



TREATY COUNCIL NEWS

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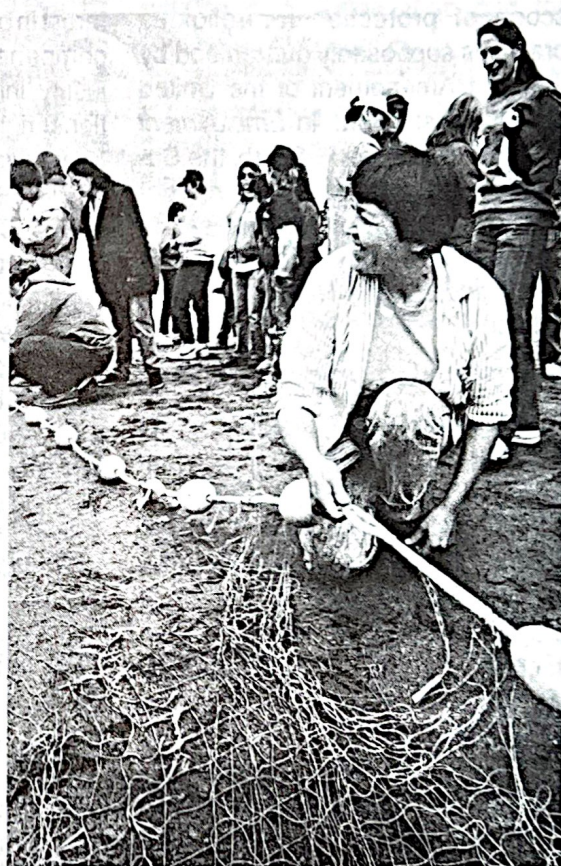
10 Arrested, 21 Cited at "Fish-In" in Alaska Struggle for Subsistence Rights



On Sunday, July 1st, 1990, Alaska State Fish and Game officers charged 31 people, mainly Alaska Natives, with "illegal subsistence fishing" for their participation in a subsistence "Fish-In." 21 people were given citations and 10 others, mainly women, including three grandmothers, were taken into custody.

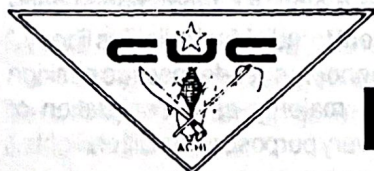
The Fish-In, in which a single subsistence net was placed along the Cook Inlet shoreline near the mouth of the Kenai River, was organized by the Subsistence Women of Kenai. Members of this group, which mainly consists of

See FISH-IN page 4



Above: Participants in "Fish-In" lay driftnet on Kalifornsky Beach prior to arrest.

Above left: Alaska State Fish and Game officers confiscate net



Government Repression Intensifies in Guatemala

Following is a translation of a bulletin sent to IITC by the Comite Unidad Campesina (CUC):

Mexico City, July 19, 1990
FRIENDS IN SOLIDARITY:

Guatemala is going through times of the greatest repression, especially

in the countryside. In recent months, control, sweeps, threats and kidnappings have been directed against the indigenous and peasant communities where there have been struggles in defense of human rights

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MOHAWK NATION
UNDER SIEGE!

NOTICIAS EN ESPAÑOL

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United States Supreme Court Fails To Protect Indian Freedom Of Religion

"I would like to have the freedom to choose the way I wish to communicate with the Creator, and to pass this freedom on to my children."

-Mr. Al Smith, Klamath Elder

On April 17, 1990, the United States Supreme Court announced a decision dramatically curtailing the scope of protection for religious practices supposedly guaranteed by the First Amendment of the United States Constitution. In *Employment Division of Oregon v. Smith*, the Supreme Court refused to accord constitutional protection for the sacramental use of peyote by religious practitioners in the Native American Church.

Background to *Oregon v. Smith*

Al Smith is a seventy-year-old Klamath Indian man, and a life-long resident of the State of Oregon. In 1984, Smith and Galen Black were fired from their jobs as counselors at a drug and alcohol rehabilitation program for having used peyote as a sacrament in a ceremony of the Native American Church. Smith and Black then applied for unemployment benefits and were deemed ineligible for such benefits because, according to the State, their dismissal had been the result of work-related "misconduct" - the use of a "controlled substance" classified under the State's anti-drug laws.

Smith and Black then filed lawsuits in state court asserting that the State's refusal to grant them unemployment benefits amounted to an infringement of their right to freely practice their religion as guaranteed by the First Amendment of the United States Constitution.

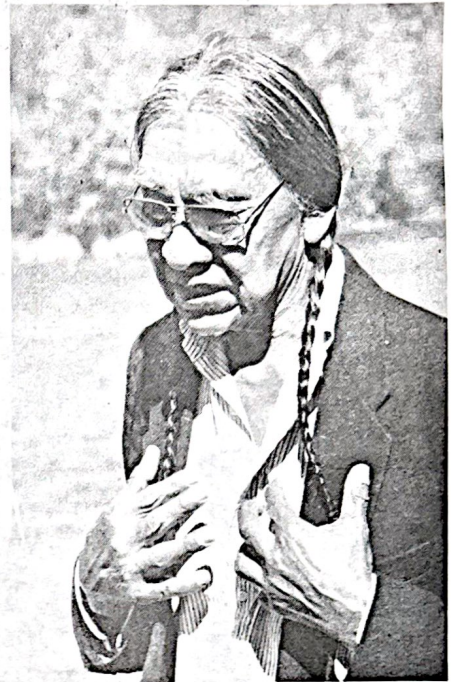
The Oregon Supreme Court ruled on the combined cases in 1986, finding Smith and Black eligible for unemployment benefits. Applying the so-called "balancing test" normally used

by courts in resolving religious freedom claims, the Oregon Supreme Court found the State's general interest in preserving its unemployment compensation fund insufficient to justify infringement of the constitutional right of Smith and Black freely to practice their religion.

In 1987, the United States Supreme Court in *Oregon v. Smith* I disagreed with the Oregon Court's original treatment of the dispute. By a 5-3 vote, the Supreme Court vacated the Oregon Court's decision and sent the case back to the Oregon Court for a determination of "the legality of the religious use of peyote in Oregon," insisting that such determination was relevant to the ultimate resolution of Smith and Black's religious freedom claim. On its second treatment of the case, the Oregon Supreme Court again ruled in favor of Smith and Black, holding that even though the State's criminal laws prohibiting the possession of peyote made no exception for religious use of the substance, such use by practitioners in an authentic religious ceremony of the Native American Church was directly protected by the First Amendment of the United States Constitution. The State again petitioned the United States Supreme Court, and on April 17, 1990, the Court issued its second, and, this time, devastating - *Smith* decision.

Opinion of the Majority

Writing for Justices Kennedy, Rehnquist, Stevens, White and himself, with Justice O'Connor concurring only in the judgment, Justice Antonin Scalia reversed the Oregon Court's ruling, holding that Smith and Black



Al Smith, Klamath

may not use the First Amendment's Free Exercise Clause to challenge the State's denial of their application for unemployment benefits when their dismissal from work results from illegal drug use — their sincere religious use of peyote notwithstanding.

Justice Sandra Day O'Connor filed an opinion agreeing with the majority's judgment favoring the State of Oregon, but disagreeing sharply with the manner in which the majority arrived at that judgment, stating that "today's holding dramatically departs from well-settled First Amendment jurisprudence ...and is incompatible with our Nation's fundamental commitment to individual religious liberty." O'Connor further decried the position of the majority as a denigration of "[t]he very purpose of the Bill of Rights."

Dissenting Opinion

Writing for himself and the two other dissenting justices, Justice Harry Blackmun denounced the analysis of

See SMITH page 17

Mohawk Nation Under Siege

Negotiations Begin as Troops Surround Communities

"The Government of Canada and Quebec have begun setting up an iron curtain of MILITARY MIGHT around the people of the Mohawk Nation..."

*--From an August 15th
Mohawk Nation Communique*



Over the past several months, the eyes of the world have been focussed on the Mohawk Nation, especially the communities of Kanesatake and Kahnawake in Quebec, as they attempt to protect their traditional lands and sovereign rights in the face of repeated threats of violence by provincial and federal forces, as well as racist hate groups. Following are the latest developments as *Treaty Council News* goes to press. Because the situation is volatile and could change rapidly, we strongly encourage our readers to contact the Mohawk Nation Office (address at the end of this article) or the IITC Information office for updated information and to find out what you can do to help.

On August 16th, negotiations between members of the Mohawk Nation and the Government of Canada began. According to the Mohawk Nation Office, these "peaceful" negotiations are being conducted under extreme duress since, as of August 20th, there are approximately 4400 federal troops encamped around the Mohawk territories of Kahnawake and Kanesatake. These troops are heavily armed and combat ready, equipped with more than 200 tanks and other heavy artillery including rocket launchers. The Mohawks, whose communities include large numbers of women, children and elders, fear that an armed government invasion is imminent.

On August 5th, Robert Bourassa the Premier of Quebec issued a 48 hour ultimatum attempting to force the Mohawks to remove the barricades around their communities under threat of invasion by provincial forces.

At the heart of the conflict is the Mohawks refusal to accept a plan by the town of Oka, adjoining the Mohawk territory of Kanesatake, to expand a golf course onto Mohawk traditional lands which include a sacred burial ground. The residents of Kanesatake erected a barricade to prevent this proposed encroachment.

On July 11 the barricade at Kanesatake was attacked by the Quebec Provincial Police with tear gas, concussion grenades and intense automatic weapon fire. World attention was focussed on the situation when a police officer was killed during this attack. The Mohawks believe that he was a sniper killed by his own weapon when he fell out of a tree, while the government states that the source of the bullet which killed him is as yet undetermined.

