

Assembly Hearing Slip

(Please print plainly)

Date: 10/23
Bill No. AB 116
Or
Subject
Steve Harsdorf
(Name)
15 N. State Capitol
(Street Address or Route Number)
(City & Zip Code)
(Representing) Author

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: OCT 23, 1997
Bill No. 116
Or
Subject
Sid Lewis
(Name)
19953 Sterling
(Street Address or Route Number)
Willard WI 54493
(City & Zip Code)
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

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Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: OCT 23 1997
Bill No. AB 116
Or
Subject
Bob Gough (Gof)
(Name)
P.O. 25
(Street Address or Route Number)
Rosebud SD
(City & Zip Code)
Estate of Tasunke Witi
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

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State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
Bill No. 116
Or
Subject _____
Susan Kosmann
(Name)
551 Omaha Rd
(Street Address or Route Number)
Hudson, WI 54016
(City & Zip Code)
~~AAW~~ American Association of University Women
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only;
Neither for nor against:

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Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
Bill No. AB116
Or
Subject _____
Phyllis Towsey Frederick
(Name)
531 High Ridge Rd.
(Street Address or Route Number)
River Falls, WI
(City & Zip Code) 54022
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only;
Neither for nor against:

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Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly

Preliminary
Record of Committee Proceedings

Committee on Consumer Affairs

Assembly Bill 116

Relating to: the right of privacy concerning deceased individuals.

By Representatives Harsdorf, Freese, R. Young, Musser, Notestein, F. Lasee, Kreibich, Schafer, Powers, Wasserman and Gunderson.

February 18, 1997 Referred to committee on Consumer Affairs.

October 23, 1997 **PUBLIC HEARING HELD**

Present: (7) Representatives Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams and Black.
Absent: (1) Representative Hasenohrl.

Appearances for

- Representative Shelia Harsdorf, author
- Sid Lewis, Willard
- Bob Gough, Rosebud, SD, the Estate of Tasunke Witko
- Susan Koosmann, Hudson, American Association of University Women
- Phyllis Tousey Frederick, River Falls

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

Daniel A. Young
Committee Clerk

COMMENTS PREPARED FOR PRESENTATION
BEFORE THE WISCONSIN ASSEMBLY - CONSUMER AFFAIRS COMMITTEE
IN REGARD TO ASSEMBLY BILL 116
AMENDING WISCONSIN STATUTE 895.50(2)(b)

OCTOBER 23, 1997

Establishing Post-Mortem Rights of Publicity:
Protecting the Dead
From Unwarranted Commercial Exploitation
In Advertising and Trade.



Robert P. Gough
Attorney for Estate of Tasunke Witko
P.O. Box 25
Rosebud, SD 57570
(605) 856-2879
rpgough@aol.com

**COMMENTS PREPARED FOR PRESENTATION ON OCTOBER 23, 1997
BEFORE THE WISCONSIN ASSEMBLY - CONSUMER AFFAIRS COMMITTEE
IN REGARD TO ASSEMBLY BILL 116
AMENDING WISCONSIN STATUTE 895.50(2)(b)**

**Establishing Post-Mortem Rights of Publicity:
Protecting the Dead
From Unwarranted Commercial Exploitation
In Advertising and Trade.**

My name is Robert Gough, and I am an attorney from Rosebud, South Dakota. I would like to thank you for the opportunity to appear before this Committee to comment on Assembly Bill 116. My practice has engaged me in issues involving the protection of intangible property rights. For the last several years have been involved in the protection of the personal property rights of Indian people under tribal and state law. Among other clients, I represent the Estate of Tasunke Witko, also known as Crazy Horse, in efforts to halt the unconsented appropriation of his good name and image on a malt liquor labelled: "*The Original Crazy Horse Malt Liquor.*" I have been asked to comment on the Wisconsin legislative proposal contained in Assembly Bill 116.

Wisconsin Statute § 895.50(2)(b):

Wisconsin Statute § 895.50(2)(b) provides for protections against the "invasion of privacy" of the people in Wisconsin by various activities including the unconsented use of peoples names, portraits or pictures in advertising or trade without their written consent. The right protected under this section is commonly called a "right of publicity" because the prohibited behavior involves the unconsented use of the name, portrait or picture in commerce, that is, the name or image is exploited for profit in advertising and trade. Under the current law, this protection is defined as applying only to "living persons" from whom written consent must be obtained for any use in advertising or trade. This means that under § 895.50(2)(b) all living people in Wisconsin have a statutory right to be free from having someone else exploit and profit from the marketing of their name, portrait or picture in trade or advertising without consent. It means simply that you and I and everyone else here in this State have the exclusive right to control the commercial use of our own names, portraits or pictures.

However, under the current law, at the very moment we die, this right to control the commercial use of our own names, portraits or pictures, dies with us. At our last breath, the exclusive right to control the commercial use of our own names, portraits and pictures passes, not to our families, but to anyone. At that moment, our names, portraits or pictures can instantly appear in advertising and trade without any consideration to our previously held thoughts, beliefs, feeling, or reputation, or to those of our families, heirs, successors, assigns or purchasers in good faith, for value.

Proposed Amendment:

Assembly Bill 116 remedies this situation. Simply put, Assembly Bill 116 amends

Wisconsin Statute § 895.50(2)(b) to recognize **post-mortem rights of publicity**, -- the publicity rights of the deceased. Assembly Bill 116 extends to all people, both living and deceased, Wisconsin's existing statutory protections against the "invasion of privacy" by the unconsented use in advertising or trade currently recognized only for the living. Assembly Bill 116 means that in the area of commercial exploitation, when we die, our exclusive right to protect the use of our own names, portraits or pictures, passes not to the world at large, but instead, as part of our estate, to our heirs, successors, assigns or purchasers in good faith, much like any other personal property in our control at our death.

As the attorney for the Estate of Tasunke Witko, Crazy Horse, I have often been asked:

Why hasn't the family patented, copyrighted or trademarked the name of Crazy Horse, and protect in any of those ways?

I might ask, how many people in the Wisconsin legislature have patented, copyrighted, or trademarked your grandparent's names or images, or your own name or image for that matter? I suspect that few, if any, of you have even considered such a thing. And anyone who did, would quickly find out that such protections are simply unavailable to you.

1. PATENTS: Patents exclusive, though temporary, rights pertaining to things, inventions, designs (as in plans or sketches for machines, etc.), processes, but NOT for names. No one on earth can obtain a patent a person's name.

2. COPYRIGHT: Copyright protection is afforded to an author for his or her works or creations for a defined period. Under the Copyright Act of 1976 copyright law extends protection to an author's works or creations to the moment of fixation of the work into tangible form. Thus, the subject matter of copyright protection are an author's tangible works or creations. An individual person's name is not usually considered an author's tangible work or creation, and so would not usually be considered available for copyright protection. Although a portrait or a picture could more easily be considered the work or creation of an author, that author need not be the individual portrayed in the portrait or picture. An artist or photographer could surely have copyright interest in a portrait or picture of his or her own creation, those rights could last through out the course of their life and for a prescribed period of time thereafter. Such rights are not necessarily the same as those held by the model or subject of the portrait or picture, who may have granted their permission for any number of general or specific purposes.

Wisconsin Statute 895.50(2)(b) recognizes the right of a living person represented in portrait or picture to not have his or her personality, as portrayed in the their name, portrait or picture, used in trade or advertising without his or her permission. Assembly Bill 116 continues this same protection for a person after his or her death.

3. TRADEMARK: Trademarks can be, and often are, derived from personal names, although marks can also be designs, logos, brands, pictures, slogans, etc., which designated something used in trade. As to personal names, federal registration for marks which are *primarily merely surnames* is barred under federal law. 15 U.S.C.A. § 1052(e).

However, surnames may incidently be used as a mark in trade if that name has acquired a *secondary meaning*, usually in association with a particular product. For example, Henry Ford could not trademark his surname "Ford" until, through advertising and marketing, the mark "Ford" lost its primary significance as a surname belonging to Henry, and became more closely associated with the product of the Ford Motor Company. So that today, the mark "Ford" can be trademarked in reference to the automobile, but not to person, Henry.

Trademark law can allow for several holders to use the same name or mark on different products sold, or different businesses doing business, in the same area ("Acme Markets" and "Acme Loans"); or on similar or related products or businesses occurring in non-competing geographic areas.

However, the important feature of trademarks, is that they have to be used in trade in order to obtain the status of a trade-marks -- "marks used in trade"! Without Assembly Bill 116, the only protection afforded to people in Wisconsin to protect the use of a decedent's names, via trademark, would have to be the active use of your grandfather or grandmother's name in trade -- in the hopes it acquires a secondary meaning associated with a particular product, and then you must continue to use it, or risk loosing it to abandonment.

Further, trademark rights may be held indefinitely, and can be bought, sold and assigned. They do not expire, as do patents or copyrights after some definite term of years, but can be abandoned by non-use.

Thus, if the family of a deceased person, out of respect or for whatever reason, chooses not to trade on the name (i.e. NOT to use it IN TRADE or COMMERCE), they can NEVER obtain a Trademark.

The descendant family of Crazy Horse choose not to use his name is common trade or advertising, and especially not with regard to the manufacture, sale or distribution of a fortified malt liquor. Crazy Horse lived his life opposed to alcohol and the devastating effects it had upon his Indian people. Thus, the family could not obtain a mark for their grandfather's good name on an alcohol product without marketing an alcohol product, and that they will not do.

