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## **SOME REMARKS ON THE NATIVE AMERICAN CLASS ACTION LAWSUIT IN THE AMERICAN PACIFIC NORTHWEST**

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The Native American class action lawsuit in the American Pacific Northwest resulted from evidence of enormous releases of radionuclides from the operation of the Hanford Nuclear facilities from 1944 to the present. Hanford operated for over four decades as the principal American manufacturing facility for plutonium. As a result of that process not only was plutonium produced but extraordinary amounts of radioactive hazardous waste products were generated, including ruthenium, cesium and radioactive zinc and phosphorous.

For many years, Native Americans in the Pacific Northwest -- including the peoples of the Yakama Nation -- were troubled by signs of sickness among their peoples, in the fish of the Columbia River and other species of the region. The Yakama people suffered from high levels of thyroid disease, cancers and unexplained arthritic conditions. The salmon of the Columbia River were diminishing and fish sometimes show unusual tumors or other signs of illness or damage. The Yakama recognize their inseparability from these species and the environment and understood the risk to their culture and subsistence way of life from these signs of sickness.

For decades the operators of the Hanford facility stated that there was no cause for concern. The people of that region were informed that there were no significant levels of radionuclides escaping from Hanford which could account for injury to the Native Americans or the species of that region.

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Now evidence has emerged that these representations were wrong. Formerly classified government documents show that the Hanford facilities were pumping millions of curies of radiation into the Columbia River annually. One memorandum alone acknowledged that the government was releasing 8,000 curies of radiation into the Columbia River on a daily basis in the early 1950's. In contrast, the entire release in the Three Mile Island accident was less than 15 curies. The government memorandum also acknowledged the potential for devastating injuries to the salmon and other indigenous Columbia River species.

In addition, in 1994 the Clinton administration initiated a study of cold war human experiments conducted by the federal government and its agencies. The final report of that study revealed testing of the Columbia River species during the 1940s through the 1960s, testing which revealed uptake of the radionuclides by the river species and consumed by the Native Americans. The human experiment report further revealed that a large group of people who appear to have been Native Americans were at high risk for injury from these radionuclides, and that a group of people were actually tested for intake of radioactive phosphorous in the Hanford region in the late 1950s. Although that test was revealed in the Clinton administration study, the results of that test and any report from the test have not been revealed to this date.

In addition to exposure of the Native Americans and their environment to radionuclides through the Columbia River, the American government has now acknowledged that on at least three occasions radioactive iodine was deliberately released in gaseous form from Hanford in order to calibrate military detection instruments. Those releases -- which totaled tens of thousands of curies -- were blown downwind. Significantly, the government set up monitoring

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devices for those releases on the Yakama Reservation, demonstrating their awareness that this material would reach the Reservation and its people.

Attorneys Todd and Scott Johnson of Minneapolis, Minnesota, in partnership with the Tennessee law firm of Baker, Donelson, Bearman & Caldwell have now initiated this lawsuit on behalf of Native Americans throughout the Pacific Northwest. This lawsuit asserts claims for personal injury, violation of the Native Americans' Constitutional rights and related claims. We believe that this lawsuit will demonstrate a callous disregard for the health and safety of Native Americans in the region and the potential wholesale damage of the environment of the region and particularly in the Columbia River ecosystem. This environmental damage is understood by the Yakama people to be an assault at the core of its culture. It strikes at the heart of survival of the Native Americans of the region as a distinct and sovereign people whose culture is inseparable from the environment and their subsistence way of life.