The same day as the attack on Kanesatake, the Mohawks of the Kahnawake reserve expressed their support for Kanesatake by blockading roads running through their territory, including one heavily used by commuters to reach the Merceir Bridge into Montreal. The provincial government responded by sealing off both communities, cutting off basic services such as power and water, and preventing the transport of food and medicines.

The town of Oka, whose mayor and at least two council members are financially involved with the golf course project, refused to accept a federal proposal to pay them for the disputed land, an offer not endorsed or agreed to by the Mohawks, who were not then included in negotiations between

the Province, the Canadian government and the officials at Oka.

Bourassa's 48-hour ultimatum was met with an outpouring of international protests which included demonstrations at Canadian consulates in many cities, statements by international organizations such as the World Council of Churches, and an emergency resolution by the United Nations Subcommittee on the Prevention of Discrimination and the Protection of Minorities.

The Mohawks agreed to come to the negotiating table only after the Canadian Government and the Provincial government of Quebec had agreed to meet several pre-negotiation demands, including; the resumption of services and necessary basic supplies into the Mohawk territories; free access into and out of these territories by elders, spiritual leaders, and clan mothers, and the presence of a 24-member team of international observers who will remain until all barricades are taken down and all federal and provincial troops are out of the area.

However, according to a statement to TCN by a representative of the Mohawk Nation Office on August 21st the government has in actuality failed to fully comply with any but the last demand, as the Mohawks are still being denied free access into and out of their territories.

On August 15th the volatile situation almost erupted into violence again, as 6 government troops were apprehended and disarmed by Mohawk defenders while attempting to infiltrate the Kanesatake territory where it borders the existing Oka golf course. Mohawk spokesperson Dale Dione denounced this action as a show of bad faith by the government just as negotiations were about to resume, and viewed it as a potential threat to the lives of the international observers on the scene.

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Subsistence "Fish-In"

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traditional Dena'ina (Athabascan) Tribal members, have been cited and arrested numerous times over the past year while fishing in defiance of state-imposed restrictions on subsistence fishing in their traditional, tribal fishing waters.

The Fish-In was organized to call attention to subsistence as a fundamental, non-negotiable human right. The event was also held to call attention to the continued harassment, intimidation, confiscation of gear, game and fish, as well as arrests and imprisonment of Native fishing and Hunting Peoples throughout Alaska. Participants in the Fish-In charge that these actions are being carried out by the State in violation of tribal, state, federal and international law as well as recent court decisions (such as the October, 1988, 9th Circuit Court decision, *Kenaitze Tribe vs. State of Alaska*, which stated that the State of Alaska had no jurisdiction over subsistence activities of Native people in the Kenai Peninsula.)

The Fish-In was supported by subsistence peoples from all over Alaska. Among those cited were representatives from 6 Alaska Native nations — Yupik, Inupiat, Tlingit, Haida, Athabascan and Aleut. Several non-Native supporters were also charged. Church and international observers, including two from the International Indian Treaty Council, as well as members of the state and national press also attended. Perhaps as a result, the State Fish and Game officers appeared to adopt a low key approach at the Fish-In. Organizers were gratified that no incidents of violence were reported. However, although the Fish-In was publicized as a "sober, non-violent" event and was attended by several small children and elders, eye witnesses reported the presence of a number of rifle carrying state troopers concealed in the trees lining the beach for the duration of the event.

At the arraignment of July 12th in Kenai, all the defendants submitted "special appearance" motions, challenging the jurisdiction of the State of Alaska in the case. The charges against seven minors were changed to "warnings." Trials are set for September, with defendants facing up to

"We are not consenting, nor will we ever consent to the devastation of our renewable resources. We do not pollute our waters with oil or other dispersants that kill the water inhabitants..."

Mary Ann Mills, Fish-In organizer, testifying before a U.S. Fish and Game Hearing, June 13, 1990, Anchorage, Alaska

one year in jail and \$5,000 in fines.

Meanwhile, although subsistence fishing represents less than 1% of the total fish taken in Alaska, the State and the Federal government are both attempting to assert their jurisdiction over Native subsistence in Alaska. (a Federal takeover of subsistence management on federal lands in Alaska went into effect on July 1st.)

Commercial and sports fishing, carried out by businesses and individuals mainly from outside Alaska, continue with the full sanction of the state. (600 "legal" commercial nets were permitted in the same part of Cook Inlet the day after the single Fish-In net was confiscated, according to a U.S. Fish and Game representative.)

As a result of these commercial activities, and of environmental de-

struction such as that resulting from the Exxon oil spill, the Alaska fishery is seriously depleted.

In response, many Alaska Native traditional governments, including several participating in the Fish-In, are beginning to reassert their right to manage and protect subsistence resources and activities in their traditional lands and waters as an aspect of the sovereignty and self-determination which never have been relinquished to any colonial government.

Meanwhile, the Fish-In defendants, although encouraged by the nationwide publicity and support generated by the event, still are facing jail time for standing up for the right of Native peoples — and all peoples — to feed their families.

To find out what you can do to support the subsistence rights and sovereignty of indigenous Alaskan peoples, contact:

• *Subsistence Women of Kenai*
c/o Mary Ann Mills
P.O. Box 143 Sterling, AK 99672
(907) 262-5403

• *Sovereignty Network*
HC01 Box 6051-H
Palmer, AK 99645
(907) 745-0505

SUBSISTENCE AND INTERNATIONAL LAW

"All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

• International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 2200 A (XXI) of 16 December 1966.

Alaska Native Sovereignty Network

Subsistence Statement

For indigenous peoples, what is called subsistence is not only a matter of economic or physical survival. It is a relationship between ourselves, the land, the water and everything that comes from them. It is our life, our health, our culture and our spiritual survival, how we live as well as what we eat. We believe that what constitutes subsistence for our peoples must be defined by ourselves and not by those who are outside our cultures looking in.

Where once we were free to live as we wished, and to regulate our own activities and lives as tribes and nations, we now are faced with increasing restrictions, persecution and interference by state and federal bureaucracies that we have never agreed to submit to. We have never given our consent to any law or act that relinquished our traditional lands, sovereignty or right to self-government.

We wish to make it clear that we are opposed to any more unauthorized interference in our subsistence rights by the State of Alaska through a state constitutional amendment or any other means. Instead we plan to assert our right to self determination in the use and conservation of those natural resources, including our plant and animal relations, which were provided to us for our use since time immemorial.

We reserve the right to speak on our own behalf. We are not and do not wish to be represented by Alaska Federation of Natives, Incorporated or any other corporate entity or organization that does not reflect the views of the traditional sovereign indigenous governments of Alaska.

We support and encourage indigenous peoples inside and outside Alaska to assert their sovereignty and self-determination in the management and conservation of our own subsistence resources.

*Done this 8th day of April, 1990 at Chickaloon Village, Alaska.
(Signed by 25 representatives of traditional Alaska Native village governments.)*

"It is my belief that the land and all resources belong only to the indigenous people, and that we have every right to use and control them as we see fit. We, as indigenous people of Alaska and the leaders of tomorrow, do not need laws that tell us when, where, and how to eat our food from the lands and waters of Alaska."

**-Patricia Kohler,
Yupik, Age 17.**



Last summer, we were living in our van with our three kids. We had no income. My husband had been disabled for six months. We knew that both the state and federal laws said we had the right to subsistence fish, so we went to the inlet, which is federal water. We caught 32 salmon. But the State Fish and Game came over to the beach and cited us, confiscated our net, all our gear and all our fish. My kids were hungry; they asked them to leave us one fish for dinner. They were crying. The Fish and Game officer said no, not even one. I asked them if part of their job was letting little kids go hungry. They said they were just following their boss's orders.

**-Frances Thiele
Dena'ina Athabascan
Member of Subsistence Women of Kenai**



Among those facing charges are Mrs. Pauline Kohler-Aleknagik(l.), and Eva John -Mentasta-(c.). Charges against Patricia Kohler (r.) and other minors were dropped.

"We've been harassed, cited, been in court, threatened with long jail terms and huge fines, had our subsistence foods confiscated for going on four years now. When we were in court in 1987 on the Haida Herring Roe on Kelp case, one of the state fishery representatives told a non-Native defendant in the case that he didn't have to worry, it was just "these God-damn Indians" that they were trying to get."



**-Lavina Boe, Halda Elder
Hydaburg Village**

CUC Calls for International Solidarity

GUATEMALA, *from page one*

and to better meet the needs of our families and children.

Given this situation, it is urgent to promote a campaign of actions of denunciation and urgent action to put pressure on the government and the army for an end to the repression being imposed on us.

Workers in the countryside, being poor indigenous and ladino peoples, organized in the COMMITTEE FOR PEASANT UNITY, CUC, addressing non-governmental organizations, human rights organizations, and the governments and peoples of the world:

Each day the pain and anguish of our families continues to mount as a result of the repression.

Long lists of victims from various places fill the pages of the media each day, bearing the denunciations made by popular and human rights groups and organizations.



Just in the month of June, in the countryside and in the city, the number of assassinations rose to 198, in addition to 20 kidnappings and 49 persons wounded, or a total of 267 victims. Repression continues to fill the family of Guatemala with mourning and anguish.

In the countryside, the kidnapping of Maria Mejia and the aggression on the part of the Civil Patrols against the Deputy Human Rights Procurator in Parraxtut, Sacapulas, the attack on the Mutual Support Group, GAM, in Xepol, Chichicas-

tenango, and the raking operations by Civil Patrols and soldiers in Huehuetenango, Solola, El Quiché and other departments join other repressive acts.

