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Setting It Straight: a Thirtieth Anniversary Gathering ... in Memory of the Little Tennessee River and Its Valley

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Setting It Straight: a Thirtieth Anniversary Gathering
... in Memory of the Little Tennessee River and Its Valley

*Created:* 200,000,000 BC — *eliminated by TVA:* November 29, 1979

*R.I.P.*

A Reunion of Tellico Dam Resisters:
farmers & landowners, sportsmen, the Eastern Band of Cherokees, & conservationists

Vonore Community Center, Vonore, Tennessee, November 14, 2009
The Little Tennessee River: A Time-Line

200,000,000 BC — God raises up the Great Smoky Mountains, and the Little T starts flowing westward down out of the mountains.
8000 BC — archeaic settlements arise in the meadows along the Little T in the rolling countryside West of the mountains.
1000-1400 AD — Early proto-Cherokee Pisgah culture; villages are scattered along the Little T.
1540 — Hernando deSoto crosses the mountains from the East and travels down the Little T, noting the rich Cherokee towns.
1700s — Chota becomes the central city of refuge, the Jerusalem of the Overhill Cherokee. Extensive farming, fishing, trade.
1756 — Fort Loudon built to defend against the French & Iroquois; 1762, English Col. Henry Timberlake maps the Little T Valley.
1771 — Sequoyah is born in Toskegee village on the river meadow just South of the fort. (1821: using his syllabary, 90% can read.)
1775 — William Bartram’s Travels through Cherokee Country chronicle a rich river valley with fishing, farming, far-ranging trade.
1791 — Treaty of Holston; President Washington guarantees that Cherokee lands will never be invaded by white settlers.
1838 — [White settlers enter Valley, 1817] U.S. Army and Georgia militia evict most Cherokees to Oklahoma on the Trail of Tears.
1933 — TVA is created by the U.S. Congress.
1936 — Tellico site listed by TVA as one of 69 potential damsites.
1940-67 — TVA builds more than 5 dozen dams on Big Tennessee & tributaries; most of river system is dammed: 2500 linear miles.
1959 — TVA Chair Red Wagner proposes a Tellico Dam, to be justified by land development and recreation benefit claims.
1964 — October 16 — Citizens walk out of TVA-formed booster association; form Association for the Preservation of the Little T.
1966 — TVA persuades Congress to authorize funding for Tellico Dam; major claimed benefit: Recreation.
1967 — TVA builds Tellico Dam structure; 1968 adds claims for “Timberlake New Town” land development, to be built by Boeing.
1972 — Farmers, fishermen, and environmentalists get NEPA injunction, based on TVA’s refusal to prepare an EIS.
1973 — TVA does an EIS; district judge deems it sufficient — NEPA injunction lifted.
1974 — October 12 — Hank Hill & Zyg Plater and remaining dam resisters meet at Fort Loudon, agree to fight on with the snail darter.
1975 — Boeing abandons Timberlake project citing economic impracticability. TVA works feverishly to evict landowners. Citizens’ petition to Dept. of Interior granted for listing of snail darter and habitat as endangered; lawsuit filed in district court.
1976 — District judge Robert Taylor finds facts for ESA §7 violations, but refuses to issue an injunction.
1978 — Supreme Court upholds injunction. Alternative development plans: Tourism, industrial park, farmers back on their farms.
1979 — Cabinet-level God Committee, created by Baker-Culver ESA Amendments, unanimously upholds snail darter injunction on economic grounds: altho 95% of dam costs are spent, even total project benefits don’t justify spending the remaining 5%!
1982 — No development; embarrassed TVA proposes use of valley as toxic waste facility; citizens’ media outcry sinks toxic proposal.
1983 — TVA transfers 11,000 acres to development agency; former landowners aren’t allowed to make bids at the auction.
1984ff — Extensive flatwater recreation on reservoir; several communities of high-income resort homes; light industrial development near Highway 411; darter transplants allow downlisting to “threatened.”
Everyone who knew the Little T River and its Valley knew it was a national treasure...