I have also been asked:

Under legislation such as Assembly Bill 116, what might happen to beer companies using names such as "Samuel Adams", for example? Or, "Dolly Madison" on ice cream, as another name associated with a product in trade?

First, as recognized under federal law, the Estate of Tasunke Witko derives its right to the control of the name and personality of Crazy Horse from the laws of the Lakota people. The Estate's right of publicity has been recognized by the Rosebud Sioux Tribal Court in 1993 in probate, again in a hearing in 1994, and most recently affirmed by the Rosebud Supreme Court in 1996.

Descendible post-mortem rights of publicity have been commonly deemed as property rights belong to the estate of an individual, and are thus subject to the jurisdiction wherein the person was

living at the time of death, that is, where the property resides.

The Wisconsin Legislature is to be commended for the extension of the protection of the names and images of the deceased from unconsented commercial exploitation. As I have stated, the rights of the Estate of Crazy Horse are determined under Lakota law. This action of the Wisconsin Legislature would have no direct bearing on the existence of the Estate's rights. It would, however, clearly allow for the families of deceased Wisconsinites to continue in the control of a loved one's publicity rights after his or her death.

As for "Samuel Adams", I don't know whether any property or licensing rights to that particular name have been assigned under Massachusetts law to the Boston Beer Company, either by Mr. Adams, himself years ago, or subsequently by his descendants, or even whether those beer makers at the Boston Beer Company are, in fact, his descendants. Clearly, his descendants or the buyers of the rights to the name of the historical person Samuel Adams -- the "brewer and patriot" as announced on the label, would have the right to use that name in trade. The same is true for Dolly Madison. And that is how it should be. Just as the descendant's of "Fighting Bob LaFollette" should be able to control the commercial use their ancestor's name, as a reference to the actual historical figure.

As I see it, this law appears designed so that only the heirs, successors, assigns or purchaser in good faith would have rights under the law as amended. If the descendant families have no objections, or are using it themselves, or the rights to the original name have been sold or assigned along with a business, there would no one to bring an action. For example, presumably some one named "Miller" sold his beer company along with his trademark, which included his right of publicity in the name "Miller" on the beer product. His descendants would NOT have any right to object to the current owners of the Miller Brewing Company because they would no longer own the rights to the name in association with that product. Under the property right model, if all the right to the name was previously sold to a non-related third party, there would be none for the Miller heirs to inherit.

Protection for the People of Wisconsin:

The post-mortem right of publicity, as embodied in Assembly Bill 116, is a legal method variously used around this country to protect the commercial use of deceased ancestor's names and images. It fills the growing gap in intellectual property laws governing patents, copyrights and trademarks, in protecting the rights of real people in an increasingly commodified marketplace.

Under commonly ascribed "choice of law" rules applied in many jurisdictions around this country, a court would look to the laws of the jurisdiction of the decedent's domicile at dead to see what rights and protections his or her descendants may have in the control of the commercial exploitation of the decedent's name or image. This Wisconsin Bill would give the people of Wisconsin standing to assert such control throughout the many jurisdictions of the United States.

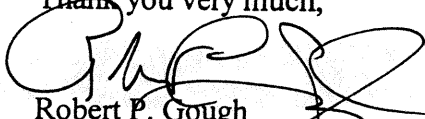
In our market economy, were everything appears available to be bought and sold, it is easy for a prudent business person to buy, sell or license the rights of to names or images of any real living people he or she may wish to use in the commercial context of advertising or trade. As a

business decision, they simply hire models for their advertising photographs, or they contract with individuals for their endorsements. They can become, as this law allows, a "purchaser in good faith of the name, portrait or picture, for value."

Under present Wisconsin law, it is not only easier, but perfectly lawful for someone to merely take the name, portrait or picture of any Wisconsinite, famous or not, from the moment of their death and, without any permission from or consideration for the descendant family, exploit it in advertising or trade on whatever product or products these appropriators may wish. The dead of many other other jurisdictions presently have such rights. And, due to the Full Faith and Credit clause of the United States Constitution, their post-mortem rights, as recognized by the states with jurisdiction over their estates, are enforceable in Wisconsin courts. Today, the dead of Wisconsin have only whatever rights which some other jurisdiction *may* grant them, depending their own laws. Should a court elsewhere decide to look to Wisconsin law to determine the rights of a deceased Wisconsin citizen, they could properly find that the dead and their estates here have no rights.

In Wisconsin, there is apparently no common law right of privacy or right of publicity with regard to commercial appropriation of a persons name or image. Wisconsin § 895.50(2)(b) provides the statutory basis for such rights to the living. As amended, the law would require only that someone who uses the name or image of either a living or a dead person in advertising or trade in Wisconsin, obtain the permission either from the living person, a legal guardian or, in the case of the dead, that person's heirs, successors, assigns or purchasers in good faith. The law needs to extend this right of publicity to protect those who have passed on to us the legacy of their good names and reputations.

Thank you very much,



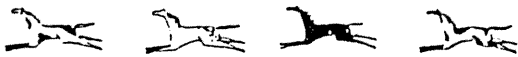
Robert P. Gough
Attorney for Estate of Tasunke Witko
P.O. Box 25
Rosebud, SD 57570
(605) 856-2879
rpwgough@aol.com



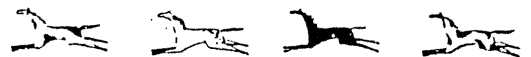
October 18, 1997

Greetings Consumer Affairs Committee Member:
Enclosed are materials for your review as it relates to the Assembly Bill 116. The Crazy Horse Defense Project (CHDP) will forward a letter of introduction following this packet of information. We look forward to addressing the committee on October 23, 1997.

Yolanda E. Maya
CHDP Project Coordinator



CRAZY HORSE DEFENSE PROJECT
at the Neighborhood Justice Center
500 Laurel Avenue
St. Paul, Minnesota 55102
Telephone (612) 222-4703 Facsimile (612) 222-0931



**RESOLUTION TO PROTECT THE NAME OF CRAZY HORSE
AND STOP CULTURAL EXPLOITATION**

WHEREAS the American Association of University Women (AAUW) Association public policy principle for action declares the organization "promotes the social, economic, and physical well being of all persons"

WHEREAS corporate America has a significant influence in determining cultural attitudes, and the marketing of products, which are culturally and historically inaccurate, is misleading, demeans communities of color, and undermines a pluralistic society

WHEREAS alcohol has dramatically impacted American Indian health

WHEREAS the appropriation of the names of revered Indian spiritual and political leaders on alcohol products, without the consent of themselves or their heirs, is an invasion of their privacy, appropriation of their property, and violates the family's right of publicity under the United States Constitution

WHEREAS the appropriation of such names promotes stereotyping that destroys positive images of Indian people, for Indians and non Indians alike, and is especially damaging to young people who have been deprived of Indian culture

WHEREAS the revered Lakota Indian leader, Tasunke Witko, also known as Crazy Horse, spoke out strongly against the use of alcohol and prophesied the destruction it would bring to the Indian nations

WHEREAS under customary Lakota law, the family has the right to protect a deceased ancestor's name and persona for seven generations

WHEREAS the descendants of Crazy Horse and the Crazy Horse Defense Project are committed to protecting the name of Crazy Horse and are working to remove his name from Crazy Horse Malt Liquor produced by Hornell Brewing, Co. and Ferolito, Vultaggio & Sons

NOW THEREFORE

BE IT RESOLVED the American Association of University Women-Wisconsin supports educational efforts to eradicate racism, stereotyping, and cultural exploitation

BE IT RESOLVED the AAUW-WI supports state legislation to prohibit the use of a person's name for commercial purposes without the written permission of the person or the person's heirs

BE IT RESOLVED the AAUW-WI supports the ban of the Crazy Horse name on alcohol products, specifically Crazy Horse Malt Liquor, produced by Hornell Brewing Co. and Ferolito, Vultaggio & Sons

IMPLEMENTATION

1. AAUW-WI supports, at state and local levels, efforts by American Indians to promote positive images
2. AAUW-WI will solicit and maintain resources appropriate to this issue and will make a resource list available to branches
3. AAUW-WI supports Assembly Bill #116 and will contact legislators, including the chair of the Consumer Affairs committee
4. The state will provide updates in "Badger Briefs" on legislative and other activities regarding this issue and will encourage local branches to contact appropriate legislators
5. AAUW-WI branches will be encouraged to notify local merchants regarding its support of the ban on Crazy Horse Malt Liquor and the boycott of Arizona Iced Tea and to make efforts to inform the public about the issue

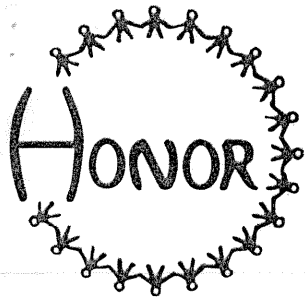
EXPLANATION

The AAUW public policy statement promotes "the social, economic, and physical well being of all persons.. and it is further committed to developing, preserving, and enhancing our pluralistic cultural heritage." The use of symbols, images, or personas on consumer products in a manner that misrepresents, stereotypes, or degrades a person or culture is counter to this policy. The issue surrounding the use of the Crazy Horse name on a malt liquor is especially troubling because it misrepresents this leader's position regarding alcohol use by American Indian people. As a revered spiritual and political leader of the Lakota people, Crazy Horse (Tasunke Witko) denounced alcohol as a destructive influence on the American Indian nations. Crazy Horse Malt Liquor, produced by Hornell Brewing Co. and Ferolito, Vultaggio & Sons, is particularly offensive. With its frontier whiskey bottle packaging and a 5.9 % alcohol content, twice that of regular beer, it promotes the "drunken Indian" stereotype and degrades the image of American Indian culture which may result in a lowered sense of self esteem in both males and females. Furthermore, the destructive effects of alcohol use is noted in a United States Health Report (1979) which states that American Indians have a death rate from alcohol that is about 5 times greater than the rates of the total population. Fetal alcohol syndrome is nearly 20 times greater. It would follow that alcohol use among American Indians has long term consequences affecting social, economic, and family institutions.