Since early July, the Army has devoted itself to instilling terror in Zacualpa, San Andrés Sajcabaja and other counties of El Quiché. On July 12, two peasants were kidnapped, and the rural districts of Chimatetz, Patzójoc, Chinimaiguan, Chitintuleu and others of Zacualpa and San Andrés have been occupied.

With these actions, the repressive forces try to newly impose the Civil Patrols that have carried out slander and a scorched earth policy in these years. It is ever clearer that the government's soldiers are preparing the conditions to commit another massacre such as the one which occurred in EL AGUACATE in Chimaltenango.

While this is happening in this

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Intensificación de la Represión

**POR EL DERECHO A LA VIDA
Y LA PAZ**

**ALTO A LA REPRESIÓN EN EL
CAMPO Y LA CIUDAD**

Los trabajadores del campo, indígenas y ladinos pobres, organizados en el COMITE DE UNIDAD CAMPESINA - CUC ante las Organizaciones No-Gubernamentales, Organizaciones de Derechos Humanos, ante gobiernos y Pueblos del mundo:

Cada día el dolor y angustia de nuestras familias sigue aumentando a causa de la represión.

Las largas listas de víctimas de diferentes lugares, a diario llene las páginas de los medios de comunicación, levantado las denuncias de los grupos y organizaciones populares y de Derechos Humanos.

Sólo en el mes de Junio, en el

campo y en la ciudad, el número de asesinatos se elevó a 198, además de 20 secuestrados y 49 heridos que hacen un total de 267 víctimas. La represión sigue llenando de luto y angustia la familia guatemalteca.

En el campo, el secuestro de María y la agresión de las Patrullas civiles al Procurador Adjunto de Derechos Humanos en Parraxtut, Sacapulas, el ataque al Grupo de Apoyo Mutuo (GAM) en Xepol Chichicastenango, y lo rastreos de Patrulleros civiles y soldados en Huehuetenango, Sololá, El Quiché y otros departamentos, se suman a otros hechos represivos.

Desde principios de julio el ejército se ha dedicado a sembrar el miedo en Zacualpa, San Andrés Sajcabaja y otros municipios de El Quiché. El 12 de Julio secuestraron a 2 campesinos y han ocupado los cantones Chimatzar, Patzójoc,

Chiniaiguan, Chitintuleu y otros de Zacualpa y San Andrés.

Con estos hechos, las fuerzas represivas tratan de imponer nuevamente las patrullas civiles ejecutores de la calumnia y tierra arrasada en estos años. Cada vez es más claro que los soldados del gobierno preparan las condiciones para cometer otra masacre como la de EL AGUACATE en Chimaltenango.

Mientras esto pasa en estos lados de país, en otras partes del mismo, miles de familias desplazadas sufren el bombardeo y la destrucción de sus cultivos y ranchos. En los barrancos de las ciudades, la amenaza y la persecución contra los desplazados también sigue aumentando.

Como en años anteriores, esta represión esté dirigida contra los

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The Toxic Threat to Indian Lands

In the face of the escalating attempts by the toxic waste and garbage industries to build giant incinerators and dumps on Indian land, 200 people from 25 Indian tribes gathered on June 28-29, 1990 in the Navajo community of Dilkon, Arizona to put a stop to this deadly invasion.

The conference was entitled "Protecting Mother Earth: The Toxic Threat to Indian Lands," and was sponsored by the Navajo community group C.A.R.E. (Citizens Against Ruining our Environment), Native Americans for a Clean Environment, the International Indian Treaty Council, Seventh Generation Fund, Greenpeace, and many other Indian organizations and environmental activists.

Conference participants heard presentations on the dangerous toxic waste and mining industry plans being proposed for Indian lands and discussed strategies for confronting this threat. A new network was formed to stop the toxic exploitation of Indian lands.

"We want to get unity out of this conference," said Vickie McCullough, a Cherokee from Tahlequah, Oklahoma. "It doesn't make any difference what tribe we are, we're all one."

The Navajo community in Dilkon which hosted this important conference had been approached two years ago by Waste Tech, a Colorado based company and subsidiary of AMOCO Oil, which wanted to build a toxic waste incinerator and dump on Navajo land. Waste Tech admits it has specifically targeted Indian lands in the hope of convincing tribal councils to permit toxic waste incinerators. After educating themselves about the dangers of burning and dumping toxic waste, the Navajo of Dilkon kicked Waste Tech and other toxic waste companies off the reservation. The Dilkon group C.A.R.E. has been an inspiration to many other Indian and environmental activists as an example of how a small community can resist being "bought" by waste industry

promises of jobs and money in exchange for long term threats to community health and the environment.

"Nobody else in the country wants it," said C.A.R.E. member James Paddock. "The toxic waste company had the idea that because we are minorities, because we are looked at as not being able to defend ourselves, they thought they could build the incinerator in our community. But I'm glad we got involved and stopped construction."

Unfortunately, Waste Tech and other companies continue to prey on financially desperate Indian communities and tribes. Waste Tech has approached at least 15 other tribes, and there are many dozens of dumps and incinerators proposed by other companies on Indian land.

Promising much-needed jobs and income, and hoping to evade state and local laws and regulations that do not apply on Indian lands, the waste industry sees the poverty stricken reservations as easy targets. The Tribal Council of the Paiute-Kaibab reservation in southern Utah is negotiating with Waste Tech, but tribal members have formed a group called "Paiute Earthkeepers" to fight the incinerator.

Many Indian activists attending the conference expressed frustration at the ability of the waste companies to wine and dine tribal councils. "It used to be whiskey. Now it's just good food," commented Joanne Tall, an Oglala Sioux from Porcupine, South Dakota. Tall's group, the Native Resource Coalition, attended the Dilkon conference and is fighting a proposal by AMCOR, a Connecticut company that hopes to build a large incinerator ash dump. "They have sweet tongues," said Thomas Banyaca, a Hopi Elder, referring to the slick sales pitches of the toxic waste and mining industry representatives.

Despite the lure of quick-money, many Indian tribes aren't buying the public relations pitches of the waste

industry. Chickaloon Village in Alaska and the Cherokee in North Carolina also have rejected Waste Tech's incinerator proposals. Jackson Rancheria in California rejected a medical waste incinerator proposed by I.T. Corporation. Mohawk Indians have rejected at least 7 waste offers in the last year. Part of the Mohawk's land is already a Superfund site due to PCB contamination, and wildlife on their land is poisoned. Seminole Indians from the Everglades spoke of mercury contamination that threatens their way of life.

The Indian people at the conference stressed the need to use traditional teachings about Mother Earth to educate themselves and others. Many see the onslaught of the waste companies as a direct threat to Indian traditions, culture, and sovereignty, as well as to their health and environment. Seminole, Zuni, Navajo and Hopi leaders delivered talks on the importance of traditional Indian teachings in order to protect the earth.

Clifford Cornelius from the Oneida Tribe in Wisconsin said problems include landfills and sludge ponds. Pesticides dumped in the tribe's only creek have killed all the fish, he said. "They tell us it won't affect the water, land or people, yet none of these executives want to live in this area," Cornelius said. "As Indian people, we were caretakers of this land and we fell away from it. It's good to see this, Indian people from all over the U.S. and Canada, joining hands and working together."

For more information on this network, call Paul Rodarte at (702) 827-5511.

Note: A 28 minute documentary produced by Greenpeace entitled: "Strand In the Web" documents the struggle of the people of Dilkon and the toxic threat to Indian land. Contact: Bradley Angel at Greenpeace at (415) 474-6767.

In Defense of Pele and Native Hawai'ian Sovereignty

Halfway through 1990, the fire goddess Pele continues her flow towards the ocean in Kalapana. Pele has consumed more than 160 homes in her seven-year march to the sea, adding new land to the ever-growing big island of Hawaii. This awesome fiery display is an excellent example of the power of Natural Law. No presidential mandate or man-made law has thus far deterred nature's course.

Meanwhile, opposition by both Native Hawaiian and non-Native supporters to the planned destruction of the Wao Kele o Puna Rainforest for the purpose of geothermal energy exploitation is increasing. Despite the protests, including the mass arrests of 141 protesters on March 30th, the state of Hawaii continues to press for expansion of geothermal development. Such development is seen by traditional Hawaiians as an exploitation of the sacred life force of the goddess Pele, a dangerous and sacrilegious act of disrespect in violation of the traditional Hawaiian religion.

The development of geothermal energy in Hawaii will mean tremendous profits for a few, but will, as the plan is now proposed, result in the destruction of an indigenous rainforest, which is a vital source of spirituality, a gathering place for traditional medicines, and the natural habitat of indigenous species of both plants and animals. It would result in an irretrievable loss for both the present and future generations. Solar, wind and ocean-generated energy have been proposed as clean, non-destructive alternatives to meet Hawaii's energy needs, but plans for geothermal development continue by those who stand to make profits at the expense of the land and culture of the Native People of Hawaii.

In yet another attack on the traditional Native land base, Kalama

Island, originally a part of the Hawaiian Kingdom which was taken through fraud by the U.S. and renamed Johnson Atoll, is now being targeted by the U.S. military as a site for the incineration of tons of obsolete WWII nerve gas. This gas was designed to burn and blister the skin, and to kill its victims. An additional element of the U.S. Army toxics disposal plan calls for moving 100,000 canisters of nerve gas across two oceans from Europe to Johnson Atoll, even during hurricane season, posing a deadly threat to the waters which are the source of food and life to many Pacific Native Peoples.

