

NATIVE AMERICANS

Two tribes sue for Maine

By Judy MacLean
Staff Writer

If a negotiated settlement is not reached by July 1, and if Congress does not act to prevent it, the federal government will sue several large Maine landowners and the state of Maine for 10 million acres of land and millions of dollars in behalf of the Passamaquoddy and Penobscot Indian tribes. "They will have no choice," says Tom Love, lawyer for the two tribes.

While much of the state men's seizure of Native American land has been questionable, court of it was in accord with American law. The tribes' suit is based on an historic claim that the government did not obey the law in taking away their land. Its outcome will affect about 10 similar claims in other states.

It all began in 1887 when Congress passed the Indian Non-Interference Act, prohibiting land being taken from Native Americans without the approval of Congress. Chief George Washington at the time, "I have, from a long study for the remainder of your lands. No state or person can purchase your lands, unless at some public treaty held under the authority of the United States."

In a 1794 treaty the state of Massachusetts (which then included what is now Maine) took ten million acres in exchange for a 23,000 acre reservation from the Passamaquoddy and Penobscot tribes.

In the ensuing 183 years bits and pieces of the reservation were taken, leaving the Indians about 17,000 acres. Today, most of them live there. Most are seasonal agricultural workers with a high rate of unemployment, low life expectancy and high incidence of disease. "The poorest people in New England," says Akwesasne Notes, a Native American newspaper.

In 1957 an old Passamaquoddy woman found the 1794 treaty and the tribes tried to find a way to get back the missing land from the 23,000 acres originally guaranteed. It took ten years to get a lawyer, and the suit was treated as a joke.

Then attorney Tom Tureen discovered that the 1794 treaty itself was invalid; Congress had never ratified it. The tribes thus had a legal claim to roughly half the state of Maine.

When the tribes decided to sue for the 10 million acres, the suit became a bigger joke. They won the first legal skirmish, however, when a federal judge ruled in 1975 that the American government, as the Indians' legal trustee, must file suit on their behalf. (The tribes would have had a hard time, legally and financially, suing on their own.) No one is laughing now.

The suit demands the return of the 10 million acres and millions of dollars in trespass damages for the 187 years of illegal occupation.

Although most of the land in question is owned by 10 out-of-state corporate landlords, mostly paper companies, about 350,000 people also live on it. The state government is creating a climate of panic with dark warnings of 350,000 innocent people being ejected from their homes. For a year cities and towns in the area have been unable to sell bonds. The suit could take five to ten years to settle in court. The state government warns it will lead to fiscal disaster for Maine and to anti-Indian violence.

However, the tribes have repeatedly said they don't want small farmers' or homeowners' houses and land. "We want large landowners, the ones whose only interest in this state is making bucks. The small landowners can stay where they are, pay their taxes to the town and get their public services. We don't want their land. We don't want anybody's home," says Tom Love, a Penobscot.

Congress may also enter the case. The Maine congressional delegation, including one-time presidential candidate Edmund Muskie, has introduced a bill that would retroactively validate all treaties Congress has not approved.

"We have played according to the rules of the country that obviously occupies us and we have won a lot of the technical battles we needed to win," says Wayne Newell, a Passamaquoddy. "If Congress is going to change the rules of the game now that the Indian has been winning, dammit, be truthful. Teach the children the government doesn't really mean it for everybody."

Although changing the rules is within Congress' power, lawyer Tureen argues that the trespass claims would still hold. If that is true, huge trespass settlements might yield some land if the owners were unable to come up with cash.

Congress could also invalidate land

claims but vote the tribes some token financial compensation. Or it could, as it did in the Alaska Native Claims Settlement Act of 1971, award both land and money to the tribes. The government would have to buy corporate land holdings by eminent domain to do this.

Meanwhile negotiations continue in Washington. Reportedly, the two sides are far from agreement. Archibald Cox, former special Watergate prosecutor and victim of Nixon's "Saturday Night Massacre," is arguing the tribes' side. Ironically, the lawyer for the state of Maine is Edward Bennet Williams, who also owns the Washington "Redskins."

Maine would like to settle for the fed-

The state government is creating a climate of panic with warnings of evictions, fiscal disaster and anti-Indian violence.

eral government paying the tribes a sum of money. Although the tribes have little chance of getting the entire 10 million acres, they insist they will hold out for land, not money.

