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## Gendered Impacts of Jackpile Uranium Mining on Laguna Pueblo

June Lorenzo

junellorenzo@aol.com

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# Gendered Impacts of Jackpile Uranium Mining on Laguna Pueblo

June Lorenzo (Laguna Pueblo/Navajo [Diné])<sup>\*</sup>

## Abstract

*Building on a human rights framework and culturally-based notions of gender and earth, this article examines the Jackpile uranium mining experiences at Laguna Pueblo with a specific view toward impacts on women at the Pueblo. Community members have raised concerns about the environment and human health for years but employing the language of human rights is only very recent. Thirty years after closure of the mine, we have begun to use a human rights lens to analyze what has happened in our community. As an Indigenous woman, attorney, researcher, and scholar from Laguna, I contend*

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<sup>\*</sup> June L. Lorenzo, Laguna Pueblo/Navajo (Diné), is an attorney and consultant. Her law practice has included serving as attorney for Native nations, US Senate and US House of Representative committees; the US Department of Justice (voting rights litigation), in land claims litigation, and in human rights advocacy for Indigenous Peoples before the United Nations and the Organization of American States. Currently she serves as a Judge at Zia Pueblo, and practices law in tribal and state courts in New Mexico. She remains engaged in projects at Laguna Pueblo, including advocacy on uranium legacy issues, protection of sacred sites, and protection of cultural patrimony. She holds a JD from Cornell Law School and a PhD in Justice Studies from Arizona State University. [junellorenzo@aol.com](mailto:junellorenzo@aol.com)

*that strategies for the community moving forward can be enhanced with human rights considerations, beginning with self-determination. I assert that any such conversation is incomplete without further consideration of the impacts of mining on Indigenous women and the feminine that exists in the lives of Laguna people.*

**Keywords:** Laguna Pueblo; uranium mining; Jackpile mine; Indigenous women and mining

### **Introduction: My Location and the Importance of the Feminine**

**F**rom the 1950's to the early 1980's, the Pueblo of Laguna<sup>1</sup>, a Native nation in New Mexico, experienced major disruption to the Laguna way of life from a massive uranium extraction project. The disruption manifested in many ways; some were apparent, while others would come to light decades later. Physically, a major mining company created the largest open pit uranium mine in the world; economically, the Pueblo received royalty payments that allowed it to grow its government and provided tribal members – only men at first – a way to earn decent living wages closer to home; and socially, the relative roles of men and women, within the home and community and externally, began to shift. Externally, men were given access to more economic power in the world outside Laguna as the wage earners. This affected gender roles internally, within homes and the community, as many Laguna men were convinced to shift from an agricultural lifestyle to a wage-earning lifestyle at the uranium mine. Blasting from mining also caused damage to traditional homes, which were traditionally the domain of women. More recently, the environmental

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<sup>1</sup> Pueblo of Laguna, also referred to throughout this article as Laguna Pueblo or Laguna, is one of the 20 Pueblo Indian nations in the state of New Mexico in the southwestern United States. Laguna is comprised of six villages, including Laguna, Paguete, Mesita, Encinal, Seama, and Paraje. The author is from the village of Paguete, and her research focuses largely on Paguete. For more information, see: <https://www.lagunapueblo-nsn.gov>.

impacts to the land, and health impacts to Laguna Pueblo members, and especially to Paguate Village residents, is the subject of critical health research.<sup>2</sup> While recent literature has focused more on weighing benefits against the costs of uranium mining at Laguna Pueblo, less scholarship has examined the impacts on Laguna people in a human rights context. At a time when human rights standards are increasingly articulated in settings of extractive activity on Indigenous lands, I have set out to amplify voices within the Pueblo that raise concerns about the impacts of extractive activity on residents of Laguna Pueblo.

This article first provides a brief historical background on the Jackpile uranium mine before framing the uranium mining experience of Laguna Pueblo within a human rights setting and with a specific view toward impacts on women at Laguna Pueblo. This is significant because community members have raised concerns about the environment and human health for years but had not employed the language of human rights. As the Pueblo now addresses remediation of the mine as a Superfund site,<sup>3</sup> environment and health are front and center, and thirty years after closure of the mine, there are now those of us in the community who have begun to use a human rights lens to analyze these issues. As an Indigenous woman, attorney, researcher, and scholar from Laguna, I contend that strategies for moving forward can be enhanced with human rights considerations, beginning with self-determination. However, I also argue that any such conversation will not be complete without further

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<sup>2</sup> See UNM METALS Superfund Research Program, located at <https://hsc.unm.edu/college-of-pharmacy/research-and-scholarship/metals/index.html>

<sup>3</sup> The term “superfund” refers to its designation by the US Environmental Protection Agency as land that has been contaminated by hazardous waste and identified by EPA as a candidate for cleanup because it poses a risk to human health and/or the environment. Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), EPA cleans up contaminated sites. The Act also requires the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.

considering the impacts of mining on Indigenous women and *the feminine* that exists in the lives of Laguna people.