The population explosion on the Hawaiian Islands surpasses any other state claimed by the U.S. The projection of a 17% increase in population by 2020 is giving added urgency to the calls by many Native Hawaiians for a just settlement to resolve their outstanding claims over the lands, seas and resources of Hawaii dating back to the U.S.-inspired armed invasion of 1893. They are speaking out against any plan to extinguish their

aboriginal title to the resources, lands, waters, etc. that were appropriated without due process, just compensation or informed consent.

Hawaiian sovereignty activist and Treaty Council board member Kawaipuna Prejean, along with many other Native Hawaiians, believes that "the violations which stem from the illegal taking of our lands and resources need to be remedied, but not through the involvement of those who have played a significant role in the conspiracy to deny us our inheritance and indigenous birthright." That is why he and others have requested that Hawaii be included in the upcoming U.N. Treaty Study proposed for 1991. Hawaii and Alaska, as noncontiguous lands claimed as territories by the U.S. were, according to the U.N. Charter (article 73E) to be brought up to the "highest standards of self-government", a sacred obligation which the U.S. accepted upon signing the U.N. Charter in 1945. Instead statehood was imposed on both Alaska and Hawaii without obtaining

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Photo: G. Brad Lewis

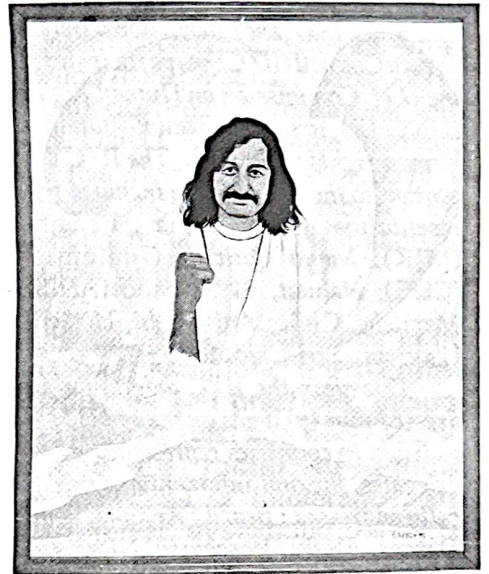
Native Hawai'ian AHU ceremony at the proposed geothermal drill site, October 1989

Support For Leonard Peltier in European Parliament

The letter below from the European Parliament to U.S. President George Bush points to continuing increase of support for Leonard Peltier from around the world. Other recent developments in Leonard Peltier's Struggle for Justice include strategies for a new trial:

•According to Attorney Bruce Ellison, Leonard Peltier's legal team anticipates filing for a new trial for

Peltier sometime this fall. Grounds for the new trial will revolve around the fact that the government has admitted they don't know who killed the FBI agents that Leonard was convicted of killing, and that Judge Heany of the 8th Circuit Court wrote in his opinion that the FBI is equally responsible for the deaths of the agents in the 1975 shootout at Oglala, South Dakota. The U.S. government has changed its theory regarding the role of Peltier



President George Bush
President of the United States of America
The Whitehouse
Washington, D.C.

July 17, 1990

Dear Mr. President,

I am writing to you concerning the case of Leonard Peltier, an Anishinaba-Lakota indigenous person, who has been held in prison for fourteen years for the purported killing of two Federal Agents.

The case has raised concern in Europe following Amnesty International's report of 1985 which stated that "the suppression of evidence in the case might have seriously prejudiced the outcome of Peltier's trial and that the interest of justice would best be served by granting Peltier a new trial."

Following a recent visit by representatives of the International Indian Treaty Council to the European Parliament, Leonard Peltier's case will shortly be considered by the European Parliament's Human Rights Unit where it will be given a sympathetic hearing in view of the support for a retrial.

In anticipation of the meeting at the end of this month between yourself and Senator Daniel Inouye, Chairman of the U.S. Senate Select Committee on Indian Affairs, a resolution in my name has been submitted in the European Parliament calling for an immediate review of the case of Leonard Peltier.

I hope that you will take into account our growing concern in Europe over this case and initiate procedures for an immediate review.

Yours sincerely,
Lyndon Harrison MEP
(Member of the European Parliament's Delegation for
Relations with the United States)
Brussels



in the deaths of the agents. (They now say he "aided and abetted" in their deaths, although his original conviction was for their murder.) Mr. Ellison states that no court to date has dealt with these contradictions in the government's position, not even the U.S. Supreme Court in their 1987 refusal to hear Leonard's appeal.

•The CBS documentary on Leonard Peltier, aired last year on West 57th Street, has been nominated for an Emmy award.

Support Leonard's efforts to seek executive clemency, write to:

Senator Daniel Inouye, Chair,
Senate Select Committee on Indian Affairs,
Washington, DC 20510

To find out what else you can do, contact:

The Leonard Peltier
Defence Committee
P.O. Box 583,
Lawrence, KS 66044



Report from the 46th sess Nations Commission on Geneva, Switzerland, January

Since 1977, the International Indian Treaty Council (IITC) has participated at the U.N. Commission on Human Rights (UNCHR), to present documentation of human rights violations. The IITC delegation to the 46th session included representatives from: Kuna, Panama (MJK); Maya Quiche, Guatemala (CUC); Nahuat, El Salvador (ANIS); Mapuche, Chile; Anishinabe, Hawai'i, Choctaw, Seri-Chicano, USA.

This year the IITC delegation addressed nine (9) items on the agenda. In addition to countries represented by the delegates, the oral interventions specifically addressed: Brazil, Arizona, South Dakota, Alaska, Wisconsin, Nicaragua, Ireland, Sahrawi, Kanak, and South Africa. In addition, each year IITC hosts a reception for UNCHR delegates to commemorate the 1973 occupation at Wounded Knee, South Dakota. This year, the IITC was honored by the presence of the Chair of the UNCHR, Ms. Purificacion Varela Quisumbing, who left an active session especially to attend the IITC reception.

Agenda Item 8: The Realization of the Right to Development

On this occasion, allow me first of all to salute and extend heartfelt greetings of solidarity to a victorious symbol of human rights and a people's struggle for justice in the African continent, Mr. Nelson Mandela.

A recent two year report called "Special Committee on Investigation of the Select Committee on Indian Affairs" by the United States Senate, states that "Paternalistic federal control over American Indians has created a federal bureaucracy ensnared in red tape and riddled with fraud, mismanagement and waste. Worse, the committee found that federal officials in every agency knew of the abuses but did little or nothing to stop them." The federal government was aware that hundreds of millions

of dollars earmarked to promote Indian business development were siphoned off by Shell (gas and oil) Corporation acting as bonafide Indian owned companies. Nineteen of these so called Indian firms which received federal contracts were frauds. And, it is no surprise that in the last 31 years the Bureau of Indian Affairs (BIA) has only uncovered two instances of possible fraud.

• IITC delegado del Nacion Indigena Kuna, Panama:

...En la madrugada del 20 de Diciembre pasado, la mayoria del pueblo Panameño dormia y en forma sorpresiva fue bombardeado por la aviacion Estadounidense, utilizando los aviones superbombaerders B-52, aviones A-37, helicopteros "Cobra y Blackhawks." Luego entraron con sus carros de combate, tonques y sus ejercitos armados, con armas sofisticadas disparaban indiscriminadamente sobre los hombres, mujeres, ancianos, y niños inocentes.... En la operacion del ejercito invasor y ahora de ocupacion nosotros los Indios fuimos afectados directamente el mismo dia del bombardero, fueron asesinados 10 Kunas, todavia los familiares lloran por sus seres queridos....

• By the IITC delegate from Panama (Kuna Indian Nation)

...In the early morning hours of last December 20, the majority of the people of Panama were sleeping. In a surprise attack, they were bombed by U.S. aircraft, making use of B-52 superbombers, A-37 planes, Cobra and Blackhawk helicopters. They then came in with combat cars and tanks, and armies outfitted with sophisticated weaponry, shooting indiscriminately at innocent men, women, the elderly, and children.

In the invading army's operation and current occupation we, the Indians were directly affected. On the

day of the bombing itself, 10 Kuna Indians were murdered. Their relatives are still in mourning for their loved ones....

Agenda Item 9: The Right of Peoples to Self-Determination and Its application to Peoples Under Colonial or Alien Domination or Foreign Occupation.

Good Afternoon, all my relatives. This year marks 100 years ago when the massacre at Wounded Knee South Dakota, in the United States, occurred. Over 300 women, children, elders and warriors of the Oglala Lakota (Sioux) were mercilessly killed in 1890 by the United States 7th Cavalry. It is in their memory the International Indian Treaty Council takes the floor (The Right to Self-Determination) is a concept that has been elusive for the Indigenous peoples of the Americas particularly when reactionary and settler governments continue to play out their strategies of colonial aggression, and plunder for more land, Indian land. This systematic and repulsive process of denying Indigenous peoples the Right to Self-Determination has continued for nearly 500 years....

Agenda Item 10: Questions of the human rights of all persons subjected to any form of detention or imprisonment:

After 14 years, Leonard Peltier continues to languish in Leavenworth Federal Prison. He has become the most nationally and internationally renowned political prisoner and prisoner of war of the so-called United States of America, a colonial entity that occupies the sacred lands of the Indigenous Nations of Peoples....

In addition, Leonard Peltier's case has received support from the National Association of Criminal Defence Attorneys. The prestigious Center for Constitutional Rights, Amnesty International, fifty religious leaders includ-

Session of the United on Human Rights

January 29-March 9, 1990



ing Bishop Desmond Tutu, Archbishop of Canterbury Runcie, the Reverend Jesse Jackson, and the Human Rights Commission of Spain who in 1987 bestowed upon Leonard Peltier its prestigious Human Rights Award. Chairman Mikhail Gorbachev, Winnie Mandela,...(partial list)

Agenda Item 12: Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories.