"You see, money will go away. The land base will guarantee the right of my people to live as they so choose for all time. It would guarantee my children, grandchildren, something to hold on to, to develop as they see fit," says Wayne Newell.



Despite the fact that all the evidence was mysteriously destroyed, AIM activist Sidney Welsh was still convicted by a California jury of illegal possession of explosives.

Conviction without evidence for activist

By Steve Most

Sidney Welsh was on the way to San Francisco after celebrating the New Year, 1976, on his Arizona reservation. He stopped in Indio, Calif., leaving his companions, a cousin and a friend, in the car while he went to a hotel to get some sleep. At 2 a.m. Welsh, unable to rest, returned to the street. Two police were searching his Vega; his companions were under arrest.

The Mohave, a stocky man active in the American Indian Movement, identified himself. "So you're Sidney Welsh," said the police. They had his photograph.

At the Indio jail Welsh was charged with possession of dynamite caps that the police claimed they found inside his car. "How's Russell Means," asked one jailer. "Where is Dennis Banks?"

On New Year's Day, 1976, when he was visiting friends on the reservation, the BIA building there had received a bomb threat. No one was ever charged for this incident and two other bomb threats occurred in Parker the next day when Welsh was in jail, but the prosecutor at his trial claimed that Welsh had planted the seven sticks of dynamite found in the BIA building.

By a "mishap," neither the dynamite bomb found in Parker nor the two blasting caps police allegedly discovered in Welsh's car were entered as evidence in the trial. According to Deputy District Attorney Wally T. Clark, they had accidentally been destroyed at the Twenty-nine Palms Marine Corps base. The evidence had not even been photographed or tested for fingerprints before demolition.

Despite the absence of evidence, FBI and police testimony convinced the jury Welsh had "recklessly or maliciously"

been in possession of explosive devices. Found guilty, Welsh received the mandatory five-to-life sentence.

Welsh recalls a conversation in the judge's chambers shortly before sentencing. "The judge told the D.A., 'These are awful heavy charges to bring against one man.' The D.A. looked away and said, 'The FBI seems to think this is a very important case.'"

Welsh's road to the Indio lockup began in Parker, Ariz., 33 years ago. On Parker, as on many reservations, all but a small fraction of the land allotted to Indians is leased to others—with most of the lease money going to Washington, D.C. There is a Bureau of Indian Affairs office in town, but federal programs have not alleviated the suffering due to poverty, cultural deprivation, alcoholism and suicide.

As a boy Welsh picked cotton in fields leased by white farmers, rising at 5 a.m. to earn 30 cents an hour. "The shocking part of it was I realized it was our own land."

Welsh went to a reservation school, then a reform school. He drifted into the life of an alcoholic, travelling from skid row to skid row in cities along the West Coast with frequent stops in jail. Welsh describes these years in bars and behind bars as crucial to his development.

"Through drinking I got to know Indian people of all tribes," he said. "I found more similarities than I expected among the Indian people." In jail Welsh had time to read and think. He had felt that he had a problem, something he had to take care of, "until finally realizing that Indian people were never a problem, the problem was on the part of the police, on the part of the system. I took a good look at it and decided to do something

about it, not to fall into that trap any more."

At this point Welsh became interested in the American Indian Movement. He read news stories about Dennis Banks and Russell Means. "I understood that we had a lot in common.... Once you learn," said Welsh, "you can't sit back. You have to do something. AIM is doing something for our Indian people."

In 1969 Welsh took part in the occupation of Alcatraz. He was impressed by this example of many tribes banding together for a common purpose. In 1974 he co-founded the San Francisco AIM chapter.

Welsh believes he was first noticed by FBI agents during the food giveaway the SLA demanded as a condition for freeing Patricia Hearst. "We didn't agree with the tactics of the SLA, but people needed to be fed." His involvement in distributing food for the People in Need project made him publicly known as a San Francisco AIM organizer. (Later, in jail, an FBI interrogator told him he was considered the director of Northern California AIM.)

Welsh was preparing to teach a Native American Studies course at San Francisco State when he went south to Parker for the winter holidays. He never taught that course.

Welsh has been granted a second trial on technical grounds. Judge Slaughter had neglected to instruct the jury that the defendant could be convicted of a lesser charge: unlawful possession of explosives.

