

**Columbia River Woman  
Stands Her Ground**

"I have fished here forever, through my ancestors," says Margaret Palmer, the Yakama tribal member who has headed the protection of traditional fishing scaffolds sites of her people at "The Point", a spiritual and cultural site and sacred burial grounds located on the Columbia River in Washington State. "This is where fish come to give up their spirits. It is sacred."

Known in the Native Sahaptin as Nananimi Wak'aukkitt, "The Point" has been used by fishing people for thousands of years. Also, because of its location above the Klickitat bar, the Point has long served as a roosting area for a colony of Bald Eagles that nest a mile or so up the Klickitat River.

"The Point" is targeted for the development of 33 lots by the Columbia Gorge Investors Limited Partnership, whose representative is Henry Spencer. Phone, water, sewer, and electric lines are in place, with projected selling prices ranging from \$72,000 to \$215,000.

Spencer has stated that he has followed the proper procedures for acquiring the acreage. "I've talked with the Yakama Tribal Council and County Commissioners and there were no objections." But a Cultural Committee member of the Yakama Nation says, "The Nation is not in agreement with Spencer's terms."

Upon response to an earlier request for preliminary plat approval, six agencies, including the BIA, the Yakama Indian Nation and State Archaeologists all responded with comments to the effect that there were archaeological, cultural, and wildlife resources there, including two layers of Indian burial sites and remnants of the historic Lyle period. They commented that the proposed development would have substantially negative effects upon these resources.

At a May 13, 1993 Klickitat County environmental review committee meeting, with staff members in attendance as well as members of the Yakama Nation, Chief Johnny Jackson, Klickitat-Cascade, did state that Lyle Point is a sacred historical burial site. Yet a Declaration of Non-significance was issued by the Klickitat County Planning Department.

The Yakama Nation challenged the development in Federal Court as a violation of their Treaty of 1855. Federal Judge Alan McDonald in a ruling March 24th, 1994, accepted the Yakama treaty rights case at the Federal level stating that "This court considers the plaintiffs' federal claims to be substantial in nature and import." A Federal Court date of March 1995 has been set for the trial.

The Yakama Nation's request for a temporary injunction to halt the housing development was not granted, presumably because the developer suspended operations at the site. Though leaving Henry Spencer free to resume developing the site, Judge McDonald let it be known that "this Court's equitable powers are broad, indeed, extending as far as ordering demolition of any houses found to impair the exercise of plaintiffs' treaty-protected rights, reopening any roads, and providing sufficient space necessary for the exercise of historical rights."

Seattle attorney Grant Definger, representing Spencer, successfully argued that people not entitled to the tribal fishing easement are trespassing. This denied access to the contested site to all but members of the Yakama Nation of Washington and the Warm Springs Nation of Oregon.

To protect her fishing scaffolds, Margaret Palmer started an encampment on September 27, 1993, with the light of a "sacred fire." The fire was to burn for as long as the occupation continued. "The Point" was occupied by both Indian and non-Indian supporters until July of 1994 when Spencer, claiming fire hazard, had deputies extinguish the sacred fire, which was found burning unattended.

Also removed at about the same time were a longhouse, sweat lodge, and shelters around the sweat lodge and the now extinguished sacred fire. Their remnants were found, partially burned, in a "no dumping" site.

Klickitat County Sheriff Jim Gleason says that on July 13 Spencer asked that non-Indians and some visiting Native Americans from the Shoshone Reservation in Idaho be asked to leave. "Those he's allowed to be there are not allowed to invite others to trespass," Gleason said.

Yakama Tribal Councilor Bill Yallup Sr., quoted in the Dalles Chronicle on August 5, says "Spencer has a right to remove non-Yakamas, so to speak." He went on to say that "they'd actually be violating his property rights by trespassing. . . We don't want to be a part of that." But having said that, Yallup noted that the Council still supports an encampment by Yakamas.