Research shows that the Hornell Brewing Co. and Ferolito, Vultaggio & Sons have a history of discriminatory marketing strategies for their malt liquor. It was first introduced in 1986 as Midnight Dragon. Women's groups protested the advertising which showed a woman dressed in a red dress, stockings, and garter. She was sipping the product through a straw with a caption that read, "I could suck on this all night." The product reappeared with a new label, Powermaster, but was removed in 1991 after protests by the African American community. The malt liquor was reintroduced a third time as Crazy Horse Malt Liquor. When the descendants of Crazy Horse requested that the name be removed from the product, the brewers refused. President Bush then signed a bill banning the national sale of alcohol products bearing the name, but the beer company successfully challenged the law in 1993. The twenty-first amendment to the Constitution gives states more controls over liquor regulation than the federal government; therefore, efforts to ban the malt liquor are concentrated at the state level. In Wisconsin, which is one of the states where the product is brewed, a bill introduced in the Assembly in January 1997, seeks to prevent the appropriation of a person's name for commercial purposes without the written permission of that person or his or her heirs.

In California, lawmakers are concerned about the message Crazy Horse Malt Liquor sends to young people who might be attracted to the company's marketing techniques, "There is a strong emphasis in our schools, especially in communities of color, to educate and empower youth through cultural awareness. The use of cultural themes and symbols, including the use of a name sacred to Native American culture to promote the consumption of alcohol, is a disservice to all young people and to Native American young people in particular."

The Crazy Horse Malt Liquor issue is compatible with the goals of AAUW public policy "to protect the rights of individuals to privacy...protection from bias free education and discrimination... and to develop, preserve, and enhance our pluralistic cultural heritage." AAUW's support of this resolution will aid the Crazy Horse Defense Project's commitment to help the relatives of Crazy Horse disassociate his name from alcohol products. In doing so it also promotes corporate social responsibility, educates others about the damage done through stereotypes and negative advertising, works to procure individual dignity, and promotes respect for cultural diversity in America.



To Ban Crazy Horse Malt Liquor in the State of Minnesota

WHEREAS: Honor Our Neighbors Origins and Rights (HONOR, Inc.) is a national human rights organization focused on Native American issues; and

WHEREAS: Two of HONOR Inc.'s five guiding principles are "Conduct ourselves in a manner which is respectful of all people" (Principle # 4), and "Promote intercultural understanding and awareness" (Principle # 5); and

WHEREAS: The devastating effects of alcohol upon American Indian people nationwide, in our neighboring states, and within Minnesota, are well documented, and are a matter of grave concern to Indian people and to HONOR, Inc.; and

WHEREAS: Under the law of the State of Minnesota with regard to the brand registration of intoxicating liquor Section 340A.311(d) reads in relevant part that:

The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader; and

WHEREAS: It is recognized that Section 340.311(d) was passed at the urging, and for the protection, of the rights of Indian Tribes and people as to the unwarranted use of the names, images and personae of American Indian leaders past and present in association or connection with alcoholic beverages; and

WHEREAS: A fortified alcohol beverage called "The Original Crazy Horse Malt Liquor" is produced by Heileman Brewing Company for the Hornell Brewing Company and Ferolito, Vultaggio & Sons of Brooklyn, New York; and

WHEREAS: Another malted alcoholic beverage called "Chief Oshkosh" beer is produced by the Stevens Point Brewing Company for the Mid Coast Brewing Company, Oshkosh, Wisconsin; and

WHEREAS: The names of the respected Lakota political and spiritual leader, Crazy Horse (Tasunke Witko), and of the recognized Menominee Treaty and Hereditary Chief Oshkosh, appear upon labels of the above mentioned alcoholic beverages without the approval, authorization or permission of the named, deceased American Indian leaders or their respective families; and

-Continued-

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Patricia Locke
Hunkpapa Lakota/Anishnabi
Mississippi Band - SD

**Honor Our Neighbors
Origins and Rights, Inc.**

2647 North Stowell Ave.
Milwaukee, WI 53211

Ph: 414-963-1324

Fax: 414-963-0137

WHEREAS: The aforesaid brewing companies and individuals, without permission or authorization, have and continue to purposefully and intentionally misappropriate the good names of Crazy Horse and Chief Oshkosh for the purposes of the commercial exploitation of their names, purported images and personae for the promotion, labeling and sale of malt liquor beverages against the expressed desires and to the detriment of the families, Tribes and Indian and non-Indian peoples; and

WHEREAS: The families of the above named Indian leaders have requested the Minnesota Liquor Commission to take action to the fullest extent of the law to prohibit the use of these names on alcoholic products sold in Minnesota; and

WHEREAS: HONOR, Inc. fully supports the tribes and families seeking the protection of the laws of the State of Minnesota in this matter; and

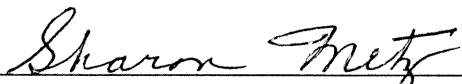
THEREFORE BE IT RESOLVED THAT HONOR, Inc. finds that any statement or implication as to an association or connection between the actual named American Indian leaders depicted by name or image on "Crazy Horse Malt Liquor" and "Chief Oshkosh" beer, and said labels are unquestionably false and misleading in every respect; and

BE IT FURTHER RESOLVED THAT HONOR, Inc. hereby supports the Estate of Tasunke Witko and the Oshkosh family in taking the necessary legal action to secure respect for their rights under the law, and further supports the efforts of the state of Minnesota, Department of Public Safety, Liquor Control Commission, in seeking full enforcement of the Minnesota Brand Registration Statute Section 340.311; and

BE IT FURTHER RESOLVED THAT HONOR, Inc. joins with the Crazy Horse Defense Project in rallying public sentiment and support.

CERTIFICATION

We do hereby certify that this resolution was duly presented and acted upon by a vote 6 FOR and 0 AGAINST, 0 ABSTAIN, a quorum present, at a meeting held on 22nd day of April, 1995.



Sharon Metz, President
HONOR Board of Directors

Resolved...That the Episcopal Church asserts the need for special attention to the continuing widespread exploitation, misuse and abuse of the cultures, symbols, identities, personalities and spirituality of individuals, tribes and nations indigenous to the Western Hemisphere, by some popular sports franchises, members of the beverage, advertising, retail and automotive industries, and others; and be it further

Resolved, That in response, the Episcopal Church will join and lead in initiatives against such practices, through persuasion and negotiation where potentially effective, but also through public economic boycotts of offending enterprises, their products and their stock and, in appropriate circumstances, support of legislation; and be it further

Resolved, That as an expression of this policy, the Episcopal Church endorses initiatives by the Crazy Horse Defense Project and other organizations to halt the commercial exploitation of Native Americans; and be it further

Resolved, That the Episcopal Church calls upon all of its members to join in public policy initiatives opposing exploitation and in boycotting products of companies which abuse the principles and values of Native American culture; especially Crazy Horse Malt Liquor and Arizona Iced Tea products, which are produced by Ferolito, Vultaggio & Sons, Hornell Brewing Company, the Stroh Brewing Company, and the G. Heileman Brewing Company.

EXPLANATION

Images, identities, negative stereotypes, symbols and revered spiritual practices of the original residents of this hemisphere continue to be exploited for commercial purposes by important economic institutions including major league sports teams and breweries. Some institutions have changed: Many high schools have dropped offensive names or mascots, and some sports editors have discontinued use of the negative stereotype celebrated by the Washington NFL franchise.

Commercial exploitation often is defended as honoring rather than defaming Native Americans, but transforming identities into mascots invariably is offensive to many of the people so characterized. It is doubly offensive when the object is a historic personality appropriated without consulting heirs, such as the current stereotyping of the personal identity of the revered American hero and Lakota spiritual and political leader, Tasunke Witko, popularly known as Crazy Horse.

Hornell Brewing Company, under the ownership of John Ferolito and Don Vultaggio, and its associated brewers, bottlers and marketers, including Stroh and Heilemann breweries, have misappropriated the name of Crazy Horse persistently since 1990, successfully resisting efforts in Congress, some state legislatures, courts and regulatory bodies to halt their action.