The primary act of genocide involves either removing Indian peoples from their traditional territories or allowing non-Indian encroachment into traditional lands.... The problem is especially serious because genocide is frequently disguised as "economic development." Governments and private corporations engaged in activities that result in the displacement of Indian Peoples claim they do not intend to harm the Indians - rather they are 'helping' the Indians by economically developing their lands. Because they claim to not intend to cause genocide or ethnocide, they maintain they are shielded from any liability.

However, encroachment into Indian land has always resulted in the annihilation of Indian Peoples. Even the construction of roads through their lands has always resulted in major colonization by non-Indian peoples that have left the Indians dead or displaced. No one can claim they are unaware of the results. Therefore, governments and private corporations must be held to a construed intent. They know with virtual certainty what the result will be. Therefore, they must intend that result.

Agenda Item 13: Measures to improve the situation and insure the human rights and dignity of all migrant workers.

Time and again in the history of industrialized nations, working people have been exploited by the owners and managers of the enterprises that profit from their labor. Migrant workers employed in agribusiness enterprises in the U.S. have suffered the injustices of working long hours in the hot sun with substandard wages, lack the decency of even portable toilets, sprayings with toxic pesticides, denial of educational and medical benefits and facilities, and substandard housing.... (The right) to trade union organization is important for obtaining other basic human rights for migrant workers.

Agenda Item 14: Human Rights and Scientific and Technological Developments.

...Fear that mining activity will have an impact on water quality is shared by environmentalists and the Grand Canyon's (Arizona, USA) only permanent residents, the Havasupai Indians. They point to one spill that has already occurred at the Hack Canyon Mine and fear that pollution from uranium mining spills will contaminate their water supply. On the nearby Navajo Reservation, the U.S. Department of Interior has urged residents not to eat cattle that drink from the Puerco River, because of radionuclide contamination that has been traced to wastes spilled and intentionally dumped from mines in the mining fields upstream.

Agenda Item 19: Report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

Madame Chair, last week was a violent week in Guatemala. On March 1st, the guard of the Embassy of Sweden was killed inside the embassy. On March 3rd, Nineth de Garcia, President of the Mutual Support (GAM) (Relatives of the Disappeared) was injured in Chupol, Prov-

ince of Quiche, by members of the Civilian Patrols controlled by the Army. Twenty more persons, the majority of them Indian People, were injured with Mrs. Garcia. We reiterate the need for this Commission to appoint a Special Rapporteur to monitor the serious human rights situation in Guatemala.

Agenda Item 21: Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences.

...Madame Chair, the Klu Klux Klan is not the only group attacking indigenous people in the (U.S.)...In Wisconsin and Minnesota, for example, members of a group called PARR, "Protect American's Rights and Resources," carried signs that said: "Spear a pregnant Squaw: Save a Walleye" (a walleye is a type of fish...); and "Ollie North should have shredded the treaties"....

Agenda Item 22: Advisory Services in the Field of Human Rights.

It is beyond understanding the fact that Mr. Gros Espiell justifies in his report that our culture is violent and that we the people are responsible for violence. It is equally beyond understanding his assertion that the Guatemalan people do not know their human rights. It is precisely because we are defending our rights, our culture, and our dignity as a People that thousands of persons have died.

For a full report send \$10.00 to cover copy and mail costs to the San Francisco Office of IITC.

Amazon Peoples, Environmentalists Unite To Save Rainforests

The ancestors, our ancient people, they knew what is going to happen, because they had the philosophy and the knowledge. They knew that if you don't treat the earth in the right way, she is going to give you a hard time — with earthquakes, for example. So they knew."

—Evaristo Nugkuag, Aguaruna Nation,
President of COICA.

In May of 1990, delegates from Indian Nations in five Amazon-basin countries, Peru, Bolivia, Columbia, Ecuador and Brazil, met with representatives of many environmental and conservationist groups from North America, Europe and South America in Iquitos, Peru.

At the three-day conference, the Indian representatives called upon conservationists and environmentalists to support the Amazon Indian tribes in securing their territorial and cultural rights, so that the native people and ecology-minded non-Indian people can together find ways to save the rainforest.

Environmental organizations attending the conference included Greenpeace, Oxfam, Friends of the Earth, World Wildlife Fund, Sierra Club Legal Defense, Survival International and the Rainforest Action Network.

The conference was sponsored by COICA (*Coordinadora de las Organizaciones Indigenas de la Cuenca Amazonica*), an international coordinating body which was formed in Lima, Peru, in 1984. It consists of five national indigenous organizations which meet to share information, form strategies and implement campaigns in defense of Indian territorial rights and the preservation of the Amazon rainforest, their homeland. The leaders, elected by regional and village organizations in five countries, represent grassroots groups which are independent of any government and directly responsible to their indigenous constituents. In this way, more than 230 tribal nations and more than 1,200,000 South American Indian people from the Amazon River region are repre-

sented overall.

It is COICA's position that the Indian people, who know the rainforest best, have the answers on how to best conserve and manage it. But they believe that before anything can happen along those lines, indigenous human rights and territorial rights must be secured and insured.

According to Cesar Tapuy, (Quichua nation), president of Ecuador's national indigenous organization CONFENAE, "For us, the rainforest is very important. That is why we are organizing among ourselves — to get political power, and with it, to protect the rainforest. We want to show the governments that we are already protecting the forests — by being ecologists.

"It is true that now industries are destroying the rainforest. This is why we are here, searching for allies — especially the environmentalists — to form a group together so that we get political power to fight against the governments and the industries — so that we get some respect."

An alliance with environmentalists will, COICA says, provide needed leverage in their struggle to achieve rightful indigenous control of traditionally held areas.

Through political pressure, links with funding sources, and organizational networking, COICA envisions an environmentalist and Indian alliance influencing national governments and multinational corporations toward less destructive rainforest policies.

*For more information, contact
COICA:*

US Address: 1011 Orleans St.,
New Orleans, LA 70116
(504) 522-7185

International Headquarters:
Jiron' Almagro 614,
Lima 11, Peru



Defense Interests and the Vatican Join to Desecrate Indian Land

Endangered Species also Threatened

"This mountain...is the site of a sacred spring, a variety of sacred plants and animals all of which are necessary for performance of certain traditional religious Apache ceremonies; and

This mountain...is the site of a substantial number of Apache burials; and

Any permanent modification of the present form of this mountain constitutes a display of profound disrespect for a cherished feature of the Apache's original homeland as well as a serious violation of Apache traditional religious beliefs."

- From the San Carlos Apache Tribal Resolution, July 10, 1990

Stating that "for generations our elders have instructed us on the Sacredness of Dzil nchaa si an (or Mount Graham)", the San Carlos Apache Tribe passed a resolution July 10th, 1990 stating "...its firm and total opposition to the construction of a telescope on the top of Mt. Graham..." The San Carlos Apache regard Mt. Graham to be of "vital importance for maintaining the integrity

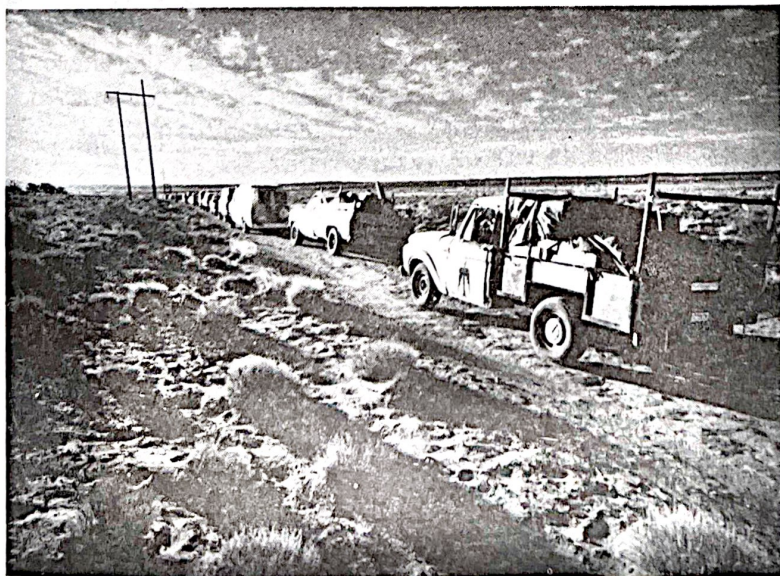
of...Apache culture and tradition."

The University of Arizona (U of A), in collaboration with the Vatican, Arcetri Observatory (Italy), Max Planck Institute (W. Germany), Ohio State University, and the Smithsonian Institution is seeking to begin construction in August 1990. Mt. Graham is located in the Coronado National Forest in Southeast Arizona and is the highest mountain (10,717 ft.) in the Pinaleno Mts. The showpiece of U of A's project is the "Columbus Project" telescope which is reputed to be the largest in the world and is proposed as a 1992 monument to Christopher Columbus by the European and U.S. astronomers.

A coalition of local and national environmental organizations have raised strong objections to the U of A project due to its threat to the unique old-growth ecosystem that is the habitat of several rare and endangered animals and plants. The top of the mountain is an old-growth Spruce-fir canopy forest that shelters the nearly-extinct Mount Graham Red Squirrel (roughly 100 are left in existence).

See MOUNT GRAHAM, page 19

Veterans Peace Convoy to Big Mountain, Arizona Supports Resisters to Forced Relocation



In April, 1989, Veterans Peace Action Teams was asked to organize a convoy to Big Mountain on behalf of Elders in resistance to forced relocation under Public Law 93-531. VPAT work has been primarily in Central America, including co-sponsorship of the Veterans Convoy to Nicaragua in 1988.

