



## Chippewa Fishing Rights Survive Racist Attacks in Wisconsin

*We are fighting to stay alive. We do not want to become extinct; because that's what they want from us. We still have a landbase. We still have an agreement in this country; even though the United States is foreign to Indian people.*  
—Tom Maulson, Lac du Flambeau Band of the Chippewa Nation

*You have all this screaming and hollering down there at the boat landings, all of these wrist-rockets going off; people getting shot at; all of the abuse that the Indian people are taking — it's all against the law, their law. These people should not be allowed to do that and yet the policeman will stand there and let it happen.*

—Nick Hawkins, Lac du Flambeau, Vice President, Wa-Swa-Gon Treaty Association



For generations, the Chippewa Bands of the Great Lakes have spearfished for their subsistence. Those who signed the Treaties in the 1800's were thinking of the generations alive today when they reserved the right to fish, hunt and gather on the lands they

eventually ceded to the United States government.

Although the Chippewa of the Great Lake States (Wisconsin, Michigan and Minnesota) have Treaty guaranteed rights to fish and hunt on ceded off-reservation lands, which have been upheld the U.S. Supreme Court, the Chippewa continue to face threats to these rights from the State and Federal Governments as well as from violent attacks from racist anti-treaty groups.

Until the tribal rights were affirmed by the courts, tribal members faced prosecution for exercising hunting, fishing, and gathering rights on ceded lands.

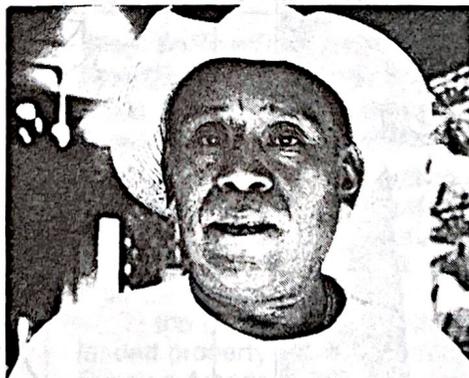
Despite a 1981 Supreme Court decision in their favor, the Chippewa have had to continue to fight for their rights in court and to submit to restrictions im-

*(Continued page 2)*

## Indians Massacred in El Salvador

*During the recent escalation of the war in El Salvador, the widespread and brutal repression against the people by the military of El Salvador was downplayed by the "mainstream" media. The effect on the Indian people of El Salvador was hardly, if ever, mentioned. On November 20th, the IITC received the following Urgent Action Bulletin:*

On November 17th, between 2:00 and 3:00 a.m., Army soldiers and National Guardsmen searched the homes of members of "La Independencia" Cooperative in Teotepequec, Department of La Libertad. After accusing the members of being communists and supporting the guerrillas, they began to shoot, killing ten Indian people, among them three or four children. They were all members of ANIS, the National Association of Indian People of El Salvador.



Adrian Esquino Lisco of A.N.I.S.  
Life Threatened in El Salvador

Due to complete military control in the area, no journalists are being allowed to enter the area. Two members of the cooperative went immediately to ANIS headquarters in Sonsonate to report the killings.

The chief of ANIS, Adrian Esquino, is being threatened and reported as "subversive" along with all members of UNTS, the National Workers Union, on Radio Kuscatlan, which is under military control.

Jesus Mondragon and Valentine Perez Cortez, also members of ANIS just arrived back home in El Salvador from attending an Indian Conference on the Rainforest, in Panama. Soldiers from the Santo Domingo de Guzman Battalion in the Sonsonate Department arrived at their homes upon their return. They are still alive because they immediately went into hiding. They are being accused of being "communist subversives with international connections."

We are greatly concerned about the lives of Indian People in El Salvador

*(Continued page 12)*

**Chippewa**  
from page 1

posed by the states of Wisconsin and Minnesota. Politicians such as Congressman Sensenbrenner (D-WI) have sought to further obstruct justice by introducing Treaty abrogation legislation, most recently in April of 1989 (H.R. 2058).

In addition, Indian fishermen faced physical violence and racist verbal abuse by anti-treaty protesters at Wisconsin boat landings during spear-fishing season. During Walleye season last spring Indians were confronted by screaming mobs, carrying signs saying "Spear a pregnant squaw; Save a Walleye," "Timber Nigger," and "Ollie North should have shredded the Treaties." Demonstrators carried the decapitated heads of Indian dolls, and Indian effigies impaled on spears.

Leaders in the Indian fishing rights movement charge that law enforcement officials did little to hinder the violence of the mobs, which included throwing

stones and firing wristrockets at fishermen.

The violence shown by the anti-treaty demonstrators has extended to death threats against Indian fishing rights leaders such as Tom Maulson, former Lac-du-Flambeau tribal judge, fishing rights attorneys and non-Indian supporters. In Wisconsin, as well as around the country, these racist mobs have organized themselves into groups calling for the abrogation of all Indian Treaties. Most active in the Great Lakes area is Protect Americans' Rights and Resources (PARR).

The history of the historic Supreme Court decision began on March 8th, 1974, when Fred and Mike Tribble of the Lac Courte Oreilles (LCO) Band were arrested for spearfishing across reservation boundaries. On March 18, 1975 the Lac Courte Oreilles Tribe, on behalf of all of its members, filed a suit in Western District Federal Court, Madison, requesting that the state of Wisconsin stop enforcing state law against tribal members

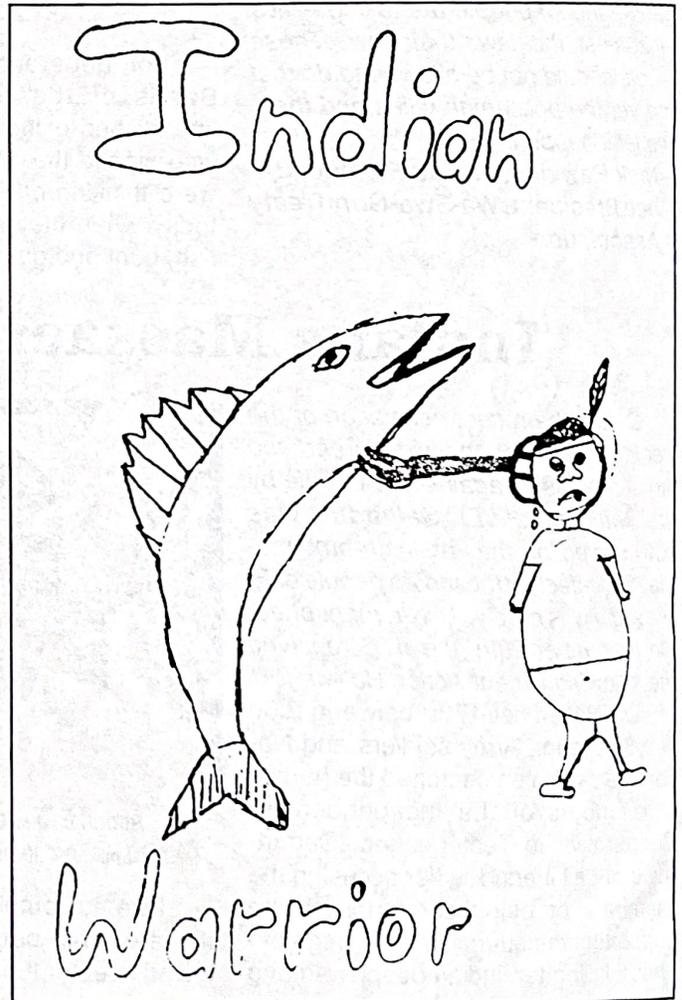
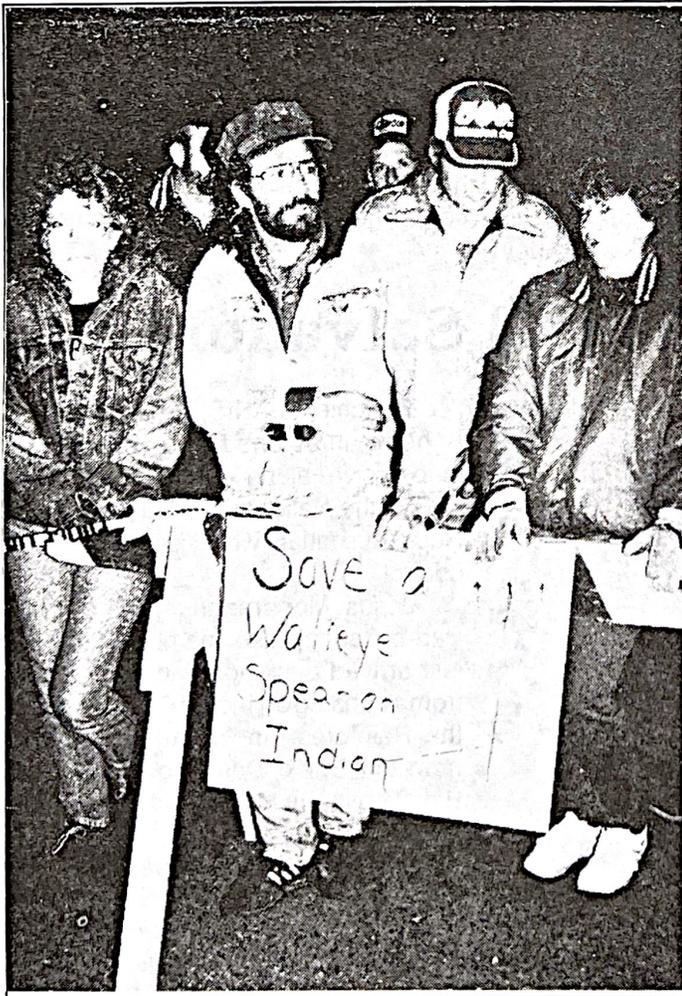
based on their reserved rights in the Treaties of 1837 and 1842.

Four years later, Federal Judge James Doyle decided against the Lac Courte Oreilles, saying that the Lake Superior Band had relinquished their off-reservation rights when they accepted permanent reservations in the Treaty of 1854. He also decided that an 1850 Presidential Removal Order had withdrawn the rights. The LCO appealed Doyle's decision to the U.S. Court of Appeals, Seventh Circuit in Chicago.

On January 25, 1983 the U.S. Court of Appeals, Seventh Circuit reversed Doyle's findings. The 7th Circuit found that the Chippewa did not give up reserved rights when permanent reservations were established under the Treaty of 1854. It also found that the removal order of 1850, which was never implemented, did not terminate the reserved rights.

The State of Wisconsin appealed the decision to the U.S. Supreme Court

*(Continued page 12)*



Photos from Masinaigan

The Parents' Hate..... Through a Child's eyes.