Welsh and Jeff Kupers, his legal adviser, intend to use the new trial to document FBI persecution of American Indian Movement activists.

Steve Most is a freelance writer based in California.

LABOR

Steel ferment bubbles on

By David Moberg

It's been hectic in the Steelworkers union over the past half year. There was the hot contest between Lloyd McBride and Ed Sadlowski for union president, then a major settlement of a national steel contract that was almost rejected. The controversies in the union refuse to die, however, despite the apparent resolution of the election and negotiations.

After the international union rejected Sadlowski's charges of fraud in the election, the way was clear for McBride to assume office on June 1. In his inaugural speech McBride took potshots at political groups trying to "convince a new generation of Steelworkers to engage in 'class struggle'" and the internal union dissidents and outside "professional meddlers" of the Sadlowski camp.

The union had "adequate democratic procedures" for members to "register legitimate concerns." Also, "there is an old saying that shoemakers should stick to their lasts," McBride said, "and this is a most appropriate occasion to repeat it."

McBride and the Steelworker leadership didn't stick to their lasts very long. They actively intervened, contributing as much as \$5,000 by one estimate, in support of Lee Roy Patterson for president of the United Mine Workers. That effort on behalf of the corrupt old Tony Boyle machine within the union backfired.

Patterson lost, partly because many miners feared he would merge their union with the Steelworkers, whose leaders seem to disapprove of coal strikes disrupting steel mill work.

Sadlowski decided to give internal democratic procedures an assist by asking the Labor department, on June 17, to investigate a long list of charges of unfair electioneering by McBride supporters. In the largest probe of a union election ever, the 250 Labor department investigators began their two-month inquiry immediately.

New contract protested.

The national contract in steel, which set the basic pattern also adopted in aluminum, has drawn its own share of protests. The Pittsburgh local at the U.S. Steel Clairton Works was one of several local unions that voted to take outgoing president I.W. Abel's picture off the wall of the union hall. Several locals asked for a special convention to review the contract. Presidents of all of the Youngstown Sheet and Tube locals refused to sign the national agreement when they met to discuss on-going local talks.

"All the locals banded together and decided they weren't going to sign," Norm Purdue, president of Local 1011 in East Chicago, Ind., said. "We felt we'd have more power on the local issues if we didn't sign. We wanted to let people know we're not contented with the contract. The company was stirred up. They threatened we wouldn't get our raise. I don't think it made the international happy either."

New international vice-president Joe Odorcich blames "kooks" and leftists for the contract discontent. Soon he may be in court on charges that his anger with such dissidents got the best of him.

On May 22 Steelworkers Stand Up, a rank-and-file group at the Clairton Works that started when women in the mills demanded better washrooms and expanded during the Sadlowski campaign, arrived on the grounds of the newly purchased Linden Hall, a union recreational and educational center. They had reserved a spot for a picnic.

According to eye-witness Candace Cohn, four carloads of union members were met by nearly 50 men, including Od-

orcich, who told them, "Get the hell out of here. You don't have a right to be here. This is private property. We don't want any protesting here."

Not wanting to press their luck, the picnickers moved on to another spot and started to unpack their lunch. Then "Odorcich picked up some rocks and threw them at a car." The men, women and children split, but two stayed to get back their deposit for the grounds. One was roughed up and the other had the film taken out of her camera, according to Cohn.

The group charged Odorcich in court with four illegal acts and also filed internal union complaints. "We paid for the grounds," said Cohn, still angry. "Then we paid the salaries of the guys who kept us from using it."

Local strike votes.

Although the Steelworkers' Experimental Negotiating Agreement prohibits national strikes, local unions can strike on some issues. In 1974 only seven locals took strike votes and none went out. This year 55 to 100 locals are voting, including all the iron ore miners from northern Michigan to the Great Plains. They had also voted against the national contract, which did not bring their wages and benefits up to parity with workers in the steel mills.

Several big basic steel locals have been urging their members to authorize strikes by the June 30 deadline for voting. Any strikes will come after the August 1 expiration of the contract.

Frank Guzzo, president of the South Chicago Republic Steel local, told as many of the 4,800 members of his local as possible that "it's either you back your union or you back the company. The propaganda the company is using right now—in Serbian, Spanish and English—says if they vote for the union their jobs are at stake, there will be mass layoffs. But this company will give us nothing unless we go to them and say, 'This is it or else.'"