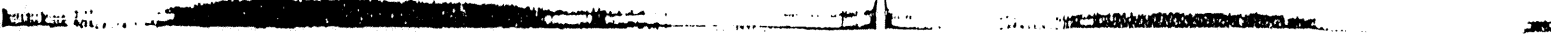
The misuse of his name on a cheap malt liquor is particularly offensive to the memory, the descendants and the culture of Crazy Horse who is remembered as having warned his people specifically against the use of intoxicating beverages. This is an especially destructive influence on young Native American people.

Attempts are continuing to construct a public legislative solution that will withstand court tests, and a lawsuit is proceeding in behalf of Tasunke Witko's descendants, but a popular economic initiative against the offending companies might be most influential. Moreover, the moral support of the church for such efforts is important to the integrity of our faith.

Resolutions supporting the Crazy Horse Defense Project, including the boycott of associated products, have been endorsed since 1992 by numerous secular and religious groups including the Minnesota Council of Churches, the United

Church of Christ Council of American Indian Ministries, the Northeastern and Northwestern Minnesota Synods of the ELCA, the Hamline University School of Law in St. Paul, and the Offices of Attorneys General of the States of Washington and Minnesota.

This resolution grew out of 1996 Province VI Justice, Peace and the Integrity of Creation workshops, and was affirmed at the 1997 Episcopal Justice Summit.



BIG CROW'S FIRST STAND



GLOBE PHOTO / JOHN BOHN

Seth Big Crow, left, is a descendant of legendary Sioux leader Crazy Horse. Crazy Horse died at age 35 after being stabbed by a soldier while in custody. His image was never captured by photographers or artists. With Big Crow is his lawyer, Robert Gough.

Descendant of

Crazy Horse

goes public

to keep legendary

warrior's name

off high-octane

beer

By Meg Vailancourt
GLOBE STAFF

CAMBRIDGE — More than a century after Crazy Horse defeated Gen. George Custer at Little Big Horn, the Sioux warrior's grand-nephew is leading the charge in a new battle — to banish Crazy Horse's name from beer bottles.

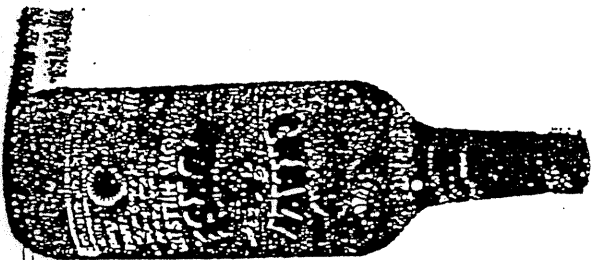
Offended by the use of his revered ancestor's name to sell a powerful malt liquor, Seth Big Crow Sr. has taken the beer company to court.

Crazy Horse did not drink and warn of the devastating effects alcohol would have on his people, Big Crow said. "Crazy Horse protected our family and

nation back then. So I felt I had to protect him today," he said. In town to listen as Harvard Law School students used his case in "moot court" exercises, he also asked New England tribal leaders to join his battle.

It's a battle Big Crow thought had been won. Pressured by critics of the brew — including then-US Surgeon General Antonia Novello, US Sens. Thomas Daschle of South Dakota and Bob Kerrey of Nebraska, and US Rep. Joseph P. Kennedy Jr. of Massachusetts — Congress voted to ban the label in 1992.

The beer entrepreneurs, two former beer truck drivers from Brooklyn, who have since struck it rich with ArZona Ice Tea, fought back, legally blocking the ban before it went into effect. Their company, Hornell Brewing Co., is based in New York City. **CRAZY HORSE, Page A01**



GLOBE STAFF PHOTO / DAINE BARROS

Descendant fights to keep Crazy Horse name off beer

RAZY HORSE

Continued from Page A35

of Brooklyn, N.Y., argued the infringement on their right to free speech. A federal judge agreed and returned the ban, declaring it unconstitutional.

Hornell's attorney in the case said the decision was a strike against efforts to suppress speech and legislate "political correctness."

"People have a right to be offended and can display their dissatisfaction by not buying the product," said Lawrence I. Fox, a New York lawyer who represented Hornell. "It isn't a legitimate government action to protect people from what they deem offensive."

Many Native Americans do consider the name offensive or, at the very least, inappropriate. According to a federal study, Native Americans suffer an alcoholism rate up to six times that of the general population. The incidence of fetal alcohol syndrome is nearly 20 times greater among Native Americans.

Big Crow himself is a recovering alcoholic. Now 56, he began drinking as a teen-ager and quit "on Nov. 26, '94."

"My life is very different now," said in a recent interview during a Harvard visit. "But many on the reservation, including my own family members, are still struggling with alcohol. It has been very, very destructive to our people."

Big Crow doesn't look like a modern-day Carrie Nation. Dressed usually in jeans, a plaid shirt and cowboy boots, he walks slowly, the result of an accident that left him with an artificial leg. His voice is low, softened in part by the strain of a war he made to respect Crazy Horse's memory more than 40 years ago.

"I was told that I was related to Crazy Horse by my grandfather when I was about 12 years old," he said. "But he told me never to speak it to any outsiders. I never did."

Big Crow's grandfather explained that not mentioning his ancestor's name was a family tradition meant to honor Crazy Horse and to protect his family and descendants from enemies.

For 42 years, Big Crow said, he never broke the vow. He didn't even tell his wife until a few years ago, and then only after she discovered the connection on her own when the *Kota Times* printed an article on Crazy Horse's genealogy.

He didn't tell the world until 1992, when, he says, a beer made him break his vow.

"In a spiritual sense, I can never come home again," Big Crow said. "I'm

a changed man. I broke a traditional silence."

The men who invented The Original Crazy Horse Malt Liquor insist it's a tribute, saying they never meant to offend anyone. But this is not their first experience with incendiary marketing.

Don Vultaggio and John Ferolito first made national headlines with a

'Crazy Horse
protected our
family and nation
back then. So I felt
I had to protect
him today.'

SETH BIG-CROW SR.

beer they introduced in 1986 called Midnight Dragon. Posters distributed to Dragon wholesalers featured a woman in a red dress, stockings and a garter sipping the product through a straw with the caption: "I could suck this all night."

Women's groups protested. Ferolito defended the poster by saying that few women drink malt liquor. "Real men like sex and sex sells beer," he told the *Wall Street Journal* at the time.

In the end, the poster was retired, but the controversy got crucial media attention - a big advantage for a small company struggling to break into a competitive business. The Crazy Horse label had a similar effect.

"They had no money and were trying to stand out," said Mark Rodman, a Massachusetts consultant hired to provide the beer owners with advice on the Crazy Horse controversy. "Their history of exploitive marketing can't be ignored in this."

Vultaggio and Ferolito created Crazy Horse beer in 1992, inspired, their former consultant says, by Kevin Costner's film "Dances With Wolves."

It was a hit with young urban males - especially, press reports noted, young, urban, minority males who prized its high-octane kick and 40-ounce size and the malt taste.

The big Crazy Horse bottles feature a Native American in head-dress. The text refers to "blue-clad pony soldiers" and "a land where the wailful winds whisper of Sitting Bull, Crazy Horse and Cu-

ter."

The beer's creators said the name celebrated the American West. Afterward, they introduced a Jim Bowie beer.

The Oglala Sioux, other Native Americans, and their supporters, called Crazy Horse beer demeaning, even racist. During a debate on the subject in Minnesota, a lawmaker in that state asked rhetorically: "After all, what would people think if they saw Martin Luther King Dark Ale?"

Finally, Big Crow decided to step out of the shadows.

"I'd been listening to people seated right next to me saying: 'Where are Crazy Horse's descendants? Why won't they stand up for him?' And I couldn't acknowledge who I really was," Big Crow said. "Finally, after efforts by others failed, I knew I had to stand up."

Only family members had standing to sue. In Lakota culture, Big Crow said, lineage is traced back through the mother, and aunts and mothers can be given similar status.

A member of the Rosebud Lakota Sioux tribe also known as Sincangu, Big Crow is descended from one of Crazy Horse's mother's sisters. A grand-nephew by the Anglo-Saxon definition, tribal traditions allow Big Crow to call himself a grandson.

While several tribes claim Crazy Horse as ancestor, Big Crow is also the court-appointed executor to the Crazy Horse estate.

"I hope he would understand why I broke my silence," Big Crow said, before returning to his home on South Dakota's Rosebud Reservation in one of the poorest counties in the country.

The beer entrepreneurs (technically, they are not brewers as a subcontractor does the brewing) point out that many products use the name Crazy Horse. It's attached to everything from clothing and spring water to bars in Washington and Paris.

Big Crow's attorney, Robert Gough of South Dakota, shoots back that most other labels feature a picture of a white horse rearing back - a literal "crazy" horse.

According to marketing consultant Mark Rodman of Swampscott, the key to the beer's early success was its large size and distinctive packaging (it resembles a whiskey bottle) - not its name. So why not change the label?

"The two owners were fighting for what they thought was right," Hornell spokeswoman Francie Patton offered. With a laugh, she added: "Maybe Crazy Horse might have

been proud of them - called them warriors."

Maybe. The beer was effectively banned in Washington state and Minnesota. In Minnesota, lawmakers did so by amending liquor-labeling laws to prohibit any name that misleads buyers by implying a connection to an actual American Indian leader, living or dead. Hornell is challenging the state's ban on their product. When the case is heard before an administrative law judge in January, Big Crow expects to testify in support of the law.