# Government Persecution of Alaskan Fishing Peoples Continues



On May 16, 1989, Alaska Native fishing peoples scored a major victory when a federal judge in Anchorage dropped all charges against Indian leaders Lavina and Grant Boe, defendants in the "Haida Herring Roe On Kelp Case." The Boes, along with 9 others were arrested in the spring of 1987. They were charged with violations of the Lacey Act for transporting herring roe (eggs) on kelp (seaweed), allegedly for sale in Seattle. Herring roe is a traditional food of the Haida Indians, who live in Southeastern Alaska and Canada.

The Lacey Act, passed in 1981, prohibits the interstate sale of species declared endangered as well as other "contraband" considered illegal under state laws. Although Indian Tribes were told that their fishing rights would not be affected by the Lacey Act, so far only Indians have been incarcerated under this law, including Yakima Indian Elder David Sohappay who was released from prison in May, 1988.

The Boes and their co-defendants were charged with Lacey Act violations, even though herring is not usually considered endangered. In fact, Alaskan herring and roe are sold for export in large quantities each year by mostly non-Native commercial fishermen, and Alaskan herring roe is considered a great delicacy in Japan.

The Boes resisted continual government pressure to plead guilty, supposedly in exchange for no jailtime. Other defendants in the Haida case had either accepted the plea bargain, or had been convicted. According to Lavina Boe, the state of Alaska had prepared more than 40 other indictments against members of her village, Hydaburg, a Haida fishing village of less than 400 residents, in anticipation

*Continued on page 7*

# ALASKA:

## Alaska Natives Challenge U.S. Jurisdiction in Alaska

### The U.S. Sovereignty Myth & The Alaska Native Claims Conspiracy

U.S. jurisdiction in Alaska is based on the single flawed assumption that the Russian government possessed and then transferred sovereignty during the Alaska "purchase" in 1867. The facts, however, are clearly to the contrary. Russia neither claimed dominion nor exercised it. Furthermore, the U.S. was fully aware of this at the time.

It is also clear that the Federal Field Commission in 1970-71, under Senator "Scoop" Jackson, which was entrusted to conduct a study to fully explore the historic basis for native claims deliberately concealed evidence prejudicial to U.S. sovereignty. Instead it asserted that the native land use for hunting did not meet legal criteria for ownership. This is historically untenable in that in Europe and England hunting was a sovereign right.

One of the authors, Mr. David Hickock, has admitted to this conspiracy, but justifies it "for reasons of political reality."

The commission suppressed the Kozlitzov memo in the 1868 Congressional Record, which clearly states that Russia did not claim jurisdiction nor exercise it. The treaty with Russia, therefore did not confer or convey rule

over the territory or its occupants. Later historians agree with these facts. Historian George Bancroft, in his 1880 "History of Alaska," disputes Russian and U.S. jurisdiction. Dorothy Ray, in "History of the Eskimos of Bering Strait," says that in 1867 Alaska was a "terra incognita." All agree that native jurisdiction was maintained by force of arms against intrusion.

The U.S. sovereignty myth was fundamental to the Territorial Act of 1912, statehood in 1959 and ANCSA of 1971, yet it never existed in fact and none of the acts establishes it.

It is the intent of the Yupik United Tribes to repudiate U.S. claims for jurisdiction and to vindicate its status as a free people. The U.S. is requested, therefore to show cause why the Yupik United Tribes should have ever been subject to U.S. law. It is challenged to prove to all nations its right to impose its rule on our lands and people. The U.S. is asked to justify the validity of a land-claims settlement based on a myth of dominion while the truth and the conspiracy are out. There is nothing which is subject to interpretation since the admission of the conspiracy has been made.

*The Council of Elders of the Yupik People, Western Alaska, 1989*

### **The following are excerpts from a translation of the Kostlitzov Memorandum regarding the sale of the Russian American Trading Company to the United States of America:**

Explanatory memorandum in answer to the communication of the ministry of foreign affairs, Department of Interior relations, dated August 21, 1867, No. 5, 780, pursuant to the communication addressed by Hon. William H. Seward, Secretary of State, August 6, 1867, to St. Petersburg, to the American envoy near the imperial court.

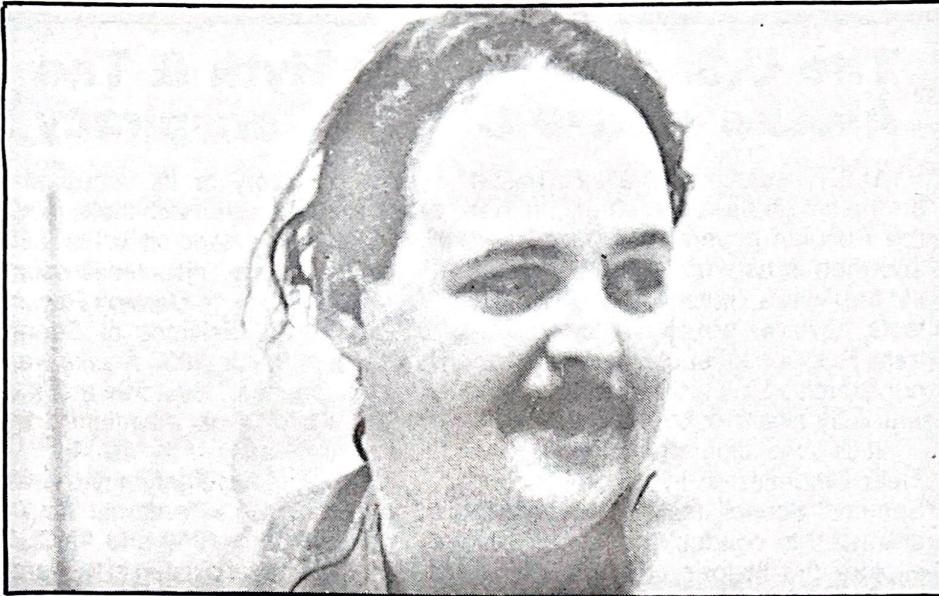
To the question concerning the system of division and management of landed property which was adopted by the imperial government in the late Russian American possessions:

*For the Aleuts, being neither agriculturist nor cattle breeders, live exclusively upon fish and shell fishes thrown ashore by the tide, so that the welfare of the natives is measured by the abundance of sea fruits supplied by the tides.*

*The Russian American Company hardly ever penetrated into the interior of the continent, and, owing to the wild character of its inhabitants, never established there any settlements; only for trading purposes, small factories called redoupts and "odinotshkas," were established along the coast. From all, what we said, it clearly appears, that in this region no attempts were ever made and no necessity ever occurred to introduce any system of land ownership, the country occupied by savages is too vast.*

# AMERICAN INDIAN

## California Extradites Eddie Hatcher Back to North Carolina



BERNADETTE ZAMBRANO PHOTO

Eddie Hatcher in San Francisco County jail

*"If I'm sent back, if I do go to prison, I'm going to be killed. It's just that simple."*

—Eddie Hatcher, San Francisco County Jail, June, 1989

*"In all of my experience in criminal justice, I have never seen a jurisdiction in the United States with such a consistent disregard for fundamental due process, a prosecutor's office so pervasive in its abusive practices, or a judicial attitude that so condones those practices."*

—Maurice D. Geiger, Co-director of Rural Justice Center, New Hampshire, (after extensive investigations into conditions in Robeson County over the last five years), January, 1989

*"Robeson County has got to be, both for its size and the composition of its population, one of the largest areas for cocaine sales I've seen."*

—U.S. Attorney William Webb, 1987

*"The law has abandoned Robeson County."*

—Jesse Jackson, spring, 1988

On June 30, 1989 a California Municipal Court Judge refused Eddie Hatcher's request for a stay of his extradition to North Carolina, despite considerable evidence and Eddie's repeated assertions that his return would result in a serious threat to his life.

Bernadette Zambrano, a co-coordinator of the West Coast Eddie Hatcher Defense Committee, expressed deep disappointment and frustration at the results of the hearing. "It was obvious that Judge Olcomendy had

already made up his mind to send Eddie back before the hearing took place," she stated, echoing the views of many who attended the hearing in support of Eddie Hatcher. "It seemed that all the deals were already worked out between the two states—the prosecutor told the judge that the plane reservations were already booked—we all could see that Eddie didn't have a chance." Eddie was turned over to two North Carolina lawmen later that afternoon, and was put on a plane bound for North Carolina within hours.

### Background of the Case

On February 1, 1988, two Tuscarora Indians, 31-year-old Eddie Hatcher and 20-year-old Timothy Jacobs, took over the *Robesonian* newspaper office in Raleigh, North Carolina. The takeover was a desperate attempt to draw attention to the appalling conditions of lawlessness, corruption, drug trafficking and racial discrimination and violence against Indians and Blacks in Robeson County. Robeson County is one of the poorest counties

in the United States, with a long and bitter history of racism against Indians and Blacks, which together make up the majority of its population.

The newspaper staff was taken hostage, but after a brief period those who wanted to were allowed to leave. The rest stayed on voluntarily for the 10-hour duration of the takeover. Negotiations led to a promise by the authorities to make an investigation into the evidence Eddie had gathered, which included maps showing drug drop zones and a list of more than 30 major distributors, among them prominent white business people and law enforcement officials.

After all hostages were released unharmed and Eddie and Tim had surrendered to federal agents, this promise was swiftly broken and no investigation was made.

Eddie was charged with "hostage-taking" and stood trial in federal court—the first person ever to be charged under the 1984 Anti-Terrorism Act. Both he and Timothy Jacobs, who was tried on similar charges, were acquitted on all charges by the federal jury. Some of those who were briefly held hostage testified for the defense, reporting that they had felt no danger and understood the need for such desperate measures on the part of the defendants. Local authorities, however, were not pleased with this verdict.