At Inland Steel's 18,000-member local in East Chicago, Ind., union vice-president Cliff "Cowboy" Mezo said that foremen pulled aside individual workers to ask them to explain their "Vote Yes (for a strike)" buttons.

The company launched a big ad campaign and bused in workers to vote, including a reported 1,800 summer employees, mostly relatives of management. An amazing 14,600 people—nearly everyone not on leave or vacation—on June 21 ap-

proved a strike if needed by a margin of about 1,000. There hasn't been a strike in Steel since 1959.

Some of the hottest issues in the mills are the incentive plans. Most but not all millworkers have a base rate of pay plus an incentive payment for reaching certain levels of production. It's like a combination of hourly pay and piece rate except that the percentage bonus—ranging from 12 percent to 35 percent maximum in different categories—is figured for broad groups, not individuals.

By changing work methods or products, the mill managers have often made it difficult for workers to earn their incentive. For example, in a rolling mill a worker's incentive was based on the number of large steel coils that could be tied up with steel bands, but the coils recently were made two to four times as large, effectively eliminating the chance of earning the incentive.

At nearly every steel mill where a strike looms, the local unions are pressing to raise the "low yield incentives" and redress inequities between departments.

Subcontracting, largely avoided in the national contract, is a hot item as well. John Barbero, vice-president of the union at the Youngstown Briar Hill factory, said the company not only subcontracted occasional work by outside skilled tradespeople but also contracted out entire operations, such as slag removal from the open hearth, on a permanent basis. If a contractor underbids the cost of Steelworker members, Barbero said, the work goes to the low bidder, eliminating higher-paid steel union jobs.

Nearly everywhere locals are pressing for the company to pay for the essential safety shoes, pants and gloves, but Barbero is also concerned about company harassment of doctors who excuse sick workers. Dozens of other complaints, from dirty restrooms and inadequate lunch facilities to rutted parking lots and scheduling snafus, are also on the agenda.

Some locals are arguing for more relief time for coke plant workers who are exposed to carcinogenic fumes and intense heat, for an end to forced overtime, and for revisions in the grievance procedure to treat workers as innocent until proven guilty.

Preliminary votes show workers approving the strike authorizations in mas-

sive turnouts, but often by narrow margins. In a few cases the local leadership didn't match the intense company campaigns of persuasion. A strike was authorized by only 31 votes last week at the Youngstown Sheet and Tube mill in East Chicago but more decisively at the Republic local.

Besides members' fears of losses from a long strike and company intimidation, there is the problem that local issues are often strongly felt by disparate groups but not shared across the board.

"The guys ask, 'Why should I strike for that man in the crane to get the air-conditioning? Why should a man without a car vote for a strike to get the parking lot paved? Why should I vote for the man in the coke plant on the north end to get more relief when I work on the south end?'" veteran Republic steelworker Al Ostrowski explained.

Although few of the strike authorizations will end in strikes, Clem Balanoff, an organizer of Steelworkers Fight Back, sees the votes themselves as a victory of the Sadlowski campaign.

"We won the ability to make people look seriously at the contract," he said. "We at long last gave steelworkers the right to vote. We introduced a lot of new ideas to people."

While the organization tries to pay off the remaining \$90,000 debt from the campaign, they're waiting to see how the new voices in the leadership speak. Balanoff even had brotherly words for McBride and some of his ideas, such as the guarantee of innocence until proven guilty.

"If McBride were to go out and fight for that tomorrow," he said, "I'd have everybody I could behind him. We're not just fighting to fight. We want the same thing he wants—a good union. We just differ on some things, like ratification by members. Give the man a chance. We don't want to chop his hands off."

Such graciousness isn't extended to Sadlowski by the mill magnates. When the student bar association of the Chicago Kent College of Law, affiliated with the Illinois Institute of Technology, gave Sadlowski its Liberty Bell award for "distinguished service in the cause of justice," two Inland Steel executives on the ITT board of directors protested and threatened to resign. Class struggle, anyone?



Ballot disputes still haunt Steelworkers as Lloyd McBride takes office, locals vote strike approvals.

Rich Stromberg