legitimizes in practicing these ways...

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<sup>59</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

aligning it with a common cause that did go beyond cultural boundaries, tribal boundaries into a unified expression of our love for the planet that sustains us.<sup>60</sup>

Of course, Robertson's position as a non-Indian who could ultimately escape the polluting effects of the Zortman and Landusky mines and return to Colorado substantially influences what sorts of claims she could make about Indian identity, but to reduce her to her own identities exactly misses the point. And while analyzing the "perceptions of culture and what defines an Indian" might have meant replacing certain insufficient cultural narratives about Indians with other more favorable narratives (i.e. naturalism) in some cases instead of recognizing that the idea of the "Indian" is itself a precarious construct, Robertson's participation in Red Thunder activities and her comfort making claims like those above suggest opponents of the mines took her ideas seriously.

In many ways, then, the campaign to reduce pollution coming from the Little Rockies became an opportunity for organizers to crystallize around a message of intersectional justice that valued the suffering of women and children, nonhuman animals and abiotic components of the natural world, and suppressed or ignored cultures. In pursuit of that justice, they proposed their imagined community, whose practices, ways of knowing, and ceremonies were united by an emotional, moral, and rigorous commitment to future generations. Billy Two Rivers, a Mohawk from Montreal articulated this gracefully in the crescendo of *Indian Tears of Love*. Two Rivers talks as the camera slowly pans over a picture of Pegasus's Board of Directors smiling in suits:

Hello boys and girls, hello to future generations that are listening and watching this tape...I am here to talk about a situation and a very, very important situation that concerns yourselves as the future people, the future leadership of this land and country...We are trying, as the present leaders in the 90s, to try and secure for you, to try and keep for you Mother Earth so that you may also enjoy her. But today, today there are large companies that are destroying, that are polluting, that are killing the Earth that is supposed to be

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<sup>60</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

yours in the future...In board rooms today, in board rooms of multinational corporations, there are men that sit there and mortgage your future. Find out who these men are and question them about their right to destroy your future, your land, and your heritage. I think that the important thing, the important thing here is to find out more information for yourself. Read, and inquire, and try to find, try to find the answers that will help you, that will help the future generations to put a stop to the destruction that is going on. The corporations do not have a right to destroy the environment, the land, Mother Earth. This belongs to you, *and if you feel it belongs to you, then protect it.*<sup>61</sup>

This is the legacy that members of Red Thunder and other organizers ultimately hoped to leave. They were undoubtedly determined in their fight to exercise legal protections and influence public opinion, but they may have been understandably cynical about the viability of those options. Particularly by making a film and by sharing it as widely as they could, Red Thunder sought to leave a lasting mark through an act of compassion and empowerment for future children they, and even their descendants, would never meet. Two Rivers' message was not just about education and self-improvement, it was about action and accountability. This campaign asserted that even if governments failed to protect or even consider their interests, and mainstream cultural and political narratives worked to distort and discredit their beliefs and protests, the marginalized children of the future have a right and a responsibility to demand more of themselves and their world. Two Rivers did not encourage his audience to unthinkingly rage against the machine but rather asked them to make decisions about who they are and what matters to them, and to take informed action based on that—to imagine a future. Having imagined, Two Rivers suggested people must ask tough questions, of themselves and those that seek to take advantage of them, and learn how to detect and combat individual and institutional cunning. Only then could they reject the notion that any person, corporation, or government had

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<sup>61</sup> *Indian Tears of Love* by Loud Thunder International, 1991. Courtesy of Red Thunder Oral History Project.



the right to diminish or destroy that which they know to be true and sacred, to violate their right to a future.

As powerful as this message may have been to the people that crafted it and that heard it, opponents of the mine were not satisfied with a merely rhetorical and philosophical contribution. Convinced that they stood on firm legal ground and still quite fearful of the effects of mining pollution and insulted by the violation of their sacred sites, Fort Belknap Indians and others continued their efforts to resist the mines through more formal means. By the middle of the 1990s, they had mounted a formidable legal challenge that eventually reflected the ambivalent nature of the American justice system.

## Chapter 4. The Final Years of Mining in the Little Rocky Mountain, 1993-2000

“At Pegasus Gold, we consider environmental protection to be a fundamental responsibility wherever we operate in the world. Operating in an environmentally sound manner is as important as providing a safe workplace for our employees and earning an acceptable return for our shareholders. For our Company to conduct its operations in a responsible manner, each of us must make environmental protection part of our everyday routine. We know mining and ore processing, necessary for modern society, affect the environment. But through sound planning, continuous monitoring, responsible reclamation, careful operating practices and attentive management, both can be accomplished while protecting and in some cases enhancing the environment.”<sup>1</sup>

-Werner Nennecker, CEO of Pegasus Gold Corporation

The final decade of the 20th century at Fort Belknap was a reminder that different types of societal changes occur at different paces. If the first two years demonstrated that dramatic changes in attitudes and attention can occur episodically when communities’ fears and aspirations are made urgent, the final eight were an even better reflection of the glacial, byzantine, and often dissatisfying nature of legal and bureaucratic processes. The release of *Indian Tears of Love* was an auspicious release of energy, a moment of intense passion and production. That momentum may have pushed Montana state agencies to harden their approach towards the Zortman and Landusky mines.<sup>2</sup> In the middle years of the decade, the Department of Health and Environmental Sciences filed a lawsuit against Pegasus for violations of the Montana Water Quality Act. Not long after, the Environmental Protection Agency filed a similar suit for violations of the federal Clean Water Act. As those cases were being reviewed, the Bureau of Land Management and the Montana Department of Environmental Quality produced an

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<sup>1</sup> Pegasus Gold, Inc. “Our Environment.” Undated pamphlet. Vertical file: Pegasus Gold Corp. Montana Historical Society Research Center, Helena, Montana.

<sup>2</sup> According to Wayne Jepson, however, that is unlikely. He reports that in late 1992 and early 1993, he wrote memos detailing the development of acid mine drainage at the Zortman and Landusky that pushed the Montana Department of State Lands and the Bureau of Land Management to change their mining practices to halt the acidification of the water. Those memos were shared with the Montana Department of Health and Environmental Sciences, who then filed their suit for violations of the Montana Water Quality Act. Indeed, it is worth asking whether any federal and state regulators even saw *Indian Tears of Love*.

environmental impact statement for a proposed expansion project at the mines. The court cases eventually resulted in a \$37 million settlement made out of court with the signing of a Consent Decree in mid-1996. Not long after, Pegasus declared bankruptcy and abandoned the Zortman and Landusky mines without fully funding water treatment and completing reclamation efforts. In this chapter, I mainly narrate these events to document the mostly dissatisfying resolution to the Pegasus affair. The chapter demonstrates how those results were facilitated by the expression and application of particular environmental imaginations by individuals, organizations, and institutions that, while not fulfilling anyone's sense of justice, open analytical corridors for those aspiring to avoid similar outcomes in the future.

### **Bringing Pegasus to Court, 1993-1994**

Despite mounting enthusiasm following the release of *Indian Tears of Love* and the 1991 traditional environmental conference in Lodgepole, the actions of Red Thunder are less well represented in the record by the end of 1992 and onward. In 1993, they appealed another Bureau of Land Management (BLM) decision requiring Pegasus to submit modifications to their recently approved plan of operations. Like previous appeals, Red Thunder made this appeal to the Interior Board of Land Appeals (IBLA) and were again represented by Don Marble, but did not have the Fort Belknap Community Council, Island Mountain Protectors, or any other groups as partners. As noted, while the IBLA, Red Thunder, and others concerned with the mines in the several years prior focused on the potential effects of contamination by cyanide and heavy metals, attention had turned to the development of acid rock drainage (ARD) by the end of 1992.<sup>3</sup> Recall

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<sup>3</sup> As noted in a previous chapter, Wayne Jepson and others working for the Montana Department of State Lands first discovered acid rock drainage in drainages flowing from the Zortman and Landusky mines in water reports in the final months of 1992.

that acid rock drainage is the outflow of acidic water from mining operations, usually through the disturbance and subsequent oxidation of sulfide minerals. This issue could be traced back to the original 1979 operating permit, which did not permit Pegasus to mine substantial quantities of unoxidized sulfide materials because they can generate ARD when exposed to air and water.<sup>4</sup> The facilities at Zortman and Landusky were therefore not designed to respond to ARD development. The 1993 BLM decision that Red Thunder appealed recognized this and noted that Pegasus admitted to mining material that was potentially acid generating. Ultimately, however, the IBLA determined that Red Thunder had not demonstrated that the new restrictions imposed on Pegasus by the BLM in their 1993 decision were insufficient to mitigate whatever ARD had and would develop in the Little Rockies. As with the previous two IBLA appeals, Red Thunder's 1993 appeal was denied in April 1994.<sup>5</sup>

We know that Red Thunder continued organizing until at least 1997,<sup>6</sup> but their impact on the actual operations of the mines waned by the middle of the decade. One group that began to fill their place was Island Mountain Protectors, founded and operated by an Assiniboine from Hays, Catherine Halver, and her husband, Bill. While less documentation exists on the role of Island Mountain Protectors (IMP), the group was extensively involved in litigation in the middle years of the decade.<sup>7</sup>

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<sup>4</sup> The history of this regulation is summarized in R. David Williams, Joan Gabelman, Shannon Shaw, Wayne Jepson, Chris Gammons, and John Kill Eagle, "Zortman-Landusky: Challenges in a Decade of Closure." 1583-595. Proceedings of Revitalizing the Environment: Proven Solutions and Innovative Approaches, Billings, MT. May 30-June 5, 2009. The authors note that though very little work was done on sulfide mineralization, regulators in the 1970s concluded that there was only potential for acid rock drainage if mining reached a certain depth in the deposit.

<sup>5</sup> Department of the Interior, Interior Board of Land Appeals. Appeal of two decisions by the Montana State Office, Bureau of Land Management, requiring significant modifications to approved plan of operations. MTM-77778, MTM-77779. April 29, 1994.

<sup>6</sup> In the summer of June 1997, Robert and Melinda Gopher in Great Falls were in regular contact with Joe Azure in Harlem, Montana, and Ali Zaid and Paul Zogg in Boulder, Colorado. In June 1997, they applied to a grant from the Stern Family Fund of Virginia for \$200,000 over the course of two years. Letters and proposal courtesy of Karen Robertson.

<sup>7</sup> It is interesting that no members of Red Thunder brought up IMP during the oral history workshop or other proceedings of the Red Thunder Camp and Cultural Retreat. As will be shown, IMP was the main plaintiff in the

The Halvers were first mobilized when they started to hear suspicious things about the water in the creek running from the Little Rockies to their ranch. An engineer ““with more letters behind his name than in it”” had told them that all water from the mines flowed south. Bill Halver was a white rancher who lived at Fort Belknap, was said to be missing most of his teeth, and likely could have gotten along quite well with mine employees if he met them in a bar in Zortman or Malta under different circumstances. Halver explained, ““We’re not real smart or educated but we can read the English language...Pegasus, BLM, and the state lied to us.””<sup>8</sup> Such sentiments would have been welcome in towns throughout the Hi-Line that had long been suspicious of government. Though they eventually became more invested in the spiritual valence of the Little Rockies, the Halvers originally made an uncontroversial and indeed “American” demand: to quietly make a living on their own land without fear of intervention or hazards from people and organizations that were not from their community and that understood, valued, and exchanged land using different criteria than them.

Even so, Pegasus, and likely most of their employees, rightly perceived IMP as an adversary because of the legal actions they took between 1993 and 1996. In May 1992, Pegasus filed an application with the Lewistown District Office of the BLM and the Montana Department of State Lands (which became embedded into the Montana Department of Environmental Quality (DEQ), a new agency formed on July 1, 1995)<sup>9</sup> to expand their operations. This

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case that led to the 1996 Consent Decree and the only non-governmental organization involved in the Consent Decree proceedings.

<sup>8</sup> All of the information on the Halvers and IMP from this paragraph comes from Heather Abel, “A company that moved mountains runs into a wall,” High Country News (December 22, 1997). Accessible at: <http://www.hcn.org/issues/121/3859>.

<sup>9</sup> The agency turnover in the middle of the decade makes tracking records and communications somewhat confusing since these applications and cases began with the DSL but concluded with the DEQ. Today, DEQ records at both their agency headquarters in Helena and at the Montana Historical Society Research Center have (likely incomplete) files from both agencies. In the following pages, I will transition between representatives and policies of both agencies fairly fluidly, but will indicate the specific agency each time. However, since these agencies served quite similar functions, had very similar environmental and economic outlooks, and in most cases were staffed by the very

application and the modified reclamation plans the BLM and DEQ required for its approval became the most important object of legal contention, which Red Thunder appealed to the IBLA in 1993 and which eventually lead to the 1996 Consent Decree. While there had been several amendments to Pegasus’s operating permits in the 13 years since they were first approved, the 1992 permit represented an unprecedented expansion in operations. Pegasus’s records indicate that they began pursuing the expansion, which they referred to as the Zortman Expansion Project, as early as 1989. In 1994, they projected they would exhaust reserves in the Landusky deposit during the first half of 1996.<sup>10</sup> The desire to expand, then, would have seemed perfectly sensible. According to a 1995 executive summary for a draft environmental impact statement for the project completed by the BLM and DEQ, Pegasus’s proposal included “expansion of existing mines pits to access sulfide ore; a 150-acre, 60-million-ton waste rock disposal area; crushing facilities; a 2 ½ mile conveyor system; a 200 acre, 80-million-ton leach pad; a new processing plant and ponds; a limestone quarry, and other associated facilities. Total disturbance would increase from the existing 401 acres to about 1,292 acres.”<sup>11</sup> Not long after the application was filed, the Montana Department of State Lands (DSL) received monitoring reports from Pegasus that revealed the development of acid rock drainage, prompting the agency to notify Pegasus of their water quality violations and to issue orders for them to address the situation. Jurisdictional overlap and uncertainty made enforcing those orders difficult. Though the DSL was working with the BLM and the Montana Department of Health and Environmental Sciences (DHES) in

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same people, distinctions are not especially important. The DSL and DEQ are not comparable though; the DEQ consolidated the functions of many prior state agencies, including the DSL and the Department of Health and Environmental Sciences, into different bureaus within one agency.

<sup>10</sup> Pegasus Gold Inc. Annual Report. 1994. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P 348R 1994.