In the meantime, Crazy Horse beer continues to be sold in Minnesota. It was never sold in Washington.

Big Crow filed his own complaint in Rosebud Sioux Tribal Court in August 1993, charging Hornell with breaching the Crazy Horse estate's right to property and "right to publicity." He and other heirs, who remain unnamed, sought the profits from the brew in addition to a name change and the traditional Native American compensation of horses, tobacco, and Pendleton blankets.

But the beer isn't sold on the Rosebud reservation - or anywhere in South Dakota. The tribal court, which has the same force of law as regular courts, recently threw out the case, saying it lacked jurisdiction.

"The fact that the case was brought seeking millions of dollars in damages and not merely to stop the use of the name Crazy Horse certainly raises in my mind the true motivation," Hornell's attorney Fox said.

Gough replied: "They're using Crazy Horse's name to make money. So asking for damages is simply speaking a language these businessmen understand and respect."

Meanwhile, Big Crow, who supports what he sees as obvious Crazy Horse tributes - for instance, artists are currently creating a Crazy Horse sculpture on a South Dakota mountainside - is considering appealing the tribal court's decision.

"I will fight it state by state if I have to," he said. "And if for some reason I don't make it, another family member will step forward and continue the fight after me somehow. We will never give up."

UPPER SIOUX COMMUNITY

BOARD OF TRUSTEES

P.O. BOX 147

GRANITE FALLS,

MINNESOTA 56241

TELEPHONE (612) 564-2360

FAX (612) 564-3264

RESOLUTION NO 18-95

PEJUHUTA ZIZI OYATE

WHEREAS, The Upper Sioux Community of Granite Falls, MN. is a federally recognized Indian Community possessing the powers of self-government and self-determination, and is governed by the Provisions for Governing the Upper Sioux Community; and

WHEREAS, The Upper Sioux Community has an elected governing body called the Upper Sioux Board of Trustees which is empowered by the Tribal Provisions to act on behalf of the members of the Upper Sioux Community; and

WHEREAS, The devastating effects of alcohol upon American Indian people nationwide, in our neighboring states, and within Minnesota, are well documented, and are a matter of grave concern to Indian people and to the Upper Sioux Community; and

WHEREAS, Under the law of the State of Minnesota with regard to the brand registration of intoxicating liquor, Sec. 340A.311(d) reads in relevant part that:

The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor already registered, if the brand label states or implies in a false or misleading manner a connection with a actual living or dead American Indian Leader.

WHEREAS, It is recognized that Sec. 340.311(d) was passed at the urging, and for the protection of the rights of Indian Tribes and people as to the unwarranted use of names, images and personae of American Indian leaders past and present in association or connection with alcohol beverages; and

WHEREAS, A fortified alcohol beverage called "The Original Crazy Horse Malt Liquor" is produced by Heileman Brewing Company for the Hornell Brewing Company and Ferolito, Vultaggio & Sons of Brooklyn, New York; and

WHEREAS, Another malted alcoholic beverage called "Chief Oshkosh" beer is produced by the Stevens Point Brewing Company for the Mid-Coast brewing Company, Oshkosh, Wisconsin, and

WHEREAS, The names of the respected Lakota political and spiritual leader, Crazy Horse (Tasunke Witko), and of the recognized Menominee Treaty and Hereditary Chief Oshkosh, appear upon the labels of the above mentioned alcoholic beverages without the approval, authorization or permission of the named, deceased American Indian leaders or their respective families; and

WHEREAS, The aforesaid brewing companies and individuals, without permission or authorization, have and continue to purposefully and intentionally misappropriate the good names of Crazy Horse and Chief Oshkosh for the purposes of the commercial exploitation of their names, purported images, and the personae for the promotion, labeling and sale of malt liquor beverages against the expressed desires and to the detriment of the families, Tribes and Indian and non-Indian peoples; and

WHEREAS, The families of the above named Indian leaders have requested the Minnesota Liquor Commissioner to take action to the fullest extent of the law to prohibit the use of these names on alcohol products sold in Minnesota; and

WHEREAS, The Upper Sioux Community fully supports the Tribes and families seeking the protection of the laws of the State of Minnesota in this matter; and

WHEREAS, The Crazy Horse defense Project seeks to provide public education and support for the protection of cultural rights with the regard to the appropriation of native culture for profit.

THEREFORE BE IT RESOLVED, That the Upper Sioux Community finds that any statement or implication as to an association or connection between the actual named American Indian Leaders depicted by name or image on "The Crazy Horse Malt Liquor" and "Chief Oshkosh" beer, and said labels is unquestionably false and misleading in every respect;

BE IT FURTHER RESOLVED, That the Upper Sioux Community hereby supports the Estate of Tasunke Witko and the Oshkosh family in taking the necessary legal action to secure respect for their rights under the law, and further supports the efforts of the State of Minnesota, Department of Public Safety, Liquor Control Commission, in seeking full enforcement of the Minnesota Brand Registration Statute 340.311.

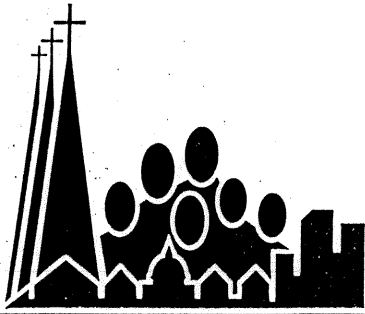
BE IT FURTHER RESOLVED, that the Upper Sioux Community joins with the Crazy Horse Defense Project in rallying public sentiment and support.

CERTIFICATION

We, the undersigned members of the Board of Trustees, do hereby certify that the foregoing Resolution No. 18-95 was duly adopted and approved on May 3, 1995 by a vote of Three (3) for, Zero (0) against and Zero (0) abstained.

Gerald Blue
Gerald Blue, Acting Chairman
Upper Sioux Board of Trustees

Lynn Blue
Lynn Blue, Tribal Treasurer
Upper Sioux Board of Trustees



Saint Paul Area Council of Churches

1671 Summit Avenue • Saint Paul, MN 55105-1884 • (612) 646-8805 • FAX: 646-6866

OCT 8

October 1, 1996

Crazy Horse Defense Project
Neighborhood Justice Center
500 Laurel Avenue
St. Paul, MN 55102

Dear Staff of the Crazy Horse Defense Project:

First of all I want to commend you for your work on the issue of the use of the name Crazy Horse in the marketing of alcoholic beverages.

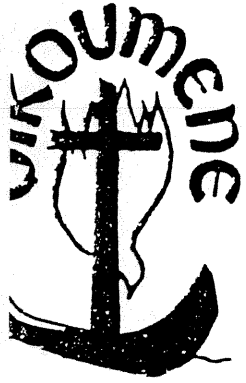
The Board of Directors of the St. Paul Area Council of Churches passed a resolution in 1994 in opposition to such name use, and has communicated with the distributors of the product our objection. We read with interest the article in the *Pioneer Press* on September 18 about the revocation of the ban on Crazy Horse Malt Liquor. We were disappointed to see this ruling, but want you to know that we would be glad to communicate our position on this matter at such time as you see fit. We are assuming that you will be continuing in the work to find a way to end the offensive marketing. We would appreciate being kept informed of any progress on this matter, and any way in which we could express our position on the matter.

Thank you again.

Sincerely,

Tom Duke
Executive Director

SEPTEMBER, 1995



The Minnesota MESSENGER

minnesota council of churches

A COMMUNITY OF COMMUNIONS WHO CONFESS JESUS CHRIST AS LORD AND SAVIOUR
SEEKING TO MANIFEST WITHIN THE STATE OF MINNESOTA THE UNITY OF THE CHURCH IN CHRIST

Minnesota Council of Churches Joins Crazy Horse Defense Project in MN

In a recent board action, the Minnesota Council of Churches joined with the Crazy Horse Defense Project to rally public sentiment and support among Minnesota communities of faith to take action to prohibit use of Indian names on alcohol products sold in Minnesota.

There is already a Minnesota law that reads in part: "The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader."

Currently, there is a fortified alcohol beverage called "The Original Crazy Horse Malt Liquor," produced by Heileman Brewing Company for the Hornell Brewing Company; and another malted alcoholic beverage called "Chief Oshkosh" beer, produced by the Stevens Point Brewing Company for the Mid-Coast Brewing Company, in Oshkosh, Wisconsin.

The names of the respected Lakota political and spiritual leader, Crazy Horse (Tasunke Witko), and of the recognized Menominee Treaty and Hereditary Chief Oshkosh, appear upon labels of the beverages mentioned without the approval, authorization or permission of the named, deceased American Indian leaders or their respective families.

The brewing companies continue to intentionally misappropriate the names of Crazy Horse and Chief Oshkoh for the purposes of commercial exploitation of their names, purported images and identity against the expressed desires and to the detriment of the families, Tribes and Indian and non-Indian peoples.

The families of the Indian leaders have requested the Minnesota Liquor Commissioner to take action to prohibit the use of the names on alcohol products sold in Minnesota, and in its resolution, the MCC board fully affirms the Tribes and families seeking the protection of the laws of Minnesota in the matter.

Wisconsin News

Defense Project fights to keep Crazy Horse name off beer

By Judy Wiff

It's a matter of respect and misrepresentation, say two River Falls women, who are among those fighting against the use of an Indian spiritual leader's name to market a malt liquor.

