



TREATY COUNCIL NEWS

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1259 FOLSOM STREET SAN FRANCISCO CA 94103

Vol. 6, No. 1
OCTOBER, 1985

REPORT ON THE U.N. WORKING GROUP ON INDIGENOUS POPULATIONS Geneva, Switzerland July 29 -- August 2, 1985

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This year, the IITC sent 12 delegates to Geneva for the annual meeting of the Working Group. Testimony and resolutions will be submitted to the U.N. Subcommittee on the Prevention of Discrimination and Protection of Minorities in 1986.

This year, the IITC presented testimony on behalf of the following communities, in order to bring these critical situations to the attention of the Indigenous and other Nations of the world:

The U.S.: In the U.S., rich stores of uranium, coal, timber, water, and other natural resources lie on Indian lands. For this reason, the U.S. government continues to pursue policies in order to undermine Indian peoples' control over their land, and to reduce the size of the remaining land base of the Indian Peoples.

The following struggles are examples of Indian resistance to these policies and Treaty Council's interventions.

Anishinabe Nation: Despite a series of treaties made between the Anishinabe Nation (Chippewa) and the U.S. government, the U.S. has, through unilateral decisions, illegal sales, and other illegal and criminal acts, transferred 700,000 acres of the White Earth Anishinabe land to non-Indian ownership. This represents 85% of the land guaranteed by the 1867 Treaty of the Mississippi Chippewa. The Anishinabe Akeeng (The Peoples Land Organization) has in recent years undertaken a program to call the illegal appropriations into question, and to demand the return of all lands taken.

Lakota Nation: Since the 1868 Fort Laramie Treaty, 90% of the land guaranteed to the Lakota Nation has been stripped away. Rejecting monetary compensations offered by the U.S. government, the Lakota elders have continued to demand the return of their stolen territory. The Yellow Thunder Camp is now in its fourth year of continued occupation by the Lakota people and AIM.

Alaska: In Alaska, the U.S. is in the process of expropriating 44 million acres of Indian land through the "Alaska Native Claims Settlement Act". In order to obtain access to the vast oil deposits this land contains.

Canada: The Sovereignty of the Indian Nations of Canada are being unilaterally abrogated in the Constitution Process by the Canadian government in violation of the Royal Proclamation of 1763. The IITC filed a formal Human Rights complaint on behalf of the Lubicon Lake Band in Alberta.

The unabated assault on Indian Lands in the north by mineral and mining corporations continues for uranium and other exotic metals.

Dineh Nation: Traditional Dineh refuse to submit to the unilateral terms of the U.S. Public Law 93-531 which provides for the relocation of 13,500 Dineh People. The "eviction of those Navajo could be enforced by U.S. Marshalls and the U.S. military," according to government spokesmen (May 29, 1985). Clear violations of U.S. treaties with the Navajo Nation, and the U.N. 1948 Convention on Genocide have shown the corporate assault on the Big Mountain community to be in blatant violation of the principles of international law.

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Political Prisoners: Indian people whose only "crime" has been to defend the rights of their Nations, continue to be imprisoned by the U.S. Courts. The cases of Leonard Peltier and Dino and Gary Butler are prime examples of the U.S. using its judicial system in an attempt to silence Indian leaders. Leonard Peltier, Lakota AIM leader, is actively outspoken against the destruction of sacred land by coal and uranium interests. Dino and Gary Butler, Siletz AIM organizers from Oregon State have been organizing for self-determination. Despite the lack of solid evidence tying these leaders to any crimes, they remain in prison.

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Chicanos: In violation of the Treaty of Guadalupe Hidalgo, between the U.S. and Mexico, the 10 million Chicano Indigenous people of the U.S. are denied bilingual education and bilingual voting ballots, and are victims of continued brutality by the Immigration Service, which raids homes and workplaces.

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Central America:

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Guatemala: The IITC denounces the government of Guatemala for its reign of terror against the Indian peoples there, who make up 80% of the population. Since 1980, the military government has murdered at least 50,000 people, most of them Indians, and has undertaken a program to torture and "liquidate" Indigenous leaders. This terrorism and genocide must be denounced by the international community.