<sup>11</sup> United States Department of the Interior, Bureau of Land Management, and State of Montana, Department of Environmental Quality, *Executive Summary: Draft Environmental Impact Statement- Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions* (August 1995).

early 1993 when they issued the orders, they were technically only responsible for the earthworks component of regulation (revegetation, cyanide management, etc.). The Water Quality Bureau within the DHES was the only state agency that could officially enforce water quality legislation.<sup>12</sup> By the time of the expansion proposal, regulatory agencies had certainly begun to pay closer attention to the Zortman and Landusky mines, but not in a way that could prevent the pollution that was occurring right before them.<sup>13</sup>

When combined with an unsteady commitment from the Fort Belknap Community Council, it is unsurprising that opponents of the mines took matters into their own hands. In June 1993, IMP and Red Thunder sent a notice to Pegasus indicating their intent to file a citizen lawsuit for violations of the federal Clean Water Act and the Montana Water Quality Act. This finally gained the skeptical attention of the Environmental Protection Agency (EPA), who visited the mines in the summer of 1993, possibly during the heavy storm that sent streams of acid rock drainage through the streets of Zortman. It seems likely that the July 1993 storm was an important moment in convincing state and federal agencies to take legitimate action to enforce the Clean Water Act and Montana Water Quality Act. One journalist's account said of the storm: "It didn't stop until a muddy river of highly acidic water was flowing into the town of Zortman at a rate of approximately 5,000 gallons per minute."<sup>14</sup> Shortly after, on July 28, 1993, the EPA

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<sup>12</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Section of the Hard Rock Mining Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016). Jepson explained the frustrations of doing this work during the first half of the 1990s when agencies had inconsistent communication and uncertain responsibilities. The Department of Health and Environmental Sciences generally did not enforce the Montana Water Quality Act on any entity that did not hold a water discharge permit because they only routinely received water quality monitoring data from facilities with such permits. For several years, Pegasus could evade this regulation by alleging their mine was a "zero discharge facility."

<sup>13</sup> Since acid rock drainage is a generative process, prevention is not realistic once it has developed at a site. Further disturbance of a site exacerbates the problem by exposing more sulfide minerals to air and water, though additional disturbance is not necessary for the problem to persist for decades to centuries. While the status of the mines was in question throughout the 1990s as environmental analyses and lawsuits were under way, state and federal regulatory agencies did provide a long-term solution to the acid rock drainage problem by building water treatment plants in the Little Rockies that are still in operation today.

<sup>14</sup> Heather Abel, "A company that moved mountains runs into a wall," High Country News (December 22, 1997).

sent the Montana DHES a notice indicating that Pegasus had indeed violated the Clean Water Act. A little less than a month later, on August 24, 1993, the DHES filed a suit against Pegasus in the Phillips County District Court seeking injunctive relief and imposing civil penalties for their violations of Montana's Water Quality Act. This suit was quickly dismissed and refiled in the First Judicial District Court of Montana in Lewis and Clark County, which contains the state capital of Helena.<sup>15</sup> IMP was an intervener and respondent in that case, which quickly became a contest over the appropriate venue, something dependent on the Court's interpretation of the relationship between Pegasus and its wholly owned subsidiary, Zortman Mining, Inc. (ZMI), which operated the Zortman and Landusky mines. The First District Court denied Pegasus's appeal on the basis that because Pegasus did business in Lewis and Clark County, that Court was an appropriate venue for all defendants, a condition outlined by Montana law. Pegasus appealed this decision to the Montana Supreme Court, which affirmed the decision of the First District Court but not until February, 1995.<sup>16</sup>

The logic and evidence in each of these cases was revealing. The Montana Supreme Court noted how while Pegasus contended that the DHES "could not establish a genuine issue of material fact regarding whether Pegasus owned or controlled the Zortman and Landusky mines," agents of the Water Quality Bureau of the DHES stated that "Pegasus actively corresponds and negotiates with the Department regarding the regulation of the Zortman and Landusky mines" and that they were "led to believe that Pegasus represented ZMI's interests regarding water quality at the mines." The DHES account is consistent with the archival record, which contains extensive correspondence between Pegasus officials and officials at various Montana regulatory

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<sup>15</sup> Case history can be found in *State of Montana ex rel. Dep't of Health and Environmental Sciences v. Pegasus Gold Corporation and Zortman Mining, Inc.*, No. BDV-93-1511, LEXIS (Mont. 1st Dist. May 10, 1994).

<sup>16</sup> *State of Montana ex rel. Dep't of Health and Environmental Sciences v. Pegasus Gold Corporation and Zortman Mining, Inc., Island Mountain Protectors (Intervener)*, No. 94-323, LEXIS (Mont. February 15, 1995).



agencies.<sup>17</sup> Moreover, multiple annual reports from Pegasus indicated that Pegasus owned 100% of Zortman's stock, making clear that they were not "separate corporate entities."<sup>18</sup> It is not hard to see how opponents of the mines might have easily integrated actions like these into a narrative of delinquency, self-importance, and shiftiness for Pegasus. The decisions of these courts, however, somewhat contested their claim that corporate criminality was state-sanctioned (though, as noted, opponents of the mine did not consider environmental and hardrock mining legislation and the judicial system they came from genuine arbiters of justice).

The District Court's decision was even more instructive and revealing because it suggested a pliability in the American justice system that likely seemed outside the bounds of what opponents of the mine, especially Indian organizers, would have expected. By sincerely considering the arguments of IMP, that Court took what might have been considered a radical measure for an institution steeped in the logic, procedures, and language of its colonial forebear. Recognizing IMP's claim under the Clean Water Act, the Court affirmed the importance of collecting water, hunting, gathering berries, and other activities in the Little Rocky Mountains for Fort Belknap Indians, and moreover that those activities had been undertaken for hundreds of years. Most notably, the Court, without making a judgment on what "Native American culture and spirituality" are and are not, recognized the distinct quality of the relationship Fort Belknap Indians had to the Little Rockies and surrounding lands:

The Court finds that the interests of IMP's members is different than the general public's interest that may be represented by DHES. DHES is charged with representing all of the people of the state of Montana. IMP is an organization that is closely connected with the land adjacent to the waters and mines in question in this case. *Members of IMP and their*

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<sup>17</sup> For example, refer to Department of Environmental Quality, Director's Office Records. RS 433. Montana Historical Society Research Center, Archives, Helena, Montana; and records at the Hardrock Mining Bureau/Environmental Management Bureau office at the DEQ Headquarters: Lee Metcalf Building, 1520 E. 6th Avenue, Helena, MT 59620-0901.

<sup>18</sup> Library collections at the Montana Historical Society Research Center, Archives, Helena, Montana; Call number: 622.08 P348R.

*predecessors have a strong and unique connection with these lands and waters*, which connection is deeper than the connection of an individual Montanan living, let us say, in Missoula. Further, the IMP interest in the lands and waters goes beyond environmental, and encompasses the cultural and religious activities of the IMP. These cultural and religious activities of IMP are certainly different than those of non-Native American Montanans. (emphasis added)<sup>19</sup>

In imagining a “strong and unique connection” between “non-Native American Montanans” and the natural landscapes of the state, the Court almost certainly perpetuated an essential evaluation of American Indian character and culture. This was, of course, problematic, but that seems less important than the fact that it was recognized in court in the first place, which might have been an indication of any number of things. It may have only meant that Judge Jeffrey Sherlock, who wrote the opinion, was particularly perceptive and sympathetic to Indians. But even if that were the case, it would raise interesting questions about why Sherlock was able to arrive at that understanding. It seems probable that it was an expression of his environmental imagination, which emerged from his unknown personal history and the unique sensibilities of the city of Helena where he served. It can moreover be placed in the larger contexts of the state of Montana and the United States during the last decade of the 20th century, which both contained a subset of citizens that had arrived at a certain interpretation of the history of colonization, the role of state and federal governments in that history, and the unique experiences and perspectives it had left some Indians with. It was not just that the idea of the ecological Indian was an easily consumable product for non-Indian Montanans,<sup>20</sup> Sherlock’s decision to make this statement was an opportunity for him to live out his principles and leave a mark on Montana legal precedent. Especially since it was probably not entirely necessary to support his

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<sup>19</sup> *State of Montana ex rel. Dep’t of Health and Environmental Sciences*, 1994, 5.

<sup>20</sup> I am using language used by scholars like Lisa Aldred in “Plastic Shamans and Astroturf Sun Dances: New Age Commercialization of Native American Spirituality,” *The American Indian Quarterly* 24, no. 3 (2000): 329-330. Aldred argues that the New Age spiritual movement that burgeoned in the 1980s was one of “obsession and consumption of Native American spirituality,” (329)

opinion, Sherlock used that opportunity to become the idea of himself that he had imagined as a critical and compassionate thinker with a sense of civic duty and racial obligation.<sup>21</sup> Most importantly, Sherlock's opinion did not utterly depend on Indian naturalism; he made an argument about a specific community in a specific place.

Sherlock's most insightful contribution was his admission that agencies of the Montana state government did not necessarily represent the interests of Fort Belknap Indians as they alleged to because they neglected the cultural and ideological differences inherent in relating to the natural lands of North America. His next argument supporting IMP's motion to intervene then gave the notion of civic engagement new and powerful cultural and psychological dimensions. After citing a passage from the Clean Water Act that mandates public participation in environmental decision-making and enforcement, Sherlock writes, "courts have held that regulations enacted pursuant to the Federal Clean Water Act must do more than pay lip service to public participation. The public is to have a genuine opportunity to speak on the issue of protection of its waters on federal, state, and local levels. Citizen groups are not to be treated as troublemakers, but rather as *welcome partners* in enforcement of environmental regulations and interests," (emphasis added).<sup>22</sup> This had always been a guiding principle of federalism, and while Sherlock did not go so far as to suggest the American legislative and regulatory system altogether failed to meet those expectations, he was quite clear of his belief that enforcing

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<sup>21</sup> My interpretation of Judge Sherlock's decision is based mostly on the text of the decision and cursory research on his career. When interviewed shortly before his retirement in 2015, Sherlock explained how one of the most exciting parts of being a district judge in the state capital was the ability to rule on constitutional issues like school funding, marriage equality, and campaign finance. In a 2011 case, Sherlock said he thought gay couples have many of the same duties as married heterosexual couples. See Dennis Carlson, "Judge Sherlock will retire at the end of the year," KXHL (August 5, 2015), available at: <http://www.kxhl.com/story/29720649/judge-sherlock-will-retire-at-the-end-of-the-year>; and Matt Volz, "Gay couples argue for same rights as wedded people," Deseret News (January 25, 2011), available at: <http://www.deseretnews.com/article/700104084/Gay-couples-argue-for-same-rights-as-wedded-people.html>.

<sup>22</sup> *State of Montana ex rel. Dep't of Health and Environmental Sciences*, 1994, 5-6.

environmental protection and other legislation in Indian Country in culturally appropriate ways is uniquely difficult and deceitful without the active participation of Indians themselves.

### **The Regulation of an Expanding, Polluting Mine, 1992-1996**

Because they had every reason to, Fort Belknap Indians likely still received Sherlock's opinion with skepticism, though they undoubtedly preferred it to the IBLA's lecturing. Moreover, while I have explored the uneasy status of interactions between the grassroots organizers and Pegasus, I have not yet described the frustrated relationship between Fort Belknap Indians and government agencies. Members of Red Thunder were straightforward about their distrust of agencies like the BLM. Joe Azure remembered, "what really shocked me was the United States Bureau of Land Management and the Montana Department of State Lands and there was one other- oh, Environmental Protection Agency, they were supposed to be the regulators of that mine; that Zortman-Landusky mine. And when we asked them for the test results of the waters coming down, what they were you know Oh they're good, they're good... Well we finally asked the question Well who's doing these tests? What department under the government? Oh no, not us. Pegasus Gold is doing them for us. [laughter] Oh you got the fox guarding the henhouse huh? Well we don't trust them."<sup>23</sup> Indeed, it is common for mining companies or their hired consultants to conduct water sampling for regulatory agencies. In the case of the Zortman and Landusky mines, it was a Pegasus report that first identified the development of acid rock drainage.<sup>24</sup> Even so, less than robust communication between all

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<sup>23</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>24</sup> According to Wayne Jepson of the Operating Permits Section of the Hard Rock Mining Bureau at the Montana Department of Environmental Quality.

parties involved, and the very technical nature of water chemistry reports, prevented that message from sinking in and opponents of the mine remained wary of regulatory agencies.

The investigation commissioned by Pegasus and completed by the anthropological consulting firm, Ethnoscience, reflected this outlook in their interview data: “members of the Fort Belknap communities do not trust the data that has been submitted to them to date. Several individuals suggested getting an outside neutral agency to test and monitor the water. *The BLM is not considered a neutral party,*” (emphasis added).<sup>25</sup> In that same report, Pegasus made a clear effort to dismiss such views as a marginal paranoia generated solely by Red Thunder. The numerous actions taken by other members of the Fort Belknap community and the Fort Belknap Community Council, and the fairly widespread support for Red Thunder’s efforts disputes that claim. As did statements made by Warren Matte, who collaborated with members of Red Thunder, but as a member of the Council and his own individual, Matte sought to distance himself from them in various ways.<sup>26</sup> Interviewed by the *Billings Gazette* in 1991, Matte called the federal government’s sincerity into question: “I’m tired of going to meetings and hearing the horror stories and nothing being done about it...The whole thing smells of bad faith. To me, these public meetings organized by the BLM are a waste of time because the government has already made up its mind to allow mining. To them, protecting the welfare of the people does not seem to be the issue. The only issue that matters seems to be gold.”<sup>27</sup> The public meetings Matte

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<sup>25</sup> Sherri Deaver and Kevin Koolstra of Ethnoscience Inc., *Ethnographic Overview of the Little Rocky Mountains, Montana*, Prepared for Pegasus Gold Corporation, (May 1992) pg. 4.23. Courtesy of Red Thunder Oral History Project.

<sup>26</sup> For example, refer to the section in this chapter on introductions. In his introduction and throughout the oral history workshop, Matte adopted the tone of an AIM militant. He talked about Indians using the language of “warriors” and was consistently more explicitly political, a preoccupation likely gained, in part, from his identity as a Vietnam veteran. Matte is also affectionately referred to as “the Republican,” a somewhat unfair title that reflects his cynicism for all types of government (including those he served on) more than any sort of affinity for budget cuts for Indian programs or evangelical cultural values.

<sup>27</sup> Todd Wilkinson, “Pegasus Mining offer stirs anger,” *The Billings Gazette* (August 3, 1991).

referred to were part of the consultation process for the environmental assessment for the 10th amendment to Pegasus's Landusky permit. Before the 11<sup>th</sup> amendment, which served as the impetus for the DHES lawsuit discussed above, state agencies decided they would require a full environmental impact statement, an improved but still imperfect opportunity for more comprehensive and effective public participation in the process of environmental regulation.

The review process for the 11th amendment, which culminated in a final environmental impact statement (EIS) issued in 1996, was markedly more extensive than the process that led to the 1979 EIS and kept Pegasus officials, opponents of the mines, and government regulators busy while the DHES lawsuit remained tied up in between hearings. It began in the fall of 1992 when the Montana Department of State Lands began reviewing technical proposals by various engineering and environmental consulting firms applying to conduct the analysis for the Zortman Mine Expansion. At least 6 firms submitted proposals upwards of 100 pages. All of them projected costs of nearly \$300,000.<sup>28</sup> This was just one indication of the capacious nature of the review process in the 1990s: during the over three years it took to complete the EIS, the offices of state and federal agencies faced a torrent of paperwork, phone calls, public meetings, and unforeseen expenses.