After months of networking with veterans, Big Mountain Support Groups, and other peace and justice organizations, the first trucks of aid left from the east coast in early June. On June 17th, 63 trucks and 150 people, representing 52 cities from around the country, arrived near Winslow, Arizona for orientations and to prepare to deliver the food to the land.

Rallies supporting the resistance were organized in Washington, DC, St. Louis, Salt Lake City, San Francisco, Bakersfield, and Flagstaff.

Veterans Convoy Rolls into Big Mountain

See VPAT page 18

Amazon Peoples, Environmentalists Unite To Save Rainforests

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GUATEMALA,

from page six

area of the country, in others thousands of displaced families are suffering bombardments and the destruction of their crops and farms. In the city ravines, threats and persecution against the displaced is also increasing. The government and the army no longer mind being known and accused of being the cause of the situation of hunger and pain in which we live. The Civil Patrols, the soldiers and the paramilitary bands act by day, and none of them have been investigated nor punished for the crimes and human rights violations they have committed their actions, witnessed by our people and by the peoples of the world, meet with absolute impunity.

In response to this painful situation which we face as Guatemalans;

WE CALL:

1. On governments, non-governmental organizations, human rights organizations, and the Peoples of the world in general, to declare themselves against the continuation and increase in repression in Guatemala.

2. On human rights organizations, for their special attention to the case of Guatemala, in such a way as to put more pressure on the government and the Guatemalan Army.

For them to join in the international demand for an investigation of incidents and the punishment of those responsible for such acts.

3. On non-governmental organizations, human rights organizations, international institutions, prestigious individuals and solidarity committees to support a campaign of denunciations on a national and international level.

We ask all our friends, brothers and sisters in solidarity to struggle together to end the repression in the countryside and the city.

*Member of the Union for Trade Union and Popular Action (UASP),
International Indian Treaty Council*

C.U.C.

GUATEMALA, July 19, 1990

GUATEMALA,

de pagina Seis

trabajadores, familias y grupos que luchamos por el derecho a la vida y la paz.

El gobierno y el ejército, creyendo que las elecciones próximas pueden encubrir estos atropellos ante la opinión pública nacional e internacional, durante estos meses se han lanzando sobre los líderes y bases de las organizaciones indígenas, campesinas y populares como el Consejo de Comunidades Etnicas "Runujel Junam" (CERJ), CUC, Coordinadora Nacional de Viudad de Guatemala (CONAVIGUA) Grupo de Apoyo Mutuo (GAM), cooperativistas, catequistas, hombres, mujeres, indígenas y ladinos que luchamos para quitar las Patrullas Civiles y por una trotilla más para nuestros hijos.

También con estos hechos represivos el gobierno y los militares tratan de justificar "mano dura" en los siguientes meses, supuestamente para controlar una situación que ellos mismos han creado.

Al gobierno y al ejército ya no los importa que sean conocidos y acusados por ser los causantes de la situación de hambre y dolor que vivimos.

Las patrullas Civiles, los soldados y las bandas actúan de día, y ninguno de ellos ha sido investigado ni castigado por los crímenes y violaciones de Derechos Humanos que han cometido. Ante nuestro Pueblo y ante los Pueblos del mundo actúan con absoluta impunidad.

Ante esta situación, la voz de Instituciones y fuerzas internacionales se ha hecho ya presente, como ha sido:

- El Presidente de la Comisión del Parlamento Europeo de Cooperación con América Latina, sobre la necesidad de garantizar un estado de derecho en nuestro país.

- La Internacional Socialista, que ha sufrido la represión en nuestro país con el secuestro y asesinato de dos importantes miembros y dirigentes.

- La Confederación Internacional

de Sindicatos Libres, que cabalmente afirma que Guatemala es uno de los países más peligrosos para ejercer la actividad sindical.

- La Comisión Interamericana de Derechos Humanos, El Consejo de Asuntos Hemisféricos (COHA) y otros que constantemente condenan esta escalada en la violación de los Derechos Humanos y sus causantes en Guatemala. Y así, muchas voces más de denuncia y solidaridad se han sumado en distintas partes del mundo.

LLAMAMOS:

1. A los gobiernos, Organizaciones No-Gubernamentales, Organizaciones de Derechos Humanos y a los Pueblos del mundo en general, a pronunciarse contra la continuación y el incremento de la represión en Guatemala.

2. A las Organizaciones de Derechos Humanos su especial atención en el caso de Guatemala, de manera que se presione más al gobierno y al ejército guatemaltecos: Unirse a la demanda internacional por la investigación de los hechos y el castigo a los responsables de tales acciones.

3. A ONG's, Organizaciones de Derechos Humanos, Instituciones internacionales, personalidades y Comités de Solidaridad para que apoyen una campaña de denuncia a nivel nacional e internacional.

Les pedimos a todos nuestros amigos y hermanos solidarios a que juntos luchemos por lograr un alto a la represión en el campo y la ciudad.

Guatemala y sus hijos quieren la vida y la paz.

Comité de Unidad Campesina (CUC) de Guatemala

Miembro de la Unidad de Acción Sindical y Popular (UASP) y del Consejo Internacional De los Tradatos Indios (CITI)

GUATEMALA, 19 DE JULIO 1990

CUC

Apartado Postal 20-474

Código Postal, 01000

Colonia San Angel

México 20 D.F.

Huaorani Sue Ecuadoran Government

On June 4, 1990 the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) filed a suit charging the Ecuadoran government with endangering the life and culture of the Huaorani of Ecuador through the promotion of oil drilling projects in Huaorani territory. The suit was jointly filed with lawyers from the Sierra Club Legal Defense Fund (SCLDF) before the Inter-American Human Rights Commission.

This is a significant development because a favorable decision would mean that the Ecuadoran government could have to pay compensation for damages to the Huaorani. It would

also set a favorable precedent for other similar cases in which the rights of Indian Peoples have been violated.

CONOCO Ecuador, a subsidiary of DuPont, plans to construct more than 160 kilometers of highways and oil pipelines, in addition to dozens of oil wells and housing for hundreds of workers in Huaorani territory.

The President of CONFENIAE has described what "development" would mean for Indian Peoples: forced labor or unemployment, loss of natural resources essential to the survival of the indigenous peoples, pollution of the environment, prostitution, alcoholism and infectious diseases, de-

struction of traditional medicine, acculturation and absorption into the consumer system. In addition to the violation of Indian peoples' rights, the destruction of the Amazon itself must be considered.

Members of CONFENIAE and SCLDF joined in emphasizing that the interests of Indian Peoples and those of environmentalists coincide in practice: by guaranteeing respect for the rights of Indian Peoples, the protection of the environment is assured. Moreover, efforts to protect the Amazon should count on the participation of the indigenous

See HUAORANI page 17

Ecuadoran President Borja with the Huaorani Representatives



Presidente Borja adjudica tierras a los Huaoranis, reservándose el derecho a seguir explotando petróleo y recursos naturales

Los Huaorani Presenta Demanda Contra El Gobierno Ecuatoriano

El 4 de Junio de 1990, la Confederación de Nacionalidades Indígenas de la Amazonia Ecuatoriana (CONFENIAE), representando a los Indios del Amazonas Ecuatoriano, presentó una demanda en la que acusan al Gobierno Ecuatoriano de haber cientos de trabajadores, en el territorio Huaorani.

El presidente de CONFENIAE describió lo que el "desarrollo" significara para los Pueblos Indios: empleo forzado a desempleo, pérdida

de los recursos naturales necesarios para la sobrevivencia de los indígenas y también contaminación del medio ambiente, prostitución, alcoholismo y enfermedades infecciosas; destrucción de la medicina tradicional, aculturación e incorporación al sistema consumista. A la violación de los derechos de los Pueblos Indios se suma la destrucción de la Amazonia.

Miembros de CONFENIAE y de SCLDF concidieron en enfatizar que los intereses de los Pueblos Indio y

los de los ambientalistas coinciden en la práctica: al garantizar el respeto a los derechos de los Pueblos Indios, se asegura la protección del medio ambiente. Mas aun, los esfuerzos que se realizan para proteger el Amazonas deben contar con la participación de los indígenas, de otro modo, estaran condenados al fracaso.

Miembros de CONFENIAE alertaron sobre el peligro de ser engañados por el discurso oficial que encubre sus prácticas antiecológicas

HUAORANI, pagina 17

Ecuadoran Government Legalizes Huaorani Lands, But Mineral Development Continues

For several years, the Huaorani people, with the help of the Confederation of Indian Peoples of the Ecuadorian Amazon (CONFENIAE) have been demanding delimitation and ownership of the lands which historically belonged to them. On April 3, Rodrigo Borja, the president of Ecuador, granted "612,000 idle hectares" to the Huaorani, one third of the Huaorani traditional territory. Eighteen Huaorani community leaders traveled to Quito to receive the title to their lands in a ceremony held in the presidential palace.

However, the small print on the land titles, granted by the Institute for Agrarian Reform and Colonization, explains that the Huaorani "are not allowed to interfere with mineral and oil exploitation by the national government and authorized companies." Approximately 630,000 hectares of fragile rainforests and coastal regions are currently being exploited by oil companies with the assistance of the Ecuadorian government and CEPE, the state oil company. Approximately 3 million more hectares are in exploratory phases. Future concessions in the New Oriente region alone will total more than 2.5 million hect-

ares and will include Huaorani Indian territory, as well as lands in Yasuni National Park.