For centuries until the Trail of Tears, the Little T was the sacred valley of the Cherokee Indians… rich farmlands, lively villages, abundant fish and wildlife.

Up until the 1970s the Little T supported a vibrant local farming economy, flowing-river recreation, and world-class trout-fishing.
But in 1959 TVA’s all-powerful chairman Aubrey “Red” Wagner decided that

**60-PLUSS DAMS WERE NOT ENOUGH!**

Wagner began an incessant TVA campaign to build Tellico Dam.

Not enough dams!? with 2500 linear miles of impounded former-rivers between 60+ dams, Tennessee had more slack-water shoreline than all the Great Lakes combined!

...but still there remained 33 extraordinary miles of the Little T’s flowing waters, undamned.
Farmers, townspeople, fishermen, conservationists, archaeologists and history buffs rallied to fight off the TVA dam proposal, organizing local opposition and testifying in Congress against TVA...

...But in 1966, TVA persuaded Congress to give them permission and money to build Tellico Dam. TVA quickly built the diminutive dam structure in 1967:

1968: The dam itself cost only $4.08 million. (Most of the project’s $160 million budget was for forced sales, condemning the farmers’ land, and building new roads and bridges.) The dam structure blocked one small down-river channel of the Little T, but the river continued to flow around the dam site via the north channel. The citizen dam resisters fought on.
The dam resisters pointed out that the TVA justifications were economically *idiotic*.

TVA tried to justify the dam project with two main claims of benefits:

- "**Improved Recreation**" — by *eliminating* the last, best flowing-water recreational river in the south-eastern United States...
- and "**Shoreland Development**" —

Most of the Tellico Project lands would *not* be flooded!

TVA based its “shoreland development” claims on *massive condemnation of 300+ homes and family farms* that would be re-sold by TVA and supposedly developed by industry!

TVA predicted that a supposed future model industrial city to be called “Timberlake New Town” would come to the reservoir. TVA said the supposed city would be built by the Boeing Corporation and have 40,000 people and 25,000 industrial jobs! (...if Congress would give TVA another billion dollars.) (Boeing soon quit: the plan was “impractical.”)

(TVA also claimed that lots of commercial barges would come to the reservoir, and small flood benefits might come from one more dam in a chain of dozens. The dam had no generators, but a small amount of power would go via a canal to another reservoir that had generators.)

Subsequently (too late) *all* of TVA’s economic claims were publicly proved *false, wrong.*
The citizen dam resisters argued that the valley was too valuable to destroy for just one more algae-ridden reservoir. “It’s like trading away an eagle just to get another old crow,” said Larry Crisp.

The river defenders advocated a spectacularly valuable alternative river-based development design:

[The farmers would go back to their farms, a Tourist “Cherokee Trail” would lead travelers from I-75 & I-40 up through the Little T Valley to the Great Smokies National Park, with Cherokee and historic sites protected, industrial parks, residential communities.]
But TVA bulldozed onward with its plans to finish the project, condemning farms, building dikes to impound the reservoir, over-riding local opposition, recruiting and funding its own local boosters, dismissively refusing Tennessee Governor Dunn’s request to stop the dam.

The citizens blocked the dam for a time with a 1972-73 court injunction, forcing TVA to do an environmental impact statement. But TVA finally wrote an impact statement, and continued to push the faulty project onward.

Then, in August 1973, Dr. David Etnier and his fish biology grad students found a little endangered perch in the middle of the Little T, on the riffling shoals at Coytee Spring.

![The Snail Darter!](image)

- The federal Endangered Species Act says no federal agency shall “jeopardize the existence” of an endangered species or modify or destroy its “critical habitat.” At the UT College of Law Hank Hill asked his teacher if he could do a short research paper on the darter and the dam: The dam clearly violated the Endangered Species Act. At a potluck supper at old Fort Loudon on October 12, 1974 Hank and the teacher took the idea to the farmers, land-owners, and sportsmen who had been fighting the ten-year long battles against the dam. After a wary, difficult discussion, Asa McCall took off his hat and passed it around to start the lawsuit versus TVA.
The citizens successfully went to Washington and petitioned to have the snail darter and its habitat put on the federal Endangered Species List, 1975.