Through the execution of those procedures and the principles that shaped them, the EIS process was the clearest expression of the environmental imagination of state and federal governments during the Pegasus affair. The first feature of that imagination was the notion that state and federal governments—and all their agencies, bureaus, and regional offices—could have unified outlooks and goals. During the Pegasus affair, this foundational tension of the political history of the United States certainly did play out, but ultimately the Montana DEQ and the

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<sup>28</sup> Department of Environmental Quality, Environmental Management Records, 1970-1998. RS 437. Boxes 19, 20. Montana Historical Society Research Center, Archives, Helena, Montana.

federal BLM, with the assistance of the EPA and the U.S. Army Corps of Engineers, approved the same 1,280-page final environmental impact statement. The fact that the report was over one thousand pages long is significant. Indeed, the cumulative exercise of hiring private firms, paying them hundreds of thousands of dollars to complete complicated and thorough environmental reviews using elaborate and sometimes experimental technology, consulting with experts in various scientific and engineering fields, collaborating between offices in multiple cities and even states, producing multiple drafts of extraordinarily long documents with countless figures and inaccessible concepts, maintaining communications with hundreds of concerned citizens, organizations, and corporations, holding public meetings, communicating with media, and eventually deciding whether or not to allow a company to alter a place in a certain way after years of review is a very specific way to know and relate to the natural world.

Among the most important and interesting of those processes were the agencies' efforts at consultation and coordination. The basic structure of the review process began with public scoping meetings in affected communities, followed by the production of a draft EIS. That draft EIS was then distributed to a wide range of people and organizations, including many state and federal agencies; multiple administrative departments at Fort Belknap; various environmental, indigenous, and corporate (e.g. chambers of commerce) organizations from around the region; local and regional libraries; other Indians communities in Montana; and countless individuals.<sup>29</sup> After reviewing the draft EIS, comments were submitted and then reviewed by the relevant

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<sup>29</sup> For a thorough explanation of the review process and a full distribution list, refer to Chapter 5.0 of United States Department of the Interior, Bureau of Land Management, Lewistown District Office, and State of Montana, Department of Environmental Quality, Hard Rock Bureau, *Final Environmental Impact Statement: Zortman and Landusky Mines, Reclamation Plan Modifications and Mine Life Extensions* (March 1996). Refer also to Chapter 6, which provides responses to every comment made on the draft EIS.

departments. After considering those comments and conducting any necessary additional studies, the BLM and Montana DEQ eventually submitted a final EIS in March 1996.

Records indicate that the director and other members of the Department of Health and Environmental Science (and after July 1, 1995, the Department of Environmental Quality) were in consistent contact with the Fort Belknap Community Council, Pegasus officials, lawyers like Don Marble, other agencies, and environmental and engineering consultants throughout these years. As mentioned, their departments also received countless letters and comments on the draft EIS from communities around the Hi-Line and beyond. Letters were also sent to and from the offices of Montana's governor, Marc Racicot, and one of the Montana Senators, Conrad Burns. In one letter, Racicot responded to Lindsay Norman, the Chancellor of Montana Tech University, who was concerned about how bad publicity surrounding the Zortman and Landusky mines would affect applications to his school and more generally, waning interest in what many perceived as a dying industry. Norman lamented, "It is not easy to answer these questions when even the good corporate citizens and the most environmentally conscious operations sometimes find it difficult to do business in the state."<sup>30</sup> Norman, who identified himself as a "Director of Pegasus," urged Racicot to meet with Werner Nennecker, Pegasus's CEO. Racicot obliged. There is no record of any similar meeting with anyone from Fort Belknap. This is particularly interesting because two days after Racicot's office received Norman's letter, and at least a month before he met with Pegasus officials, the Director of the Department of Health and Environmental Sciences, "with the approval of the Office of the Governor," contacted regional administrators for the Environmental Protection Agency to request a federal filing in federal

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<sup>30</sup> The letters and comments I refer to in this section can be found in Department of Environmental Quality, Director's Office Records. RS 433. Box 34. Montana Historical Society Research Center, Archives, Helena, Montana; and records at the Hardrock Mining Bureau/Environmental Management Bureau office at the DEQ Headquarters: Lee Metcalf Building, 1520 E. 6th Avenue, Helena, MT 59620-0901.



district court for Clean Water Act violations.<sup>31</sup> The EPA filed that suit within a month. The respective goals and eventual implications of the meeting between Racicot and Pegasus remains unclear and requires further archival exploration but these letters make apparent the unsurprising fact that when it came to enforcing state and federal legislation near the reservation, the Montana Governor and state agencies had much more power than the Fort Belknap Community Council or reservation residents.

This is just one insight from the correspondences of state and federal employees throughout the Pegasus affair and particularly the middle of the 1990s when the 1996 EIS was being prepared. Those records—available at the Montana Historical Society and the Montana DEQ headquarters at the Lee Metcalf Building in Helena, and federal archives for agencies like the BLM and EPA in Washington, D.C. and Denver—are a rich and mostly unexplored trove. They document cattiness between state agencies, Pegasus, and representatives of Fort Belknap, the role of the federal Bureau of Indian Affairs, and important details and perspectives on the origins, magnitude, and efforts to reclaim pollution coming from the Zortman and Landusky mines. They also preserve the voices of private citizens. Among countless others, these included the following: Amy Thompson, who sought more information on DHES policies and procedures “As an individual whose ability to earn a living is directly tied to the operations of the Zortman/Landusky Mine, and a lifetime resident of Montana,”<sup>32</sup> Wayne Dillon, of Zortman, who had worked in the mining industry for 29 years, as a volunteer paramedic intern at Montana Indian hospitals on the weekends, and who concluded, “The problems I see on the streets and

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<sup>31</sup> Letter from Robert J. Robinson, Director, Department of Health and Environmental Sciences, State of Montana, to William Yellowtail, Region VIII Administrator, U.S. Environmental Protection Agency. May 24, 1995. Director’s Office Records. RS 433. Box 34. Montana Historical Society Research Center, Archives, Helena, Montana

<sup>32</sup> Letter from Amy Thompson to Bob Robinson, Director, Department of Health and Environmental Sciences, State of Montana. October 14, 1994. Director’s Office Records. RS 433. Box 34. Montana Historical Society Research Center, Archives, Helena, Montana.

Emergency Rooms and not caused [sic] by mining, but the lack of jobs, alcohol, drugs, and free hand outs. ZMI Indian employment is a benefit to Fort Belknap, they provide jobs and respect to the Native Americans who work there,”<sup>33</sup> and Joseph Epes Brown, of Stevensville, Montana,<sup>34</sup> who offered, “The situation on Fort Belknap seems to me to be more than tragic!”<sup>35</sup> Scores of other voices can be found in the over 200 pages of responses to public and agency comments in the final EIS.

Between 1992 and 1996, public scoping meetings and public hearings took place in Hays, Lodgepole, Malta, Dodson, Landusky, and Great Falls between 1992 and 1996.<sup>36</sup> In general, these meetings did seem to fall along predictable lines, where meetings held at Fort Belknap were reliably opposed to further mining and those held in places like Landusky and Malta, where the majority of the mines’ employees lived, “were all just pro-development, pro-industry.”<sup>37</sup> A summary of comments from a December 17, 1992 scoping meeting in Hays (which is on the Fort Belknap Reservation) reveals that a variety of concerns were voiced. The summary indicates that residents of Zortman experienced headaches and other illnesses that could have been related to heavy metals and cyanide from the mines that made their way into domestic water wells. It also notes a widespread desire for government agencies to collaborate with Red Thunder “in site identification and as protectors of sacred sites.” Similar to many who wrote letters to agencies,

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<sup>33</sup> Letter from Wayne Dillon to Sandi Olsen, Hard Rock Bureau Chief, Montana Department of State Lands. December 23, 1993. Hardrock Mining Bureau/Environmental Management Bureau office at the DEQ Headquarters: Lee Metcalf Building, 1520 E. 6th Avenue, Helena, MT 59620-0901.

<sup>34</sup> Almost 300 miles from Fort Belknap south of Missoula.

<sup>35</sup> Letter from John Epes Brown to Sandi Olsen, Hard Rock Bureau Chief, Montana Department of State Lands. July 4, 1990. Hardrock Mining Bureau/Environmental Management Bureau office at the DEQ Headquarters: Lee Metcalf Building, 1520 E. 6th Avenue, Helena, MT 59620-0901.

<sup>36</sup> The proceedings of these meetings, along with comments mailed to agencies, were painstakingly recorded and responded to in the 1996 EIS. Volume 2, Chapter 6 consists of 216 pages of comments, responses, and tabulated information.

<sup>37</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016).

attendants of the 1992 Hays meeting expressed confusion about the relationship between agencies and bureaus within them, their respective responsibilities, the credentials of those staffing them, and mechanisms of accountability for those agencies.<sup>38</sup> Those meetings likely offered the best opportunities to raise concerns and have questions answered for many affected by the Pegasus mines, particularly elderly members of the Fort Belknap Community who were less familiar with the mechanisms of letter writing in environmental regulation but who undoubtedly possessed certain cultural knowledge that they shared with other Fort Belknap Indians. Those meetings and the written records mentioned above provide a great opportunity for a more robust recovery of how the mines were regulated and the shifting and diverse attitudes towards them.

Such a recovery would offer many new dimensions to the final EIS that was eventually issued. That document proposed seven alternatives to the mine expansion and reclamation plans submitted by Pegasus, each of which offered different combinations of (1) expansions, (2) mining cessation, and/or (3) agency- and/or company-mediated reclamation. These plans were based on four major issues of concern: “water quality,” “reclamation plans and procedures,” “Native American traditional cultural values,” and “socioeconomics.” Consideration of those concerns led the BLM and DEQ to several unambiguous conclusions. In general, they reported, “Mining in the Little Rocky Mountains during the past sixteen years has irreversibly altered the landscape and consumed local geologic resources.” Regarding water quality, it explained, “With the exception of Lodgepole Creek, all the major drainages in the vicinity of the Zortman mine have been significantly impacted by mining activities...This water fails to meet aquatic life

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<sup>38</sup> “Summary of Public Comments, Scoping for the Zortman Mine Expansion, Hays Public Scoping Meeting, December 17, 1992.” Courtesy of Aaniih Nakoda College Library (Harlem, MT). This document had no author or affiliations. It was part of a folder compiled by librarians when asked about materials related to the Pegasus mines.

standards and human health criteria, and is currently being captured and treated before being discharged to Ruby Gulch.”<sup>39</sup> Despite years of review, the EIS concluded, “All of the alternatives represent relatively high and negative impacts to Native American cultural resources, defined as the Little Rocky Mountains Traditional Cultural Property (TCP) Historic District, individual and cultural properties within the boundaries of the District, and Native American values.”<sup>40</sup> If this felt like vindication to Fort Belknap Indians, it was assuredly an onerous one: while the DEQ and BLM could make a judgment that the Little Rockies were irreversibly harmed, it is the people of Fort Belknap that have to deal with the scars the mines left for generations to come (not to mention the potentially indefinite presence of the DEQ and BLM in the Little Rockies as they treat acidic water).

Obligated by social circumstances, the mandates of their employees, and their own environmental imaginations, government agents working on the EIS balanced a variety of priorities. Perhaps the most important of those was the political economy of the region. Under the first proposed alternative, which would have neither approved the mine expansions nor facilitated reclamation efforts, the socioeconomic impact was expected to be substantial, leading to, “sharply reduced employment and spending by ZMI and the reduction or loss of income and the potential out-migration of laid-off workers and their households. County government and schools would lose tax revenue...Material and service providers elsewhere in Montana, especially in Billings and Helena, would lose significant revenue...In Phillips County, and especially in the communities of Malta and Zortman, social impacts would include a weakening of local social structures and a potential weakening of local facilities, services, schools, and businesses due to the reduced economic well-being and potential out-migration of laid-off

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<sup>39</sup> 1996, Final Environmental Impact Statement, pages 4-4, 4-38.

<sup>40</sup> 1995, Executive Summary for the Draft Environmental Impact Statement, page 11.

workers and their households.”<sup>41</sup> These concerns closely resembled those of the residents of Zortman, Landusky, and Malta in the late 1970s that urged approval of the first operating permits. The 1996 document adopted a more urgent tone when it came to livelihoods and community welfare though. Whether there was reason to or not (I have not found sufficient economic data to evaluate these claims), supporters of the mine who lived in north-central Montana seemed to have perceived mine closure and the potential of Pegasus’s departure from the region in much the same way that many Fort Belknap Indians perceived continued operation of the mines: as a harbinger of social, economic, and political collapse; not just an impediment to the future communities they imagined but a direct threat to their sense of cosmic order and connection in that moment. While those fears were unevenly informed by the historical relationship between each group and the federal government, the meager regulatory framework maintained by the 1872 Mining Law, and general cultural attitudes towards extraction and corporations, no members of any group seemed to sense that asymmetry. They perceived a meaningful threat and the urgency of their actions reflected that.

The final EIS suggested that, from the perspectives of state and federal governments, some threats were more important than others. The Bureau of Land Management and Montana Department of Environmental Quality endorsed their seventh alternative, which involved agency mitigation of company proposed expansion and reclamation plans “added to reduce or avoid potential environmental impacts.” They wrote, “Of the seven alternatives in this Final EIS, a mine expansion alternative has been identified to meet the need for providing ZMI a means to develop precious metal deposits at the Zortman and Landusky mines and reclaim both mine facilities.”<sup>42</sup> Hundreds of pages of graphs, tables, and statistics follow allegedly demonstrating

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<sup>41</sup> 1995, Executive Summary for the Draft Environmental Impact Statement, page 12.

<sup>42</sup> 1996, Final Environmental Impact Statement, page ES-21.

how that preferred alternative would allow the mines to expand and continue operating in ways that would eventually allow the Little Rockies ecosystem to recover and eventually sustain itself. As we will see, there was never an opportunity to evaluate the proposed mitigations on those environmental criteria because the mines were abandoned in early 1999. But in that preferred alternative, the BLM and DEQ made the priorities of their environmental imaginations quite clear. They noted, “Impacts to Native American cultural resources include impacts to the National Register eligible TCP Historic District, individual cultural properties identified within the District, and the associated traditional Native American values. As long as the mines continue to operate, these impacts remain a significant and serious issue for Native American traditionalists.”<sup>43</sup> For all the arguments about disinterest in listening and incompatible cultural vocabularies, it seems that in their final determination, the BLM and DEQ did indeed understand the spiritual and emotional harm Fort Belknap Indians felt because of the mine; they, or at least the laws to which they were obligated, simply considered it less important than economic rewards for non-Indian communities. Not only did they determine that parts of the mining area were eligible for protection by an Anglo-American body (the National Register of Historic Places), the BLM and DEQ identified that other alternatives in their EIS had lower impacts on historic and prehistoric sites and “Native American values.” By the fall of 1996, the Zortman Expansion project had been granted conditional approval by state and federal agencies and it seemed Pegasus could again declare, “We are not limiting ourselves to any particular part of the world.”<sup>44</sup>

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<sup>43</sup> 1996, Final Environmental Impact Statement, page ES-48.

