

8-8-2015

## Who Speaks for the River?: The Oldman River Dam and the Search for Justice by Robert Girvan

Cory T. Shaman

*John Tyler Community College*

 Part of the [Critical and Cultural Studies Commons](#), [Literature in English, North America Commons](#), [Nature and Society Relations Commons](#), and the [Place and Environment Commons](#)  
Follow this and additional works at / Suivez-nous ainsi que d'autres travaux et œuvres:  
<https://scholars.wlu.ca/thegoose>

---

### Recommended Citation / Citation recommandée

Shaman, Cory T. "Who Speaks for the River?: The Oldman River Dam and the Search for Justice by Robert Girvan." *The Goose*, vol. 14, no. 1, article 16, 2015,  
<https://scholars.wlu.ca/thegoose/vol14/iss1/16>.

This article is brought to you for free and open access by Scholars Commons @ Laurier. It has been accepted for inclusion in The Goose by an authorized editor of Scholars Commons @ Laurier. For more information, please contact [scholarscommons@wlu.ca](mailto:scholarscommons@wlu.ca).  
Cet article vous est accessible gratuitement et en libre accès grâce à Scholars Commons @ Laurier. Le texte a été approuvé pour faire partie intégrante de la revue The Goose par un rédacteur autorisé de Scholars Commons @ Laurier. Pour de plus amples informations, contactez [scholarscommons@wlu.ca](mailto:scholarscommons@wlu.ca).

***Who Speaks for the River?: The Oldman River Dam and the Search for Justice* by ROBERT GIRVAN**

Fifth House, 2013 \$24.95

Reviewed by **CORY SHAMAN**

Enchanted by an Aboriginal painting and intrigued by the environmental context of its production, Robert Girvan was stirred to write about the controversial Oldman River Dam, focusing primarily on a series of environmental injustices involving the people of the Piikani First Nation. Girvan explains how this chance encounter with the painting, created by Ojibway artist Doug Fox to raise money for the legal defense of Piikani activist, Milton Born with a Tooth, who protested the dam's construction, spurred his own desire to understand the historical forces culminating in Born with a Tooth's imprisonment and the successful completion of the dam.

Girvan's authorial self-consciousness, thus, is important to orienting the reader to the intersections of aesthetics and politics in this historical account, and though this is assuredly a well-documented and meticulously-researched work of non-fiction, he measures his efforts by an ideal of narrative form he describes that is invested in "interpretation, reconstruction, and rarely—perhaps in a work of literature—resurrection" (6). It is in that method of reconstruction that the composition of *Who Speaks for the River* is most interesting, I believe, as Girvan seeks to re-examine this formative moment in Canadian environmental history more than twenty years after the most volatile events of protest and litigation.

For Girvan, how this series of events is remembered, judged, and taken as political motivation, therefore, seems just

as important as what happened, and so he assembles existing documentary evidence and newly available court documents alongside first-hand *retrospective* accounts he solicited from key players. Such testimony as resurrection is perhaps, then, a means of troubling the usual emphasis on nostalgia in the elegiac form as Girvan alternatively seeks to retrieve that past to reinvigorate passion for just, inclusive environmental action and decision-making. He organizes his narrative to present the perspectives of farmers and their representatives, environmental activists, scientists, Canadian civil and legal authorities at the provincial and national levels, and members of the Piikani. Two figures, however, clearly take center stage in this book: environmentalist Martha Kostuch and Piikani leader Milton Born with a Tooth, both of whom played critical, though divergent roles in contesting the development of the dam and bringing attention to the manifold losses accompanying the flooding of the Oldman River Valley.

Kostuch mounted significant legal challenges to the construction of the dam based largely on procedural grounds, while Born with a Tooth mobilized Piikani protests by forming the Lonefighter group, which attempted to divert the Oldman River upstream from the dam site. Kostuch's work laid the groundwork for the environmental oversight protections enabled by a landmark Canadian Supreme Court ruling after Alberta repeatedly defied lower court decisions, in the process exposing the galling abuses of power by leaders and bureaucrats in the provincial and national governments that revealed a blatant disdain for fair and open decision-making processes. While she tackled the legal front, Born with a Tooth's focus on

cultural and environmental devastation brought public attention to the siting of the dam on Piikani ancestral burial grounds, to irreparable habitat destruction, and to the disenfranchisement of the Piikani from the process. Interestingly, Girvan was unable to track down Born with a Tooth, and his interviews with Kostuch occurred shortly before her untimely death. To his larger narrative purpose, then, Girvan's construction of mythology and memorial for these activists might be understood not as lament but as reclaiming the past to underscore how their concerted and collaborative resistance can serve as a model for future action.

*Who Speaks for the River* also carefully documents the long-range historical roots of the land and water politics of southern Alberta and the Oldman River, beginning with the problematic brokering of Treaty Seven (1877) and the Piikani land "surrender" of 1909, followed by the formation of the Lethbridge Northern Irrigation District (LNID) and its implementation of irrigation canal works in 1923, and finally the droughts and agricultural over-irrigation of the 1970's. While nicely sketching an important environmental timeline, the author makes clear the painfully familiar story of discriminatory practices as First Nation claims and concerns were ignored or manipulated to the advantage of government and commercial interests. In a similar vein, the bulk of the book is concerned with events from 1987 to 1994 from an environmental justice perspective, spanning the formation of the environmentalist group Friends of Oldman River (FOR), the occupation and resistance to the dam by the Piikani, and the legal battles aimed at halting construction, defending Born with a Tooth's actions in

protest of the dam, and ultimately seeking compensatory damages and reclamation assurances once the dam was put into commission.

Drawing on his credentials as a criminal defense lawyer and former Crown prosecutor, Girvan makes adjudication the substantial focus of the book. He supplements other accounts of these events (notably Jack Glenn's 1999 *Once Upon and Oldman: Special Interest Politics and the Oldman River Dam*) by using his expertise to evaluate the legal dimensions of the various court challenges to the dam and the prosecution of Born with a Tooth. Though the narrative is sometimes a bit slow, the events are certainly compelling as Girvan painstakingly shows how resource needs were grossly overstated by and on the behalf of a very small number of farmers while cultural and environmental concerns were neglected or flaunted through grievous and long-entrenched practices of racism and capitalism. And though the dam was completed and Born with a Tooth's conviction was upheld, Girvan shows how the moral victories of challenging injustice were nevertheless significant. Given the recent reversals of the Supreme Court successes with the overhaul of the *Navigable Waters Protection Act* (after the publication of this book), Girvan's work is important reading for those who would understand the ongoing public battles involving the competing demands of resource management, ecological health, and environmental justice. Likewise, Girvan's work would surely galvanize resistance like the Idle No More campaign by way of his careful analysis and documentation of the historical record of environmental injustice.

**CORY SHAMAN** is Associate Professor of English at John Tyler Community College. His research focuses on post-natural and environmental justice concerns from a regional perspective.