Only seven weeks later, in what appears to many as a blatant case of double jeopardy, a Raleigh grand jury indicted them again, this time on state kidnapping charges. Fearing for their lives if taken into custody again, Eddie and Timothy both fled from North Carolina—Timothy to the Onandaga reservation in New York, from which he was later extradited by New York Governor Cuomo, and Eddie to the

*Continued on page 14*

**THE CONTINUED PERSECUTION OF EDDIE HATCHER IS AN AFFRONT TO THE RIGHTS AND DIGNITY OF ALL AMERICAN INDIANS. PLEASE LET THE OFFICIALS IN NORTH CAROLINA KNOW THAT THE WORLD IS WATCHING, AND HOLDS THEM ACCOUNTABLE FOR THE SAFETY OF EDDIE HATCHER. WRITE TO:**

**LACY THORNBERG, NORTH CAROLINA ATTORNEY GENERAL,  
DEPARTMENT OF JUSTICE #2, EAST MORGAN STREET,  
RALEIGH, NC 27601**

**GOVERNOR JIM MARTIN, EXECUTIVE OFFICES  
116 WEST JONES, RALEIGH, NC 27603; (919) 733-4240**

# POLITICAL PRISONERS

## Canadian Supreme Court Refuses to Hear Leonard Peltier's Case

On June 23, only 11 days after Leonard Peltier's Canadian attorneys presented his case before the Supreme Court of Canada, the court announced its decision to deny Leonard's right to appeal the validity of his fraudulent 1976 extradition from Canada.

No reasons were given for this refusal. On June 12, when the case was presented, a government lawyer told the court that "the Peltier case is dead in Canada and a ruling would have no effect here, *even if it were found that Peltier should not have been handed over to U.S. authorities (italics added).*" Dianne Martin, one of Leonard's Canadian attorneys, expressed her disappointment, but continued on to say that the fight has only started. One of the options being considered now is an appeal of the extradition order to the United Nations Commission on Human Rights. A second possibility is a lawsuit against the U.S. government for fraudulently obtaining Peltier's return from Canada, Martin reported.

A Supreme Court Justice suggested that the issue be presented before the Ministry of Justice as a political instead of a judicial question. Members of Canadian Parliament are drafting a bill right now for that purpose.

David Hill, coordinator of the Leonard Peltier Defense Committee (LPDC) office in Kansas, said the verdict was expected. "Canada is just a satellite of the United States anyhow," he commented in a phone call from Ontario, Oregon, where the cross-country Ceremonial Horseback Ride for Leonard, organized by the LPDC, was making a stop. The horseback caravan started out from Warm Springs Indian reservation on June 1 with five horses. More riders are joining along the way. From Oregon it will cross into Idaho, then through Utah to Arizona where it will stop at Big Mountain for ceremonies. It will then continue through New Mexico, Texas and Oklahoma, then up through Kansas where it will stop at Leavenworth for a rally in support of Leonard. Other riders from the north are expected to join the ride there and the whole procession will continue to Washington, D.C. The riders are covering a distance of approximately 20-25 miles per day.

"We have just covered some of the most difficult and deserted stretches and expect things to pick up once we cross into Utah, and then many peo-

ple will be waiting for us, for instance at Big Mountain, Arizona. Media coverage has been good so far," David continued, "but we need money to feed the horses and keep the ride going."

On April 29, a national CBS television news show, *West 57th Street*, aired a surprisingly fair and accurate segment on Leonard's case. For the first time since Leonard went to prison, mainstream television viewers all over the country could learn how FBI and the U.S. judicial system conspired to get Leonard convicted by falsifying evidence from the defense, thereby denying Leonard any possibility to defend himself. Federal prosecutor Lynn Crooks, even in this brief television segment, could not refrain from lying and was caught in front of the cameras. The segment generated an enormous response from the public, almost all in Leonard's favor according to producer Jamie Stolz. "I put a lot of work into this," Stolz said in a phone conversation with the Treaty Council, "because I honestly believe that Leonard has not been treated fairly by our justice system."

For those of you who missed the airing of the television show, video copies of the segment can be obtained from the Treaty Council for \$20 (\$4 less if you provide a blank video tape; the segment is around 15 minutes long).

**FOR MORE INFORMATION**, please contact:

**In Canada:** Leonard Peltier Defense Committee, 43 Chandler Drive, Scarborough, Ontario, Canada M1G 1Z1, Telephone (416) 439-1893

**In the U.S.:** Leonard Peltier Defense Committee, P.O. Box 583, Lawrence, KS 66044, Telephone (913) 842-5774

**PLEASE CONTINUE TO WRITE TO LEONARD — YOUR LETTERS ARE VERY IMPORTANT.**

LEONARD PELTIER, POW -89637-132, P.O. Box 1000, Leavenworth, KS 66048.

**URGENT: AUGUST 15, 1987 IS THE DEADLINE TO HAVE ALL MATERIAL FOR EXECUTIVE CLEMENCY REQUESTS SENT TO WASHINGTON, D.C. THE LPDC OFFICE IN KANSAS WILL SUBMIT ALL LETTERS AND PETITIONS TO PRESIDENT BUSH AS ONE PACKAGE. PLEASE BE SURE TO MAIL IN ALL YOUR PETITIONS AND LETTERS TO THE LPDC IN TIME FOR THIS DEADLINE TO INCREASE LEONARD'S CHANCE FOR A PRESIDENTIAL PARDON.**

## Justice for Patrick Hooty Croy

We need people's support—because we believe that without the people we cannot become strong and unify ourselves. We want people to know that what's happened to Hooty is still happening to Indian people.

*Bia DeOcampo, Me-wuk Nation, Patrick Croy Defense Committee*

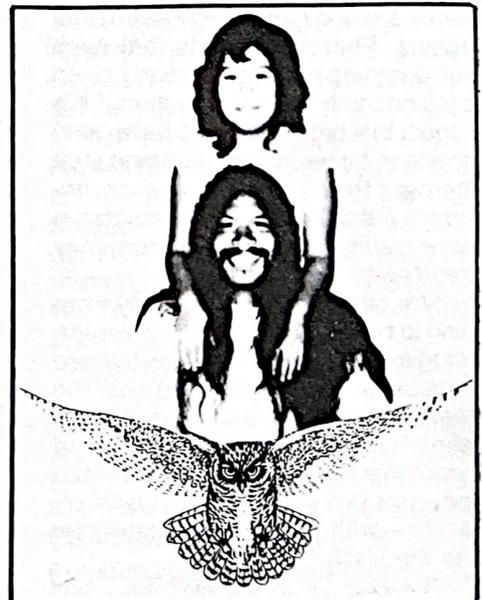
The injustice demonstrated in Patrick Hooty Croy's conviction is seen by California Indians as a continuation of the bitter injustices that they have historically experienced at the hands of the white settler population.

On July 16, 1978, just before midnight, Patrick "Hooty" Croy, a Shasta/Karuk Indian age 22, and four of his relatives (ages 17 through 26) stopped at a local store in the small Northern California town of Yreka. The store clerk became verbally abusive, mistakenly accusing Hooty of short-changing him. When a Yreka police car coincidentally drove into the parking lot, the clerk directed him to go "get" Hooty and his companions.

The police chased Hooty to the cabin where his grandmother and aunt lived in a rural area outside town. Minutes after Hooty reached the cabin, many other police vehicles from several agencies arrived. Chaos reigned. The police (by this time 27 officers wielding semi-automatic weapons, shotguns and .357 magnums) fired over a hundred shots at anything that moved on the hillside. Both Hooty's sister and cousin, who were with him on the hillside (with one .22 rifle among them), were wounded by police gunfire.

During a de facto cease fire, Hooty

*Continued on page 14*



Patrick Hooty Croy with Camelia, one of his three daughters

PATRICK HOOTY CROY GRAPHIC

## Keep It In Your Own Yard:" Navajo Community of Dilcon Says No to Toxic Wastes

"These companies seem to feel that it's just Indian land — and who cares about one more dead Indian. It's the same mentality from way back."

—Abe Plummer, co-founder of CARE (Citizens Against Ruining our Environment)

In the face of widespread opposition from local Navajo (Dineh) residents, a plan to build a toxic waste "disposal" facility in Dilcon, Arizona on the southeastern Navajo Reservation has been defeated. The decision by the project's proponents came at the end of a community meeting held on April 11 in Dilcon, where the plan was strongly rejected.

The community meeting was sponsored by C.A.R.E., Citizens Against Ruining our Environment, a Navajo community group originally formed in January, 1989 to fight a toxic waste incinerator proposed for Dilcon by Waste-Tech Corporation and several other companies.

According to CARE co-founder, Abe Plummer, Waste-Tech had assured the community that the ash left over after the incineration process was safe and could even be used as fertilizer in local gardens. But investigations by CARE members along with information provided by Greenpeace revealed that the incineration by-products were in fact classified as toxic wastes by federal standards. Abe Plummer points out that companies such as Waste-Tech are attracted to reservation lands for toxic waste disposal because federal EPA laws do not apply, and most tribes do not have any comparable restrictions or any means to monitor the environmental impacts. Plummer reports that such toxic dumping may have already taken its toll on the Navajo reservation. "We suspect that big companies have been coming in for years and dumping stuff wherever they feel like because nobody is watching. The groundwater in some parts of the reservation may already be contaminated."

"We also found out that they were going to be incinerating hospital wastes, including human parts and amputated limbs. That's what really turned the stomachs of the Elders—we have a belief that you respect the dead, and if you have have to cut off a part of the body you put it in the Earth with respect — with prayers, not just throw it in the trash."

The original incinerator plan was dropped in February due to the vehe-

ment opposition of the elders and other community members, and Waste-Tech pulled out of the project. But the facility's other backers (Pegler-Welch Engineering, Hi-Tech Recycling and Silicate Technology) came back with a new proposal for Dilcon called a "recycling" and "Treatment, Storage and Disposal Facility."

Once the Dilcon community learned that the truth about the TSD facility they became concerned that the proposed toxic waste dump and the large-scale transportation of chemical wastes onto Navajo land would poison their land, air and water, and threaten the health of the people and livestock.

According to Plummer, once again the hazards of the project were covered up, while the supposed financial benefits were emphasized. "They told us that they were going to give us thousands of dollars worth of jobs, and even build us a new hospital right next door. But we don't have any chemists, or that kind of trained people, the kind they need to work in that kind of place. And they told us that what they would be bringing in was harmless kind of trash, non-toxic, but then we found out that what they were really going to dispose of was "Category I" wastes, the most toxic kind. They were going to bring in 80 trucks a day full of toxic wastes from California, Nevada, Colorado, even Puerto Rico, hundreds of different chemicals, and dump it on our land."

"The Elders at the meeting with the company began to ask, "if it is so safe, if it is such a good idea, if it makes so much money, why aren't the white people grabbing at it in L.A. and San Francisco?" They said, "why don't you keep it in your own yard? Why don't you send it down where President Reagan lives?" Our Elders have never gone to school, but they are smart. They knew something wasn't right about what these companies were telling us.

Residents were furious to discover that the companies had sought prior permission for their plan in Washington, D.C., thereby attempting to avoid the need for community approval. Dilcon residents also found out that the companies had courted Tribal Council Chairman Peter MacDonald, hoping to buy his approval and once again circumvent local opposition.