<sup>44</sup> As mentioned in the second chapter, this was part of a letter to shareholders in a 1994 annual report: Pegasus Gold Inc. Annual Report. 1994. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P 348R 1994.

## **Unhealed Wounds: The 1996 Consent Decree, the Dissolution of Pegasus Gold, and Reclamation, 1996-2000**

Partially in response to the letter sent by the Director of the Department of Health and Environmental Sciences,<sup>45</sup> whose suit against Pegasus for violations of the Montana Water Quality Act was still pending, the Environmental Protection Agency (EPA) filed a complaint against Pegasus Gold Corporation and Zortman Mining Inc. for violations of the federal Clean Water Act in June 1995 that sought civil penalties and permanent injunctive relief. Soon after, the State of Montana filed a supplemental complaint in that case alleging that the violations the EPA had identified also constituted violations of their Water Quality Act. That same day, the Gros Ventre Tribe, the Assiniboine Tribe, the Fort Belknap Community Council, and Island Mountain Protectors filed a complaint in the United States District Court for the District of Montana for the same claims as the EPA under the Clean Water Act, other Clean Water Act claims and other violations of federal environmental law, and a common law claim. These two cases would soon be consolidated upon the entry of a Consent Decree issued by that District Court, which was signed by all of the invested parties between July 9 and 22, 1996.<sup>46</sup>

This Consent Decree was the last major event of the Pegasus affair, though few would have guessed it the day it was signed. One of the largest federal clean-water suits in history, it ultimately required Pegasus to pay \$37 million to the United States, the State of Montana, and

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<sup>45</sup> I mention this earlier in the chapter. Letter from Robert J. Robinson, Director, Department of Health and Environmental Sciences, State of Montana, to William Yellowtail, Region VIII Administrator, U.S. Environmental Protection Agency. May 24, 1995. Director's Office Records. RS 433. Box 34. Montana Historical Society Research Center, Archives, Helena, Montana

<sup>46</sup> United States of America, and the State of Montana v. Pegasus Gold Corporation, and Zortman Mining, Inc., and Gros Ventre Tribe, Assiniboine Tribe, Fort Belknap Community Council, and Island Mountain Protectors Association v. Pegasus Gold Corporation, and Zortman Mining, Inc. Civil Action No. 95-96-BIG-JDS. Consolidated Consent Decree. (D. Mont. July 22, 1996). The copy I reviewed was from Department of Natural Resources and Conservation: Conservation and Natural Resource Development records. RS 429. Box 91. Folder 12. Montana Historical Society Research Center, Archives, Helena, Montana.

the Fort Belknap Community to remedy their past violations, fund ongoing water treatment and surface reclamation, facilitate future monitoring, and finance supplemental programs related to water quality and community health at Fort Belknap. Most notably, the principal goal of the Consent Decree was to implement penalties and procedures that would ameliorate the environmental, cultural, community, public health, and emotional harm Pegasus had caused so that they could continue mining. The Consent Decree made no effort to prevent the Zortman Expansion project (that the BLM and DEQ had completed an environmental impact statement for just a few months earlier) but it did make executing that project somewhat more burdensome.

There are extensive records for the negotiations that led to the Consent Decree at the Montana Historical Society but they are indefinitely restricted. Whether that is the result of some cloistered filing policy or something more nefarious is difficult to know, but it does raise interesting questions about our commitment to transparency and the rights of citizens to participate in and, after the fact, review the processes of environmental regulation and litigation. Even so, the Consent Decree itself provides important information about what actually happened in the Little Rockies in the final years of the 20th century. It also offers critical insight on the interpretative tendencies of state and federal courts and what possibilities did and did not, and do and do not, exist for the various groups that pursue their own visions of justice in cases of environmental destruction in Indian Country.

From the perspectives of Fort Belknap Indians, the Consent Decree might be viewed as just another treaty with broken promises. As with the conditional and temporary acceptance of the 1895 Grinnell land cession, the Consent Decree was agreed to by all parties with the assumption that Pegasus would fulfill their civil penalties and fund the various projects outlined



in the document. When they did not,<sup>47</sup> there was no mechanism to hold them accountable for remediating the harm they had caused in the Little Rockies. Moreover, the Consent Decree employed the concepts and institutions of Euro-American environmental imaginations. Through its empirical evaluation of environmental harm caused by the mines and the very specific procedures and requirements put in place to prevent future harm, the Consent Decree articulated a model for what sorts of ecological damage is tolerable, the ways to interpret and modulate that damage, and the means of holding accountable those who inflict harm on human and ecological communities that legislation and the United States justice system deems unacceptable. All of the signatories of the final version of the Consent Decree offered at least a partial endorsement of the vision it produced and the structures that supported it.

Like so many other aspects of a justice system that alleges to mandate fairness instead of aspiring to it, the Consent Decree legally suspended internal conflict and dissent for those involved. Early on, it notes, “The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith; that implementation of this Consent Decree will avoid prolonged and complicated litigation among the Parties; and that this Consent Decree is fair, reasonable, and in the public interest.”<sup>48</sup> To some, this was merely legal language and a way to preserve the integrity of the document. To many others, it must have felt like desperate insistence, a feature of literate cultures based on the notion that truth, justice, and sincerity are demonstrable if written. That was the same belief that

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<sup>47</sup> Many would consider this a matter of perspective, or at least of access to information. Pegasus did indeed meet many of the requirements of the Consent Decree, including the construction of water treatment facilities to handle the acid rock drainage. They did fail to deposit \$1-2 million into a long-term trust fund for cleanup of the sites, but this was later secured through a grant applied to by the DEQ. It is impossible to know how many opponents of the mines read through the Consent Decree and understood its provisions. Many were likely suspicious of any agreement to come out of the American legal system to begin with. Perhaps more importantly, defaced peaks in the Little Rockies still stand out like a sore thumb, yet another reminder of the land they lost in 1895.

<sup>48</sup> 1996, Consent Decree, 4.

allowed Pegasus to make no public admission of guilt while still agreeing to substantial monetary penalties and injunctive relief measures.

The Consent Decree's most substantial measure was for \$32.3 million in the form of a surety or a bond to provide financial assurance to the Montana DEQ for compliance activities and other corrective measures. Pegasus was also expected to pay \$2 million in civil penalties to the United States and the State of Montana and \$1 million to the Gros Ventre Tribe, the Assiniboine Tribe, and the Fort Belknap Community Council "in partial satisfaction of [their] aboriginal water rights claim." They were also required to perform "Supplemental Environmental Projects" at Fort Belknap, which consisted of a community health evaluation, an aquatic study, and water system improvement projects and in total would have costed \$1.5 million. The three-year aquatic study was meant to provide more reliable data on future changes in aquatic resources and conditions in the southern end of the reservation so that interventions could be made before substantial harm was produced. This study mandated consulting the Fort Belknap Water Quality Division for selecting sampling locations and frequency and sought to provide experience and educational opportunities to Fort Belknap residents by utilizing personnel from the Fort Belknap College.<sup>49</sup> More puzzling was the proposed community health evaluation: "This Supplemental Environmental Project involves an investigation of the pathways and possible impacts of environmental contaminants upon residents of the Fort Belknap Reservation, particularly children. This SEP is intended to address the community's concern that current or past mining activities have adversely affected the health of residents of the Fort Belknap Reservation."<sup>50</sup> To many now and then, such a project probably seems like a mandatory

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<sup>49</sup> Now the Aaniih Nakoda College. This project is outlined on pages 42-45 of the Consent Decree.

<sup>50</sup> 1996, Consent Decree, 40.

prerequisite for any decision on the fate of the Zortman and Landusky mines made by a legal or regulatory body.

The Consent Decree also sought to establish a system to enforce water quality and other environmental legislation at the Zortman and Landusky mines. To do so, it implemented a set of fairly extensive compliance requirements that required, among other things, periodic water quality monitoring and reporting to prevent exceeding effluent (wastewater/sewage) limits set by the Consent Decree. These and other monitoring requirements demanded Pegasus employees to record who took samples, exactly when and where they took them, who conducted analyses, and what analysis techniques they used. Many of the reports filed from those analyses had to be sent to all parties in the Consent Decree, including the Tribes and the Fort Belknap Community Council. All reporting procedures were given strict schedules and goals of the compliance requirements were set to specific days in the future. Assessing all the specific components of the Consent Decree's environmental guidelines and the projected efficacy of its compliance requirements would demand the expertise of geologists, ecologists, engineers, and hydrologists. If nothing else, their elaborate and exacting nature was significant in that no such guidelines had ever been implemented at the Zortman and Landusky mines before. Moreover, the fact that they were specified so rigidly in a court of law would have seemed like a genuine commitment to meeting the expectations of water quality legislation: "The provisions of this Consent Decree shall apply to and be binding upon the United States, the State, the Tribes, IMP, and upon the Defendants and their successors and assigns. Any change in ownership or corporate status of the Defendants including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such Defendants' responsibilities under this Consent Decree. Defendants shall be responsible for the acts of any of their respective officers, directors, employees, agents, servants,

contractors, and consultants which violate or cause the Defendants to violate any of the terms of this Consent Decree.”<sup>51</sup> Those terms were to be enforced by an apparatus which included the following: the Environment and Natural Resource Division (and its Indian Resources Section) of the Department of Justice; the United States Attorney for the District of Montana; the Office of Enforcement of the Environmental Protection Agency; the Office of Enforcement, Compliance, and Environmental Justice for Region 8 of the Environmental Protection Agency; the Enforcement Attorney for the Environmental Protection Agency; and the Director of the Montana Department of Environmental Quality.

In its immediate aftermath, the signing of the Consent Decree was met with a fair bit of enthusiasm. One article from July 22, 1996, the same day that the last signatories approved the document, quoted the Phillips County Commissioner who called the settlement “great news,” and explained “Up to 150 people could be rehired—primarily from Malta (aprox. Pop. 2,300)—at the mine if the Zortman expansion is approved.”<sup>52</sup> In October 1996, after four tireless years of studies, consultation, over a thousand pages of environmental review, time spent in court, and months of negotiation for the Consent Decree, Pegasus’s 11th expansion was approved by the Montana DEQ and federal BLM. Pegasus’s stock reached \$17 a share at one point that year, still almost \$10 less than it had been in 1993 but certainly an encouraging sign.

The excitement was short-lived. In January 1997, the Fort Belknap Community Council, the Gros Ventre Tribe, the Assiniboine Tribe, Island Mountain Protectors, and the National Wildlife Federation put their faith in the Interior Board of Land Appeals (IBLA) one last time by appealing the October 1996 decision to approve the Zortman expansion. In June 1997, the IBLA

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<sup>51</sup> 1996, Consent Decree, pages 5-6.

<sup>52</sup> Mark Downey, “Zortman, Landusky expected to pay \$37 million in mine suit,” *Great Falls Tribune* (July 22, 1996).

issued a stay on the BLM's decision until it was able to investigate the appeal.<sup>53</sup> By November of that year, Pegasus's stock had fallen to \$1.25 a share.<sup>54</sup> Just a week before, Pegasus had closed its Mount Todd mine in Australia, an action that led to losses upwards of \$433 million in the third-quarter of 1997. That month, Pegasus began discussions with several North American banks to restructure their debt so that they could continue to operate their Montana mines. Along with their debt, Pegasus was responsible for \$89 million in bonds to cover cleanup costs at their four Montana mines, the "lion's share" going towards the Zortman and Landusky mines.<sup>55</sup> As global gold prices declined throughout 1997, they sold other assets and made staff and operating personnel cuts that allegedly went as high as senior management.<sup>56</sup>

Such efforts did little to slow the corporation's decline, which approached a tipping point by the fall of 1997. In his 1997 annual report to shareholders Pegasus CEO Werner Nennecker deplored, "In my 20 years in the mining business I have never seen things so bad." With such a discouraging market, Pegasus had to make difficult decisions. Nennecker continued, "We also decided to sell the Pullali Project in Chile and not to proceed with the Zortman Extension Project. These two decisions were made because it was apparent that these projects could not be made cash flow positive in the current gold price environment."<sup>57</sup> Abandoning the Zortman expansion project effectively meant abandoning their operations in the Little Rockies (they had exhausted reserves on their existing deposits the previous year). Nennecker made quite clear that

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<sup>53</sup> Department of the Interior, Interior Board of Land Appeals. Appeal of decisions by the Phillips Resource Area Manager, Bureau of Land Management, approving expansion of the Zortman and Landusky Mines and modifications to their reclamation plans. MTM-77778, MTM-77779. May 29, 1998.

<sup>54</sup> Mike Dennison, "Pegasus Gold Corp. in dire financial straits," *Great Falls Tribune* (November 18, 1997) 1A.

<sup>55</sup> Mike Dennison, "Pegasus trying to restructure huge debt, officials say," *Great Falls Tribune* (November 19, 1997) 1A.

<sup>56</sup> Pegasus Gold Inc. Annual Report. 1997. Montana Historical Society Research Center, Helena, Montana. Call number: 622. 08 P348R 1997.

<sup>57</sup> Pegasus Gold, 1997 Annual Report, 3.

his reluctant willingness to do so was based principally, perhaps solely, on an inability to make the operation profitable.

In their 1997 annual report, Nennecker declared the corporation's intentions to file for chapter 11 bankruptcy, which they did in a Nevada court on January 16, 1998.<sup>58</sup> While clearly disappointed, Nennecker presented bankruptcy as an opportunity: "Bottom line is we are doing more with less. We have cut out all nonessential activities and in doing so have not skipped a beat. We will emerge from Chapter 11 as a lean company, with a clean balance sheet due to the hard work and commitment of our employees, our sound environmental and safety records and the cooperation of our creditors."<sup>59</sup> Among the "nonessential activities" Pegasus cut was the work of Clark Kelly, of Zortman, who had overseen mine safety at the Zortman and Landusky mines for six years by the end of 1997. Earlier in 1997, Kelly started an organization called TEAM (Together we Educate, Activate, and Motivate) that supported the mining industry as it was bombarded by Indians and environmentalists. Kelly formed the organization because he thought Pegasus was being treated unfairly by government agencies and opponents of the mines, something he took personally after working there for several years and being treated quite generously after requiring a leave when his wife had passed away a few years prior. Kelly argued, "We are just as indigenous as Native Americans...Who's the indigenous here? They haven't been here for two to three hundred years. They haven't been here much longer than mining. Spiritual sites? As soon as there's a threat, all of a sudden these concerns come up."<sup>60</sup> Both as a measure of support for Pegasus and an effort to protect their jobs, TEAM intervened in

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<sup>58</sup> Charles S. Johnson, "Pegasus files Chapter 11: Montana mine operations won't be affected by move," *Helena Independent Record* (January 17, 1998).