TVA accelerated its bulldozing and farmland condemnation.

The local federal judge Robert Taylor ruled in favor of TVA and dismissed the case, 1976.

The citizens took the case to the U.S. appeals court in Cincinnati & won a stop order against the dam!

1977: Capitol lobbyists, abetted by the nation’s press, went wild criticizing the citizens’ case —

“The Most Extreme Environmental Case Ever,”
the “silly little fish”...
blocking “a huge hydroelectric dam.”

The citizen dam resisters team spent more than 300 days in Washington, 1977-1979, defending the appeals court injunction against anti-environmental lobbyists in the federal agencies and in Congress, and preparing for the Supreme Court.

1978: The Supreme Court ruled in favor of the darter and the river valley!

The political porkbarrelers feverishly attacked the injunction and the ESA; Howard Baker set up a blue-ribbon Cabinet review committee empowered to decide the fate of the darter and the river.

The God Committee decided unanimously...

... the fish was right — extremely valuable river-based alternatives existed, and the dam had never been worth building!

“Here is a project that is 95% complete, and if one takes just the cost of finishing it against the [total project] benefits, and does it properly, it still doesn’t pay — which says something about the original design!”

— January 23, 1979

[Laughter]
rejecting the economic and common sense facts, Rep. John Duncan and Howard Baker cynically slipped a surreptitious over-ride exception into a money bill:

**TVA Appropriations Act of 1980:**

Notwithstanding any provision of law to the contrary, the following projects shall be completed —

(a) Tellico Dam.

Jimmy Carter failed to veto it.
The Cherokees tried a last-ditch sacred-lands constitutional lawsuit, but it failed.
Some snail darters were transplanted into several hopeful habitats, and thankfully have survived, though losing their last remaining major natural habitat.

And the River died on November 29, 1979.
...What had the national & Tennessee press, to their discredit, failed to tell the American public?

• that the Tellico project at its core was an ill-planned hypothetical urban-industrial federal land development scheme, not an energy project.

• that hundreds of families were being condemned off their farmlands and out of their homes — not for the (unneeded) reservoir but for their land to be sold to private corporate industrial developers for a hypothetical Model Industrial City, to be called Timberlake New Town that was never going to happen.

• that, for “economic development,” there was no economically coherent need for a 69th reservoir.

• that river-based development alternatives existed, and would be far more valuable!

• that the Tellico Project never made economic sense, and was notorious among economists outside the TVA region as a federal pork barrel manipulation.

• that the private farmers and landowners condemned for the supposed Timberlake urban development got paid an average of only $356/acre for prime lands, and weren’t allowed to try to buy their land back at TVA’s auction on Nov. 26, 1982, after Timberlake failed.

• that the Little T River was a unique treasure — farmlands, history, Cherokees, blue-ribbon trout fishing, potential tourism.

• that the little endangered fish – by existing there in the Little T River – acted as “a canary in the coal mine,” demonstrating to humans that their own welfare was sorely threatened by the impending loss of this last remaining big, clean, flowing river and its valley.
—Several million tourists a year (the Smokies get 11 million) transiting off Interstates I-75 and I-40, up through the historic sites of the valley on a “Cherokee Trail” to the National Park, with farmlands in productive use, and opportunities for fishing, family float trips, horseback riding stables in conjunction with the Park, plus hotels, resorts, restaurants, and residential development as Arkansas has done with the White River’s vibrant tourist economy; a substantial industrial park; farmers back on their family lands.
Today, after $165-plus million in taxpayer dollars, TVA’s Tellico project:

— has eliminated all the valley’s farms and prime soils, its agricultural community and agricultural economy.
— has no Timberlake Model City, which had been central to the project’s claims
— has virtually no out-of-state tourism.
— has replaced the farming community with McMansions unaffordable for local residents.
— has replaced the clear flowing river with a lowered-quality reservoir, with algae, Eurasian water milfoil infestation, and contaminated fish.
— has eliminated or degraded virtually all of the valley’s historical-archaeological treasures, and sacred Cherokee sites.
— has a TVA-funded Cherokee museum that doesn’t tell the story.
— has a limited number of businesses in its industrial park, not reservoir-dependent, and far fewer than in the industrial areas provided for in the citizens’ river-based alternative.
— has none of the bragged-about barge traffic.
— has power-boating, previously available on half a dozen surrounding reservoirs, but has eliminated the flowing river recreational resource, family float trips, and troutfishing.
— produces a miniscule amount of water diversion power via the canal.