At the end of the April 11 community meeting, Silicate Technology spokes-

*Continued on page 10*

## BIG MOUNTAIN: The Resistance Continues As U.S. Steps Up Pressure

On the sacred lands known as Big Mountain, Arizona, the Dineh people have returned to the day-to-day occupations of survival just as they have done for centuries. In 1989, however, the people are herding their sheep, hauling water and tending to other daily activities alongside the sound of BIA bulldozers, and the harassment of low-flying military aircrafts that continually buzz the area. Elders and youth who were arrested in February for illegal assembly while blocking BIA bulldozing on sacred land face continuing charges against them in Hopi Tribal court—subject to federal and Hopi officials who will neither drop charges nor proceed to trial. Non-Indian support workers have been arrested in November, February, May and July, both on the land and in federal government offices while attempting to expose the federal government's role in the genocidal forced removal program at Big Mountain.

The U.S. government's strategy for 1989 went into effect on November 16, 1988 when the President signed Arizona Senator John McCain's amendments to the Relocation Act, S.1236. This bill, supported by the Navajo Tribe's D.C. lobbyists (former CERT director Ed Gabriel), doubled the funding for relocation and replaced the

*Continued on page 10*



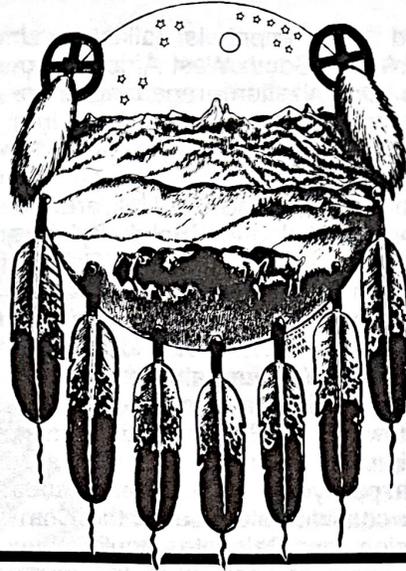
**Big Mountain Dineh elder Roberta Blackgoat speaking to BIA work crews**

# Another Blow to Indian Freedom of Religion

## U.S. Supreme Court Refuses to Hear Yellow Thunder Case

On June 26, 1989, the U.S. Supreme Court announced its refusal to hear an appeal on behalf of the Yellow Thunder Camp. Yellow Thunder Camp was occupied by Lakota traditional elders and their supporters on April 4, 1981. The site of Yellow Thunder Camp is the heart of the sacred Black Hills, recognized as the source and heart of traditional religion and culture by many Indian nations. The site is on land claimed by the U.S. Forest Service in direct violation of the 1868 Fort Laramie Treaty, as well as the constitutionality guaranteed right to freedom of religion.

The religious importance of Yellow Thunder Camp was originally upheld



in a court decision that was overturned by the Eighth Circuit Court last year. According to Bruce Ellison, attorney for Yellow Thunder Camp, "the Supreme Court decision once again reaffirms that, under the U.S. court system, freedom of religion for Indian people does not exist when any government or corporate interest, no matter how small, is at stake."

The Forest Service has given the caretakers of Yellow Thunder Camp to the end of July to completely dismantle the camp and to remove everything, including the ceremonial structures.

For more information or updates, please contact the IITC in San Francisco.

## Alaska Fishing Rights

*Continued from page 3*

of the Boes' conviction.

Although Lavina and Grant were facing a possible 15 years in prison each, they continued to insist they had done nothing wrong and refused to consider a guilty plea. Lavina Boe stated her belief on many occasions, that the government wanted to make an example of their case to discourage other Natives from subsistence fishing activities, thereby breaking the back of their cultural and economic survival.

At issue in the case was the definition of subsistence which the state of Alaska has attempted to define as personal consumption only. Native fishing people maintain that barter and trade for either goods or money must be included in any viable definition of subsistence. The Boes were able to demonstrate that herring roe was traditionally used in "customary barter and trade," based on a number of affidavits they collected from other Haida Elders. "Customary barter and trade" is permitted under the Alaska National Interest Land Conservation Act of 1980 (ANILCA), and exempted from the Lacey Act.

The day before their case was dismissed they also submitted to the court a copy of the "Kozlitzov Memorandum" of 1868 demonstrating that the U.S. government's claims to jurisdiction in Alaska are fraudulent (see box, page 3).

The dismissal of the Boes charges was a great relief for their families and supporters from many villages in Alaska. However, the persecution of traditional hunting and fishing peoples in

Alaska, including new arrests, confiscation of equipment and game, and general harassment continues.

On July 22, 1989 four women and several children of the Athabascan Kenaitze Tribe were arrested and charged by the state of Alaska with "illegal subsistence fishing." They had dropped their net about a mile from the mouth of the Kenai River, a traditional fishing site of the Kenaitze Tribe during the King Salmon run.

The arrests took place in spite of a celebrated legal victory in May, 1989, in which the 9th Circuit Court of Appeals told the state of Alaska that it had to comply with the right of the Kenaitze Indian Tribe to maintain its traditional subsistence rights. The court had concluded that "the continued opportunity for subsistence used by rural residents of Alaska is essential to Native physical, economic, traditional and cultural existence." However, since that time, the IRA Kenaitze Tribal Council negotiated away this clear victory, and accepted state-proposed limits on Tribal fishing to "educational fishing."

According to tribal members who support traditional subsistence rights, these negotiations were made "with no tribal consent." Francis Thiele, one of the four women arrested, believes that the IRA council's actions were against the wishes of the majority of the tribe and were made without their knowledge. "We just want what we need to eat," she told *Treaty Council News*. "We are not greedy people, we just don't want to have to go to the store and buy from people who have a lot of money. We are poor here, and I just want to be able to feed my fami-



ly, to go get a moose or catch a fish when I need to."

Mrs. Thiele explained her concerns about the future of her people due to the effects of the Alaska Native Claims Settlement Act, and other laws which limit the traditional rights of Alaska natives. "Once 1991 comes along, we are going to be pushed out. There are Native People starving in Alaska now. In 1991 we are going to end up with nothing—a lost people in our own land—so whatever it's going to take we have to stand up and tell the world what is happening here. So we stepped forward to do the most dramatic yet peaceful thing we could do. We put our net in the water, just women and children and no one else. We just want our rights to be given back to us."

The four women are facing at the minimum \$300 fines, and at the maximum \$5000 fines and one year in jail. Tribal members have expressed strong support for the actions of the women and have established a defense fund. Contributions can be sent to:

**Subsistence Defense Fund**  
c/o Andy Johnson, Box 7031,  
Nikisi, AK 99635; (907) 776-8701



# Report From the 45th Session of the United Nations Commission on Human Rights Geneva, Switzerland, January 1989

For the 12th consecutive year, the International Indian Treaty Council participated in the U.N. Commission on Human Rights, credentialing indigenous delegates to present issues and concerns of our Peoples in the area of human rights. Among the 12 delegates the IITC credentialed this year were representatives of indigenous communities from Arizona, South Dakota, Guatemala, El Salvador, Chile and Canada. Representatives of Chicano communities from the Southwestern U.S. as well as IITC staff members were also included in the delegation.

The IITC delegation witnessed the usual attempts at political manipulation of the Commission by the U.S. government, including a failed attempt to generate support for a condemnation of Cuba for human rights violations.

However, the tables were turned when an historic resolution was passed by the Commission calling for a "Study on Treaties, Agreements, and Other Constructive Agreements Between States and Indigenous Populations." E/CN.4/1989/3. (See page 8).

This resolution has been in the making since 1977 when the IITC first began advocating for its development, in order to call for an investigation into the legal status of treaties between colonial governments such as the U.S., Canada, Great Britain, New Zealand, etc. and Indigenous Nations. This resolution opens the door for an international investigation into the violations of these treaties by these colonial governments.

The IITC encourages all indigenous peoples who have treaties and/or agreements with nation-states, to send copies and additional information to:

Miguel Alfonso Martinez  
Instituto Superior de Relaciones Internacionales  
Calle 22 #III, Playa,  
C. Havana, Cuba

IITC delegates observed a change in the political climate of the Commission this year compared to previous sessions. It appears that many wars and armed world conflicts are subsiding, or have begun reaching negotiated settlements: In Afghanistan the Soviets are pulling out and Pakistan's Benazir Bhutto is mediating; Cuba is beginning to bring its troops home from Angola; the South African Apar-

theid government is talking with S.W.A.P.O. (South West African Peoples Organization) regarding independence for Namibia; Iraq and Iran have ended their eight-year war; the P.L.O. (Palestinian Liberation Organization), Israel, and the U.S. are engaged in dialogue; 'Solidarity' has participated in elections in Poland; Vietnam is pulling out of Kampuchea; the Polisario Front is moving with Morocco toward a referendum for the destiny of the Western Sahara; and finally U.S. policy toward Nicaragua is moving towards a political standoff that is minimizing the military conflict.

In past years, each of these issues took considerable time on the Commission floor. Delegates would argue and shout at each other for hours, sometimes days. Now we are beginning to see a shift in international politics; apparently moving away from armed confrontations towards a new emphasis on discussion and negotiation of human rights.

If this continues to be the trend, we as indigenous peoples will potentially have greater opportunity and responsibility to insure that the voices of our Peoples are heard and taken into consideration where evolving international standards and principles of co-existence are being developed.

This year, during the 45th Session of the Commission on Human Rights, the IITC made contributions in 11 of 26 items included in this year's agenda. The following excerpts are taken from each of the interventions submitted by the IITC this year:

## **AGENDA ITEM 5 QUESTION OF HUMAN RIGHTS IN CHILE**

Mr. Chairman, September of this year will mark 16 years that the military coup violently ended the democratic process in Chile. We ask, what international covenants of the Declaration of Human Rights have not been broken by the Chilean military authorities during the past 16 years of dictatorship?

The Chilean military authorities' policies, in regard to the Indigenous Peoples, has been consistent in the following ways: They have carried out an ethnocidal policy as described in the 1981 Declaration of San Jose by UNESCO. That is to say, they have not taken any measures to guarantee the political, civil, economic, social and cultural rights of Indigenous Peoples in Chile. On the contrary, they have adopt-

ed policies which deny these rights and which place Indigenous Peoples in physical and cultural danger.

In the northern deserts of Chile, in the Andean Plains, the Quechuas and the Aymaras live. They have developed their cultures over the centuries, under harsh conditions, and are based—fundamentally—on the correct and resourceful use of water and the raising of llamas and alpacas, which are the main source of food and clothing. The military authorities have developed two specific policies which affect these peoples:

1) the exporting of llamas and alpacas, the most fertile being sold by two exporting companies which has reduced the quality and numbers in the herds and, as a consequence, reduced the amount of food and wool available to Indigenous Peoples.