### *Methodology and my location*

The topic of this article is linked with my prior research on traditional building structures in Paguate Village (Lorenzo, 2017a). In the course of analyzing quantitative data, I realized there was a quantitative dimension that warranted additional attention, specifically the story of the impact of mining on *the feminine* at Laguna. This article in particular is based on ethnographic research, including autobiographical data, much of which has been collected and analyzed since 2013. For the last sixteen years, this work has also included my advocacy role to address uranium mining legacy issues with the Laguna Acoma Coalition for a Safe Environment (LACSE<sup>4</sup>), the Mt. Taylor Traditional Cultural Property designation (2008 - 2014), and most recently, leading a community project on the use of the Keres language linked with our environment.<sup>5</sup> Additionally, for nearly two decades I engaged in the negotiations leading to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) in 2007 and the adoption of the Organization of American States (OAS) American Declaration on the Rights of Indigenous Peoples in 2016, with numerous other Indigenous advocates.

Paguate Village is my home, where I was raised as a Laguna and Diné female in the household of a Laguna father who worked for decades at the

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<sup>4</sup> LACSE is a community organization focused on uranium legacy issues and community education on related environmental and health issues.

<sup>5</sup> Legal, environmental, and human rights advocacy supplement my research on issues of the impacts of uranium mining on Laguna. In the early 2000s, my work as in-house attorney for the Pueblo of Laguna involved a project led by five area tribes to protect the sacred Mt. Taylor (“Tsibiina” to Laguna people) from proposed uranium mining. Since 2003, I have worked with other members of LACSE, and I have taken these issues to the international human rights arena in advocacy for Indigenous peoples, including protection of sacred areas.

uranium mine. My father worked as a diesel mechanic from the 1960s until the mine closed. Mining began before I was born and ended when I was away from home in law school. Growing up, I grew accustomed to the daily blasting and saw the dust that lingered over parts of Paguete Village. I saw many of my high school classmates go to work at the mine after graduation as if it was the only option. Not until 2004 when I was asked to write an article on the Jackpile mine (Lorenzo, 2006), after I had returned to Paguete to live and work, did I ever consider the hazards associated with the mining activity. The research process for that article included archival research, review of historical and public documents, and interviews of community members, which grew my consciousness about the environmental and health issues related to the mine and set me off on a course of probing the many injustices hidden beneath the surface in the entire mining project and into the present efforts to reclaim the land. Since then, I have watched former mine workers in the community suffer from different illnesses, including cancer. Further, with a greater understanding of the connections to the mine, I have listened to debates about the costs and benefits of the uranium mine in our Pueblo, and I have participated in debates about future mining as a political candidate. These issues shape my research as an Indigenous activist scholar.

### **Gendered analysis and the feminine**

This article raises concerns of and about women at Laguna Pueblo who experienced the uranium mine as residents of the Pueblo, both as members of households of miners and as employees of the mine. This includes non-Laguna women. Conversations with community members have revealed that people perceive positive and harmful impacts from the mine. Framed in a greater rights context, some impacts could be considered specifically as forms of violence against women. Because almost no literature is devoted to long-term uranium mining impacts on women, what we learn regarding women's experiences thus also contributes to discussions on future strategies for addressing violence against women at the Pueblo.

Clearly this work calls for intersectional analysis, which is generally viewed as race and gender interconnecting in shaping structural, political and representational aspects of violence against women. In the case of violence against Indigenous women, Indigenous scholars and commentators would add self-determination. Kuokkanen (2012) proposes a specific human rights framework that simultaneously accounts for Indigenous self-determination and human rights violations of Indigenous women. She contends that Indigenous self-determination cannot be achieved without taking into account Indigenous women's social, economic, and political rights (p. 226). She also argues that developing successful strategies for addressing violence against women can only happen if gender is privileged in this process and furthermore, that we must distinguish between gendered forms of violence against Indigenous women and gendered effects of violence impacting Indigenous communities (Kuokkanen, 2012, p. 250).

However, the process of examining impacts of the uranium mining project on women at Laguna Pueblo challenges the utility of distinguishing between the two and demonstrates the need to understand how gendered forms of violence work in concert with gendered effects of violence where our scope of concern is the entire community. This in no way implies that women's rights must be sacrificed for the sake of self-determination; rather, I argue that any conversation regarding the impacts of mining projects on women is not complete without understanding the notion of *the feminine* that exists in the lives of Laguna people. The *feminine* signifies that as embodied in human beings and the feminine as embodied in Mother Earth, "Our Mother" in Laguna Keres language, undergirding Laguna epistemology that honors and holds sacred the feminine. Women embody some aspects of the feminine but because of the sacredness of the feminine, so can other genders. For reasons of "ethnographic refusal," I am intentionally avoiding a rigid definition of the feminine.<sup>6</sup>

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<sup>6</sup> The notion of the feminine that emerges from Laguna Pueblo and Keres-speaking people is a place-based knowledge process, and while I argue for the inclusion of considerations of

## Jackpile Uranium Mine and Human Rights

The Jackpile uranium mine, located on Laguna Pueblo lands, is the easternmost area of a region known as the Grants Mineral Belt, an area of vast uranium mining and milling from the 1950s to the 1980s. The federal government, through the Atomic Energy Commission (AEC), was the sole purchaser of uranium until 1966, when commercial sales of uranium began. The AEC continued to purchase ore until 1970. Major players in the uranium belt were Anaconda Mining Company, Kerr-McGee, United Nuclear and Sohio. Homestake, now a subsidiary of Barrick Gold, and United Nuclear operated uranium processing mills west of Grants, New Mexico.