Yallup said further that tribal elders are displeased with the "interference of non-Indians and non-Yakamas" in the encampment. Yakama tribal council representatives would go down to the encampment and find non-Indians in tepees and the sacred fire not being attended by Yakamas.

Margaret Palmer and Chief Johnny Jackson welcomed support from whoever wished to contribute. Chief Johnny Jackson says that this is more than just "The Point", a local issue, or a tribal issue. "This is a global issue and we must incorporate it into the bigger picture."

Though both Margaret and Chief Johnny Jackson consistently bring up the issue of the area being a state historical burial site, to the Yakama Tribal Council the issue is strictly one

of tribal access to fishing in "usual and accustomed" fishing sites.

For the week end of August 27, Margaret, Chief Johnny and the Lyle Point Alliance announced that they would begin the process of resurrecting the encampment, after the proper prayers and dedication ceremonies. Their intentions were to reconstruct the tepee village, relight the sacred fire, and begin to rebuild the sweatlodge and longhouse. Greenpeace's portable solar-electric generator, Cyrus, was to be on hand to showcase clean electric power which is not produced by the salmon-destroying dams of the Columbia.

Klickitat County Sheriff Jim Gleason said that deputies would be on hand, allowing only members of the Yakama and Warm Springs tribes onto the property.

Tribal members and their invited guests viewed this action as a threat to their civil rights because they were not allowed to practice their religion. Protestors say they are going in, or going to jail.

Saturday, August 27, brought four arrests, and a skirmish between sheriff's deputies and non-tribal protestors, both sides claiming that they were assaulted. Sheriff Gleason claims that protestors were only arrested after they had been told "15 to 20 times" what the consequences would be.

Over the week end law enforcement officers from 10 agencies, including the joint Wasco County Sheriff-City of the Dalles Police SERT team were called to secure the arrest of 24 protestors.

All but one of those arrested were non-Indians. Ronald True, an Alaskan Haida, arrived from Portland, Oregon with two friends to attend the religious ceremonies and support the encampment. Finding the road blocked, they walked a short distance and soon encountered a Yakama tribal policeman who escorted them in his vehicle to where sheriff officers were stationed. Having questions to ask the Sheriff, the trio approached him, and were immediately arrested for trespassing.

One of those who accompanied Ron True to "The Point" says that the Tribal officer went out of his way to deliver them to Sheriff Gleason, and that they received no warning about the no trespassing zone. Many of those arrested at the main gate assert that they were enticed over the line and that the officers who were present treated the whole affair like a joke.

According to Trout Lake resident Steve White, he had been invited by members of the Yakama Indian Nation to observe the spiritual ceremony and take part in a peaceful protest. Having no intention of crossing the property barrier, he nonetheless found himself arrested, as was his 17 year old son.

Some local residents expressed outrage at the magnitude of police response, both in terms of manpower and the expense involved, to patrol a peaceful protest. Sheriff Gleason made the usual claim that his office heard rumors that weapons might be involved in the protest.

Jerry "Doc" Dierker, a paralegal for Shawn Newman, an attorney hired by local tribal members to represent them and their non-tribal supporters, filed charges with the U.S. Justice Department the second week of September. The complaint was filed in his capacity of research and investigations director of Media Island International, an Olympia based watchdog group.

And the charges go way beyond "conspiracy to violate the civil rights of persons under Freedom of Religion, Press, Speech and Association", or the use of excessive force.

In a criminal complaint to the Civil Rights Division of the U.S. Department of Justice, Dierker also charges "Racial Hate Crime destruction, theft, and burning of tepees and Native American Long House used for religious ceremonies and Treaty Rights purposes. . ." Dierker asserted that, though Chief Johnny Jackson and others reported the crime immediately to Sheriff Gleason, no action has as yet been taken by Klickitat County officials.