2) the mineral companies and enterprises being able to exploit the natural resources of the region, without regulation of the use of water. The mineral companies contaminate the water in this region; the water being a fundamental necessity in this desert region of the Andes.

Mr. Chairman, in the alto bio-bio region, the military authorities have decided to build a hydro-electric plant and the engineering studies—according to the Chilean press—are completed. The construction of this plant will flood the lands of the Mapuche-Pehuenche. These people have adamantly opposed the construction because they would be displaced from their ancestral lands and they also do not accept that in the name of "progress" their cemeteries and sacred lands will be flooded. The Andean Chain is too long for the authorities to say they cannot build the plant somewhere else. The Mapuche-Pehuenche have the right to continue living on the ancestral lands, keeping sacred their cemeteries and traditional grounds.

## **AGENDA ITEM 8 (a)(c) QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS...**

It must be repeated to the Honorable Commission that the Indians of

# United Nations Commission On Human Rights

## January 30 - March 10, 1989



the Americas were the first victims of European aggression depriving us the right to enjoy an adequate standard of living, the right to development.

Today on Indian lands the situation is no better than October 1492. The rate of unemployment, lack of adequate education, substandard housing, and the poor medical care provided to our peoples contributes toward the depressed conditions of a people who cannot compete on the same footing as the non-Indian. Our right to economic, social and cultural development is very bleak when we have been persecuted for nearly 500 years and denied our sovereignty and right to development.

In the U.S. today, over three million Americans are wandering the city streets aimlessly, hungry and homeless. They now seem to be the "new Indians"—out of the political, social and economic process. Their right to development and adequate standards of living have been stifled due to an insensitive and far removed policy-makers. These people are just beginning to understand what economic injustice is and what the Indian peoples have felt all along.

The so-called development process on Indian reservations is a fraud where the theft of resources continue unabated. The construction of highways, schools and houses have benefitted non-Indian companies. The right to development of our natural resources are conducted by non-Indians and not the Indians. Indian people are now being used as bait to attract new development ideas such as nuclear waste dumping and water storage sites for surrounding cities.

### **En El Salvador**

La pregonización de los derechos humanos en El Salvador, no inhiere su aplicación concreta para el beneficio del hombre en el desarrollo económico, social y cultural. La miseria, el hambre, la desnutrición que provoca 400 niños muertos en El Salvador, como consecuencia de falta de atención médica alimentaria cada semana, son solo una muestra de la afirmación anterior.

La participación popular como mecanismo para encontrar mejores derroteros de vida, no es consecuencia de la buena voluntad de sus gobernantes, sino más bien una conquista ejercida por la autodeterminación organizacional, y en ellos surge la esperanza autogestora, que paso a paso va

conformando el nuevo perfil para el cumplimiento de los derechos humanos por parte del pueblo Salvadoreño.

We call upon this Commission and member states who are observers to show your solidarity with Indigenous Peoples right to development, and popular participation, by helping to raise the consciousness of the world of our plight by voting to declare 1992 as international year of Indigenous Peoples' rights.

Our delegation feels that if the United Nations proclaims 1993 as the year for Indigenous Peoples' rights, that it too is attempting to hide and change history from the true dates of the invasion of the Americas, indeed when we feel terrorism began on our lands.

### **AGENDA ITEM 9**

#### **THE RIGHT OF PEOPLE TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION**

The worst violation of Alaska Natives' right to self-determination is the Alaska Native Claims Settlement Act (ANCSA), Public Law 92-203, passed by the U.S. Congress in 1971. Without participation or consent of the majority of the Alaska natives. The terms of this law of 1971 have a profound and destructive impact on the right to self-determination and cultural integrity of all Alaska natives, and reaches to future generations. This law, P.L. 92-203 in the U.S. violates Alaska natives' rights in the following ways:

- 1) P.L. 92-203 recognizes only 44 million acres out of more than 370 million acres in Alaska as native peoples' land, although Alaska natives have never ceded any of their traditional lands;
- 2) P.L. 92-203 terminates, or will not recognize as native, all native children born after 1971, thereby excluding future generations of native Alaskans from any land rights, in violation of the universal Declaration of Human Rights Article 15 (1) and (2) and as an act of genocide. Under international laws, genocide is referred to as "any act committed with an intent to destroy, in whole or in part, a group of peoples." Exclusion of future generations from their land-based culture is a deliberate act to bring about the destruction of Alaska native culture;
- 3) P.L. 92-203 creates and imposes so-called "native" state-chartered, profit making corporations (13 regional and

250 villages) to manage, administer and encourage the economic exploitation of natural resources on the remaining 44 million acres of recognized native land. This superimposition of artificial governance is also a genocidal act. The genocidal impact of this is compounded because this P.L. 92-203 recognizes these "native" corporations as the only legal, legitimate representative of the native people of Alaska, rather than their own traditional governments;

4) In yet another genocidal act, P.L. 92-203 extinguishes traditional indigenous hunting, fishing and water rights and gives exclusive control of hunting and fishing to the state of Alaska; and 5) P.L. 92-203 authorizes, starting in 1991, that "native" corporations' stock may be sold to non-native individuals or corporations, thereby permanently extinguishing remaining land rights.

### **AGENDA ITEM 10**

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

Our organization is certain you will conclude that the U.S. judicial system is implicated in a process of "selective persecution" toward people of color. We implore this commission to recognize and investigate the needs of over 100 political prisoners in the U.S.

One case of utmost importance for the Commission to consider is that of Leonard Peltier. For over a decade, the IITC has presented extensive documentation and testimony before this distinguished commission concerning the case of American Indian Movement (AIM) leader Leonard Peltier, showing consistent patterns of gross violations of human rights.

Leonard Peltier is innocent of any crime. His imprisonment is a result of defending the natural and human rights of the Indian peoples in the U.S. There have been, and continue to be, official U.S. policies in direct contravention to the human rights of Indian peoples, such as crimes against humanity which include, but are not limited to, acts of genocide, denial of the rights to self-determination, denial of fair due process of law, racial discrimination, cruel, inhuman and degrading

*Continued on page 11*

## Dilcon Defeats Toxics

*Continued from page 6*

man Steve Maupin announced that he was forced to drop the proposal to build the toxic waste dump in Dilcon, although he now says he will try to convince other Navajo communities to accept the TSD plan. But CARE members and other concerned residents are spreading the word about the victory in Dilcon, and have vowed to continue working to prevent the toxic waste dump from being built anywhere on Navajo land.

Buttons made by CARE declaring "Don't dump toxic waste on us!" are now being worn by hundreds of Navajo.

CARE, which now includes about 80 members around the community of Dilcon, was formed in order to help their community make informed decisions based on the truth, not just what the companies want to tell them. In addition to the defeat of the toxic dumping plan, CARE also would like to work on protecting other aspects of the local environment, such as preventing young cedar trees from being cut and sold to non-Indians for firewood. They are also encouraging the Navajo Tribe to implement stricter environmental protection standards and put a stop to unauthorized dumping of toxics on the reservation.

In addition, CARE would like to help other Indian communities to learn from what they went through in Dilcon. Abe Plummer reports that the same companies want to go to other reservations with the plan that Dilcon rejected. "These people are dumping poisonous stuff on Indian people everywhere."

With the help of Greenpeace and IITC, the Dilcon community made a video (available in both English and Dineh) about their struggle to oppose the incinerator.

### **For more information, contact:**

**CARE**, c/o Dilcon School,  
Box 132 Star Route, Winslow, AZ 86047  
(602) 657-3312

*For copies of the video in English, or general information about hazardous waste dumping and disposal, contact:*

**GREENPEACE**, Bradley Angel,  
Ft. Mason, Bldg. E, San Francisco, CA  
94123; (415) 474-6767.

## Big Mountain

*Continued from page 6*

cumbersome Relocation Commission with a single commissioner, operating out of D.C. The BIA, which is the main implementing agency of the program, then moved into high gear, following the stated purpose of S.1236 to "ex-

pedite the completion of the Relocation program."

The winter of 1988-89 saw the BIA, for the first time in the 15-year history of the program, use the winter months to engage in "range management" and "construction" projects on the Hopi Partitioned Lands (HPL). These projects take the form of bulldozing earthen dams, controlling water sources, livestock confiscation, fencing and other projects all of which the BIA states are aimed at "protecting the range." These projects, however, are understood by the people on the land as part of an overall strategy to weaken their resistance and spirit by desecrating their sacred burial and ceremonial areas and depleting their livestock.

By late January, the elders of Big Mountain had united around a strategy of confronting the BIA crews and invited outside support workers to join them. On January 31, the elders directly challenged a BIA crew in "Range Unit 259," in the vicinity of Pauline Whitesinger's home and ceremonial grounds.

In lengthy discussions with BIA range supervisor Oscar Lalo, the elders explained why the bulldozing could not proceed, since there were many burial and other ceremonial sites in the area. They asked the BIA crews to commit that they would not destroy these grounds. The BIA refused to make such a commitment and left. Within several hours, the elders had signed a new "Declaration of Resistance" and had it delivered to BIA superintendent Paul Smith in Keams Canyon. The Declaration demanded a halt to all BIA activities and the removal of the BIA bulldozer by February 2. On February 2, the BIA returned with Hopi Chairman Ivan Sydney and two dozen armed rangers (Hopi police cross-deputized as federal law enforcement). Sidney lectured the elders for nearly an hour, claiming his hands were tied, the work had to proceed, they had not identified their sacred sites "in time," and that the dam was for their benefit anyway. This whole time, the bulldozer operator sat gunning the engine and raising the blade in the air. Elders, youth and support workers slowly gathered in front of the bulldozer and were soon arrested by the armed police. The charges for the non-Indians were later dropped but the Dineh still have not received a full hearing and remain subject to punitive terms of their release and subject to six months in jail.

In mid-March another confrontation took place when support workers seized a bulldozer and engaged the BIA crew in discussion for a full day, obtaining a promise that Hopi Tribal

chairman Sidney would meet with the elders the next day. Sidney did not show up for the meeting, however, and the work crew returned to the site the next day.

In March, minutes of a previously undisclosed meeting between Peabody Coal and the Hopi Tribal Council were made public and revealed plans for extending the current 64,000-acre coal mine south toward Big Mountain, bringing another 50,000 acres into the stripmine. Under the plan a new major power plant would be built near Teesto, fed by a slurry coal line, while the rest of the coal would be shipped via a new railroad to Los Angeles, for shipment to Japan.