Jackpile uranium mine was in operation from approximately 1953 to 1982, when Anaconda's successor Atlantic Richfield, unilaterally decided it was not generating enough profit to continue the mine operations. After nearly 30 years of mining, the company announced closure; to many at Laguna it felt like an overnight withdrawal after being the major source of employment. It is common knowledge that the Pueblo and the surrounding area experienced an unemployment rate of nearly 80%.<sup>7</sup> With unemployment came many economic and social problems for Laguna People. Women and children often bore the brunt of the social ills that followed the mine closure. Domestic violence was common, although not openly discussed. Some men, who had no other employment skills, moved to other locations of Anaconda operations, such as Nevada, or other mines still in operation in New Mexico.

In 1983 the Pueblo began a 6-year process of negotiation to remediate 2700 acres of disturbed land. A Draft Environmental Impact

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the feminine, which can be applicable to other communities as a reminder to consider their own epistemologies, I do not believe it is necessary to offer my version of Laguna epistemology to confirm the importance of the feminine.

<sup>7</sup> For a more complete account of the experience of the Laguna people with the Jackpile mine, see Lorenzo (2006).



Statement (DEIS) was prepared in 1985 (Bureau of Indian Affairs, Bureau of Land Management, 1985). In community meetings, members raised issues of psychological harm once they realized Anaconda had no intentions of restoring nearly 8,000 acres of damaged lands to their original state (Lorenzo, 2006). This was rejected as “not within the scope” of the EIS.

When the mine closed in 1982, Laguna and neighboring communities believed this was the end of uranium mining. However, in the early 2000s, several mining companies that had held onto leases in the area proposed new mining ventures. They decided that the market price for uranium was worth their investment once again. The Laguna Pueblo Council has since passed a moratorium on new uranium mining on Laguna lands, but surrounding communities have been amenable to renewed mining. Currently, the Pueblo is in litigation with Atlantic Richfield, now owned by British Petroleum, over responsibility for remediation of the mine. Given this history, obvious questions of human rights considerations come to mind. Rather than second-guess decisions made by Pueblo leadership, I believe it would be helpful to place this story of Jackpile within a human rights framework, especially the rights of Indigenous women, to help in future strategies for addressing remediation and the health of the people and the land.

### *A Global Human Rights Context: Indigenous self-determination*

Several key rights set the foundation to establish a human rights context for Indigenous peoples and extractives. First and fundamental is the overarching right to self-determination for Indigenous peoples as set forth in Article 3 of the UN Declaration and Article III of the OAS Declaration. The language is identical in the two instruments: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Second, for Indigenous peoples, lands and territories – presently-held and traditionally-held – are integrally connected to the exercise of self-determination. Article 25 of the UN Declaration recognizes the right of

Indigenous peoples to “maintain and strengthen their distinctive spiritual relationship” with their lands and territories. Article 28 (1) of the UN Declaration sets forth the related right of Indigenous peoples to redress for their “lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.”

Third is the right to free, prior and informed consent, found in Articles 10, 11, 19, 28 and 29 of the UN Declaration, as well as Articles VIII, XVIII, XXIII, and XXVIII in the American Declaration. In present human rights discourse on extractive activities, Indigenous peoples are demanding their right to free, prior, and informed consent before any extractive or mining projects are allowed to go forward,<sup>8</sup> and each of these three components is critical to the consent of Indigenous peoples. There is also a rapidly growing body of literature on Indigenous lands and self-determination, expanding to fit the numerous human rights contexts around the globe.<sup>9</sup> Indigenous peoples are asserting that consent must be free and not coerced; consent must be sought before any mining activity is authorized; and sufficient information must be provided to Indigenous peoples so that they may make informed decisions.

Further, while it is crucial that collectively-held rights be recognized, in the context of mining, related individual rights are at stake as well. The preamble to the UN Declaration expressly recognizes that Indigenous individuals are “entitled without discrimination to all human rights recognized under international law.” Indigenous human rights defenders

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<sup>8</sup> See, e.g., Consolidated report on extractive industries and their impact on indigenous peoples, E/C.19/2013/16, a report of the UN Permanent Forum on Indigenous Issues.