<sup>59</sup> Pegasus Gold, 1997 Annual Report, 3.

<sup>60</sup> Heather Abel, "A company that moved mountains runs into a wall," *High Country News* (December 22, 1997). Available at: <https://www.hcn.org/issues/121/3859>.

the 1997 IBLA appeal that had halted mining in the Little Rockies. After being fired in December of 1997, Kelly remained optimistic that Pegasus would “straighten out” its corporate affairs within the next few years, though he expressed fears about being able to support his children as a “middle-aged white guy” that no one wanted to hire.

Kelly’s concerns would have resonated with many Montanans in the final years of the 1990s. In January 1999, all but three staff members at Pegasus’s Diamond Hill mine near Townsend, Montana<sup>61</sup> were laid off unexpectedly when all mine operations were suspended. The previous month, Pegasus had received approval from a federal judge to reorganize under the name Apollo Gold. The reorganization involved liquidating thirteen of Pegasus’s sixteen former subsidiaries, including the owner of the Zortman and Landusky mines.<sup>62</sup> The reorganization came after Pegasus struggled immensely to stay afloat throughout 1998. Pegasus closed the first quarter with their stocks at 62 cents a share and in May they told their shareholders they would not recover anything after the corporation reorganized later in the year.<sup>63</sup> The announcement that their stock might be worthless came after an earlier announcement that they would not be able to pay their property taxes in Jefferson County, which amounted to \$1.27 million. The superintendent of the Clancy School District, which depended on those property taxes, told reporters, ““we couldn’t plan for this. This could be devastating this year and for a couple years to come.””<sup>64</sup> Not long after that announcement, a bankruptcy judge in Nevada approved a \$5 million bonus and severance package for 26 of Pegasus’s top executives to prevent them from leaving the company during reorganization. The approval came despite opposition from creditors, Montana’s governor, the Montana Congressional delegation, and the Montana Mining

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<sup>61</sup> Around 30 miles southeast of Helena.

<sup>62</sup> Erin P. Billings, “Mine lays off Townsend workers,” *Helena Independent Record* (June 22, 1999).

<sup>63</sup> Erin P. Billings, “Pegasus: Stock may be worthless,” *Helena Independent Record* (May 30, 1998) 4A.

<sup>64</sup> Carolynn Farley, “Pegasus can’t pay property taxes,” *Helena Independent Record* (March 14, 1998) 1A.

Association.<sup>65</sup> Jim Jensen, executive director of the Montana Environmental Information Center (who had worked with Red Thunder earlier in the decade), expressed a belief that was likely common in the state at the time, ““It’s truly a moral outrage and should be illegal to pad the nest of these failed executives at the expense of the owners of the company, the common shareholders...It shows how warped our corporate power has gotten in this country.”<sup>66</sup> By the end of the decade, the bankruptcy and reorganization of Pegasus Gold Corporation had gotten quite messy and took its toll on multiple communities across Montana, so much so that it earned multiple cover stories in the capital’s premier periodical. As noted, that process came at the expense of not just owners of subsidiary companies, but also mine employees and their families, children and teachers in public schools in the counties Pegasus operated in, and, particularly in the Little Rocky Mountains, the Fort Belknap Community and the nonhuman world.

As the 1996 EIS noted, the Zortman and Landusky mines irreversibly altered the landscape and consumed geologic resources in the Little Rockies. But the basis of that review, and the negotiations for the Consent Decree, was that further mining would be done in a more responsible manner that would not just prevent future pollution, but also begin to rehabilitate the mountain ecosystem. By the end of the 1990s, it was clear that the environmental commitments Pegasus made were only made in exchange for the opportunity to continue mining; fulfilling the expectations of the Clean Water Act and Montana Water Quality Act was strictly transactional. In June 1999, the Montana Department of Environmental Quality fired Reclamation Services Corporation of New York, a spin-off firm created by Pegasus to maintain the mines’ water treatment plant and prepare the mines for reclamation. Despite the fact that the action would cost Montana taxpayers as much as \$400,000 and that money set aside for fiscal years 2001 and 2002

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<sup>65</sup> Tom Gardner, “Pegasus can keep bonus plan - judge,” *Great Falls Tribune* (April 29, 1998).

<sup>66</sup> Erin P. Billings, “Pegasus: Stock may be worthless,” *Helena Independent Record* (May 30, 1998) 4A.



would be required to maintain water treatment for the remainder of 1999, the DEQ had little choice when Reclamation Services exhausted the budget provided to them for the year in less than six months.<sup>67</sup> Reclamation was expected to start at the end of 1999 or the beginning of 2000.

In May 2000, the DEQ submitted a proposal to the Montana Department of Natural Resources and Conservation for the completion of a “trust fund for perpetual water treatment” at the Zortman and Landusky sites, an effort to mitigate the effects of acid rock drainage. By that point, the DEQ had taken full control of the water-treatment plants but was using short-term water treatment bonds from Pegasus’s insurance companies. The agency sought to supplement payments for a long-term trust fund that had been mandated by the Consent Decree but that were not received after Pegasus declared bankruptcy and dissolved. When the Consent Decree was signed, the DEQ and EPA calculated that water treatment plants could be funded indefinitely if a trust fund of \$15 million was established by 2017. Without those funds, water capture and treatment would cease, and there was substantial risk of polluted surface water posing health risks to wildlife, livestock, and aquatic life and contamination of aquifers that served as the domestic water supply for Zortman, Landusky, Hays, and Lodgepole. Though it was a characteristic bureaucratic procedure that defined natural environments and the communities that depended on them based on scored categories like the “Need and Urgency Ranking Criteria” and the “Public Benefits Narrative,” the DEQ’s proposal was a rigorous and sincere attempt to minimize environmental harm in the Little Rockies into perpetuity.<sup>68</sup>

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<sup>67</sup> Erin P. Billings, “Company walks off, leaving state with mine reclamation,” *Helena Independent Record* (June 25, 1999) 2A.

<sup>68</sup> The proposal I refer to throughout this paragraph is archived at the Montana Historical Society. Montana Department of Environmental Quality, Zortman and Landusky Mines: Completion of Trust Fund for Perpetual Water Treatment, submitted to Montana Department of Natural Resources and Conservation (May 2000). Department of Natural Resources and Conservation: Conservation and Natural Resource Development records. RS 429. Box 91. Folder 12.

It still remains to be seen whether they will be able to do so. Acid rock drainage will be generated at the Zortman and Landusky sites for thousands of years. As a result, communities at Fort Belknap, Zortman, and Landusky will persistently face threats to important water resources and the state of Montana will spend tens of millions in public funds for long-term water treatment.<sup>69</sup> Effective equipment and securing public funds are just two of the variables that determine the efficacy of water treatment. A 2004 paper presented to the Environmental Quality Council of the Montana State Legislature reported, “The magnitude and duration of the water treatment effort is largely dependent on the success of the land reclamation effort. But in no case short of the physical encapsulation of the mine facilities will the need for long-term water treatment be unnecessary.”<sup>70</sup> The communities surrounding the Little Rockies have been given many reasons not to trust the water coming from streams and aquifers originating in the mountains.

The first few years of reclamation efforts may have exacerbated those fears. In addition to treating water affected by acid rock drainage, the DEQ was and is responsible for restoring the Little Rockies ecosystem and containing or eliminating the effect of the structures that were built for mining. The most important of those has been the cyanide heap-leach pads, which cover anywhere between 2 and 95 acres at the Zortman and Landusky sites.<sup>71</sup> Those leach pads were lined with clay and plastic to protect groundwater from contaminants. Those liners, installed between 1979 and 1995, apparently have a lifespan of around 50 years, after which any heavy metals, cyanide, or other toxic substances present on remaining leach pads can no longer be

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<sup>69</sup> Alan Septoff, Ann Maest, and Kim Kuipers, *Predicting Water Quality Problems at Hardrock Mines: A Failure of Science, Oversight, and Good Practice* (Earthworks, 2006).

<sup>70</sup> Larry D. Mitchell, "Zortman and Landusky Mines: House Joint Resolution 43 Water Quality Impacts," a staff paper presented to the Environmental Quality Council (2004).

<sup>71</sup> For a thorough review of the status of reclamation of the Zortman and Landusky mines in the first decade of the 20th century, refer to Eve Byron, "Anatomy of A Cleanup," *Helena Independent Record* (February 14, 2003) 1C, 2C.

contained.<sup>72</sup> Within the next few decades, all of the liners will be past their manufacturers' warranties, and while agencies responsible for cleanup may not be especially worried, it is not surprising that people at Fort Belknap are. Throughout their history and during the Pegasus affair, government agencies provided Fort Belknap Indians with ample reasons to question their intentions and expertise. It is not surprising that once reclamation began in earnest, Fort Belknap Indians began to demand that the Little Rockies be returned to "pre-mining conditions."<sup>73</sup> Considering that the Little Rockies had been mined since the final decades of the 19th century, it was not exactly clear how they defined "pre-mining conditions," but it is not hard to infer the essence of what they sought. In the 101 years between when the Grinnell agreement was signed and when Pegasus ceased operations in the Little Rockies, relationships to those mountains, the water that flowed from them, and the land around them were understood through communal, spiritual, economic, legal, and empirical lenses. For most of that time, despite disturbances from various mining endeavors, the Little Rocky Mountains were a source of spiritual strength and opportunity, a symbol of home, the setting of stories and myths told by ancestors to descendants, an opportunity to connect with an ancestral culture that had become elusive, and a place to learn humility, appreciation, and kinship for the other beings in this world. By the end of the 20th century, they were a place to be feared, a place to fight over, and a reminder of broken promises and everything that was lost.

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<sup>72</sup> Shawn White Wolf, "'Restore Our Mountain': Tribes say Zortman and Landusky cleanup not enough," *Helena Independent Record* (February 14, 2003) 1A, 2A.

<sup>73</sup> Shawn White Wolf, "'Restore Our Mountain': Tribes say Zortman and Landusky cleanup not enough," *Helena Independent Record* (February 14, 2003) 1A, 2A.

## Conclusion

“Because we’re trying to create, right, a nest or a circle where we’re all giving our best.”<sup>1</sup>

- David Courneyor, Rosebud Sioux

In his 2005 book, *Collapse: How Societies Choose to Fail or Succeed*, popular science writer Jared Diamond devotes one page (out of over 500) to the Zortman and Landusky mines. He explains how at cyanide heap-leach mines, “The ore is excavated from an open pit, piled in a big heap (approximating a small mountain) inside a lined leach pad, and sprayed with a solution of cyanide, best known as the poison used to generate the hydrogen cyanide gas used both in Nazi gas chambers and in American prison gas chambers, but with the virtue of binding to gold.”<sup>2</sup> Diamond refers to Pegasus as “a small company founded by people from other mining companies.” Things not mentioned include the following: the Little Rocky Mountains, the towns of Zortman and Landusky, the Fort Belknap Indian Reservation, acid rock drainage, state and federal regulatory agencies like the Bureau of Land Management and Montana Department of Environmental Quality, streams or aquifers, and American Indians.<sup>3</sup>

Especially since his book adopts the gigantic task of diagnosing societal “failure” and “success,” it is not surprising that this case study is just one miniscule part of a much larger argument. Even so, and while Jared Diamond’s dubious methodology have already been thoroughly discussed,<sup>4</sup> he models a dangerous way to think and write about instances of

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<sup>1</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

<sup>2</sup> Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed*, (Viking: New York 2005) 40.

<sup>3</sup> Moreover, Diamond does not cite a single source on Pegasus or their mines. The book does not provide citations but rather “Further Readings” for each chapter, which included several full-length scholarly books and the websites and email addresses of organizations and government programs in Montana.

<sup>4</sup> Diamond has been controversial his entire career. Most anthropologists are deeply disappointed with the nature of his arguments and the popularity of his work. For a criticism by another fairly popular (and sometimes controversial) scholar, see Wade Davis, “*The World Until Yesterday* by Jared Diamond - a review,” *The Guardian* (January 9, 2013). Available at: [https://www.theguardian.com/books/2013/jan/09/history-society?CMP=tw\\_t\\_gu](https://www.theguardian.com/books/2013/jan/09/history-society?CMP=tw_t_gu).

environmental destruction, particularly those that occur in or near otherwise marginalized communities. Just as with all histories, the history of the Zortman and Landusky mines is full of misunderstanding, unmet expectations, and contested meanings, many of which have not been detected or articulated in this thesis. The responsibility of those given the opportunity to tell those stories is to make sense of that contestation and acknowledge their incompleteness, to open up lines of analysis within a set of historical, political, and economic circumstances and documented or spoken cultural and ideological heritages. Without rigorous and self-aware excavations of the motivations of individual and collective actors, and the legal, economic, and environmental structures within which they acted, we risk believing things are less complicated than they are and knowing how to prevent and manage environmental destruction in the future. Various modes of analysis perform various important tasks, particularly by drawing attention to events like these in unexpected places, but we must be weary when extended analyses are replaced by master narratives that alienate and objectify without cause. The basis of scholarship is evidence. Diamond seems to be aware of this much. In his chapter on Montana as an example of a modern societal collapse, he notes, “Montanans differ among themselves in their values and goals. They want more or less population growth, more or less government regulation...more or less mining, and more or less outdoor-based tourism. Some of these goals are obviously incompatible with others of them.” He concludes the chapter with a request of the reader: “When we discuss Easter Island’s apparently homogenous society in the next chapter, imagine an Easter Island chief, farmer, stone carver, and porpoise fisherman each relating to his or her particular life story, values, and goals, just as my Montana friends did for me.”<sup>5</sup> Many would read this as asking permission to bypass the fields of history and anthropology by vaguely referring to what

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<sup>5</sup> Diamond, *Collapse*, 73-75.

they offer us. He is indeed correct that “Montanans differ among themselves in their values and goals” and anyone who writes about them is obligated to systematically and graciously delineate those differences.

Towards that end, I have embraced the concept of “environmental imaginations.” Proposed by legal scholar Jedidiah Purdy, the notion of environmental imagination recognizes that our encounters with the natural world have long been more cultural than natural and that our treatment of the natural world has always been related to how we imagine it. Though environmental imaginations are related to religions, economic philosophies, modes of government, and “cultural values,” they cannot be isolated to any one realm of human experience: “*Imagination* is less precise, less worked-out, more inclusive than *ideas*, and it belongs to people in their lives, not to philosophers working out doctrines. Imagination is a way of seeing, a pattern of supposing how things must be.” Imaginations are then the overlap of all those modes of experience, reflection, and connection that have disciplines dedicated to understanding how they allow us to survive, organize ourselves, and cultivate meaning. Perhaps most importantly, especially to this story, are legal institutions. Purdy notes that laws are not just informed by “economic self-interest and political partisanship,” but rather, “Laws play out the logic of competing versions of environmental imagination.”<sup>6</sup> Decades-long and ongoing conversations about environments and human communities as both objects and drivers of law and culture produced the legal confines of this story. Those structures dictated how environmental regulation was understood and performed, and facilitated (and sometimes stalled) various modes of resistance. A vague, inconsistent, and frequently manipulated legal existence has decided American Indian histories and politics much more than spiritual ecological

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<sup>6</sup> Jedidiah Purdy, *After Nature: A Politics for the Anthropocene* (Cambridge: Harvard University Press, 2015) 22.

sensibilities or inherent indolence. More than anything else, the Pegasus affair should be understood as a story about the law as a human creation and operation. Two of the primary objectives of this thesis have been to demonstrate that the Pegasus affair represents a certain failure of environmental legislation, regulation, and litigation and that the legal is as cultural as it is empirical, political, and philosophical.