El Salvador: In El Salvador, (another U.S. backed regime), at least 50,000 deaths have occurred in recent years, many of them among the Indian population.

South America: In the 1985 Commission on Human Rights, in Geneva, the IITC denounced the situation faced by the Yanomamis of Brazil, whose territories are being destroyed and taken by corporate and government forces.

We strongly denounce the situation facing the Indigenous peoples of Paraguay, especially the Maskoy whose physical and cultural survival is in danger.

We are particularly concerned with the Mapuche people of Chile, where the brutal Pinochet dictatorship has undertaken policies of genocide. During the last Commission on Human Rights, a resolution was passed for the first time in history of the U.S. recognizing specifically the rights of the Indian people of Chile to their traditional lands.



FREE LEONARD PELTIER

PREAMBLE TO THE STATEMENT ON THE RIGHT OF PEOPLES TO SELF-DETERMINATION.

The Right Of Peoples To Self-Determination And Its Application to Peoples Under Colonial Or Alien Domination or Foreign Occupation.

The International Indian Treaty Council has been participating in the meetings of the Human Rights Commission for seven years, and each year we become more dismayed by the duplicity of members such as the United States and Canada in their position on human rights.

These countries state both their concern for human rights around the world and their commitment to historical accuracy. It is impossible for us as Indian peoples, and as the most immediate victims of Canadian and American neo-colonialism, to take their assertions seriously.

In this fortieth year since the defeat of Hitlerism it is important to remember the historical accuracy of the fact, as documented by historian John Toland, that Hitler praised the efficiency with which the United States massacred and subjugated Indian peoples. It is not surprising to us that the policies of the United States, a country which even now refuses to ratify the Human Rights Covenants, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Elimination of All Forms of Racial Discrimination, were used as a model by the genocidal Third Reich.

More troubling than the desire of Canada and the United States to rewrite history is their attempt to convince the international community that they have

reversed or reformed their reprehensible practices as regards Indian peoples. Unfortunately we must inform this respected Commission that the colonization of Indian nations by the United States and Canada continues today. The colonial oppression experienced by Indian peoples today exposes the hypocrisy of these countries in the human rights arena.

It should be enough that, as a direct result of the actions of the United States and Canada, Indian peoples find themselves at the bottom of every socio-economic category in these countries. It should be enough that our lands have been stolen or destroyed through government sanctioned exploitation by multinational corporations, in contradiction of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (CCPR-CESCR), Article I, paragraph 2. It should be enough that Indian women have been sterilized as a matter of policy, and our children have been removed forcibly from our families to be raised in non-Indian communities in direct contradiction to Article II, parts (c), (d), and (e) of the Convention on the Prevention and Punishment of the Crime of Genocide.

It should be enough that our traditional governments have been destroyed and replaced by colonial puppet regimes in violation of Part I, Article I of CCPR and CESCR, that our

religious ceremonies and traditional languages have been prohibited in contradiction to the Declaration of the International Cultural Cooperation, and that we have been subjected to a concerted governmental policy of assimilation and cultural destruction.

It should be enough that Indians experience the lowest per capita income and the highest unemployment in the United States and Canada, at times exceeding ninety percent in Indian regions. It should be enough that health and housing conditions for Indian peoples are the worst in these countries, with the highest rates of infant mortality, tuberculosis, cancer in women, diabetes, adolescent suicide, heart and liver disease, and that over sixty percent of Indian housing is substandard.

All of these disgraceful facts should be enough to prevent the self-congratulation and self-praise of the United States and Canada. Yet, apparently it is not. Today the ethnocide and political and economic colonialism experienced by Indian peoples continues. More importantly, efforts by Native peoples to retain their sovereign dignity and to assert their right to self-determination as colonized peoples, as embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples, are met with increasing oppression.

STATEMENT PRESENTED TO THE HUMAN RIGHTS COMMISSION ON BEHALF OF LEONARD PELTIER. (ITEM 10)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT.

For seven years the International Indian Treaty Council has brought forth items of concern to the Human Rights Commission in the form of documentation and testimony concerning the campaign of repression against Indian Peoples and organizations who are actively engaged in the struggle for self-determination.