<sup>9</sup> See, e.g., Cathal Doyle and Andy Whitmore, *Indigenous Peoples & the Extractive Sector: Towards a Rights-Respecting Engagement* (2014), Tebtebba, Indigenous Peoples Links and Middlesex University; Vol. 1, *The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review* (December 2013), located at: [www.eireview.org](http://www.eireview.org); and *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive Industries and Indigenous Peoples (2013) A/HRC/24/41*.

have been targeted as they defend Indigenous traditional territories and resources, and many of these defenders are women.<sup>10</sup> Additionally, the international community has recognized the vulnerability of Indigenous women and children where extractive activity occurs on or near Indigenous territory.<sup>11</sup>

Both the UN and the OAS declarations, which involved decades of engagement by Indigenous peoples in the drafting process, recognize the vulnerability of Indigenous women and children, as well as disproportionate impacts on this population as a general matter. Article 17 of the UN Declaration highlights the need to take special measures to protect Indigenous women and children: “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.” Article VII of the OAS Declaration contains a broader statement on the rights of Indigenous women: “Indigenous women have the right to the recognition, protection, and enjoyment of all human rights and fundamental freedoms provided for in international law, free from discrimination of any kind.” Indigenous women are therefore entitled to rights guaranteed to individuals under international human rights law, as well as collectively held rights articulated in the UN and OAS declarations.

### *Gender-specific rights*

#### Discrimination against women, under the Convention on the

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<sup>10</sup> For more information, see:

<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Featurestories.aspx>.

<sup>11</sup> The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples (2009); R. Adamson, Vulnerabilities of Women in Extractive Industries, *Indian Journal of Women and Social Change*, Vol.2 (1) pp. 24-31 (2017); Dawn Memee Harvard, Submission to the United Nations Permanent Forum on Indigenous Issues, New York, April 21, 2015, “Extreme Extraction and Sexual Violence Against Indigenous Women in the Great Plains.

Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>12</sup> is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” The United States is one of the few nations that have not ratified this convention.

The generally accepted definition of violence against women in human rights parlance is from the 1993 UN Declaration on the Elimination of Violence Against Women:

any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>13</sup>

Indigenous scholars and activists insist that the promotion of self-determination and addressing the rights of Indigenous women are inseparable; thus violations of Indigenous women’s rights should be regarded as *both* violations of Indigenous peoples’ rights *and* women’s rights. However, I want to be clear that I do not believe all the impacts of the uranium mining project on Laguna and other Indigenous women in the region constituted violence against women per se. I do believe it is important to name the violence against women where it did occur and to identify gendered impacts of the mining project, even as they are still surfacing and being recognized today.

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<sup>12</sup> Convention on the Elimination of All Forms of Discrimination Against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 (1979), 1249 U.N.T.S. 13, entered into force Sept. 3, 1981.

<sup>13</sup> New York, United Nations, 23 February 1994 (Resolution No. A/RES/48/104), Article 1.

### *Viewing Jackpile mine through a human rights lens*

A multitude of new questions emerge when viewing Jackpile through a human rights lens: Was Laguna's right to free, prior, and informed consent respected? Was the Pueblo's benefit from the revenues an equitable amount? During the mining process, were sacred sites respected and protected? Did meaningful consultation with the Pueblo occur when the initial leases were proposed, and later, did Anaconda interpret their lease to allow them to make unilateral decisions about destruction of certain sacred areas without Pueblo consent? Was the Pueblo accorded a role in the decision to close mining operations? After the mine was closed, was the Pueblo granted a fair remedy for damage to the Pueblo lands destroyed and contaminated by mining activity? Today, the latter questions are likely most relevant to the Pueblo, since the mine is now a Superfund site. The Pueblo will benefit if the U.S. Environmental Protection Agency (EPA) is successful in cleaning up the contaminated site, and more so if the successor company Atlantic Richfield is made to pay for complete remediation. These are important questions, but this is not the subject of this article; rather, I am interested in related human rights inquiries that bring forward less explored experiences of Indigenous women at Laguna Pueblo.

Little if any published and accessible data exists on the number of women who were employed at the mine, labor issues, and impacts on their health. For work-related issues, it is difficult to say whether there was pay equity for women employed in similar situations as men at the mine. Equally frustrating is the lack of accessible data on the health of women at Laguna Pueblo. The main health provider during the years of the mine operation was the federal government's Indian Health Service (IHS). If health care providers had concerns about risks of exposure to uranium, very little is documented. During the scoping process leading up to the preparation of the Draft EIS, the Indian Health Service provided only a one-page report. Today we know that it is possible to gather data on health issues of people who had exposure to uranium, as evidenced by research

performed by local organizations on former miners and health related research on the Navajo Nation.<sup>14</sup> Studies on Navajo Nation on reproductive health issues are an indication of what might be found at Laguna if similar studies were undertaken. Rates of birth defects in babies born to Navajo women living in uranium mining areas in New Mexico and Arizona between 1964 and 1981 were 2 to 8 times the national averages, depending on the type of defect (Shuey, 2008). No data on family or mental health appears to exist that addresses a rise in domestic violence or other forms of violence against women with mining activity at Jackpile. As a resident of Pagate Village and as a researcher, I have had access to firsthand knowledge of impacts on women at Laguna. Hence, much of the analysis of impacts on Indigenous women at Laguna Pueblo is a combination of firsthand knowledge and anecdotal data about women at Laguna, many of whom wish to remain anonymous.<sup>15</sup>