When asked about the adequacy of state and federal environmental legislation and the capacity of regulatory agencies to enforce legislation, Wayne Jepson, a hydrogeologist for the Montana Department of Environmental Quality who has worked on the Zortman and Landusky sites since 1991, explained:

In part, when the mines were initially permitted in 1979 the understanding of what could go wrong was pretty simplistic and the laws regulating it were not stringent enough and so we kinda learned the hard way what could actually go wrong and what needed to be mitigated. If we knew everything up front, it's possible that we could have designed a mine that caused much less environmental degradation or it's possible that if we knew up front what we knew now we would just say it's not possible to mine this deposit without causing long-term pollution that can't be mitigated. Maybe they would have denied it and allowed it to go forward. There just wasn't enough knowledge, certainly on the part of the regulatory agencies, in the late 70s and early 80s to recognize what the problems were.<sup>7</sup>

The Pegasus gold and silver mines were the first large-scale operation in the world to use cyanide heap-leach technology and therefore served as an experimental trial for both miners and regulators. That such an experiment could come at the expense of the Little Rockies ecosystem, water resources on either side of the mountains, and the lives and livelihoods of members of human and ecological communities in the region was a consequence of the endurance of the General Mining Act of 1872, the legacy of the 1895 Grinnell agreement, and insufficient regulatory mechanisms during the final decades of the 20th century. While we should take

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<sup>7</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016)

Jepson’s testimony seriously and assume that employees of environmental regulatory agencies genuinely sought to protect the environment and enforce legislation, the fact that they were not able to was about more than insufficient technology and expertise to predict the effects of cyanide heap-leach mining in the Little Rockies. A 2006 white paper that focused on predicting water quality problems at hardrock mines (including the Zortman and Landusky mines) by scientists at Earthworks, a nonprofit that studies the effects of mining and energy development on communities,<sup>8</sup> asserted: “The very fact that the study is unprecedented shows that *professionals who predict mine water quality do not revisit their predictions, and neither do the regulators responsible for ensuring the accuracy of those predictions.* The models used for the predictions cannot be improved if their failures and successes are not evaluated. Where predictions of water quality at mining sites are concerned, the scientific process is broken,” (emphasis in original).<sup>9</sup> Documents like the 1996 Environmental Impact statement produced by the BLM and DEQ suggest that Earthworks’ characterization may have been somewhat unfair to regulatory agencies in the 1990s, but it is difficult to imagine a more veracious description of regulation during the first decade that the Pegasus mines were in operation. This was not just bureaucratic negligence. Earlier I mentioned the substantial challenges in personnel and funding that Montana regulatory agencies faced during the 1980s and 1990s.<sup>10</sup> These failures also reflected some unsavory tendencies. The Earthworks report continued: “Regulatory agencies,

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<sup>8</sup> In 2005, Earthworks formed when the Mineral Policy Center and the Oil & Gas Accountability Project joined forces (Refer to their website, available at: <https://www.earthworkSACTION.org/about>). The Mineral Policy center, formed in 1988 with the assistance of Interior Secretary Stewart Udall, was active during the Pegasus affair. They published corporate reviews on Pegasus, provided the Fort Belknap Community Council and Red Thunder assistance, and filed suits against Pegasus alongside other parties.

<sup>9</sup> Alan Septoff, Ann Maest, and Kim Kuipers, *Predicting Water Quality Problems at Hardrock Mines: A Failure of Science, Oversight, and Good Practice* (Earthworks, 2006) 5.

<sup>10</sup> E.g. Jill Sundby, “Cyanide spills frequent at state’s mines,” *The Billings Gazette* (June 30, 1991) pg. 10F; Todd Wilkinson, “Canadian firms profit from law,” *The Billings Gazette* (July 2, 1991) pg. 6A; Jill Sundby, “Mines go unchecked as agencies struggle,” *The Billings Gazette* (July 5, 1991) pg. 8C.



both state and federal, allow the mining company to select and directly pay consultants to predict mine water quality impacts, and to review and comment on (or even reject) those predictions, prior to release to the agency. It is an understatement to say that consultants heavily influence mine water quality predictions...While exceptions exist, consultants that predict poor water quality often are not rehired.” To an extent, this was out of regulatory agencies’ control; they were required to work within their mandates and the provisions of the legislation they enforced. Moreover, employees at state agencies in the 1970s when Pegasus received their first permit were pressured by Montana state legislators and the governor to perform cursory reviews and expedite the permitting process so that jobs could be created and millions of dollars could be directed towards local economies and state and federal taxes.<sup>11</sup>

Multiple streams of evidence indicate that a grossly deficient regulatory regime was responsible for environmental harm, especially water pollution via the generation of acid rock drainage, that came as a result of mining in the Little Rockies. Made possible by 19th century mining legislation and a fiercely contested treaty history, water pollution and surface destruction were all but guaranteed in the Little Rocky Mountains by technological ignorance and political and economic incentives not to monitor and penalize mining companies. In the final chapter, I noted the long-term implications of this but it is important to again note that once acid rock drainage is generated, it can persist for quite literally centuries and there are no effective and reasonable measures today that can reverse that. As of October 2016, the Montana DEQ had spent over \$70 million on water treatment and surface reclamation at the Zortman and Landusky

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<sup>11</sup> In an interview by the author, Wayne Jepson, who began working at the Montana Department of State Lands in 1991, explained that he heard stories from coworkers about being encouraged by politicians in earlier decades to reduce barriers for Pegasus and other mining companies seeking permits.

sites and there is no clear end in sight.<sup>12</sup> Finally, the exceptional nature of the cyanide heap-leaching process should not be understated. In 1998, the same year that Pegasus filed for bankruptcy, a citizen-driven signature-gathering campaign led to Initiative-137 being put on the ballot. The initiative, which proposed to ban open-pit cyanide leach mining in the state, was passed by a majority of Montana voters. State legislators, some of whom received campaign contributions from mining companies, did not have a role in crafting or passing the initiative. The *Los Angeles Times* referred to this as “a ballot initiative unprecedented in a state literally built on mining,” and it withstood a 2005 challenge in the Montana Supreme Court, which the United States Supreme Court declined to review the next year.<sup>13</sup>

If we accept that the Pegasus affair represents a failure of state and federal legislation to protect the environment from undue injury (not to mention the cultural impacts and loss of employment and tax revenue), we are directed towards several important questions. I have begun to answer the most obvious about how and why that outcome was possible. This encourages another set of questions concerning what sorts of insight this story provides about a culture and polity that permits such outcomes despite an almost sacred devotion to the institutions and processes that are designed to prevent them. Finally, given those insights, where should readers

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<sup>12</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality, Helena, Montana (October 16, 2016).

<sup>13</sup> The Zortman and Landusky mines were not the only cyanide heap-leach mines in the state that were seriously troubling for Montanans. The Pegasus mines served as a cautionary tale and Initiative-137 helped prevent a contemplated mine at the headwaters of the Blackfoot River near Lincoln, Montana, that could have been as much as six times as large as the Zortman and Landusky mines combined. For information on the Montana cyanide ban (Montana Code Annotated 82-4-390), refer to L.G. Rodriguez & F.A. Macias, "To Cyanide or Not to Cyanide? Some Argentinean Provinces Banned Use of Cyanide in Mining Activities: Is This Prohibition Legal?" *Rocky Mountain Mineral Law Foundation Journal* 46, no. 2 (2009): 237-250; Montana Environmental Information Center, "Ban on Cyanide in Montana with Initiative-137." Available at: <http://meic.org/issues/mining-in-montana/hardrock-and-cyanide-mining-in-montana/ban-on-cyanide-mining-in-montana-with-initiative-137/>; Kim Murphy, "Cyanide's Bitter End in Mining for Gold," *Los Angeles Times* (November 17, 1998). Available at: <http://articles.latimes.com/1998/nov/17/news/mn-43773>; and Marten Law, "Supreme Court Declines to Review Montana Ban on Cyanide Leach Mining," (March 22, 2006). Available at: <http://www.martenlaw.com/newsletter/20060322-leach-mining-ban>.

and listeners of this story, members of those cultures of those polities, and especially American Indians that live on reservations and members of other rural communities in north-central Montana turn? What modes of collective organization, dissent, expression, study, rhetoric, and skills does this story direct them towards in their efforts to avoid those outcomes within or without the confines of those institutions and processes? The environmental imaginations framework recognizes that while there are unimaginative and harmful ways to tell these types of stories, our desire and capacity to understand them depends entirely on what and how we choose to consider; how we imagine what is true and what matters.

Reflecting on over two decades of work regulating the Zortman and Landusky mines, hydrogeologist Wayne Jepson answered a question about communicating different types of knowledge to people with different capacities and interest in receiving that knowledge.

To really understand this, you need a pretty specific technical knowledge of geochemistry or engineering or other various fields. And without that background, I think maybe the average member of the public, they get a lot from hearsay or maybe a gut reaction where they already have a preformed opinion about the way things work and they latch on to a few things they hear that fit with their understanding and the rest of it is kind of over their heads and they don't really listen...we can produce really detailed environmental analyses, reports, etc. but if people aren't going to read through those and look at multiple sources, like you know the government report says this, the environmental group's report says this, this other group says this. And dig into all the details and cross-check all the facts, you know, 99% of people aren't really interested in doing that. They want a quick, one-paragraph description of what's going on.<sup>14</sup>

There is no doubt that many of the issues in the Pegasus affair required certain levels of expertise, specifically those that had to do with the causes and extent of pollution, methods of reclamation, legal definitions of cultural and archaeological sites, the nature of health risks to wildlife and Fort Belknap residents, the particulars of environmental and bankruptcy law, and the basis of spiritual beliefs about the Little Rocky Mountains and customs surrounding them. It is

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<sup>14</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016).

equally evident that the groups involved often failed to see outside their own environmental imaginations. But widespread narrow-mindedness and technocratic isolation is ultimately an insufficient diagnosis for what happened in north-central Montana in the 1990s, and indeed the notion that profession, creed, or ancestry could act as fundamental barriers to understanding and as bases for alternative treatment was anathema to libertarian ranchers, cosmopolitan urbanites and environmental lawyers, mine employees, and Indian “traditionalists” alike. Rather, those invested in the fate of the Little Rocky Mountains were guided by an acute (though sometimes one-dimensional) awareness of how the environmental imaginations of others—and the compatibility of those imaginations with existing political and economic infrastructure—threatened their own. It is possible to comment on the legitimacy of those perceived threats using cultural, empirical, ethical, and other types of evidence, but those arguments and that evidence inevitably become their own expressions of ideology. This is not just moral relativism, it is a recognition that people receive information and cultivate meaning in ways that make sense to them and that afford them the safety and confidence to live sincerely. Renowned sociologist Arlie Russell Hochschild refers to this as “narrative[s] as felt.”<sup>15</sup> Purdy, along with Loretta Fowler, Keith Basso, N. Scott Momaday, Scott Lyons, and many others,<sup>16</sup> ask us to consider narratives as imagined, remembered, and translated.

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<sup>15</sup> Arlie Russell Hochschild, *Strangers In Their Own Land: Anger and Mourning on the American Right, A Journey to the Heart of our Political Divide* (New York: The New Press, 2016) ix.

<sup>16</sup> My understanding and application of environmental imaginations has primarily been the result of engaging the ideas of these scholars. More specifically: Jedediah Purdy, *After Nature: A Politics for the Anthropocene* (Cambridge: Harvard University Press, 2015); Loretta Fowler, *Shared Symbols, Contested Meanings: Gros Ventre Culture and History, 1778-1984* (Ithaca: Cornell University Press, 1987); Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996); N. Scott Momaday, “The Man Made of Words.” Reprinted in *Nothing But the Truth: An Anthology of Native American Literature*. Edited by John L. Purdy and James Ruppert. (Upper Saddle River, NJ: Prentice Hall, 2001); Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010).

My foundational assumption has been that narratives are directional, that environmental imaginations are not just ways of seeing they are also ways of acting and organizing.<sup>17</sup> As I have argued, the Pegasus affair was a failure of one way of acting and organizing, constitutional federalism and legislative environmental regulation, that points toward alternatives. Reflecting on the unprecedented environmental challenges facing the planet during the Anthropocene, Purdy summarizes the search for alternatives with the title of his concluding chapter: “What Kind of Democracy?” He encourages readers not to attempt “a utopian blueprint of global Anthropocene democracy,” but rather to “name some attitudes,”<sup>18</sup> that will allow us to approach the right kind of democracy. This task implies the greatest explanatory power of the Pegasus affair, particularly when understood as a mosaic and collision of environmental imaginations. Engaging deeply with all the environmental imaginations that shaped and were drawn out by these events and appreciating institutional and cultural disparities in the recognition of those imaginations allows an ambivalent outcome to become a crucial vehicle of instruction. The Pegasus affair reveals a set of attitudes, expectations, and tactics that encourage particular forms of collaboration, governance, and coalition-building that make environmental justice in Indian Country more attainable.

From October, 24-27 1991, around the same time members of Red Thunder were putting the finishing touches on *Indian Tears of Love*, delegates in Washington, D.C. held the First National People of Color Environmental Leadership Summit. They produced a document outlining 17 “Principles of Environmental Justice” that, among other things, affirmed the sacredness and interdependence of all members of the natural world; demanded political,

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<sup>17</sup> Purdy articulates this better than I could: “This book details that connection: the link between ways of seeing, encountering, and valuing the world—that is, imagination—and ways of acting, personally, politically, and legally, that have shaped the world in concrete ways,” (7).

<sup>18</sup> Purdy, *After Nature*, 268.

economic, and environmental self-determination for all peoples; highlighted the rights and needs of workers whose labor involves or is threatened by environmental destruction; declared governmental acts of environmental injustice violations of international law enforceable by the United Nations; demanded special legal designation for Native peoples in the United States based on treaties and other compacts that affirm Native sovereignty and self-determination; opposed the habits of multi-national corporations; opposed interventionist foreign policy programs practiced by governments such as the United States; and advocated for education on environmental issues and cultural diversity as a means of achieving the movement's goals.<sup>19</sup> These 17 principles, and the environmental justice (EJ) movement that has fought for them for the last three decades, embrace an ecological metaphor to elevate black, brown, poor, and nonhuman bodies and communities that are plundered by an intricate network of economic, political, and military structures and processes. The EJ movement has yielded legal, ethical, cultural, emotional, and aesthetic arguments that cut right through attempted distinctions between environmental, cultural, and economic harm. To EJ advocates, Pegasus's efforts to relocate their leach pads and waste dumps to reduce interference with specifically identified archaeological sites while still defacing a mountain range that was considered both sacred and stolen by many Fort Belknap residents would have appeared remarkably tone-deaf. As "The Principles of Environmental Justice" indicates, the interconnected suffering of the global marginalized is traced through centuries of colonization and oppression whose permutations are as pervasive as everything but the underlying spirit that has allowed them to endure.