"The longhouse and sweatlodge are sacred. They are our church," says Chief Johnny Jackson. "We go into it to cleanse ourselves, not just to sweat and relax." Warren Spencer, another tribal fisherman and no relation to Henry Spencer, likens the sweatlodge destruction to the desecration of a church.

If officials determine a violation possibly occurred, the Federal Bureau of Investigation will be asked to investigate.

For now Henry Spencer is in control of "The Point." At least until March of 1995. His word, particularly with the support of the Yakama Tribal Council and Sheriff Gleason, is law.

But much has yet to be determined. It has been found that two northwest corners, hundreds of feet apart, have been surveyed for the township of Lyle, the first in 1896 and the second in 1905. And there is some question as to where county property ends and Henry Spencer's begins. And local conservationists and treaty rights supporters raise questions about the county commissioners' moves to approve homes sites within 100 feet of the Columbia, an apparent violation of Washington state law.

CNN had 3 minutes of the confrontation on their Sunday, August 28, 1994 Headline News which ran several times. TBS had five minutes on their Sunday, August 28, 1994, 11:00 PM News. All three network TV stations in Portland, OR, Channels 6, 8, and 12; had reporters and cameras on the scene on August 28. KIRO TV Channel 7 in Seattle Washington also covered the story.

All this exposure has brought so much attention to the situation that things are beginning to happen. A number of lawyers have contacted the support group with offers of "pro bono" assistance, including a Yakama

Indian lawyer and the American Civil Liberties Union. And the Northwest Coalition Against Malicious Harassment is interested in investigating the sweatlodge desecration as a Hate Crime.

Margaret Palmer and Chief Johnny Jackson continue to resist the development of the property at Lyle Point, here referred to as "The Point." As Margaret Palmer says, "As aboriginal people we want to exercise our reserved and inherited right, as we know it, to practice our way of life and our walk of life."

Chief Jackson, in disagreement with the Yakama Tribal Council, says that we need to come together now and act as a body - one body of people. There is to be "no more division, no more Indian versus non-Indian."

For information about the resistance please call or write to:  
Lyle Point Support Group  
P.O. Box 536  
Lyle, Washington, 96655  
(509) 365-5177

**Wes Lawson**  
**Organic Gardening & Maintenance**  
**486-0568**  
P.O. Box 800  
Tolovana Park, OR 97145  
Licensed & Bonded #89168

**We don't want nothing but the Constitution, no more, no less.**  
Dick Gregory



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**In the Spirit of Crazy Horse**  
**March On The US/Canadian Border**  
**A Call for Solidarity—October 17-23**

Leonard Peltier has been in prison for over eighteen years. Even though three appeals by Leonard have disproven the government's case against him, the federal courts refuse to grant him a new trial. The Parole Board, last January, turned Leonard down and stated that he could not come back for another fifteen years. Leonard's fate is now in the hands of the people, for only a strong unified voice from the people demanding that the US government grant clemency will free him now. Leonard is in prison for standing up to the crimes of the US government against the people of the First Nations of this land. The policies of genocide against the First Nations must come to an end, and we are asking that the US government take a bold step for peace and justice and free Leonard Peltier.

We ask for your help in this, not only as a statement of solidarity with the First Nations, but also because Leonard's case is a clear example of the US government suppressing the voice of an activist. As long as the US government keeps Leonard in prison there exists the danger of all social activists, labor, human rights, peace, environmental etc., of ending up in the same place as Leonard.

The Northwest Leonard Peltier Support Network is planning a march on the US/Canadian border in October. US supporters will be marching north to the border and Canadian supporters marching south to the border. We are seeking endorsements from organizations, publications, and groups. This march on the border is a part of the "International Leonard Peltier Solidarity Week", October 17-23, 1994. If you wish to add your voice to this call for support for Leonard Peltier, please fill out the form below and send it back to us. Thank you.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Contact Person \_\_\_\_\_

**March On the Border**  
c/o NW LPSG Network, PO Box 5464  
Tacoma, WA 98415-0464 Phone: (206)-383-9108