Discussion and analysis of impacts from the Jackpile mining project on women and *the feminine* at Laguna must begin with a word about the traditional historical roles of women and men at Laguna Pueblo. First, Laguna like other nearby Pueblos is historically matriarchal and matrilineal. Laguna women shared decision-making in some community decisions and generally the home was considered her property and her domain. Traditionally women inherit homes and are the mother or keeper of the family home. While many traces of this status are present today, Lagunas cannot ignore the influence of Spanish patriarchy that came with Spaniards and the Catholic Church in the 1600's (Lorenzo, 2017b). Compounding 300

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<sup>14</sup> See, e.g., the Navajo Birth Cohort Study, a response to concerns expressed by Navajo women about health impacts of living near abandoned uranium mines. Information at: <http://www.sric.org/nbcs/index.php> See also, "Post '71 Uranium Exposure, a Survey of Former Uranium Workers," Evers, et al., (2009) a power point presentation which contains some information on reproductive health disorders of women who worked at uranium mines.

<sup>15</sup> Some residents and former miners have testified and shared their stories. See Purley, D.A., *The Jackpile Mine: Testimony of a Former Miner* (1995); Jacobs, C.A., *A Toxic Legacy: Stories of Jackpile Mine* (2004).

years of Spanish colonialism were periods of Mexican and American colonialism. Thus, when the uranium mining project began at Laguna, Laguna people had already experienced imposition of patriarchal institutions that were at odds with a matrilineal and matriarchal people.

Most importantly, Laguna people have an epistemology that holds *the feminine* as sacred. The Laguna Keres language, for instance, uses female pronouns for some deities, as well as other words to describe sacred places (Lorenzo, 2017a). One reference most familiar to the non-Indigenous world might be the term Mother Earth. This part, this heart of Laguna life, was one area least expressed during the mining project and probably the most harmed. Knowledge and appreciation of this aspect of Laguna Pueblo is helpful to understanding the very important cultural and spiritual relationship that Indigenous peoples have with their lands and territories.

Laguna, like other Pueblos in New Mexico, has a Spanish-imposed form of government, with a Governor as leader, together with a Pueblo Council. In the 1950's the Governor and Council were all men, and women had little voice and no vote in the decision on whether to allow uranium mining on Laguna lands. At the village level, only men served as officials, and only men attended the village meetings at that time in history. Today, women do attend village meetings in all but one of the six Laguna villages, and do serve in some village level officer positions, and a few women have served as council members, although women are not currently considered as eligible for staff officer positions such as Governor and Lt. Governor.

Given the context of outside influences and development projects at Laguna, an obvious question is whether the mining project supported women's matriarchal status. Did the mining project support the cultural status of women, or did it promote interests to the detriment of women in the Pueblo? Inquiries like these have provoked the use of a human rights lens in other Indigenous peoples' contexts, such as the Bakken oil fields in North Dakota, the Keystone XL pipelines, and most recently Dakota Access Pipeline (Harvard, 2015). Employing the human rights norms articulated in human rights instruments can help identify how women at Laguna were impacted due to their status as women, as Indigenous, as rural, and as poor, compared to other New Mexico populations. Given this range of factors, as

well as the epistemology and cultural values that I have outlined, it is not useful to distinguish between gender specific forms of violence on women and gendered impacts to the whole Indigenous population at Laguna.

### **Gender specific or gendered impact?**

The following areas of impact on women at Laguna provide insight regarding the link between gender specific and gendered impact: shift from an agricultural to a wage-earning economy, lack of voice in governance, potential employment discrimination, domestic violence related to abuse of alcohol, and reproductive health issues. Today, a growing body of research recognizes that Indigenous women are especially vulnerable in areas where extractive projects take place. For example, in Peru, observations were made by researchers and policymakers that extractive industry in the Amazon had significantly influenced gender relations where family/household and community economies had shifted as men left behind traditional economy activities like hunting and fishing for wage labor—a process that had some critical social impacts like the rise of alcohol abuse linked with domestic violence (Amancio, 2015). Similar observations have been made in other regions of the world: Lower Mekong (Dhaatri Resource Centre for Women and Children, 2013), the Philippines, Kenya, and Mexico (Barcia, 2017).

Before the uranium mine at Laguna, many community members led an agricultural lifestyle. Some combined this with jobs in local areas. Many farmed and/or raised livestock. Some had moved away from Laguna to work with the railroad, and some commuted between Laguna and Albuquerque (the largest nearby city) or Grants and other nearby towns. Over the years, Lagunas were convinced by Anaconda to work at the mine. In Pagate, the elders say that fields and orchards dried up as farmers turned to jobs at the mine. Many acres of farmland were reduced to rubble as part of the area leased for mining. Alvino Waconda, a Laguna man and Pagate resident who worked for 11 years as a heavy equipment operator, testified at the World Uranium Hearing in Salzburg in 1992, on the effects of the mine on life at Pagate Village:



When the uranium mine became part of our lives I feel that, as a family, we lost a lot. The family values, culture and tribal traditions changed. My father became employed at the mine and we never farmed on a large-scale basis again. My father sold his livestock because he could no longer tend to his livestock and all the work involved at the mine. As I look back on my early teenage years, it angers me now to see how quickly money can change your whole life. By this, I mean that during the time my siblings and I began to have a different attitude about money and what it could provide. Those things which were a vital part of our childhood no longer seemed important. (Waconda, 1992)

As has been the case elsewhere, the partnerships that many husbands and wives shared in agriculture were disrupted with extractive industry wage-earning jobs. Manny Pino, a researcher from Laguna's neighboring Pueblo, Acoma, observed at the World Uranium Conference, the people "went from being agriculturalists and livestock raisers to wage earners, and that impacted our traditional culture, our traditional language, participation in our ceremonies. During the height of uranium mining, people prioritized their eight-to-five-job, their eight-hour-a-day-job over participating in the ceremonies" (Brown, pp. 146-148). True partnership between men and women had been required in farming and livestock growing and in traditional ceremonies. Since only men were hired at the mines initially, they had more social and economic status outside of Laguna, where they wielded influence in a monetized economy. This affected the social and economic standing of women who were previously recognized as partners in making a living for the household.

Until the 1970s, only men were hired to work at Jackpile, with the exception of a few women hired to do clerical work. Several decades went by without women at Laguna able to secure good paying jobs at the mine. More questions remain than we have answers regarding the treatment of women in an area dominated by men at the mine. What factors were

considered in setting wages for women and men? Did women experience harassment on the job? In a survey of post-1971 miners done by the Post 71 Group,<sup>16</sup> which did not distinguish between Indigenous and non-Indigenous women, some women indicated that they had experienced miscarriages or loss of babies in their infancy. They were never told to take precautions even though their employer knew they were pregnant (Evers, et al. 2009). Although the survey did not disaggregate data on Laguna women, this scenario is likely to have occurred elsewhere, including at Laguna.

Many women who did not work at the mine were also impacted, including Laguna women and spouses from other tribes. It is now common knowledge across uranium mining communities that women washed their husband's contaminated clothing with the rest of the family's clothes. It is also common knowledge that a typical practice for curing food was drying meat and fruit in the sun. Frequent blasting meant that much of the village was covered with uranium dust. Today we know that radon likely traveled beyond the mine in these ways. So even those women who did not work at the mine experienced exposure to radon. This too could have been related to reproductive health issues. Although other women worked in Albuquerque, 60 miles away, and other towns, they came home to Pagate and other villages where they could have been exposed.

Furthermore, a non-Indigenous enterprise that grew during the mining years was the sale of alcohol. Just beyond Laguna Pueblo borders, a number of bars prospered, in Bibo to the north of Pagate, and then on the west end of Laguna lands from Cubero to San Fidel. It became common practice for men to cash their paychecks at the bars and partake of alcohol before going home. Many Laguna men and women recount an increase in alcohol abuse and domestic violence (Waconda, 1992; Brown, 1992), and women were victims of domestic violence more so than men. At that time in Laguna history, domestic violence was often considered a private family

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<sup>16</sup> The Post 71 Group is one of five core groups of the Multicultural Alliance for a Safe Environment (MASE). For more information, see the MASE website at: <https://swuraniumimpacts.org/>

matter, and calls for help often went without arrests or police reports being filed. This of course contributed to women's silence.

Additionally, non-Indigenous men with likely different socialization regarding women came to work at the Jackpile mine and also frequented the bars. These included Hispanic men from the nearby Spanish land grants, as well as Anglo men who traveled long distances for work. They often found temporary housing in nearby communities like Bibo, Seboyeta, and Cubero. They often brought values from patriarchal cultures that did not view *the feminine* as sacred and did not view women as equal partners. They spent a lot of time with Laguna men at the mine and at the bars after work over the years, and likely influenced Laguna ways of thinking about the role and status of women. As discussed earlier, this is a documented impact of mining in Indigenous communities. Although little is documented by criminal complaints, I have been told stories of sexual assault around the bars, and Laguna women being kidnapped by non-Native men. Collectively, the latter are accounts of gender specific impacts and forms of violence to women at Laguna. However, not all impacts on Laguna women from the mine can be classified as violence explicitly aimed at women—discrimination perhaps, damaging and harmful, nonetheless. This is why it is important to move the discussion beyond women and consider the violence to the feminine.

### *Violence to the feminine*

What the experience of Laguna further reveals is that we must deepen the use of “gender” to include *the feminine*, which extends beyond the experience of Laguna Pueblo women only. In the case of Laguna and other matrilineal and matriarchal Indigenous peoples, the feminine is fundamental.

*The feminine* is expressed in many ways for Laguna people. Some deities have feminine names, and some sacred places have feminine names and are spoken of as having feminine qualities. Importantly, this is believed, expressed, and lived by Laguna men and women who speak the language

and practice our cultural lifeways. Thus, inquiry regarding impacts of uranium mining must explicitly include *the feminine* at Laguna.