These plans have confirmed that: 1) the Hopi Tribe *does* have plans to mine the Big Mountain area and so needs to clear the area of the Dineh residents; 2) the BIA's "water development" projects, ostensibly for the benefit of livestock, is aimed at supplying the new slurry lines.

The Navajo Tribe also has plans for extending coal mining in the area, despite opposition from many of the traditional residents. Both tribes had plans for using the coal to generate capital for "economic development," and this capital would come from Japanese investors. While the Hopi mine extension would primarily feed Japanese demand for coal, the Navajo tribe was seeking a \$100 million loan from Japanese bankers, using the coal as collateral. Other Japanese investors in recent years have precipitated the reopening of the Mount Taylor uranium mine.

The Dineh continue to protect their homelands atop the coal-rich Black Mesa, and a number of projects are underway which are supporting their struggle. The Weaving Project, a cooperatively run effort administered by the weavers themselves, has recently opened a Weaving Resource Center, equipped with a phone unit on the HPL. In August a new Survival School will begin under the direction of Dineh elders and youth and staffed by Dineh and non-Indian support workers, with the aim of teaching and preserving traditional values and skills. Construction brigades are proceeding according to seasonal needs. Funds and support are needed to maintain all of these efforts.

**FOR MORE INFORMATION,**  
please contact:

**Big Mountain Support Group**  
2150 47th Avenue, San Francisco, CA  
94116; (415) 665-1743

**ON THE LAND,** contact:

**The Weaving Resource Center**  
P.O. Box 865, Kykotsmovi, AZ 86039;  
(602) 527-2757

## U.N. Reports

*Continued from page 9*

treatment and punishment, denial of freedom of religion, denial of fundamental prisoners' rights, and numerous other atrocities. The case of Leonard Peltier encompasses all of these violations.

Another miscarriage of justice is that of two young Tuscarora Indian men, Eddie Hatcher and Timothy Jacobs, who on February 1, 1988, took over the office of the *Robesonian* newspaper in Robeson County, North Carolina. They demanded that a state task force be set up to investigate the Robeson County Sheriff's office and the District Attorney's office for corruption, police brutality, racism and discrimination experienced on a daily basis by Robeson County's Indigenous and African residents, who together make up the majority of the population. The two young men surrendered after 10 hours, firing no shots and releasing all hostages unharmed.

After an extensive legal battle, where they remain subjected to detention and bail had been denied three times, both Eddie Hatcher and Timothy Jacobs were acquitted of all federal charges. The state judiciary, not satisfied with the federal findings of "just cause," initiated an independent grand jury investigation in which both men have now been indicted.

### AGENDA ITEM 11

#### **FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAM AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS.**

Our organization will take the Commission's time to speak on the subject of "further promotion and encouragement of human rights including the question of the program and methods of the work of the Commission...."

Our peoples look toward the day when all the sacred colors of man are together in the General Assembly of the United Nations. Today, the sacred black man, the sacred yellow man, and the sacred white man are united

in the United Nations. But, the sacred red man is still outside these important gatherings. We look to the day when the voice of our leaders will be heard among the government nations of the world. Until this is done, the sacred red people, the indigenous peoples, and their cultural and spiritual ways will continue to be an obstacle to "progress" and development. Of the four dominant religions in the world, namely Judeo-Christian, Muslim and Buddhist, the oldest and most natural to all, indigenous spirituality is the most disrespected, persecuted and misunderstood.

Our delegation feels that when our spiritual relationship to the land is understood by all people, the suffering and persecution of indigenous people and their land will subside. We see alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms for Indigenous Peoples.

### AGENDA ITEM 11BIS

#### **CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106 (E/CN.4/1989/46 AND CORR.1)**

Our delegation has made a detailed study of the report E/CN.4/1989/46, and we have arrived at the following conclusions:

1) The sovereign decision by Cuba to invite a mission to visit the country is proof of the will of the Cuban authorities, not only to cooperate with the United Nations, and, in particular, with its human rights organisms, but to correct errors and search for forms and ways to advance the well-being of the Cuban people.

2) The Commission's decision of 1988/106 is not in question, the body of the report, however, has contradictions within certain aspects. Due to the fact that these contradictions do not emanate from observation, but, rather from other sources outside the Commission, we ask the Commission to take this into consideration before it makes any future decisions regarding Cuba's human rights record.

3) The report implies that the human rights situation in Cuba is far from representing a framework of systematic and repeated violations of human rights, and furthermore, only a consideration of political order would justify the continuation of a study of the question.

What is it that the Cuban people have done to warrant such scrutiny by

a "fine-toothed comb" commission? As indigenous people, we see before us a country being used as a scapegoat or a decoy for not addressing countries with severe human rights violations in other regions of the world and to undermine the advances made by the Cuban people.

As indigenous people, we stand neither on the right nor the left in the political orbits. In this regard, we view the country of Cuba as a people who rose to cries and suffering of its people living under extreme repressive conditions, and challenged the colonial dictatorship which was supported primarily from North American interests. Prior to the Cuban revolution, the majority of its people were treated as expendable resources and subjected to every form of cruelty and inhumane conditions. Today, Cuba has won the respect of all oppressed peoples living under colonial domination.

### AGENDA ITEM 12

#### **QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES**

**With respect to Guatemala,** we believe that this commission made a serious mistake two years ago when it decided to treat the case of Guatemala under the item of advisory services. It sent the wrong message to the repressive forces in that country which thought they had the license to continue with killings, torture, disappearances and massacres. Two years of license, Mr. Chairman, has meant some 4,000 additional deaths and disappearances in Guatemala.

**Turning to El Salvador,** the Supreme Court in El Salvador again dismissed charges under amnesty law against the military officers and informers responsible for the 74 Indian people assassinated in Las Hojas agricultural cooperative on 22 February 1983. The National Association of Salvadorean Indians (ANIS) maintains that "there is no justice for Indian people in El Salvador while these unpardonable crimes go unpunished." ANIS has maintained its non-involvement in military activities from either the left or right. Our organization firmly declares that the government of El Salvador meet with the Faribundo Marti Liberacion Nacional and bring about peace, for the spiritual well-being of the Sal-

*Continued on page 12*

## U.N. Reports

Continued from page 11

vadorean peoples.

**In Brazil**, our organization supports the sovereign rights of the Kayapo Indian people to establish a village on the site of the Xinge River Dam Project, and we condemn the World Bank policies that make possible development projects that cause irreparable ecological damage to the lands of indigenous peoples. Specifically, we condemn the Power Sector Two loan currently proposed by the World Bank, for its recklessness and greed in a highly sensitive area, threatening all human beings and other life.

**In Colombia**, it is with heart-felt sorrow our delegation received word that on 23 February 1989 Luis Eduardo Yaya was assassinated in the capital of Meta, Villavicencio. Companero Luis Yaya was president of the Federation of Syndicated Workers. It is shocking, and a cold fact, to know that while this honorable commission is in session, people are being killed; cut down from life, and denied their fundamental freedoms. We note with equal profound sorrow that during 1988 in Colombia over 6,668 people have been killed, 44 of which were indigenous peoples. Our delegation wishes to alert the Colombian government that the destruction of its own countrymen can only bring more havoc to its already strained population.

**In Sri Lanka**, the violation of fundamental freedoms cannot continue against Tamil peoples. In the last one-and-a-half years over 5,000 Tamils have been killed by the Indian peace keeping force, the senseless government, and other reactionary forces. The leadership of the Liberation Tigers have appealed for a negotiated political settlement to the ethnic conflict. Our organization encourages India to take the lead in resolving this conflict and help bring about peace and tranquility to this beautiful island and its people.

**Regarding the Polisario**, our delegation encourages the United Nations and its organs to make themselves more available to the needs of the Saharawi, and Morocco's yearn for peace in the desert. It can only come about with the spirit of acknowledging the Sahara peoples' right to self-determination and right to fundamental freedoms.

### AGENDA ITEM 13

#### QUESTION OF CONVENTION ON THE RIGHTS OF THE CHILD

One of the most important aspects

of our sovereignty is the right of our indigenous children of today and our unborn generations. Indigenous sovereignty means that Indian Nations should have exclusive rights to determine members of our nations, to keep our children within the sacred circles of their families, clans, and nations, and to protect our land, culture and religion for the sake of the of our children and future generations.

Children of farmworker families living in the U.S. are the least to receive protection, or special care. The suffering of these innocent children is unavoidable where deadly chemicals are sprayed in the agricultural fields; many of these deadly chemicals are unrestricted in their use. Quite often, small children are taken to the fields by their parents because child care is not available. Pregnant women must work in the fields to help support their families. Therefore, toxic exposure begins at a very young age, often in the uterus. These children who live with their parents in labor camps or rural communities are also surrounded by fields which are heavily and repeated-

ly sprayed with pesticides, insecticides and herbicides, a step just short of genocide. A chemical war is being waged in the farmlands of the U.S. and the innocent children are the immediate victims.

In California, communities like McFarland, Delano, and Fowler, have a much higher rate of cancer than the national average to children due to the table water being contaminated in those areas, after years of spraying tons of chemicals onto the land. Countless children in those same areas are also born deformed, with no fingers, arms or legs.

### AGENDA ITEM 21

#### ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

"Referring to Item 21, "Advisory services in the field of human rights," our organization would like to present the case of Guatemala based on the report E/CN.4/1989/39 introduced by Hector Gros Espiell.