Conoco, a US-based oil company, is planning to build a 175 kilometer long road into the park. The proposed project has met serious opposition nationally from Indian organizations and is criticized by many international environmental groups. CORDAVI, a human rights legal defense group in Ecuador, and the Sierra Club Legal Defense Fund have presented cases before the Ecuadorian government and the United Nations, respectively, in opposition to the construction of the road. CORDAVI alleges that the "Ecuadorian government violated the constitution by allowing the construction of the road and the exploitation of resources within a protected area."

Last May, representatives of the Ecuadorian government and CONAIE signed an agreement at Sarayacu, an Indian Community in the rainforest. The authorities made as yet unfulfilled commitments to legitimize Huaorani Indian territories as protected areas and to stop the colonization of Indian territories in the rainforest and on the coast. The new ownership arrangement, however,

does not meet these demands.

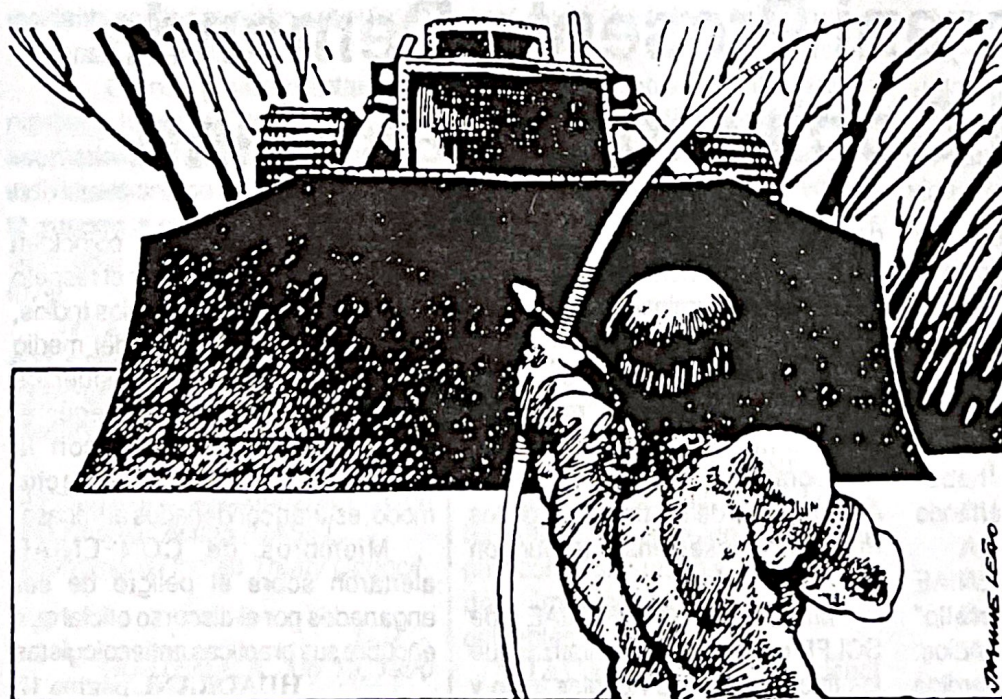
This lack of commitment of the previous agreements, as well as the conditions of the recent land title transfer, make it very clear that the Ecuadorian government intends to continue the exploitation of oil and other natural resources on Indian lands. This perpetuates the colonial policies of disrespect for Indigenous peoples and their rights to decide their own future.

The political propaganda that accompanied the ratification of the land entitlement shows how the government is trying to change its negative image in respect to the destruction of the natural environment and the negation of Indigenous rights. However, neither the Confederation of Indigenous Nations of Ecuador (CONAIE) nor CONFENIAE were invited to the ceremony. Ayuma Tenko, representative of the Huaorani people, commented upon receiving the ownership titles, "This ratification of our territory is not completely your will. It is the product of years of struggle of our people, of national organizations and of national and international solidarity. Furthermore, Mr. President, we ask you that you immediately stop

the construction of roads in our territory, that you evict the colonizers that have invaded our lands and the oil companies that are destroying our forests. Someday we will have nothing. If you do not meet our demands, we will defend with our spears what belongs to us."

For more Information:
SAIIC
PO Box 7550
Berkeley, CA 94606 USA
(415) 834-4263

CONFENIAE
Avenida 6 de Diciembre
159 #408, Quito, Ecuador



HUAORANI

from page Fifteen

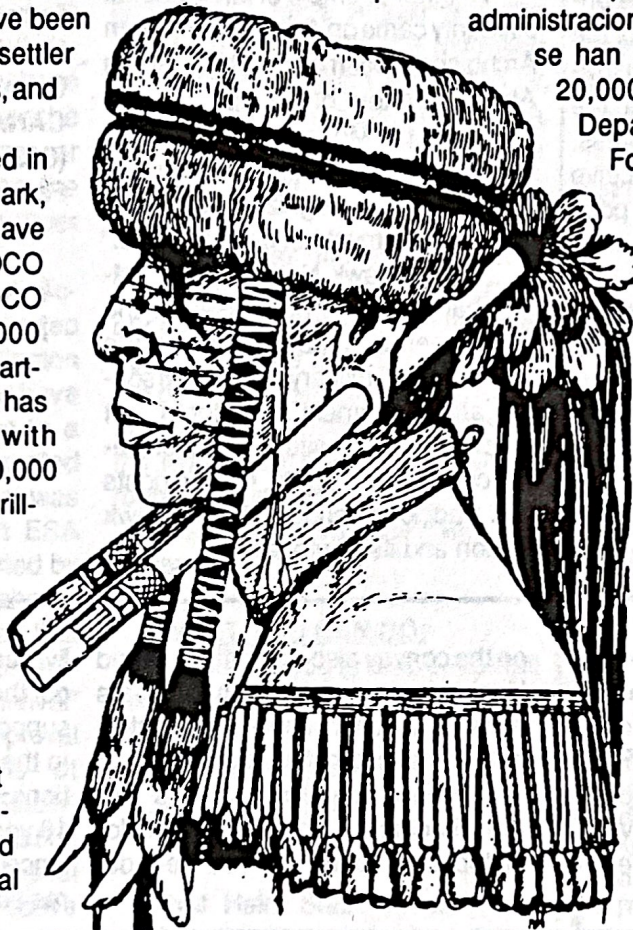
peoples. Otherwise, such efforts would be condemned to failure.

Members of CONFENIAE pointed out the danger of being taken in by official statements which cover up practices damaging to the ecology, while employing ecological terminology and theory. For example, the creation of National Parks, Forest Reserves and Protected Areas has not brought protection to the environment. Rather, these areas have been turned into new zones for settler farming, extraction of resources, and destruction.

This is what has happened in the case of Yasuni National Park, where oil drilling operations have been developed under CONOCO management. Recently CONOCO was awarded another 20,000 hectares of the Park. The Department of Forest Management has evolved a plan together with CONOCO that would allow 50,000 hectares to be awarded for oil drilling.

The World Bank has financed oil drilling to a large extent in Ecuador, and a new 100 million dollars in credit is pending approval.

The Indian Peoples of the Amazon have signed a 13-point demand, calling on the government of Ecuador and the World Bank to respect their cultural rights and territorial integrity.



de pagina Quinze

con terminología y teoría ecologista. Así es como la creación de Parques Nacionales, Reservas Forestales y Áreas Protegidas no ha significado la protección del medio ambiente, sino que estas se han convertido en nuevas zonas de colonización, explotación y destrucción.

Esto es lo que ha sucedido en el caso del Parque Nacional Yasuni, en el que se han desarrollado operaciones de explotación de petróleo bajo la administración de CONOCO. Recientemente,

se han adjudicado a CONOCO, otras 20,000 hectáreas del Parque. El

Departamento de Administración Forestal ha desarrollado un plan,

en conjunción con CONOCO, que permitirá que 50,000 hectáreas del Parque puedan ser adjudicadas para explotación de petróleo.

El Banco Mundial ha financiado en gran parte el desarrollo de la explotación petrolera en el Ecuador y ahora esta pendiente la aprobación de un nuevo crédito de 100 millones de dólares.

Los Pueblos Indios de la Amazonia han firmado una demanda de 13 puntos solicitando que el Gobierno del Ecuador y el Banco Mundial respeten sus derechos culturales y la integridad territorial.

SMITH, from page Two

the majority, stating that the State of Oregon "offers...no evidence that the religious use of peyote has ever harmed anyone." On the contrary, Blackmun emphasizes, there is abundant evidence that religious ceremonial use of peyote has helped American Indians to combat the tragic effects of alcoholism, and has helped Indians to regain self-respect, self-reliance and familial responsibility.

He concluded that "Oregon's interest in enforcing its drug laws against religious use of peyote is not suffi-

ciently compelling to outweigh [Mr. Smith and Mr. Black's] right to the free exercise of their religion."

Despite the ruling, Mr. Al Smith has vowed to carry on the struggle to assert his right to freedom of religion. "I feel in my heart that I didn't do anything wrong. I felt that they were wrong when they told me I couldn't go to church."

He calls for Indian people to continue uniting to protect their rights and is asking for support for a bill now being considered by the State of Oregon legislature to legalize the use of peyote as a Native American reli-

gious sacrament. While this bill will address the situation he is facing in Oregon, Mr. Smith believes that the recent Supreme Court decision will have grave impact on the rights of all religious groups and denominations within the U.S., whether they realize it now or not.

"I've opened a curtain so people can take a good look at the Supreme Court. Take a look! They're not only doing this to Indians — they're doing it to everyone."