An agricultural lifestyle went hand in hand with the Laguna belief system, which is a whole complex religion where land is central. In Laguna epistemology, Our Mother is sacred and to be respected. Like other Pueblos in New Mexico, the agricultural lifestyle is mindful of seasons of the year and cycles of life for human and plants. Ceremonies that include prayer are focused on our responsibilities for care of Our Mother and other living beings. Speaking of the feminine as sacred is natural, and when one understands this dynamic, it is not difficult to comprehend the kind of spiritual violence that a major mining project could have on Laguna people.

The Jackpile uranium project unquestionably perpetrated major violence on Our Mother. Thousands of acres of land were disturbed, and significant landmarks, along with their stories, were blown up with dynamite. Areas formerly covered with fruit trees and used for farming fields and livestock grazing disappeared. Mildred Chino, a lifelong resident of Pagate Village described her feelings about the loss:

Gone are the beautiful valleys, which at the time provided farming spaces to the villagers as a means of subsistence. Fruit trees and cornfields are but a memory to my generation. The majestic plateaus, the sandstone rock formations of unending blends of off-white, beiges, tans, and reds are now mingled with the grays and black of the disrupted Earth. It's a shame that my five grandchildren will never walk in those same places. Mesas and unique rock formations are found, as settings, in stories and myths as told for many generations in Pagate. Some of those formations were blasted into eternity. How can a person who has grown up with these stories begin to understand the destruction, not only to the land, but to the stories that have sustained us over the centuries? (Jacobs, p. 45)

Dorothy Purley, a former miner, also described this loss in her testimony at the New Mexico Conference on the Environment in 1994, "Yesterday I sat at the edge of the mine to gather my thoughts for today. I could not stop the tears that flowed. There in front of me is a vast waste of land. The violation was too much for my eyes. I asked my Great Spirit for forgiveness" (p. 16).

This spiritual violence reflected not only physical hurt of Our Mother, but also exemplified through disruption to the cycle of ceremonies that Laguna peoples follow. Rather than following the ancestral solar or lunar cycles, Lagunas began to schedule some ceremonies to accommodate their work schedule. At some points in the mining operations, mining took place 24 hours a day, 7 days a week, and ceremonial obligations often were adjusted, which also disrupted relationships between men and women. In addition, mining operations were so close to Paguete Village that blasting shook and damaged many traditional adobe and rock homes, often leaving dust on people's homes and traditional foods. Dorothy Purley recalled how "the blast would shake the homes so severely that dishes rattled, and glassware would fall off the cabinets. You could feel the land under your feet move...What was even worse was the smell of sulfur. We were told that it was only blasting powder, nothing to be afraid of. The smell would linger in our homes for hours" (Purley, 1995, p. 17). This is problematic as the core or center part of the village and surrounding homes are part of an ancestral architecture that represent an intimate connection between the sacred and the people, as expressed in Laguna teachings about the home (Lorenzo, 2017a).

I recall the people discussing one landmark to be eliminated so that Anaconda could get to the ore underneath. This was a place where certain beings were believed to live. As a child I wondered why the adults would let this happen. I remember that the road to Paguete had to be re-routed once this mesa was eliminated. For those who understood the significance of this place, it must have been traumatic. And this was not the only place or landmark that was damaged; there were others. I believe Laguna men who worked at the mine made efforts to protect some places. The draft Environmental Impact Statement (1985, pp. 77-78) blithely states that the mine lease area had been archaeologically inventoried and had 217 archaeological sites:

Of this total 205 remain. Seven of the sites were excavated, and five were formally determined to be insignificant prior to their destruction by mining. These sites demonstrate that the mine area

has been intermittently utilized since the Archaic period (approximately 5,000 B.C.).

Today the entire Jackpile area is accessible only with a permit given at the discretion of the Pueblo Natural Resources Department and is still considered contaminated.

In my view, spiritual violence that hurts and disrupts *the feminine* leads to intergenerational trauma. Few people at Laguna have explicitly expressed this, and many believed it was better to remain silent about these sacred places. It is painful to discuss, although some individuals shared their feelings during the public hearings that led to the EIS. Conrad Lucero, now a Laguna elder, expressed the sadness that many others probably felt when he reflected on the extent of damage to the land, Our Mother:

You have opened a wound. .... That's exactly what you have done. You have wounded my mother, because, as an Indian, I have different values of land than you, the white man, do. Your value is dollars. My value is far deeper. It comes from the heart. Use your mother as an example, because tradition and custom that I have been taught by my elders have told me, that is your mother. Take into consideration if a wound was opened on your mother somewhere, face disfigured, dismembered, by an act of man. Again, you, the Anglo people, have a different perspective of how to repair it. All you ask is: What is it going to cost me? You don't, a lot of times, think: Is she ever going to be of sound mind, of sound body? It angers me to sit here and listen to the technical data. Whether it's to impress me, whether it's to overwhelm me, whether it's considerably stupid, because I can't understand it, that's for you to figure out. But I think my people have common sense enough to realize what they want and what they need. (1985)

Testimonies like Lucero's reveal a shared sense of betrayal by Anaconda when community people learned that the land would not be restored, and it was likely that the large open pits would be left. One also senses that there is a feeling of failure on the part of humanity to fulfill our collective responsibility to take care of Our Mother.