Though the environmental imaginations of certain groups in the Pegasus affair were clearly in conflict with those principles, one of the many unmet challenges of this thesis has been

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<sup>19</sup> First National People of Color Environmental Leadership Summit. "The Principles of Environmental Justice." October 24-27, 1991. Available at: <http://www.ejnet.org/ej/principles.pdf>.

to show that some advocates of responsible mining in the Little Rockies, particularly certain small-town mining employees and employees of government agencies, had views that were compatible with environmental justice. All of the individuals and groups imagined the Little Rocky Mountains in their own symbolic terms and while for many that amounted to commodification of the mountains and incredulity towards Indian cultural claims, for many others the Little Rockies were the basis of family and community health to be used with restraint. In all cases, people fiercely defended what they considered to be fair, even when that amounted to loosening restrictions on a company that was struggling to break even and that had made what seemed to be a sincere effort at environmental responsibility. But agreement between the environmental justice movement and advocates of mining in the Little Rocky Mountains ended with their respective conceptions of rights and state power. For example, Jepson made no hesitation in suggesting that the people of Fort Belknap suffered significant cultural harm because of mining but felt limited by his agency's mandate: working for a Montana state agency, his office did not have the regulatory authority to enforce cultural considerations that the federal Bureau of Land Management had. As far as his agency was concerned, Pegasus was within their legal rights to mine on or near cultural sites so long as they did not violate the Montana Water Quality Act, a strictly environmental law.<sup>20</sup> This reiterates the brokenness of the regulatory system but more importantly reflects an understandable conformity to the legal structures and logics of the United States. Challenging that conformity amounts to undermining the right of the United States federal government (and all lower levels of government) to exist in North America, or, more precisely, rejecting its conception of its relationship to American Indian governments. Contesting those conventions involves not just admitting that the methods of the Euro-American

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<sup>20</sup> Interview by the author with Wayne Jepson, Hydrologist, Operating Permit Services/Hard Rock Bureau, Montana Department of Environmental Quality. Helena, Montana (October 16, 2016).

colonial project have been morally objectionable, but also that the residence of their families, communities, and ancestors in north-central Montana—their entire lifeworlds rooted in decades of meaning-making and land tenure—were and are legally and morally reprehensible. So long as they regarded the 1895 Grinnell agreement and the BLM’s subsequent administration of the Little Rocky Mountains as legitimate, advocates of mining were enemies to environmental justice.

The same obviously cannot be said for Red Thunder and other opponents of the mine. While I do not recall coming across the phrase “environmental justice” once in documents from the 1990s and before (and even encountered “justice” with similarly surprising infrequency), the closely overlapping environmental imaginations put forth by Red Thunder, Island Mountain Protectors, and their collaborators were local, and to an extent “indigenous,” expressions of environmental justice principles; imperative constituents of the national and global movement. As I have tried to show, the fact that those environmental imaginations appeared when and where they did was historically and culturally apprehensible. Moreover, in 1994, President Bill Clinton signed Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” The order offered institutional recognition of the environmental justice movement and as of this writing, the Environmental Protection Agency maintains an Office of Environmental Justice. The federal government defines environmental justice as, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies,” and notes that fair treatment “means no group of people should bear a disproportionate share of the negative environmental consequences



resulting from industrial, governmental and commercial operations or policies.”<sup>21</sup> Since that order and the First National People of Color Environmental Leadership Summit, a vast and diverse network of grassroots environmental, social justice, and indigenous activists; radical and independent publishers and bookstores; and scholars have shaped and consistently redefined the environmental justice movement. Any effort to do a comprehensive review of those campaigns and the environmental justice literature for this project would have been illusory, but the degree of convergence between the environmental justice creed and Red Thunder, a group that was not engaged in any meaningful way with the environmental justice movement as it is popularly understood,<sup>22</sup> remains remarkable. Though considered,<sup>22</sup> a “traditional Indian movement,” Red Thunder openly embraced technology and creatively negotiated tribal and national identities towards multicultural goals. The campaign that they ran along with several partners was full of the contradictions any human endeavor involving more than a few members is bound to have. Those contradictions served as opportunities for innovative collaboration and to challenge widely accepted narratives about American Indians.<sup>23</sup> Their persistence, creativity, and ultimate success<sup>24</sup> is a reminder of everything the environmental justice movement can learn by taking seriously campaigns that seem outside the scope of the movement. More specifically, the Pegasus affair demonstrated that considering the various registers through which grassroots

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<sup>21</sup> These definitions, and the EPA’s approach to environmental justice is widely accessible online and in EJ literature. Begin at: <https://www.epa.gov/environmentaljustice>. Executive Order 12898 available at: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.

<sup>22</sup> As far as I know. It is possible that members of Red Thunder read about and communicated with many other environmental justice advocates and discussed EJ issues amongst themselves. However, in the documents I came across and their own testimonies during the summer of 2016, they did not once refer to environmental justice. Their struggle was perceived as a more fundamental fight for the right to live “traditionally.”

<sup>23</sup> Though as I have noted several times, they also often perpetuated ideas like the ecologically noble savage. Conceptions and presentations of Indian and activist identity were intimately interwoven with political and economic necessity.

<sup>24</sup> As should be clear, the outcome of the Pegasus affair is only hesitantly referred to as a success. The campaign against the Zortman and Landusky mines, just as the environmental justice movement, takes aim at brassbound institutions and attitudes and may always fight towards partial victories.

organizing and environmental and indigenous advocacy have been pursued and perceived—in other words, being aware of diverse environmental imaginations—helps environmental justice advocates become the adaptable and inclusive organizers their movement requires. Most especially, the movement’s commitment to legal mechanisms and scientific and philosophical principles are greatly enhanced by measured analyses of both indigenous spirituality and small-town industrialism that are placed in historical and cultural contexts. That is to say that meaningful material and political change is best achieved by patiently reading and listening to narratives as felt and imagined.

I will conclude by offering my own reading of those narratives as parables for the environmental justice movement.<sup>25</sup> I begin in a particularly symbolic place: Melinda Gopher’s living room in Great Falls, Montana. Melinda Gopher was the daughter of Robert Gopher whose involvement in Red Thunder’s campaign goes unmentioned in newspaper articles, archival documents, government reports, and most firsthand accounts of the events at Fort Belknap in the 1990s. There are not reasons to believe she played an especially instrumental role that has been intentionally concealed, but it is likely that, like most of the women involved in the campaign, the importance of her dedication of time, emotional energy, and spiritual insights are not

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<sup>25</sup> My understanding of the environmental justice movement and its principles comes from a few main places. I have already mentioned the 1991 “Principles of Environmental Justice” declaration and Executive Order 12898 and the subsequent EPA programs associated with environmental justice. I also draw from Kathryn Mutz, Gary C. Bryner, and Douglas S. Kenney, *Justice and Natural Resources: Concepts, Strategies, and Applications* (Washington: Island Press, 2002), especially the introduction and first chapter, which emphasize grassroots movements and expanding the movement towards American Indian Reservations and other rural environments and not just urban contexts. Sociologist and environmental studies scholar David N. Pellow has proposed critical environmental justice studies in multiple places, including “Towards a Critical Environmental Justice Studies: Black Lives Matter as an Environmental Justice Challenge,” *Du Bois Review*, 13:2 (2016) 221-236, and at a recent lecture given at the University of Michigan School of Natural Resources and the Environment, “Race, Gender, Nation, and Species: Breaking New Ground in Environmental Justice Studies,” (February 20, 2017). Pellow’s discussions of speciesism, naturalism, and total liberation are particularly useful. Finally, I worked with Linda Duncan, a Canadian Member of Parliament for Edmonton-Strathcona who has worked with Canadian environmental groups to propose a “Canadian Environmental Bill of Rights” multiple times. The proposed bill contains many crucial EJ principles that are easily adoptable by nonprofits and municipal governments to protect the rights of workers and citizen groups to hold corporations and governments accountable for violating rights to healthy and self-sustaining natural environments.

sufficiently appreciated.<sup>26</sup> The story goes that Red Thunder’s work officially began in Melinda Gopher’s living in in 1990. Seven years later, likely from that same room, she wrote a letter to David Stern of the Stern Family Fund, a Virginia organization that offered \$200,000 grants to public advocates to “launch innovative government and corporate accountability projects,” summarizing Red Thunder’s past work and guiding philosophies.<sup>27</sup> The letter, accessed only because of a fortuitous encounter with an individual member of Red Thunder and gracious hotel receptionist with a copy machine, captures an essential spirit of grassroots activism and the unique pleasure of studying it. For those reasons and more, I quote it at length:

Dear Mr. Stern,

Please accept this letter and the enclosed concept paper for consideration in furthering public advocacy with regard to preservation of the environment. For seven years, members of Red Thunder and Loud Thunder have volunteered to work at increased government and corporate accountability as we attempt to save an endangered ecosystem.

We are the little guys that have worked without pay, without the resources of such organizations as the National Wildlife Federation that possess the padded budgets to do the work on salary. We don’t get paid for what we do, we do not have the clout of major environmental groups, yet we made a significant difference in our struggle to survive as native people. Our voice and vision have been powerful.

We want to continue the public advocacy so that the extractive industry is accountable to the American people, through the court system, maybe economic justice can be had in some measure. We would like to try to make the mining of public lands more profitable for the American people that own them. By requiring royalties to be put in the public treasury for reclamation of mined lands and re-working the provisions of the 1872 Mining Law, corporations that become more accountable to the American public from which they obtain their wealth.

The U.S. Bureau of Land Management has demonstrated very little accountability to the public in its mining permitting processes and has all but disallowed consideration of indigenous peoples cultural and religious uses of the land...

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<sup>26</sup> Karen Robertson, statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016). Robertson expressed disappointment that she was the only woman at the workshop and was frustrated with accounts that emerged throughout the retreat failing to capture the role of female organizers.

<sup>27</sup> Letter from Melinda Gopher to Ali Zaid, June 25, 1997. Courtesy of Karen Robertson.

... Our ancestors used these hills to communicate with the Mysteries and the Great Spirit. These are integral sacred places in our spiritual practice. Religious freedom, a cornerstone of American democracy, cannot exist if the sacred mountain cathedrals of Mother Earth that are used by us; are mined, polluted, and desecrated.

I am the woman who lent my living room and a manual typewriter to the initiation of this struggle seven years ago. I am unemployed and I am contributing my time and efforts to write to you and to the concept paper. I hope that you take the time to consider our commitment and to understand that much remains to be done...

... I've observed too, how the little guys like us tend to be left standing at the side of the road as the larger organizations and their ideologies move to the forefront and soon, the original groups and their needs are lost in the din. We want to ensure that the cultural ties to the lands we fight to protect are left intact for the future generations. We do not want the lawyers of the big environmental groups to forget this in the current fight to preserve the Little Rockies. The reality is that the little guys do get overlooked...

Sincerely,

Melinda Gopher<sup>28</sup>

In a single two-page letter, Melinda Gopher managed to do what I spent 200 pages attempting to do. She delineates so many of Red Thunder's goals and inspirations and how their work was received and resisted in ways that are immediately relevant to every type of reader. It is clear that the modesty of their endeavor was not just a socioeconomic reality, it was a central part of how they understood themselves. Against many odds, Fort Belknap Indians and other opponents of the mines were moved to make sacrifices, collaborate, and improvise in the face of corporate and federal leviathans. As Connie Azure, the daughter of Joe Azure who worked as a secretary for Red Thunder as a teenager, remarked, "If I learned anything from Red Thunder it's if anything's gonna get done it's got to come from a grassroots level. It's got to be people that unite that are led by The Creator; stand together and they stand strong and they get it done."<sup>29</sup>

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<sup>28</sup> Letter from Melinda Gopher to David Stern, June 24, 1997. Courtesy of Karen Robertson.

<sup>29</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

While conceptions of insurmountable odds may have contributed to senses of victimhood, it notably did not generate narratives of helplessness. Organizers were motivated by the conviction that they were immune to corruption because their efforts and message captured an essential essence of the majority of people, whose dignity and genius has been squandered by the institutions and proclivities of a fundamentally flawed imagination of the world.

This is indeed why Melinda Gopher's letter would embolden "little guys" everywhere. Just as many other members of Red Thunder had for years, she does not just speak of traditional Indians, she refers to "the American people" and "cornerstone[s] of American democracy." While they clearly regarded the execution of democracy in America as a fiction, they did not deny the power it had over the imaginations of so many Americans and might have over them if they were able to participate in a democracy based on accountability. Since the law has always been the greatest perpetrator of environmental injustice in the United States, many would perceive this as misguided, but Fort Belknap Indians did not have the luxury of fundamentalism and it was ultimately legal processes that gave them their equivocal victory. This legal focus was well suited to the environmental justice movement and now provides a blueprint for those seeking to make the future of extractive industries in the American West as safe and equitable as possible. First, all Americans who choose to imagine themselves as existing in the 21st century will regard the General Mining Act of 1872 as intolerable and the story of the Zortman and Landusky mines is just one small piece of evidence demonstrating that the need for reform, if not outright repeal, is unambiguous. That it has gone unreformed and continues to be exploited by multinational corporations is an indictment of the United States legal system and its imagination of itself as a nation that protects the rights of its citizens.

Moreover, the consequences of the 1872 Mining Law in the Little Rockies make the Pegasus affair a triply instructive cautionary tale. First, the failure of state and federal agencies to predict the dangers of cyanide heap-leach mining in the 1970s serves as a basis for institutional implementation of the precautionary principle, which states that in the absence of scientific consensus that a proposed action is not environmentally, economically, or otherwise harmful to the public, the burden of proof to demonstrate the action is not harmful lies with the party proposing the action.<sup>30</sup> As I discussed in the third chapter, the burden of proof was on the challenging party, an especially troubling fact since not only is the legal definition of “objective evidence” strictly rooted in Western empiricism, opponents of the mine were required to trust the findings of firms and agencies they had no reason to believe had their best interests in mind. This reveals another central message of this story: the treaties and laws that allowed Pegasus to mine in the Little Rockies in the first place, the haphazard and meager regulation of the mines while they were in operation, and the eventual outcome of the Consent Decree and subsequent reclamation efforts serve as an exigency to expand indigenous sovereignty and self-determination. Only by placing the right to regulate their environments/resources, cultural sites, and infrastructures in the hands of American Indians is it possible to protect them from undue harm as they imagine it. This point is intuitive to the point of banality. Self-determination also affords Indians the right to evaluate cultural and spiritual claims using their own criteria instead of the farcical commitment to religious freedom outlined in the American Indian Religious

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<sup>30</sup> For example, see, Jody Emel and Rob Krueger, "Spoken but not heard: The promise of the precautionary principle for natural resource development." *Local Environment* 8, no. 1 (2003): 9-25. Emel and Krueger use the history of the Zortman and Landusky mines as a case study demonstrating the failures of environmental regulation executed without the precautionary principle. They outline how immense faith was put in Pegasus despite almost no history of interaction between Pegasus and government officials, limited knowledge of cyanide heap-leaching technology, and concerns about the safety of the mines consistently raised by Fort Belknap residents and others. They note that uncertainty, as opposed to encouraging further investigation, was used as an excuse to end discussions on environmental impacts instead.