Two weeks ago the Minnesota Court of Appeals revoked a ban on the sale of Crazy Horse Malt Liquor, saying the Minnesota law violated the U.S. Constitution's guarantee of free speech. Phyllis Tousey Frederick and Susan Koosmann, both of River Falls, said the court missed the point.

Frederick, an attorney with the Neighborhood Justice Center in St. Paul, is national coordinator of the Crazy Horse Defense Project. Koosmann, a teacher working on her graduate degree at UW-River Falls, is the Defense Project's coordinator for western Wisconsin.

The Defense Project is asking consumers to boycott Crazy Horse Malt Liquor and Arizona Iced Tea, a more popular product made by the same company. The Hornell Brewing Company of Brooklyn, N.Y., produces both, but both the malt liquor and the tea are manufactured by G. Heileman Brewing Company of LaCrosse.

"The connection between Crazy Horse and alcohol is wrong," said Koosmann.

"He was a real, living spiritual leader."

The Lakota chief Tasunke Witko, Crazy Horse in English, was killed at Fort Robinson, Neb., in 1877. His heirs and other groups say he warned against the use of alcohol, predicting it would destroy the American Indian community.

"The First Amendment does not allow you to lie and doesn't permit stealing," said Frederick after the Court of Appeals decision. "When you take a name or image or persona and then you use it to trade in commerce, that's a different issue. That's not free speech."

Frederick is a member of the Brotherton Indians of Wisconsin. At the request of the extended family of Tasunke Witko, she helped found the Defense Project four years ago. Koosmann, who was Frederick's roommate at UW-



PHYLLIS TOUSEY FREDERICK



SUSAN KOOSMANN

RF, is a more recent convert to the cause.

"At some point each person needs to take a stand on something you feel strongly about," said Koosmann.

"Do you have the freedom to misrepresent something?" she asked. The label on the bottle implies a connection between Crazy Horse and drinking, and his family has brought suit opposing the use of his name.

"This is offensive. That's not the issue," said Frederick. She said

said Frederick.

She said that in her work with the Defense Project, she showed a bottle of the malt liquor to members of the Lakota nation.

"Some people at the very sight of it started weeping," said Frederick, explaining that the Lakota see time in a different perspective, and to them Tasunke Witko still is a presence. "This is defamation of the spirit," said Frederick. "It is not a concept that is in Anglo law."

"People are willing once they know what the issue is, to take a responsible position," said Frederick. She said she talked

"The connection between Crazy Horse and alcohol is wrong."

—Susan Koosmann

the point is that Hornell shouldn't be using false and misleading labeling to make a profit.

Frederick said brewing company representatives claimed they used the Crazy Horse name without seeking his family's permission because they never imagined he might have living descendants.

"That's a combination of ignorance and racism," said Frederick.

She said that checking history books would have been a start to finding heirs.

Crazy Horse's descendants have been bound by tradition to be silent, said Frederick. "In traditional Lakota culture you would not mention the name of Crazy Horse out of respect, and if you were a relative of his, you would not say you were."

His burial place was kept secret, and members of each generation, as they came of age, were instructed not to talk about him,

to two local liquor store managers, and both agreed to remove Crazy Horse from their shelves.

The Minnesota law challenged in the Court of Appeals allows the state to reject or revoke registration of a malt liquor brand label if it states or implies a false or misleading connection with an actual American Indian leader, living or dead. The state ordered Crazy Horse banned in late 1995.

The ruling was stayed for 30 days, until attorneys for Crazy Horse's state decide whether or not to appeal the decision. Until then the liquor can't be sold in Minnesota.

A similar matter is pending in tribal courts in South Dakota, and Washington state has banned the beverage. Three years ago a federal court in New York struck down a similar ban passed by the U.S. Congress.

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 FIREWATER: Crazy Horse's descendants fight to keep the
 name off malt liquor bottles. *By Dalton Jones*
 • 78 HAIL TO THE CHIEF: Q&A with Wilma Mankiller, former
 chief of the Cherokee nation. *By Rebecca Walker*

Firewater

A century after Little Bighorn, the modern-day descendants of Crazy Horse are fighting old battles with new adversaries. *By Dalton Jones*

The Lakota Sioux know him as T'sunka Witko. Others know him simply as Crazy Horse.

Crazy Horse is most famous for leaving the bones of Lt. Colonel George Armstrong Custer and his U.S. Seventh Cavalry out to bleach beside the Little Bighorn River in 1876. A year later, Crazy Horse's starving troops were forced to surrender, but his significance to Native Americans runs much deeper than his role as a military strategist. Apart from his mighty efforts to retain control of South Dakota's mineral-rich Black Hills, the legendary warrior had a long history of battling to preserve traditional Native American ways of life. For native peoples—particularly those of the Lakota Sioux nation—it's his legacy as a defender of native culture that makes Crazy Horse one of their most revered ancestors.

Now, this legacy is being challenged on a new front. In 1992 a team of beverage makers joined forces to produce 40-ounce bottles of malt liquor bearing the name and supposed likeness of the Native American hero (who had never allowed himself to be photographed). Today, Crazy Horse's descendants are waging legal warfare to try to stop the supabrew from using his name. Though Crazy Horse's relatives have no intention of abandoning their five-year battle, their adversaries—G. Heileman Brewing Company and Perolito Vultaggio & Sons, owners of the Hornell Brewing Company and makers also of Arizona Iced Tea—are large and well funded.

How powerful are these companies? In 1992 Congress passed an amendment, signed by President George Bush (a man not known for political correctness), that banned the use of Crazy Horse's name on any alcoholic beverage. Months later, the law was repealed after Hornell filed suit against the government on First Amendment grounds. "We didn't know what could be done to prevent this malt liquor from being sold," says Robert Gough, the lawyer for the Crazy Horse estate. "Congress couldn't do it; the President couldn't do it. If nothing else, the family has the right to uphold the dignity of the name." It's a legal dispute that goes to the very heart of the struggle to maintain Native American culture and self-determination. It's hard to imagine a stereo-

type more pernicious than the drunk Indian—especially since firewater was introduced to this country by white settlers—or a case where corporate power was being wielded to perpetrate a more blatant stereotype. Fifty-nine-year-old Seth Big Crow (whose grandfather was Crazy Horse's cousin) feels so strongly about the cause that he has broken a traditional code of silence and chosen to speak out publicly. "The biggest insult of all," says Mr. Big Crow, "is putting [Crazy Horse] on a liquor bottle. He represented a position against alcohol. He spoke out against it."

While Crazy Horse's estate considers the use of his name a particularly disrespectful form of corporate piracy, the brewers call it a free-speech issue. "Crazy Horse died in the 1870s, and there are literally millions of products with his name on them, ranging from saloons and strip joints to chewing gum," says Lawrence Fox, the lawyer for Perolito



Vultaggio & Sons. "The name is the most frequently used symbol to associate products with the Old West." But for the families of the Crazy Horse estate, that is precisely the point. Constant misuse of their ancestor's name has motivated them to draw a line in the sand. "We're the only ethnic group I know of that are just treated as public domain," says Big Crow. "Whatever we have, and whatever we represent, they come in and take it as they please."

Their struggle has been complicated by the fact that the Lakota Sioux, like other sovereign native nations, have their own legal system. Determining who gets to decide this dispute has been difficult. For the past five years, the case has bounced back and forth between federal and tribal courts. Gough believes that U.S. authorities are reluctant to set any larger precedents. "There has been a great hesitancy in the mainstream population to see non-Indians be accountable before an Indian court." Gough says that tribal courts have no criminal jurisdiction over non-Natives who commit crimes on reservations, but the question of civil jurisdiction

has yet to be tested.

Later this year, the Eighth Circuit Court of Appeals may begin to hear arguments in this lengthy judicial battle. In the meantime, activists have organized a boycott as alcohol continues to devastate the Native American community—in which the rate of alcoholism is six times the national average. "They say, 'We don't sell it on the reservation,'" says Gough, "but today, half the people identified as tribal members live just outside reservations in urban areas like Phoenix, Denver, and Chicago." It is precisely these cities that have been flooded with cheap, potent malt liquors like Crazy Horse.

Ron Daniels, executive director of the Center for Constitutional Rights in Washington, D.C., and a longtime African-American activist, believes that the common issue of alcohol abuse and liquor marketing should bring blacks and Native Americans together. He notes that most African-Americans don't even

know that there's a Crazy Horse malt liquor controversy, undercutting support for an effective boycott. Daniels believes that joint black-Native American grassroots organizations could have a real impact. But, as he puts it, "Both sides are so incredibly under siege that very often we can't come up for air long enough to see that we're swimming in the same endangered lake."

This "lake" includes shared issues of poverty: unemployment, inadequate health care, environmental pollution, subpar educational systems, and youth violence. But blacks and Native Americans share something else: a common history of resistance

to exploitation by the dominant American society—as well as a gene pool. "Probably forty percent of African-Americans are actually Afro-indigenous," says Daniels. "We need to carry that history because indigenous people took us in when others would not take us in; they fought wars rather than submit to the fugitive slave laws."

As one of the organizers of the Million Man March, Daniels invited Big Crow and Gough to address the premarch leadership conference. "What can a million people do?" Gough told them. "They've got the power of the pocketbook. They can march into those liquor stores and say, 'You're ripping off Indian culture to sell malt liquor. This is racist; we don't want this in our communities.'"