We can link cumulative impact of violence to *the feminine* through the uranium mining in Laguna to historical and intergenerational trauma. More research is needed in this area, but using Braveheart's definition of historical trauma as "cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma" (Heart & DeBruyn, 1998), we can add the dimension of spiritual wounding. The mining project in all phases led to major violations against *the feminine* as embodied in human beings, Our Mother (including traditional structures), and Laguna epistemology.

Do the human rights standards articulated earlier capture this kind of violence? What is distinct about violence to Indigenous lands and territories, and is a human rights lens helpful when it comes to talking about violence to *the feminine* in this case? If so, how do we construct a violation of an Indigenous human rights argument in the case of Jackpile mine? Do we need to construct a human rights violation in order to benefit from the gendered impact analysis? After all, human rights, as the name suggests, are about humans. The violence in Laguna goes beyond humans and yet speaks to the very heart of who Laguna people are and aspire to be.

Human rights instruments name "rights" connected to many of the areas affected in the case of Jackpile mine, for instance the right to culture in the International Covenant on Civil and Political Rights (ICCPR Art. 27); rights of access to sacred sites (UN Declaration Art. 12); rights to redress when lands are damaged without free, prior and informed consent (UN Declaration Art. 28); right to health care connected to exposure to hazardous materials (UN Declaration Art. 29); and special attention to the rights of Indigenous women (UN Declaration Art.22 and ADRIP Art. VII). However, the reality for Indigenous peoples is that this discourse is limited to rights of human beings and may not sufficiently capture Indigenous self-determination and the dimension of harm to *the feminine* described here. Laguna elders speak more to a sense of responsibility when it comes to Our Mother, and this responsibility is linked with our language and cultural practices. There is a clearly expressed responsibility to care for these gifts given to us by our Creator and to transmit them to future generations of Laguna people.

## Conclusion

In this article, I challenge the notion of “either/or” in exploring gendered forms of violence against Indigenous women and gendered effects of violence impacting Indigenous communities by using the case of the Jackpile uranium mine at Laguna. I outline broader global human rights frameworks that begin with self-determination and extend into consideration of Indigenous lands and territories. I also narrow human rights discourse in relation to gender, and more specifically Indigenous women. I argue that in the case of a matrilineal, matriarchal people like the Pueblo of Laguna, doing a gendered impact analysis is vital. However, in doing so, we learn that the notion of gender must be expanded to include *the feminine*, and that furthermore, because men and women at Laguna ascribe to a Laguna epistemology, which holds *the feminine* as sacred, both women and men are impacted. While not all impacts from the mining project on women would be classified as violence by community members, impacts on *the feminine* as embodied by human beings and Our Mother, and a central part of the identity of a matriarchal, matrilineal people, constitutes spiritual violence that has resulted in multiple forms of trauma.

How might this analysis be useful for Laguna’s future? First, space for continued discussions about the Jackpile mine and its impacts upon a matrilineal, matriarchal people must be made. These discussions can inform our leadership on the need for amplified voices of historically underrepresented figures in research and public decision-making, including women, and we must also cultivate representation of *the feminine* in these conversations by all Lagunas. While in Laguna a gender specific versus gendered impact approach is not useful in looking at the historical impacts of the Jackpile mine, the contemporary reality is that long-term issues do require attentiveness to underserved populations and silenced voices, and this is evident in a need to support violence against women programs and further exploring historical causes of violence against women at the Pueblo. For years, Indigenous women have been raising the need for disaggregated data on Indigenous women. This could be the beginning of data gathering at the Pueblo with this in mind.



It is also critical that Indigenous peoples challenge what a human rights framework can offer us in the future. As Laguna works to remediate contaminated lands in a Superfund site, it could be useful to use a human rights lens to view the mining chapter in Laguna Pueblo history within a larger context of colonial dispossession of Indigenous lands and misuse of Indigenous resources to service the larger state without the full and informed consent of the people involved. How does the Pueblo ensure that all future development projects involve the free, prior, and informed consent of the Pueblo, in a manner inclusive of all Pueblo citizens and residents? Along these lines it is useful to look at governance issues within the larger context of colonial imposition of structures and ask whether these structures should continue in a time when Laguna is no longer under the thumb of Spain.

Last, if we fully understand the trauma that occurred with violence to *the feminine* on various levels—physical/environmental, health, social, cultural, and spiritual, our knowledge can have major implications for our people going forward. If we say we are a matrilineal and matriarchal people, then working to name the violence on *the feminine* and working to heal the wounds that are likely still open, on all those levels, will be important for how we shape our future. Asking questions, challenging, learning, and continuing to explore help us to understand how we can work collectively to support the feminine heart of our being. We, like other Indigenous peoples, have shown tremendous resilience in holding onto our strengths despite centuries of colonial oppression and suppression of our lifestyles and belief systems. It is time that we return to the strength of *the feminine* that has given us life since the beginning.

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