Freedom Act. It is more likely that if the Little Rocky Mountains were administered by the Fort Belknap Community Council, the importance of fasting and other spiritual values resident in the mountains would be meaningfully protected. While the most obvious conclusion to that belief would be an annulment of the 1895 Grinnell agreement (recall that this would require Congressional approval), there are alternative futures that might facilitate collaboration between the Bureau of Land Management and the Fort Belknap Community Council to advance the environmental, economic, and cultural interests of Fort Belknap Indians in the Little Rockies.<sup>31</sup> The demand for self-determination also signals the unique challenges of enforcing environmental legislation in Indian Country, particularly in remote, resource- and capital-poor, rural reservations like Fort Belknap.<sup>32</sup> Finally, those challenges, as well as the ongoing reclamation costs incurred by the state of Montana that are expected to continue indefinitely, serve as an even more compelling basis for more robust implementation of the polluter pays principle by the Environmental Protection Agency and other state and federal regulatory agencies. One way to

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<sup>31</sup> Indeed, a version of this has been explored. Between 1999 and 2001, a Technical Working Group consisting of representatives of the BLM, DEQ, EPA, Fort Belknap Indian Community, and the consulting firm Spectrum Engineering met almost 30 times to develop and evaluate reclamation plans for the Zortman and Landusky mines. These meetings resulted in a supplemental environmental impact statement issued in December 2001, which I have not reviewed thoroughly. See Bureau of Land Management, Lewistown Field Office, "Zortman and Landusky Mine History and Project Background," presentation (February 2006), available at:

[https://www.blm.gov/style/medialib/blm/mt/field\\_offices/lewistown/zortman.Par.32256.File.dat/ZLbackground.pdf](https://www.blm.gov/style/medialib/blm/mt/field_offices/lewistown/zortman.Par.32256.File.dat/ZLbackground.pdf).

<sup>32</sup> The numerous legal and socioeconomic challenges faced by reservation communities are well established and are emphasized in each of the few existing publications on the Zortman and Landusky mines. Emel and Krueger, as well as Giancarlo Panagia, present these as inevitable features of a persistent colonial state. Emel and Krueger, in "Spoken but not Heard," note, "Quite often, mining takes place in remote areas where there are few people living or where already 'conquered' people are living. Since resource development is only stopped by 'locals' for the most part, or sometimes by NGOs that work with these locals, the odds are usually against them," (23). In "Practices of Inverting the Law: Internal Colonialism on Fort Belknap." *Green Theory & Praxis: The Journal of Ecopedagogy* 6, no. 1 (January 2012): 35-54, Panagia argues that the history of the Zortman and Landusky mines demonstrate the substantial limitations of utilitarian logics that "value economic individualism and its profitability over meanings of place": "As long as the procedure of rubberstamping corporate transactions in Indian Country is followed, the substance of the moral rule requires exploitation of resources...the case of the Zortman-Landusky mines stands as a stark reminder of the continuing misappropriation of American Indians' land and cultural places. However, in a colonial society, any claims made by the colonized in defense of sites they view as religious are simply discounted by the majority as 'fanatical behavior,'" (54).

advance these causes is through environmental bills of rights at multiple levels of government towards the eventual goal of constitutional recognition.<sup>33</sup>

This last point returns us to the grassroots nature of this story. The precautionary principle, self-determination, and the polluter pays principles are pillars of accountability-based environmental democracy, but they are legal tools vulnerable to state, local, and individual interpretations. The essential role of citizens and citizen groups in demanding enforcement of environmental legislation and effective application of those tools is a foundational tenet of the environmental justice movement, a motif of Red Thunder messaging, and the consummate lesson of the Pegasus affair. While it is essential to use histories such as this to outline specific attitudes and structures that facilitate citizen participation in environmental decision-making and enforcement, it is equally important to recount, criticize, and honor the actions of those citizens, citizen groups, journalists, industrial laborers, and government employees that made accountability more of a possibility than it had been before. The memories of hydrologists collecting stream samples, activists editing countless hours of footage, administrators reviewing numerous letters, lawyers working late nights hundreds of miles away, traditionalist Indians building sweat lodges, miners building cyanide heap-leach pads, reservation elders making statements at public hearing organized by state and federal agencies, and daughters serving as

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<sup>33</sup> Such a bill would protect the rights of humans to a healthy and ecologically balanced environment, confirm governments' duties to protect their environments, and the right of citizens to challenge governments' inadequate measures to do so. Here I am mostly referring to a discourse that has taken place in Canada over the last several years since Linda Duncan, an MP for the New Democratic Party, proposed a Canadian Environmental Bill of Rights. The bill, which Duncan has revised and proposed multiple times, most importantly guarantees citizens access to environmental information related to laws and proposed industrial operations, more robust participation in environmental decision-making, and access to courts as a last resort for conflicts in environmental decision-making. For more information on the bill, see, Pierre Sadik, "Making Sense of the Proposed Canadian Environmental Bill of Rights," Ecojustice.ca (November 5, 2014), available at: <https://www.ecojustice.ca/making-sense-of-the-proposed-canadian-environmental-bill-of-rights/>. One copy of the bill and related legislative information is available on the Canadian Parliament's website at: <https://openparliament.ca/bills/41-2/C-634/>. Duncan's bills have importantly not recognized the rights of nonhumans to healthy and ecologically balanced environments.



scribes for their courageous fathers, are at once mundane, controversial, and hallowed. They are a testament to the persistent weight of our everyday imagined lives.

We now return to Melinda Gopher, an Ojibway resident of Great Falls who spoke of the Little Rocky Mountains and Sweetgrass Hills<sup>34</sup> as “integral sacred places in our spiritual practice.” Concerns about tribal designations, ancestral land tenure, and racial simulations ought to be evident features of our conversations about “Indian” heritage and identity and the basis of political, economic, cultural, and environmental claims. But they cannot be our sole preoccupation, else we run the risk of forgetting the reasons Great Falls Ojibways, along with interracial couples from Colorado, white ranchers from Eastern Montana, and AIM militants who fought in Vietnam felt compelled to have a spiritual practice based in the Little Rocky Mountains in the first place. We must remember that the principal reason any of these events happened at all was a feeling that inhabited those that encountered the Little Rockies. We do not have to understand or identify with that feeling to accept that it was real to those that experienced it, and that it provided them the conviction to pursue the futures they imagined.

Of course, every member of the Pegasus affair felt something when they laid eyes on the Little Rockies, but the most vivid descriptions came from members of Red Thunder and their collaborators. The seriousness of their devotion was apparent in every action and statement made by Red Thunder organizers. Ali Zaid, senior producer of *Indian Tears of Love*, recalled, “It seemed like every time I’d come up Robert, like Shanti was saying, he would throw me in the sweat lodge. Hey we need to pray first. We need to pray first. And so we did a lot of prayers; a lot of prayers. And then I would have maybe- I’d stay here for a week and we’d sweat maybe four days out of the week and then have to rush shooting that last day, trying to get as much as I

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<sup>34</sup> Another island mountain range in Toole County, about 50 miles east of the Blackfeet Indian Reservation.

could done and then I'd go back." Joe Azure, CEO, president, and spokesperson for Red Thunder, mirrored Zaid's statements:

Well I guess the best way I can answer that question is we started with our traditional Native American ceremonies, the fasting for four days at a time in the hills and mountains without food or water or human companionship to ask The Creator, The Great Spirit I should say and his creation for courage and support and help and guidance to stand up against a multinational multimillion dollar mining corporation. And looking back on it you never know you know if your prayers are being answered at the time. But later on looking back on it I see that they definitely were answered because some way, somehow we all came together with our various different friends and relatives and organizations to stand in solidarity and unity as a small grassroots group.<sup>35</sup>

Their implausible task and unlikely, motley assortment were related reminders of the vital nature of their endeavor. Though I have not thoroughly discussed the explicitly racial components of Red Thunder's campaign, it was not only an expression of an environmental imagination that afforded nonhuman features of the natural world spiritual agency, it was a vital component of their working environment that only further convinced them of the righteousness of their mission. Warren Matte, who once served on the Fort Belknap Community Council, expressed this point in response to the tendency of the federal government and corporate partners to squelch difference: "So I guess to me again we can't let them divide and conquer any longer. You know we've got to stick together. You know regardless of what tribe or nation you are; even from Canada, North or South or Central America, you know we've got to help each other." In addition to honoring the graciousness of Creator, this emphasis on multiculturalism, tolerance, and the unity of the oppressed was the most consistently shared belief among members of Red Thunder and other organizers reflecting on their work decades later. These lessons, these ideas worth fighting for, were learned while fasting for four days at a time, writing scripts for *Indian Tears of Love*, through prayers in sweat lodge ceremonies and meetings with decidedly secular

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<sup>35</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

environmental lawyers, while listening to Robert Gopher and cooking meals in cramped kitchens. This was not just a point of principle; it was an indispensable aspect of the community they created. In that space, a seasoned yet tender Indian veteran who has a Master's degree from Harvard University, a white mother from Denver, and a braided man with a troubled history with the law were each given the space to speak freely and be listened to. When they were able to gather in those ways, and fast in the Little Rocky Mountains, and participate in sweat ceremonies without hesitation, and fight for the right of their environmental imaginations to be recognized, those members of the Fort Belknap community and elsewhere who opposed the destruction of the Zortman and Landusky mines knew to be the best version of themselves. Undoubtedly, this was tied to notions of traditionalism and Indianness that are ahistorical or essentializing, but it seemed to function in less political terms, much deeper and friendlier than the shallow roots of authenticity contests and identity politics. Their conversations seemed to suggest that when imagination happens together, in union with all the delightful and formidable beings of the universe, communities are created, and from those communities flows conceptions of justice that are based on the obligations of kinship, the fear of being punished for disrupting equilibria, appreciation of abundance, and emotional connections to place, person, and spirit.

This relational aspect of the grassroots organizing that occurred at Fort Belknap during the 1990s is difficult to detect and almost impossible to accurately articulate, especially for someone that was not there. One can imagine the differences between what can be ascertained from, for example, a printed schedule of events for the 1991 "American Indian Traditional Environmental Conference" and a memory of sitting in the Chief Nosey Center in Lodgepole with indigenous people from across the continent as they listened to speakers, performed pipe ceremonies, enjoyed traditional feasts, and eventually took to the streets for a survival march to

the mines. The experience of performing and encountering environmental and indigenous activism is so very different from studying it after the fact, and more difficult to outline in systematic and literate ways. There is not a corresponding environmental justice principle or legislative directive for the feeling one gets when they listen to a tribal leader from Quebec give a rousing and insightful monologue, or sit atop a peak with a grandchild, or have a child come home from a swim with mysterious rashes on their legs, or learn that cyanide heap-leach mining has been outlawed in the state of Montana. And that seems to be the point. Those moments belong to the individuals that experienced them. They are single notes in the composition of American Indian lives that were given instruments with broken strings and reeds, but that were played as serenely or cacophonously as their artists choose.

Shanti Zaid, whose parents were involved with Red Thunder and Loud Thunder, periodically visited the Fort Belknap Indian Reservation as a boy in the 1990s. He recalls learning songs, riding horses, and playing childhood games at Fort Belknap with great fondness. Now a doctoral candidate in anthropology, Zaid has a uniquely discerning eye that balances intimate memories of the Red Thunder years with an analytical curiosity. Reflecting on the campaign in general, Zaid mused, “And looking at different kind of political struggles now it’s- you know you kind of see it as kind of this really hardship that’s involved and people really suffering. But my memories of all of the work and the activism was just people joking all the time, people laughing all the time; just being creative, trying to think of new things and just you know the kind of spirituality that was at the core of it and the humor that was at the core of it is really strong in my memory.”<sup>36</sup> Memories made of creativity, spirituality, and humor may be the antidote to the “decline in political imagination” that Purdy claims has hollowed out,

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<sup>36</sup> Statements made during an oral history workshop during the Red Thunder Camp and Cultural Retreat, Havre, Montana, (July, 17, 2016).

“Democratic citizens’ capacity to rework their common lives.”<sup>37</sup> They may also be what Gerald Vizenor means by “survivance,” which literary scholar Kathryn Hume suggests refers to “not just surviving but...coming through with a positive outlook at having survived and for taking some pride in one’s trickster escapes.”<sup>38</sup> Better yet, perhaps it is what N. Scott Momaday meant when he described “the feeling of play” that the old woman Ko-sahn taught him, the route to “consummate being” in “a world of definite reality and of infinite possibility.”<sup>39</sup> I imagine the fact that those memories are held by someone who was a child during the Pegasus affair gives members of Red Thunder faith.

Today, the south end of the Little Rocky Mountains is filled with a strangely beautiful composite of gray and orange sheared rock faces, lush but bare grasses, gravel roads that are still used, patches of glorious weeds, rusting bulldozers and backhoe loaders, and padlocked gates. From the road at the Landusky site, there is a decent view of a leach pad and the Judith Mountains to the southwest. Water treatment and reclamation is ongoing and some Fort Belknap residents remain suspicious of streams running from the Little Rockies. On the south side of the mountains, the road into the town of Zortman leads visitors to a motel advertising color television and a two room structure labelled “Zortman Jail.” On the weekends, Christians from around the Hi-Line attend services at the St. Joseph’s Church. Few in the town have forgotten its mineral roots and many wish a company like Pegasus Gold could one day return. When a group of scholars and former activists spend the day touring the old mine sites and the towns of Zortman and Landusky, several of the older members of the group stay back. They spend their day performing ceremonies in Big Warm Valley at the base of the Little Rocky Mountains.

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<sup>37</sup> Purdy, *After Nature*, 257.

<sup>38</sup> Kathryn Hume, “Gerald Vizenor on Imagination,” in Alan Velie and A. Robert Lee (eds.), *The Native American Renaissance: Literary Imagination and Achievement* (Norman, OK: University of Oklahoma Press, 2013) 130.

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“There are much worse things, you know. The destroyers: they work to see how much can be lost, how much can be forgotten. They destroy the feeling people have for each other.”

—Ts’eh in Leslie Marmon Silko’s *Ceremony*<sup>1</sup>

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<sup>1</sup> Leslie Marmon Silko, *Ceremony*, 30th anniversary ed. (New York: Penguin Books, 2006) 213.