Mohawk, from page Three

At the same time, the KKK was identified as being responsible for organizing recent demonstrations of disgruntled whites which have included racial slurs, threats of violence and the burning of Indians in effigy. These demonstrations have increased the atmosphere of anti-Indian violence in Quebec which the Mohawks fear could erupt against them at any moment, despite the ongoing negotiations. But in spite of the actions of these racist demonstrators, and a virtual blackout of the Mohawk communiques by the press, The Mohawks continue to receive expressions of support for their position from many sectors of the non-Indian Canadian public.

Meanwhile Indigenous People around Canada and all over the world have also expressed their solidarity with the Mohawks. On August 15th Chief Louis Stevenson told a meeting of Native leaders in Winnipeg, Manitoba, "If there is an attack against the Mohawks it would be an attack on

all of us."

Earlier in the month, Saul Terry, president of the Union of British Columbia Chiefs declared that Natives in British Columbia were poised to "take immediate and forceful action" if the police were to again storm the Mohawk barricades. Several Indian communities in British Columbia erected roadblocks in solidarity with the Mohawks when Bourassa's ultimatum was announced.

Another example of international solidarity came on August 16th, when Archbishop Desmond Tutu of South Africa, on a tour of Canada, told the press that the Mohawks "have a right to be human and Indians... their culture must be recognized as having integrity and must not be subverted."

The Mohawk Nation is requesting that letters be addressed to the government of Canada, calling for the removal of all military troops, personnel and equipment, and for a just resolution of the situation which respects the sovereignty, human rights and traditional lands of the Mohawk Nation and its territories.

"Presently when peace, freedom, democracy and self-determination for people and nations are being promoted by the U.S. and Canadian governments throughout the world, these very government are determined to terminate the inherent rights of native sovereignty"

-from a July 16th
Mohawk Nation Statement

**Prime Minister Brian Mulroney
House of Commons
Ottawa, K1A 0A6
CANADA
(613) 992-4211
Fax: (613) 995-0101**

**Contact:
Mohawk Nation Office
Six Nations Confederacy
Kahnawake Branch**

**Tel: (514) 638-4750
FAX: (514) 638-6790**

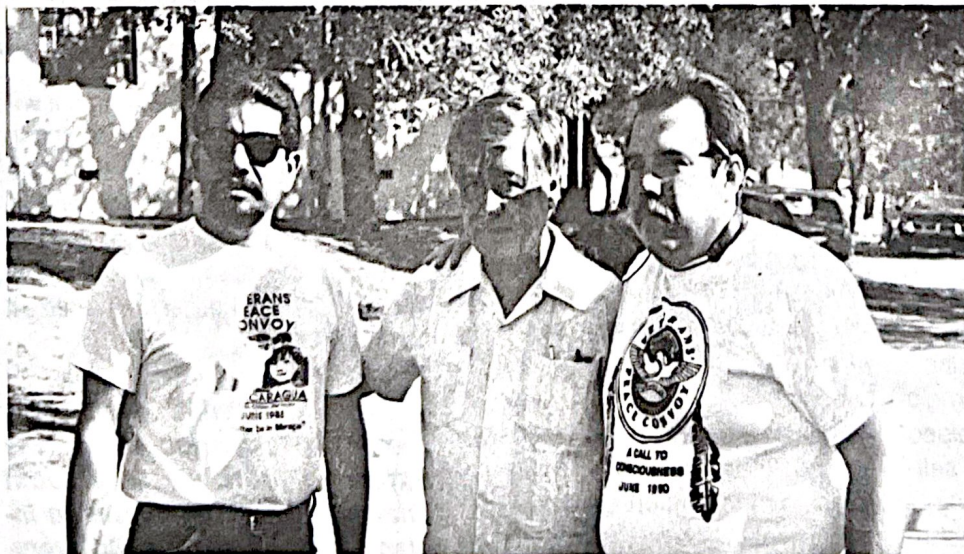
VPAT from page 13

Meetings were held with Dine and Hopi Elders from different communities on the HPL (Hopi Partitioned Land) to insure that support and dialogue will continue between VPAT and the people. Some of the veterans

on the convoy also met with Dine and Hopi veterans, and a group of Elders met with the entire convoy at Winslow before the distribution took place.

Following three days of repackaging the aid and preparing for distribution, 25 tons of food were de-

livered to over 300 families throughout the HPL, and to Hopi families who support the resistance to relocation. In the face of forced livestock reductions, construction freezes, and over 16 years of pressure and intimidation since the Public Law was passed, the resistance remains.



VPAT Board Member Daniel Alejandres, United Farm Workers President Cesar Chavez, and Guadalupe Gutierrez.

For more information on how you can help with future planned support efforts for Big Mountain, contact:

**Veteran's Peace
Action Teams
(VPAT)
P.O. Box 170670
San Francisco CA 94117
415-753-2130**

Mount Graham, from page Thirteen

Environmentalists argue that U of A's proposed destruction atop Mt. Graham violates several environmental laws, including the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA). They also argue that the U of A was able to gain special exemptions from the requirements of the laws due to its use of public money in a million-dollar lobbying campaign, and that the project was setting a dangerous precedent that circumvented the few laws that exist to protect the land and life.

The San Carlos Apache have stated that the "San Carlos Apache People were not fully informed or properly consulted concerning the proposed destruction of certain upper portions of this mountain."

A recent GAO (General Accounting Office) investigation reported at a June 26th hearing in Washington DC that "the government would have had difficulty in demonstrating to a court that the (project approval granted by the Fish and Wildlife Service) was prepared in accordance with ESA requirements....It is not supported by prior biological studies of Mt. Graham."

The GAO report also stated that U of A's project "posed an unacceptable risk to the Red Squirrel's survival" and that the FWS decision for approval was made "on the basis of nonbiological considerations." Finally, the GAO stated that their investigation showed that an "updated biological opinion is warranted" due to the above concerns as well as evidence that the Red Squirrels' prospects for survival have worsened.

A March 26th injunction on construction of the project was granted to environmentalists after U.S. District Court Judge A. Marquez found that "serious issues have been raised including the possible elimination of a species." While that injunction was overturned by the 9th Circuit Court of Appeals, it raised enough concern to merit House Interior Subcommittee hearings and the GAO investigation.

Since the GAO investigation's report of June 26th a 30-day review of the FWS biological opinion has been initiated. Environmentalists have called

for an entirely new biological opinion and criticize the 30-day review as "a whitewash that will be conducted by the same people who produced the flawed opinion in the first place."

Despite objections from nearly every national and Arizona environmental organization, Native Americans, and the academic community itself, the U of A administration, the Arizona Board of Regents, and their U.S. and European collaborators continue to forge ahead with the proposed destruction of a mountain peak that is regarded as Sacred by the San Carlos Apache. The U of A has not yet acknowledged that Native Americans formally object to the project.

"For times immemorable our people went to the mountain to pray, our medicine men got the holy water from one of the seven springs near the peak and collected healing herbs from the forest. In the struggle against the white man, Geronimo's warriors found refuge there."

- San Carlos Apache Elder, Ola Cassadore

WHAT YOU CAN DO:

We encourage you to write or call the following partners in the U of A's project:

Pope John Paul II
Vatican City, 00817
Rome, Italy

Prof. Heinz Staab, Pres.
Max Planck Institute
M.P.I. Residenz - Str. #1A
8000 Munich 2 - W. Ger.
Phone: 011-49-89-21081
FAX: 011-49-89-229850

Franco Pacini, Director
Arcetri Astrophysical Observatory
Largo E. Fermi 5
1-50125 Firenze
Florence, Italy
FAX: 011-39-55-220-039

Dr. Robert Adams, Sec.
Smithsonian Institution
1000 Jefferson, SW
Washington, DC 20560
Phone: 202-786-2515

Hawai'i from page Eight

the informed consent of the indigenous Peoples, to the advantage of the latecomers and colonial intruders. Likewise, the armed invasion of Hawaii and the continued appropriation of land and destruction of Native culture is in direct violation of treaties of peace and friendship signed "in perpetuity" by the Nations of the U.S. and Hawaii. The proposed study on the international standing of treaties and other agreements made between countries such as the U.S. and indigenous Peoples would bring these issues under the scrutiny of the international community.

"SELF GOVERNMENT AND SOVEREIGNTY FOREVER.

IMUA LANAKILA"

For more information, or to offer your support, contact:

Kawaipuna Prejean IITC
He Hawai'i au
2004 Kalawahine Place
Honolulu, HI 96822

Pele Defense Fund
192 Kualua St.
Hilo, Hawaii 96720
(808) 935-1663

Treaty Council News is the official bulletin of the International Indian Treaty Council (IITC). IITC was founded in 1974 at a gathering of 99 Indian Nations in Standing Rock, South Dakota; hosted by the American Indian Movement (AIM). In 1977 IITC was recognized by the United Nations as a Non-Governmental Organization (NGO), Consultative Status, Category II, in the United Nations Economic and Social Council.

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At last Justice in the Courts Patrick "Hooty" Croy Freed by Jury



After 12 years of imprisonment, including eight years on death row, a San Francisco jury acquitted Shasta-Karuk Indian Patrick "Hooty" Croy, on May 1, 1990, overturning his conviction for murder of a Shasta county off-duty sheriff during a 1978 shootout. The retrial was granted after Hooty's lawyers successfully argued that the original jury was affected by racism against Indian people, which continues to be prevalent in Shasta County.

Efforts continue to free Hooty's sister Norma Jean Croy, who continues to be imprisoned on charges stemming from the same incident.



For Information contact:
Croy Defense Committee
473 Jackson St., 3rd Floor
San Francisco, CA 94111

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HAVE COME BEFORE US

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