POWER

Crazy Horse project opens public affairs series

eer companies don't believe in defamation of spirit," said attorney Phyllis Tousey Frederick, "but they do believe in money—so that's why we're arguing in terms of money."

Frederick, who is national coordinator of the Twin Cities-based Crazy Horse Defense Project (CHDP), spoke at the Division of Indian Work's first Public Affairs Forum on April 23. She outlined the project's three-year effort to have the name of the famed Lakota spiritual and political leader removed from containers of malt liquor. Sold in over 40 states, the high-alcohol Original Crazy Horse Malt Liquor is packaged in replicas of a frontier whiskey bottle. The label promotes stereotyped images of Indians and the wild west.

Crazy Horse never drank alcohol, Frederick explained. A deeply religious man, he spoke out strongly against its use and prophesied devastation by alcohol for the Indian nations, she said.

Labeling alcohol with the name of Crazy Horse—*Tasunke Witko* in Lakota—is offensive to his South Dakota heirs, Frederick said, and they never gave the brewers permission for its use. They feel that the product label is unauthorized and misleading and therefore is in violation of a 1994 Minnesota statute. The brewers and their sympathizers see it as a free speech issue.

CHDP supporters fear the well-funded brewers ultimately may defeat them through lengthy and expen-

"Labeling alcohol with the name of Crazy Horse—Tasunke Witko in Lakota—is offensive to his South Dakota heirs, and they never gave the brewers permission for its use."

sive court struggles. They are appealing for donations to pursue their case. To exert economic pressure, CHDP is boycotting the malt liquor. Now the project has begun boycotting the popular Arizona Iced Tea, which, Frederick said, is produced by Ferolito, Vultaggio & Sons, who own the Hornell Brewing Company in Brooklyn, New York. Both brew and tea actually are manufactured by G. Heileman Brewing Company of Lacrosse, Wisconsin, under contract to Hornell.

Frederick is an enrolled

member of the Brotherton Indians of Wisconsin, cousins to the Stockbridge and Oneida. At the request of the *tiospaye* (extended family) of Tasunke Witko, she cofounded CHDP in 1993. She intends to broaden the project's base of support and funding by forming support groups in churches and community organizations. CHDP is endorsed by the Greater Minneapolis Council of Churches. For information, contact Frederick at 715-425-0004, fax 425-7000, or write CHDP at 2306 Rockwood Ave., St. Paul MN 55116.

The Public Affairs Committee of the DIW Board of Directors plans an ongoing series of public forums. For further information, contact Diana Cross at 612-722-8722, ext. 115.



Phyllis Tousey Frederick (center) displays a bottle of Original Crazy Horse Malt Liquor, packaged in a replica frontier whiskey bottle. DIW board members Mariana Shulstad (left) and Cecilee Faster (right), from the Public Affairs Committee, hold bottles of Arizona Iced Tea and Chief Oshkosh beer, another example of questionable labeling.

Malt liquor trademark rejected as 'offensive'

SIOUX FALLS (AP) - Federal officials have denied a trademark for Crazy Horse Malt Liquor. This is the latest blow to a beverage which has been criticized by American Indians since its introduction three years ago.

Naming the beverage after the Sioux warrior and spiritual leader is insulting, Commerce Department lawyer Kathryn Erskine wrote last month in denying the trademark.

"Using the name of the great leader on beer is particularly offensive, not just as crass commercialization of his persona, but because it undermines his teachings and demeans his reputation as a spiritual leader," Ms. Erskine wrote.

Crazy Horse Malt Liquor is brewed by the G. Heileman Brewing Co. and distributed by the Hornell Brewing Co. of New York.

his New York office.

Company officials have said they meant no offense to American Indians. Hornell Chairman Don Vultaggio has said the name refers to the Crazy Horse

persona created in Hollywood, not the actual historical figure.

Ms. Erskine rejected those arguments and the company's bid for trademark protection on July 24.

"Use of the name Crazy Horse as a trademark on 'a cheap drunk' is an anathema to many (Sioux) people because it degrades and dehumanizes an important historical leader to the level of a derisive stereotypical figure 'created in Hollywood,'" Ms. Erskine wrote.

Denial of the trademark means Hornell would have a harder time defending the label from copying by

'U sing the name of the great leader on beer is particularly offensive, not just as crass commercialization of his persona, but because it undermines his teachings and demeans his reputation as a spiritual leader.

— Kathryn Erskine
COMMERCE DEPARTMENT

competitors, said Robert Gough, an attorney for the Crazy Horse estate in Rosebud.

The ruling does not prevent the company from selling the beer, however. The Rosebud Sioux Tribal

Please see **Trademark B3**



Trademark: 'a crass commercialization'

From B1

Court has appointed Seth Big Crow Sr., a distant relative of Crazy Horse, as administrator of the estate. Mr. Big Crow said he was pleased with the denial. "The names of our grandfathers deserve respect and protection," Mr. Big Crow said in a release. "Maybe these beer makers will finally get the message."

Final arguments were due Aug. 1 in a battle over the beer label in Minnesota. An administrative law judge is considering Hornell's appeal of a state ruling that would ban sales of Crazy Horse Malt Liquor. The ruling would enforce a 1994 Minnesota law barring the use of Indian leaders' names on alcoholic beverages.

Mr. Gough said he and Mr. Big Crow tried to resolve the dispute privately with Hornell officials but that negotiations broke down. Hornell officials asked the estate to drop all legal claims against the company before they would consider dropping the label, Mr. Gough said.

"It just was not firm enough

for the estate to go along with that," Mr. Gough said. "We felt that there was not a good faith commitment on their part."

Mr. Big Crow, who provided testimony in the Minnesota action, said, "At the April meeting in Minneapolis, after I saw Mr. Vultaggio face to face, I offered to meet with him to try to resolve this like two human beings. We even invited him and his lawyers to it to the Rosebud Reservation to take part in a sweat lodge ceremony and to meet with family members so he could see how this use of the name affected Lakota people. Mr. Vultaggio made a joke of it, saying he only sweats when he gets his legal bills."

Hornell has proposed changing the label's wording to remove some Indian references, Mr. Gough said. The proposed label also includes, in tiny type, "This product has no connection to the historical Sioux leader Crazy Horse or his family or heirs."

Crazy Horse Defense Project
c/o Neighborhood Justice Center
500 Laurel Avenue
St. Paul, Minnesota 55102
(612) 222-4703 Fax: (612) 222-0931
Email: chdpmn@aol.com

facsimile transmittal

To: Representative Clifford Otto Fax: (608) 266-7038

Chairperson Consumer Affairs
Committee

From: Phyllis Tousey Frederick Date: 10/21/97

National Coordinator

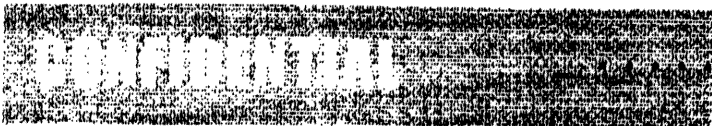
Crazy Horse Defense Project

Re: Assembly 116 Pages: 3

CC: Consumer Affairs Committee
Members

Urgent For Review Please Comment Please Reply Please Recycle

The attached is being faxed to all Consumer Affairs Committee Members.



**COMMENTS PREPARED FOR PRESENTATION TO THE WISCONSIN
LEGISLATURE ON OCTOBER 23, 1997, IN REGARD TO A BILL
AMENDING WISCONSIN STATUTE 895.50(2)(B).**

My name is Robert Gough, and I am an attorney from Rosebud, South Dakota. I would like to thank you for the opportunity to appear before this Committee to comment on Bill 1995. My practice has engaged me in issues involving the protection of intangible property rights. For the last several years have been involved in the protection of the personal property rights of Indian people under tribal and state law. Among other clients, I represent the Estate of Tasunka Witko, also known as Crazy Horse, in efforts to halt the unconsented appropriation of his good name and image on a malt liquor. I have been asked to comment on the Wisconsin legislative proposal contained in Bill 1995.

Wisconsin Statute § 895.50(2)(b):

Wisconsin Statute § 895.50(2)(b) provides for protections against the "invasion of privacy" of the people in Wisconsin by various activities including the unconsented use of peoples names, portraits or pictures in advertising or trade without their written consent. The right protected under this section is commonly called a "right of publicity" because the prohibited behavior involves the unconsented use of the name, portrait or picture in commerce, that is, the name or image is exploited for profit in advertising and trade. Under the current law, this protection is defined as applying only to "living persons" from whom written consent must be obtained for any use in advertising or trade. This means that under Wisconsin Statute § 895.50(2)(b) every living person in Wisconsin has a statutory right to be free from having someone else profit from the marketing through trade or advertising of his or her name, portrait or picture without his or her consent. It means simply that you and I and everyone else here in this State have the exclusive right to control the commercial use of our own names, portraits or pictures.

However, under the current law, at the very moment we die, this right to control the commercial use of our own names, portraits or pictures, dies with us. At our last breath, the exclusive right to control the commercial use of our own names, portraits and pictures passes, not to our families, but to anyone. At that moment, our names, portraits or pictures can instantly appear in advertising and trade without any consideration to our previously held thoughts, beliefs, feeling, or reputation, or to those of our families, heirs, successors, assigns or purchasers in good faith, for value.