Despite the facts and the overwhelming economic and ecological merits, the river and its valley have been eliminated by TVA’s manipulations and political force.

In the light of the historical record, TVA’s promises & justifications for the dam were wrong, false.

In the light of history, we the citizen dam resisters and the arguments we made will be seen as being right... from the very start! Tennessee & America would be far richer today if we had won.
No. 76 – 1791

In the Supreme Court of the United States

OCTOBER TERM, 1977

TENNESSEE VALLEY AUTHORITY, PETITIONER

v.

HIRAM G. HILL, JR., ET AL., RESPONDENTS

ON Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

BRIEF FOR THE RESPONDENTS

March, 1978

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ZYG PLATER — THE MOST EXTREME FISH EVER — THE SUPREMES & THEIR COURT — BRENT BLACKWELDER

DON COHEN

MARGARET & JOE SEXTON

ANNE WICKHAM w. RICHD. CELESTE — THE DARTER GANG: HANK HILL, PETER ALLIMAN,
DORIS GOVE, JEFF MELLOR, DAVE ETNIER, Z. PLATER

DR. JIM WILLIAMS

JOHN DERNBACH

PATRICK PARENTEAU, NWF

THE GOD COMMITTEE

DAVID HILLER

DAVID CONRAD
BOB BLANKENSHIP, EASTERN BAND CHEROKEES

TOP OF THE GREAT MOUND AT TOQUA
SHOWING LODGE POST-HOLES,
WITH FIELDS SPREADING OUT BELOW

THE CHEROKEE COMPLAINT: SEQUOYAH v. TVA

SMALL BUT MIGHTY

SARAH CARDIN & MULE

MIKE PERRY AND TRACTOR PROTEST AT TVA

NELL C. McCALL, HOLDING THE LEG OF A TABLE THAT ASA McCALL HAD MADE,...
FOUND AFTER TVA BURNED HER HOME.
PHOTO: MARGARET McCALL SEXTON, NOV. 14, 1979
RIVER DAY DEMONSTRATION, WITH FLATBED TRUCK STAGE, OCT. 20, 1979

Percina Imostoma tanasi

DAN & CHARLOTTE BURGNER
JERRY MARTIN

RIVER DAY DEMONSTRATION, WITH FLATBED TRUCK STAGE, OCT. 20, 1979

Percina Imostoma tanasi

DORIS GOVE & CHUCK COOK

THE SECRET GUY

ROGUES GALLERY: ETNIER PLATER RED WAGNER GRIFFIN BELL WARREN BURGER DAVID FREEMAN
CZAR, TVA U.S. ATTORNEY-GENERAL U.S. CHIEF JUSTICE TVA HAMLET

KNOXVILLE JOURNAL, APRIL 6, 1979
TENNESSEE WITH A LITTLE T.

Tony Scales

Can you take the soul of a river
or drown a land born to breathe.
Would you wash away the spirit
of the homeless Cherokee.

Can you take the life of the living
or rape the ancient shore
and wipe away the traces
of nothing there anymore.

What is done in greed
will later be undone.
What is forced to stop
by rights must later run.

But what is made to die
can no longer cry in pain.
Only haunting whispers
Will ever hear its name.

If you listen closely
You can hear the river cry.
And if you breathe deeply
You can feel the wind sigh...
The 30-year memorial dam resisters’ gathering was initiated by Margaret McCall Sexton, Jean Ritchey, and Beryl Moser, assisted by Carolyn Ritchey Lequire, Peter Alliman, and Zyg Plater and many others. For further information contact hootinholler@bellsouth.net or plater@bc.edu.