In paragraph 30, the report cites the situation of refugees. The report

Continued on page 13

### III. Study on treaties, agreements and other constructive agreements between states and Indigenous Populations

#### The Commission on Human Rights

**Recalling** its resolution 1988/56 of 9 March 1988 and Economic and Social Council decision 1988/134 of 27 May 1988,

**Noting** Sub-Commission resolution 1988/20 of 1 September 1988,

**Having examined** the report of the Working Group on Indigenous Populations on its sixth session held from 1 to 5 August 1988,

**Having examined also** the outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between Indigenous Populations and governments, prepared by the Special Rapporteur, Mr. Miguel Alfonso Martinez

**Convinced** that a study on this topic would substantively contribute to the standard-setting activities of the Working Group,

**Recommends** the following draft resolution to the Economic and Social Council for adoption:

#### The Economic and Social Council,

**Recalling** its decision 1988/134 of 27 May 1988

**Noting** Commission on Human Rights resolutions 1988/56 of 9 March 1988 and 1989/...and Sub-Commission resolutions 1987/17 of 2 September 1987 and 1988/20 of 1 September 1988,

**Taking account** of the outline of the study prepared by the Special Rapporteur, Mr. Miguel Alfonso Martinez, and of the substantive debate on the topic by the Working Group on Indigenous Populations at its sixth session,

- 1. Confirms** the appointment of Mr. Miguel Alfonso Martinez as Special Rapporteur of the Sub-Commission and authorizes him to carry out a study on the potential utility of treaties, agreements and other constructive arrangements between Indigenous Populations and Governments referred to in Commission on Human Rights resolution 1988/56;
- 2. Requests** the Secretary-General to provide all necessary assistance to the Special Rapporteur to carry out the said study;
- 3. Requests** the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

## U.N. Reports

*continued from page 12*

states, "the returning refugees do not need to apply for amnesty. In all of the areas visited, civil defense patrols existed. These patrols are created and staffed by the repatriated refugees, who carry weapons and are trained to use them. They have established military camps around areas of conflict." When the Guatemalan president's wife visited the refugee camps in Mexico in 1986, she promised that any of those who wanted to return to their land would be respected and they would not have to participate in the civil defense patrols. However, the expert's report showed that these were just more untruths told to the Indigenous Peoples of Guatemala.

The Indigenous situation worsens as Indigenous Guatemalans are forced to join the civil defense patrols. This military apparatus has been denounced by the national and international community as one of the Guatemalan army's instruments used to control the Indigenous Peoples; in effect, the army controls the resources.

In paragraph 45, the report states that the peasants do not want to join the civil defense patrols, and even though the expert states that they do not want to join for simple economic reasons, practice has shown that forced participation not only restricts their movement, but also restricts their freedom of association and right to peaceful assembly. As described by the special rapporteur on summary executions and the working group on forced and involuntary disappearances, the army uses the patrols to repress their Indigenous Peoples. The systematic violations of fundamental rights and freedoms is corroborated by one of the denouncements on 26 October 1988 by the "National Organization of Guatemalan Widows"—Conavigua. Immediately following the birth of this organization, the army forced the civil defense patrols to make a list of the main leaders of the movement, intimidating and telling them that the guerrillas run the movement, and to not join other organizations like the group of Mutual Support of the United Peasant Committee (CUCO because they are "bad people" and if they do, they will have problems.

In conclusion, the expert in this report states very important items that we must consider: the extrajudicial executions continue, that involuntary and forced disappearances are growing in number, that threats, intimidation, and persecution and torture continue and that all of these are directed toward the

leaders and members of popular organizations. Although Guatemala has ratified a score of international conventions on human rights and has created human rights instruments like the Human Rights Attorney General and the Human Rights Commission of the Congress, our organization feels that these instruments are ineffective and are only established as a formality considering the "counterinsurgent" character of the Guatemalan army which controls the political, economic, and social life of the country. For this reason, we implore the Guatemalan government to abolish all instruments which control and destroy the Indigenous communities and that the government immediately guarantee and respect the lives and the culture of the Indigenous Peoples of Guatemala.

### AGENDA ITEM 13

#### QUESTION OF CONVENTION ON THE RIGHTS OF THE CHILD

One of the most important aspects of our sovereignty is the right of our indigenous children of today and our unborn generations. Indigenous sovereignty means that Indian Nations should have exclusive rights to determine members of our nations, to keep our children within the sacred circles of their families, clans, and nations, and to protect our land, culture and religion for the sake of the of our children and future generations.

Children of farmworker families living in the U.S. are the least to receive protection, or special care. The suffering of these innocent children is unavoidable where deadly chemicals are sprayed in the agricultural fields; many of these deadly chemicals are unrestricted in their use. Quite often, small children are taken to the fields by their parents because child care is not available. Pregnant women must work in the fields to help support their families. Therefore, toxic exposure begins at a very young age, often in the uterus. These children who live with their parents in labor camps or rural communities are also surrounded by fields which are heavily and repeatedly sprayed with pesticides, insecticides and herbicides, a step just short of genocide. A chemical war is being waged in the farmlands of the U.S. and the innocent children are the immediate victims.

In California, communities like McFarland, Delano, and Fowler, have a much higher rate of cancer than the national average to children due to the water table being contaminated in those areas, after years of spraying tons of chemicals onto the land. Count-

less children in those same areas are also born deformed, with no fingers, arms or legs.

### AGENDA ITEM 14

#### MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

The attacks against the human rights of the migrant and farmworkers in the U.S. have increased sharply since the passage of the "Immigration Reform and Control Act of 1986, Public Law 99-603." This new law continues to separate families and allows favoritism toward agro-business when interpreting the regulations of the law. P.L. 99-603 has allowed for an increased number of immigration and naturalization service agents to patrol and militarize the U.S. and Mexico border. Not surprisingly, this only serves to increase the tensions and creates a climate of hostility and fear among the unprotected migrant workforce. This particular border region is fast becoming the scenario of unsurmountable acts of aggression, violence and *murder*, many of the victims being migrant and farmworkers.

Finally, the attacks and assaults on migrant and farmworker union organizers is increasing in the U.S., as farmworkers begin to assert their rights for dignity and justice. On September 14, 1988, Dolores Huerta, vice president of the United Farmworkers of America (AFL-CIO) was brutally beaten by the San Francisco police (in California) for being at a rally and passing out leaflets to a crowd of people. The policeman broke two of Ms. Huerta's ribs and ruptured her spleen, necessitating its removal by operation. Ms. Huerta is a well-known union organizer and a non-violent person. She is 54 years old, 5'2" tall, weighs 110 pounds and is a grandmother of 11. This bit of information is necessary to understand the brutal nature of much of U.S. law enforcement towards the migrant and farmworker organizers.

Our organization asks the Commission on Human Rights to elaborate an international covenant for the protection of all migrant and farmworkers, at the earliest possible time. We ask that the right to organize and the insuring of the re-unification of families be a priority of the U.S. government. In this regard we ask the government of the U.S. to sign the international labor organization conventions as an act of good faith and in order to uphold the fundamental rights of migrant and farmworkers.

*Continued on page 15*

## Patrick Hooty Croy

Continued from page 5

approached the cabin to check on the well-being of his grandmother and aunt. There he encountered Yreka police officer Hittson (who had been drinking prior to being called to the scene). Hittson emptied his .357 magnum to Hooty, hitting him from behind in the arm and in the hip. The one shot which Hooty subsequently fired from the .22 which he was carrying hit the officer in the heart, and he died almost instantly. Several police officers then opened fire with semi-automatic weapons; Hooty, who miraculously survived this onslaught, was soon arrested and taken to the hospital. Hooty and his four companions were prosecuted for the death of officer Hittson. The trial was moved out of Yreka to Placer County.

In August, 1979, Hooty and his sister were convicted of murder, attempted murder, assault on several officers and robbery. He was sentenced to death. The other defendants (two of whom had a separate trial) were found guilty of lesser degrees of homicide and were acquitted on other charges.

In December, 1985, the California Supreme Court reversed the conviction.

In a landmark decision in December, 1987, Hooty was granted a change of venue out of Placer County due, in part, to that community's racism. Four days of testimony by seven experts (six of whom are Indian professionals) regarding historic prejudice against Indian people in rural Northern California counties had convinced the judge to rule that in addition to the traditional basis (usually pretrial publicity) for granting a change: "...the potential for residual bias against the defendant in the context of traditionally preconceived notions, raises a risk that prejudice will arise during the presentation of the evidence unrelated to the facts."

First gold, then land drew the world to California. Settlers swept into this fruitful country with their picks and their plows destroying the welcoming, unresisting Indian people in their path. From 1850-1890 disease and murder reduced the Indigenous people by 94%. Local bands of citizen "volunteers" roamed the countryside killing Indian families, earning praise from their fellow citizens and reimbursement from the state.

Some early business of the California State Legislature was to pass a de facto Indian enslavement act and strip Indians of the right to defend themselves in the white man's courts by the decree that "in no case shall a white

man be convicted of any offense upon the testimony of an Indian." (California Indian Indentured Act of 1850).

In the years that followed, boarding schools, treaty violations, termination policies and land thefts, continued the genocide against the California Indian peoples where many tribes were virtually wiped out. Those that remain continue to experience racism and injustice at the hands of a legal system that has never served their interests, or understood them.

### HELP PATRICK HOOTY CROY RECEIVE A FAIR TRIAL

The injustice Hooty has received was confirmed by the California Supreme Court when it overturned his conviction. He can never receive true justice because he can never be given back the time he has wrongly served. But he can now receive a fair trial. You can help insure a fair trial for Patrick Hooty Croy.

**FOR MORE INFORMATION**, contact Patrick Croy Defense Committee, c/o 473 Jackson St., 3rd Floor San Francisco, CA 94111 (415) 986-5591

### Eddie Hatcher

Continued from page 4

Fort Hall reservation in Idaho, where he surrendered to the Shoshone-Bannock Tribal Court. Tribal Judge Charles Lohah ordered that if North Carolina officials wanted Eddie, they would have to extradite through Tribal Court. However, the FBI threatened to supercede tribal law and put Eddie under constant surveillance. They also tried to coerce a resident of the reservation into disclosing Eddie's hiding place. Fearing a midnight raid, Eddie left the Fort Hall reservation and moved on to California, where he was arrested in San Francisco March 10, 1989, after a failed attempt to obtain political asylum at the Soviet Consulate.

Since then, Eddie had been held in San Francisco City jail, fighting extradition to North Carolina, on the grounds that his life would be in danger if returned to the same Robeson County officials whom he has implicated in serious criminal activities. June 30, Eddie was ordered extradited.

Eddie has ample reason to fear for his freedom and his life in Robeson County, where Indians are jailed at a rate three times that of whites and convicted at the rate of 94%. Between January 1975 and January 1988, 21 Robeson County residents were listed as having died in violent and suspicious circumstances.

Since January 1988, an additional eight murders have been reported—

### EDDIE HATCHER BULLETIN

Less than a week after Eddie Hatcher was extradited back to Robeson County, North Carolina, where he is now being held in the Robeson County Jail, there has already been an attempt on his life

On July 6, an inmate approached Eddie and started asking questions about "what he had" on Sheriff Hubert Stone. Then, completely without warning, the inmate pulled a surgical scalpel and attacked Eddie. Further details about the attack are not known, but apparently, Eddie escaped unharmed and the inmate was moved to another cell.

According to Thelma Clark, Eddie's mother, the attack confirms her son's prediction that his life would be in danger if he were to be returned to Robeson County.