As a delegate of the International Indian Treaty Council, I am going to address this honorable assembly of governments of the world sitting in the United Nations Commission on Human Rights concerning the rights of prisoners incarcerated in relation to this struggle.

I am the wife of Leonard Peltier, who is presently imprisoned in the United States for crimes he did not commit. I do not want to address the Commission on the merits of his case, but rather to focus upon the human rights violations of his imprisonment which are contrary to the Economic and Social Council Resolutions 663 CXXIV, 31 July 1957, and 2076 LXII, 13 May 1977, "Standard Minimum Rules for the Treatment of Prisoners."

Leonard Peltier's imprisonment is a direct result of the Indian People's struggle in the United States towards our self-determination as a people. Leonard Peltier is an example of the lengths to which the government of the United States is prepared to go in violating the human rights of an Indian person. Leonard Peltier is in prison as a direct result of the United States government using the legal system to try to neutralize one Indian who was working against the United States' interests. The government of the United States and its agencies worked hard to get a conviction of Leonard Peltier: from the falsification of evidence to have him extradited to the United States from Canada as documented by Amnesty International in its 1984 report; to coercion of witnesses, falsified affidavits, and tampering with their own Grand Jury process. But there seems no end to the violations of his human rights. The government of the United States was not satisfied to have Leonard Peltier behind prison bars, there seems to be a concerted effort to dehumanize him as well.

Today, after nearly a decade in different prisons, the United States government persists in continuing to violate his basic prisoner's rights, but in particular his rights as an Indian prisoner. As an Indian person his spiritual well-being is just as important, if not more so, than his physical and mental well-being. Leonard's right to practice and retain his religious and philosophical beliefs and integrity are denied on a daily basis. Under the General Assembly Resolution 32/12 of

16 December 1977, Article 19 of that resolution contained in the International Covenant on Civil and Political Rights reaffirms and reiterates the importance of human rights and fundamental freedoms of all persons detained or imprisoned as a result of their struggle against colonialism, and the Standard Minimum Rules for the Treatment of Prisoners, sections 41-42 referring to Religious Rights of Prisoners.

Last year the International Indian Treaty Council reported to this Commission the violations of Leonard Peltier's rights at the Federal Prison in Marion, Illinois. He since has been moved to Springfield, Missouri after undertaking a life-threatening fast because he had been denied his religious rights at Marion.

I am sad to say his prison conditions have not improved after being moved. Last year after he had fasted for 45 days with national and international attention focused upon him, the United States government, through its agency the Bureau of Prisons, moved him to the Springfield Medical Facility for Federal Prisoners.

At this facility he cannot pray in the traditional manner, in direct conflict to his right as a human being to pray with our spiritual people. He is not allowed access to the sweat lodge. For an Indian person a sweat lodge is equal to a Catholic mass or a Muslim holy day. These ceremonies are not denied to the other prisoners. On the last Saturday when I was at the Facility a Jewish rabbi came to the prison and a Catholic priest is always on call for their people. So why is Leonard denied access to our spiritual people?

Leonard Peltier is kept in a maximum security sound-proof cell 24 hours a day. He is not allowed to communicate with other Indian prisoners located in the same facility. He has no contact with any other prisoners at all. He is forced to eat and toilet in the same area. He sleeps on a concrete slab covered by a thin mattress. He is allowed no access to fresh air. He cannot take his one hour of exercise which is stipulated under the Standard Minimum Rules for the Treatment of Prisoners' Section 21 (1) which states: "Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

The only source of light in his cell is one bare light bulb which is controlled by the prison officials, in contradiction to Article 11 (a) which states that: "In all places where prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the

entrance of fresh air whether or not there is artificial ventilation."

In addition, Leonard Peltier is only allowed to shower and shave at the whim of the guards. The last time I went to see him the prison officials would not allow him to shower and shave prior to my visit, even though I cannot visit on a daily basis.

Leonard Peltier is only allowed four one-hour visits per month, to be divided among everyone in his family. In our Indian families there are many people who wish to visit, but with the limited visiting time and the cost of travelling to the prisons, and the atmosphere during the visitations, it is very difficult for many family members to see him.

During visits by the family he is kept behind a concrete, glass, and wire enclave, and speaking to him is done by telephone. During my last visits to him on January 3-5, 1985, the conversations were cut off several times, making communications with my husband almost impossible, while other inmates were allowed to visit their families for the whole day in a large room.

On my last visit to the prison I drove with my four children 900 miles to see him. I had written to the prison about one month prior to my visit of my intention to bring the children. When I arrived at the prison we were informed that because of the maximum security designation of Leonard Peltier, the children could not go in to see him. I was told by the prison officials that the children could not go into such a tightly restricted area. But six months previously Leonard's adopted son was allowed to see him in this same area.

In conclusion, I request the members of this Commission to encourage the members of the United Nations who have not yet signed the Standard Rules of Treatment of Prisoners to please do so. We urge that the Commission on Human Rights review the implementation of all Articles of the Universal Declaration of Human Rights, in particular Articles 2, 5, 6, 7, 8, and 18.

WE URGE YOU TO WRITE LEONARD PELTIER. HE HAS BEEN TRANSFERRED THIS YEAR AND HE ANXIOUSLY AWAITS THE NEXT DECISION IN THE INTERMINABLE PROCESS OF THE U.S. JUDICIAL SYSTEM. HIS ADDRESS IS:

**LEONARD PELTIER
FEDERAL CORRECTIONAL
INSTITUTION PO BOX 1000,
LEAVENWORTH, KANSAS
66048**

PRAY FOR THE PEOPLE

TO OUR READERS:

The Treaty Council News is glad to begin reporting to you once again. In the past year, we have been faced with serious financial problems, and the cost of printing and mailing the Treaty Council News has always been more than subscriptions could cover. We apologize in particular to those of you who sent in subscriptions and have not received your News. We will make sure that you receive your issues for the next year, which we hope to publish regularly. As always, your contributions are needed and greatly appreciated. Thank you for your patience.

The International Indian Treaty Council would like to dedicate this issue in honor of the following elders and community leaders who have passed on to the Spirit World during the last few months: Phillip Deere (August 16, 1985), Muskogee Creek spiritual leader, who came forward during Wounded Knee in 1973, and provided spiritual guidance since that time to the American Indian Movement, as well as hosting the Annual Elders and Youth Conferences in Oklahoma; Don McCloud, a leader in the fishing rights struggle of the Puyallup Nation of Washington State (April 10, 1985); Dan Bomberry of the Kayuga Nation (August 16, 1985), best known for his important work with the 7th Generation Fund and the Tribal Sovereignty Project; Chief Irvin Powless, of the Oneida Nation (July, 1985); and Phillip Cassador, San Carlos Apache Spiritual Leader, as well as cultural and political activist in his Nation (August 27, 1985).

We pray for all who have passed on, leaving behind a legacy of struggle on behalf of Indian people and their traditional philosophy of the sacred land. These great leaders have brought us closer together in the struggle for sovereignty and religious freedom, and we will remember them always.

FREE LEONARD

FREE ALL NATIVE AMERICAN POLITICAL PRISONERS.

NEWS BULLETINS:

We are very happy to announce that AIM leader Dennis Banks was released from prison on September 26, and is now on a work release program in Oglala, South Dakota.

One of our staff members has just returned from the Philippines, where he met with Indigenous peoples struggling against the brutal dictatorship of Marcos (still another U.S. ally). A report will appear in the next issue. AIM has been invited to participate in the Second National Consultative Assembly to be held November 6-11—a "Bodong" of historical alliances of the tribal Filipino Peoples and Nations against multinational development.

A landmark decision was made by the State Court of Appeals in the case Epic vs. California Department of Forestry on July 25, 1985. The decision was a victory for EPIC, the IITC, our associates on the Round Valley Reservation in Northern California, and all others who defend and preserve the 1000 year old redwood trees of the Sally Bell Grove in the Sinkyone Wilderness Area of Northern California. The Georgia-Pacific Corporation had previously received permission from the CDF to begin clear-cutting these ancient trees. The Sally Bell Grove is named for the lone survivor of the massacre of the Sinkyone People by early California settlers. This area also contains a number of burial grounds. A victory for the natural world!