"Eddie is now back exactly where Governor Martin promised me he never would be," Thelma stated. She urges everybody to write letters to Eddie to help ensure his safety and let the authorities know that the world is watching. The address is:

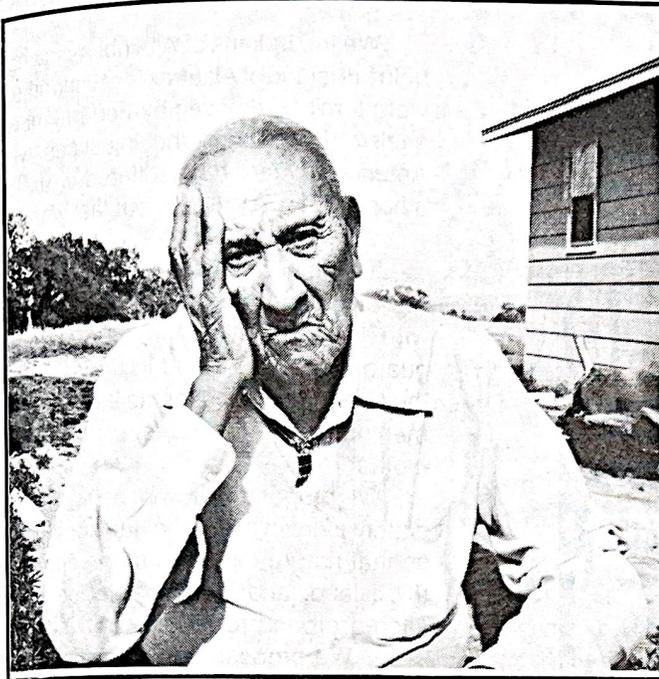
Eddie Hatcher  
c/o Robeson County Jail  
Lumberton, NC 28358

of those, four were people who had been cooperating with the effort to expose drug corruption and injustice in Robeson County. Eddie became aware that local authorities had been planning "to get him" ever since he first attempted to present the evidence he had collected tying local law enforcement to racial violence and drug trafficking.

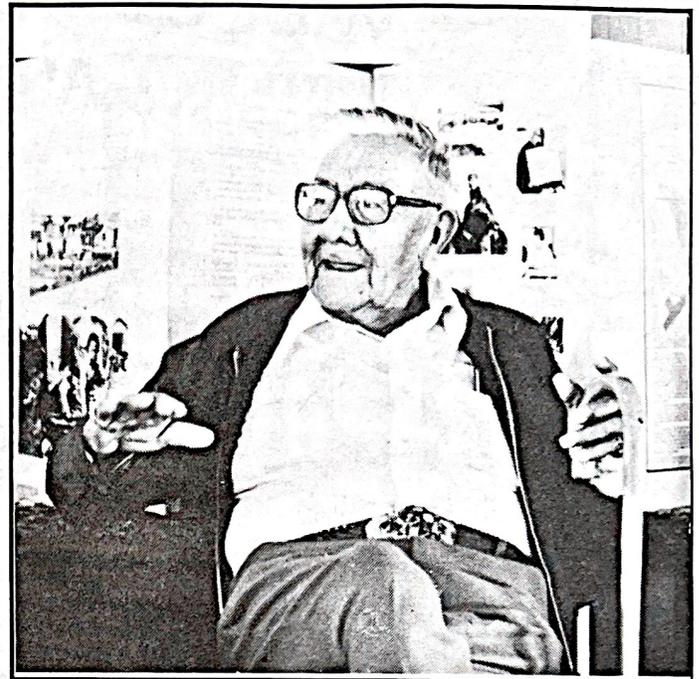
In one case that received national publicity last year, Lumbee Indian attorney Julian Pierce decided to run for Superior Court Judge against Joe Freeman Britt, Robeson County's infamous "hanging judge," who as a prosecutor obtained 23 death sentences in 28 months, mostly against Blacks and Indians. Just five weeks before the election, on March 26, 1988, Pierce was shot to death in his home. Several human rights organizations termed his death a political assassination and testimony was presented to the House Judiciary Committee on Justice, despite Robeson County Sheriff Hubert Stone's insistence that this was "just another murder" and "all involved were Indians."

Julian Pierce, like Eddie Hatcher, had been actively compiling evidence against local law enforcement officials, including Sheriff Stone himself, who has repeatedly testified on behalf of drug dealers facing trial in Florida, and has been accused of receiving payoffs from drug dealers.

# In Honor of Our Elders and Those Who Have Gone Before Us



Michelle Vignes



**Chief Frank Fools Crow  
Oglala Lakota**

**Mathew King "Noble Redman"  
Headsman, Oglala Lakota**

1989 has seen the passing of two Oglala Lakota leaders and respected elders, Chief Frank Fools Crow and Headsman Mathew King. Both men were founding boardmembers of the International Indian Treaty Council, and continued to serve on the IITC Elders Advisory Council. Both had extensive knowledge of the oral history of the Lakota Nation and worked to preserve and protect the Lakota religion. Both struggled for the protection of the Sacred Black Hills, Paha Sapa, and their return to the Lakota Nation. Both stood up for the 1868 Fort Laramie Treaty and were leaders in the liberation of Wounded Knee in 1973, and later the establishment of the Yellow Thunder Camp in the Paha Sapa.

Perhaps the most well known accomplishments of these two men was the preservation and resurgence of the Sacred Sundance, one of the seven sacred ceremonies given to the Lakota by the White Buffalo Calf Woman.

Frank Fools Crow and Mathew King were internationally recognized Statesmen and religious leaders of the Lakota Nation. We will continue to remember them with the highest honor and respect.

# Alcatraz: 20 year Anniversary of Occupation 1969-1989

## *The Last Message of the Indians of Alcatraz, 1969*

TO THE CITIZENS OF THE  
UNITED STATES:

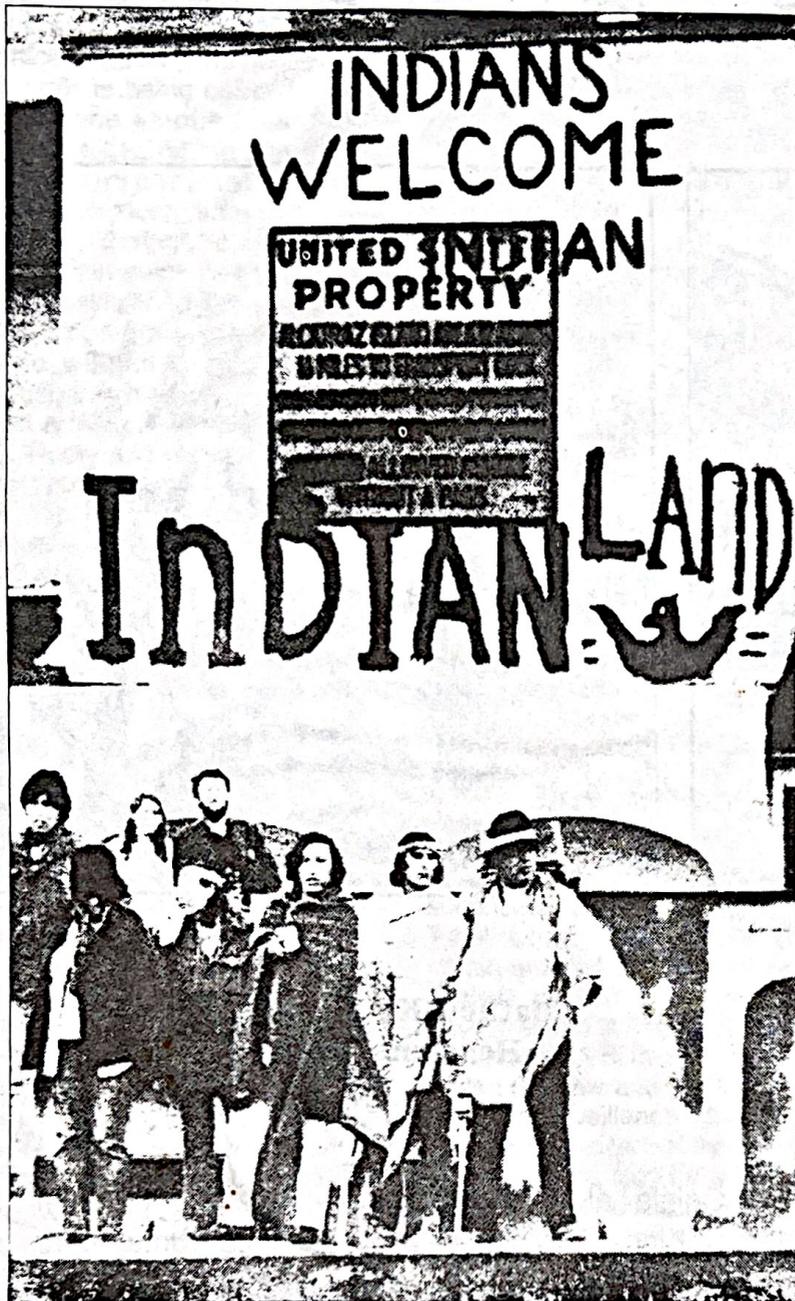
We the Indians of All Tribes, having held the island of Alcatraz for 19 months, were forcibly removed by Federal marshals. Despite all the injustices we American Indians have suffered, we hold a hope that you will hear our last words.

We propose:

That the deed of the island of Alcatraz be given to the Indians of All Tribes, with the stipulation that they act as guardians of the island in the name of the Great Spirit, and for the benefit of all men and women who respect our earth mother.

We propose that work begin immediately to level all man-made structures so that nature can once more return to this island, and that it be declared as sacred ground to remain as such forever. We propose that a small roundhouse be erected for an annual ceremony of earth renewal and purification to re-dedicate it to all who respect our earth.

This proposal, then we offer to the citizens of this country, hoping that by its acceptance, a new era of understanding and cooperation between a people of varied cultural backgrounds can at least begin.



The *Treaty Council News* is the official bulletin of the International Indian Treaty Council and is published by the International Indian Treaty Council Information Office.

**SUBSCRIBE NOW**  
***Treaty Council News***  
710 Clayton Street, #1  
San Francisco, CA 94117  
(415) 566-0251  
Fax: (415) 566-0442  
Peacenet: IITC

**Subscription Rates (1 Year)**

Individual.....	\$10.00
Organizations, Schools, Libraries.....	\$15.00
International Subscribers.....	\$20.00

NON-PROFIT ORG.  
U.S. POSTAGE  
**PAID**  
SAN FRANCISCO, CA  
PERMIT NO. 10991

IITC would like to thank our supporters, the Vanguard Foundation, and The World Council of Churches for helping to make production of *Treaty Council News* possible.