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I am the wife of Leonard Peltier, who is presently imprisoned in the United States for crimes he did not commit. I do not want to address the Commission on the merits of his case, but rather to focus upon the human rights violations of his imprisonment which are contrary to the Economic and Social Council Resolutions 663 CXXIV, 31 July 1957, and 2076 LXII, 13 May 1977, "Standard Minimum Rules for the Treatment of Prisoners."

Leonard Peltier's imprisonment is a direct result of the Indian People's struggle in the United States towards our self-determination as a people. Leonard Peltier is an example of the lengths to which the government of the United States is prepared to go in violating the human rights of an Indian person. Leonard Peltier is in prison as a direct result of the United States government using the legal system to try to neutralize one Indian who was working against the United States' interests. The government of the United States and its agencies worked hard to get a conviction of Leonard Peltier: from the falsification of evidence to have him extradited to the United States from Canada as documented by Amnesty International in its 1984 report; to coercion of witnesses, falsified affidavits, and tampering with their own Grand Jury process. But there seems no end to the violations of his human rights. The government of the United States was not satisfied to have Leonard Peltier behind prison bars, there seems to be a concerted effort to dehumanize him as well.

Today, after nearly a decade in different prisons, the United States government persists in continuing to violate his basic prisoner's rights, but in particular his rights as an Indian prisoner. As an Indian person his spiritual well-being is just as important, if not more so, than his physical and mental well-being. Leonard's right to practice and retain his religious and philosophical beliefs and integrity are denied on a daily basis. Under the General Assembly Resolution 32/12 of

16 December 1977, Article 19 of that resolution contained in the International Covenant on Civil and Political Rights reaffirms and reiterates the importance of human rights and fundamental freedoms of all persons detained or imprisoned as a result of their struggle against colonialism, and the Standard Minimum Rules for the Treatment of Prisoners, sections 41-42 referring to Religious Rights of Prisoners.

Last year the International Indian Treaty Council reported to this Commission the violations of Leonard Peltier's rights at the Federal Prison in Marion, Illinois. He since has been moved to Springfield, Missouri after undertaking a life-threatening fast because he had been denied his religious rights at Marion.

I am sad to say his prison conditions have not improved after being moved. Last year after he had fasted for 45 days with national and international attention focused upon him, the United States government, through its agency the Bureau of Prisons, moved him to the Springfield Medical Facility for Federal Prisoners.

At this facility he cannot pray in the traditional manner, in direct conflict to his right as a human being to pray with our spiritual people. He is not allowed access to the sweat lodge. For an Indian person a sweat lodge is equal to a Catholic mass or a Muslim holy day. These ceremonies are not denied to the other prisoners. On the last Saturday when I was at the Facility a Jewish rabbi came to the prison and a Catholic priest is always on call for their people. So why is Leonard denied access to our spiritual people?

Leonard Peltier is kept in a maximum security sound-proof cell 24 hours a day. He is not allowed to communicate with other Indian prisoners located in the same facility. He has no contact with any other prisoners at all. He is forced to eat and toilet in the same area. He sleeps on a concrete slab covered by a thin mattress. He is allowed no access to fresh air. He cannot take his one hour of exercise which is stipulated under the Standard Minimum Rules for the Treatment of Prisoners' Section 21 (1) which states: "Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

The only source of light in his cell is one bare light bulb which is controlled by the prison officials, in contradiction to Article 11 (a) which states that: "In all places where prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the

entrance of fresh air whether or not there is artificial ventilation."

In addition, Leonard Peltier is only allowed to shower and shave at the whim of the guards. The last time I went to see him the prison officials would not allow him to shower and shave prior to my visit, even though I cannot visit on a daily basis.

Leonard Peltier is only allowed four one-hour visits per month, to be divided among everyone in his family. In our Indian families there are many people who wish to visit, but with the limited visiting time and the cost of travelling to the prisons, and the atmosphere during the visitations, it is very difficult for many family members to see him.

During visits by the family he is kept behind a concrete, glass, and wire enclave, and speaking to him is done by telephone. During my last visits to him on January 3-5, 1985, the conversations were cut off several times, making communications with my husband almost impossible, while other inmates were allowed to visit their families for the whole day in a large room.

On my last visit to the prison I drove with my four children 900 miles to see him. I had written to the prison about one month prior to my visit of my intention to bring the children. When I arrived at the prison we were informed that because of the maximum security designation of Leonard Peltier, the children could not go in to see him. I was told by the prison officials that the children could not go into such a tightly restricted area. But six months previously Leonard's adopted son was allowed to see him in this same area.

In conclusion, I request the members of this Commission to encourage the members of the United Nations who have not yet signed the Standard Rules of Treatment of Prisoners to please do so. We urge that the Commission on Human Rights review the implementation of all Articles of the Universal Declaration of Human Rights, in particular Articles 2, 5, 6, 7, 8, and 18.

WE URGE YOU TO WRITE LEONARD PELTIER. HE HAS BEEN TRANSFERRED THIS YEAR AND HE ANXIOUSLY AWAITS THE NEXT DECISION IN THE INTERMINABLE PROCESS OF THE U.S. JUDICIAL SYSTEM. HIS ADDRESS IS:

LEONARD PELTIER
FEDERAL CORRECTIONAL
INSTITUTION PO BOX 1000,
LEAVENWORTH, KANSAS
66048

PRAY FOR THE PEOPLE

TO OUR READERS:

The Treaty Council News is glad to begin reporting to you once again. In the past year, we have been faced with serious financial problems, and the cost of printing and mailing the Treaty Council News has always been more than subscriptions could cover. We apologize in particular to those of you who sent in subscriptions and have not received your News. We will make sure that you receive your issues for the next year, which we hope to publish regularly. As always, your contributions are needed and greatly appreciated. Thank you for your patience.

The International Indian Treaty Council would like to dedicate this issue in honor of the following elders and community leaders who have passed on to the Spirit World during the last few months: Phillip Deere (August 16, 1985), Muskogee Creek spiritual leader, who came forward during Wounded Knee in 1973, and provided spiritual guidance since that time to the American Indian Movement, as well as hosting the Annual Elders and Youth Conferences in Oklahoma; Don McCloud, a leader in the fishing rights struggle of the PuYallup Nation of Washington State (April 10, 1985); Dan Bomberry of the Kayuga Nation (August 16, 1985), best known for his important work with the 7th Generation Fund and the Tribal Sovereignty Project; Chief Irvin Powless, of the Oneida Nation (July, 1985); and Phillip Cassador, San Carlos Apache Spiritual Leader, as well as cultural and political activist in his Nation (August 27, 1985).

We pray for all who have passed on, leaving behind a legacy of struggle on behalf of Indian people and their traditional philosophy of the sacred land. These great leaders have brought us closer together in the struggle for sovereignty and religious freedom, and we will remember them always.

FREE LEONARD

FREE ALL NATIVE AMERICAN POLITICAL PRISONERS.

NEWS BULLETINS:

We are very happy to announce that AIM leader Dennis Banks was released from prison on September 26, and is now on a work release program in Oglala, South Dakota.

One of our staff members has just returned from the Philippines, where he met with Indigenous peoples struggling against the brutal dictatorship of Marcos (still another U.S. ally). A report will appear in the next issue. AIM has been invited to participate in the Second National Consultative Assembly to be held November 6-11—a "Bodong" of historical alliances of the tribal Filipino Peoples and Nations against multinational development.

A landmark decision was made by the State Court of Appeals in the case Epic vs. California Department of Forestry on July 25, 1985. The decision was a victory for EPIC, the IITC, our associates on the Round Valley Reservation in Northern California, and all others who defend and preserve the 1000 year old redwood trees of the Sally Bell Grove in the Sinkyone Wilderness Area of Northern California. The Georgia-Pacific Corporation had previously received permission from the CDF to begin clear-cutting these ancient trees. The Sally Bell Grove is named for the lone survivor of the massacre of the Sinkyone People by early California settlers. This area also contains a number of burial grounds. A victory for the natural world!



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1259 FOLSOM, SAN
FRANCISCO, 94103
CALIFORNIA, USA

LIAISON OFFICE

777 UNITED NATIONS
PLAZA, NEW YORK, NEW
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