Proposed Amendment:

Bill 1995 remedies this situation. Simply put, Bill 1995

amends Wisconsin Statute § 895.50(2)(b) to recognize post-mortem rights of publicity, — the publicity rights of the deceased. Bill 1995 extends to all people, both living and deceased, Wisconsin's existing statutory protections against the "invasion of privacy" by the unconsented use in advertising or trade currently recognized only for the living. Bill 1995 means that in the area of commercial exploitation, when we die, our exclusive right to protect the use of our own names, portraits or pictures, passes not to the world at large, but instead, as part of our estate, to our heirs, successors, assigns or purchasers in good faith, much like any other personal property in our control at our death.

As the attorney for the Estate of Tasunke Witko, Crazy Horse, I have often been asked:

Why hasn't the family patented, copyrighted or trademarked the name of Crazy Horse, and protect in any of those ways?

I might ask, how many people in the Wisconsin legislature have patented, copyrighted, or trademarked your grandparent's names or images, or your own name or image for that matter? I suspect that few, if any, of you have even considered such a thing. And anyone who did, would quickly find out that such protections are simply unavailable to you.

1. **PATENTS:** Patents exclusive, though temporary, rights pertaining to things, inventions, designs (as in plans or sketches for machines, etc.), processes, but NOT for names. No one on earth can obtain a patent a person's name.

2. **COPYRIGHT:** Copyright protection is afforded to an author for his or her works or creations for a defined period. Under the Copyright Act of 1976 copyright law extends protection to an author's works or creations to the moment of fixation of the work into tangible form. Thus, the subject matter of copyright protection are an author's tangible works or creations. An individual person's name is not usually considered an author's tangible work or creation, and so would not usually be considered available for copyright protection. Although a portrait or a picture could more easily be considered the work or creation of an author, that author need not be the individual portrayed in the portrait or picture. An artist or photographer could surely have copyright interest in a portrait or picture of his or her own creation, those rights could last through out the course of their life and for a prescribed period of time thereafter. Such rights are not necessarily the same as those held by the model or subject of the portrait or picture, who may have granted their permission for any number of general or specific purposes.

Wisconsin Statute 895.50(2)(b) recognizes the right of a living person represented in portrait or picture to not have his or her personality, as portrayed in the their name, portrait or picture, used in trade or advertising without his or her permission. Bill 1995 continues this same protection for a person

after his or her death.

3. TRADEMARK: Trademarks can be, and often are, derived from personal names, although marks can also be designs, logos, brands, pictures, slogans, etc., which designated something used in trade. As to personal names, federal registration for marks which are primarily merely surnames is barred under federal law. 15 U.S.C.A. § 1052(e).

However, surnames may incidently be used as a mark in trade if that name has acquired a *secondary meaning*, usually in association with a particular product. For example, Henry Ford could not trademark his surname "Ford" until, through advertising and marketing, the mark "Ford" lost its primary significance as a surname belonging to Henry, and became more closely associated with the product of the Ford Motor Company. So that today, the mark "Ford" can be trademarked in reference to the automobile, but not to person, Henry.

Trademark law can allow for several holders to use the same name or mark on different products sold, or different businesses doing business, in the same area ("Acme Markets" and "Acme Loans"); or on similar or related products or businesses occurring in non-competing geographic areas.

However, the important feature of trademarks, is that they have to be used in trade in order to obtain the status of a trademark -- "marks used in trade"! Without Bill 1995, the only protection afforded to people in Wisconsin to protect the use of a decedent's names, via trademark, would have to be the active use of your grandfather or grandmother's name in trade -- in the hopes it acquires a secondary meaning associated with a particular product, and then you must continue to use it, or risk losing it to abandonment.

Further, trademark rights may be held indefinitely, and can be bought, sold and assigned. They do not expire, as do patents or copyrights after some definite term of years, but can be abandoned by non-use.

Thus, if the family of a deceased person, out of respect or for whatever reason, chooses not to trade on the name (i.e. NOT to use it IN TRADE or COMMERCE), they can NEVER obtain a Trademark.

The descendant family of Crazy Horse choose not to use his name in common trade or advertising, and especially not with regard to the manufacture, sale or distribution of a fortified malt liquor. Crazy Horse lived his life opposed to alcohol and the devastating effects it had upon his Indian people. Thus, the family could not obtain a mark for their grandfather's good name on an alcohol product without marketing an alcohol product, and that they will not do.

I have also been asked:

Under legislation such as Bill 1995, what might happen to beer companies using names such as Samuel Adams, for example? Or, Dolly Madison on ice cream, as another name associated with a product in trade?

First, as recognized under federal law, the Estate of Tasunke Witko derives its right to the control of the name and personality of Crazy Horse from the laws of the Lakota people. The Estate's right of publicity has been recognized by the Rosebud Sioux Tribal Court in 1993 in probate, again in a hearing in 1994, and most recently affirmed by the Rosebud Supreme Court in 1996.

Descendible post-mortem rights of publicity have been commonly deemed as property rights belong to the estate of an individual, and are thus subject to the jurisdiction wherein the person was living when at the time of death, that is, where the property resides.

The Wisconsin Bill is to be commended for the extension of the protection of the names and images of the deceased from unconsented commercial exploitation. As I have stated, the rights of the Estate of Crazy Horse are determined under Lakota law. This action of the Wisconsin Legislature would have no direct bearing on the existence of the Estate's rights. It would, however, clearly allow for the families of deceased Wisconsinites to continue in the control of a loved one's publicity rights after his or her death.

As for Samuel Adams, I don't know whether the rights to that name have been assigned under Massachusetts law to the Boston Beer Company, either by Mr. Adams, himself, or by his descendants, or whether those beer makers at the Boston Beer Company are, in fact, his descendants. Clearly, his descendants or the buyers of the rights to the name of THE HISTORIC Samuel Adams -- the "brewer and patriot" would have the right to use that name in trade. The same is true for Dolly Madison. And that is how it should be. Just as the descendant's of "Fighting Bob LaFollette" should be able to control the commercial use their ancestor's name.

As I see it, this law appears designed so that only the heirs, successors, assigns or purchaser in good faith would have rights under the law as amended. If the descendant families have no objections, or are using it themselves, or the rights to the original name have been sold or assigned along with a business, there would no one to bring an action. For example, presumably some one named "Miller" sold his beer company along with his trademark, which included his right of publicity in the name "Miller" on the beer product. His descendants would NOT have any right to object to the current owners of the Miller Brewing Company because they would no longer own the rights to the name in association with that product. Under the property right model, if all the right to the name was previously sold to a non-related third party, there would be none for the Miller heirs to inherit.

Protection for the People of Wisconsin:

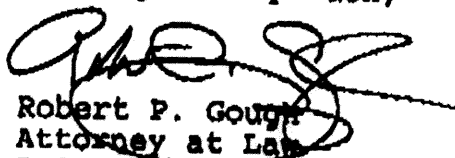
The post-mortem right of publicity, as embodied in Bill 1995, is a legal method variously used around this country to protect the commercial use of deceased ancestor's names and images. It fills the growing gap in intellectual property laws governing patents, copyrights and trademarks, in protecting the rights of real people in an increasingly commodified marketplace.

Under commonly ascribed "choice of law" rules applied in many jurisdictions around this country, a court would look to the laws of the jurisdiction of the decedent's domicile at death to see what rights and protections his or her descendants may have in the control of the commercial exploitation of the decedent's name or image. This Wisconsin Bill would give the people of Wisconsin standing to assert such control throughout the many jurisdictions of the United States.

In our market economy, where everything appears available to be bought and sold, it is easy for a prudent business person to buy or sell such names or images of real living people he or she may wish to use in the commercial context of advertising or trade. They hire models for their advertising photographs, and they contract with individuals for their endorsements. They can become a "purchaser in good faith of the name, portrait or picture, for value." Under present Wisconsin law, it is not only easier, but perfectly lawful for someone to merely take the name, portrait or picture of any Wisconsinite, famous or not, from the moment of their death, and without any permission from or consideration for the descendant family and exploit it in advertising or trade on whatever product or products these appropriators may wish.

In Wisconsin, there is apparently no common law right of privacy or right of publicity with regard to commercial appropriation of a person's name or image. Wisconsin § 895.50(2)(b) provides the statutory basis for such rights to the living. The law needs to extend this right of publicity to protect those who have passed on to us the legacy of their good names and reputations.

Thank you very much,



Robert P. Gough
Attorney at Law
P.O. Box 25
Rosebud, SD 57570
(605) 856-2879
rpgough@aol.com



AMERICAN
ASSOCIATION OF
UNIVERSITY
WOMEN

Sheboygan Branch
P.O. Box 842
Sheboygan, Wisconsin
1997 AAUW 5 - Star Branch

Kathy Ignatowski, President
Nancy Simenz, Program VP
Margaret Wiesman, Membership VP
Karen Lutze, Secretary
Joan Ketterman, Finance VP
Tammy Proctor, Communications VP

October 9, 1997

Representative Clifford Otte, Chair
Assembly Committee on Consumer Affairs
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Otte

Thank you for the phone call and correspondence regarding AB#116. I would like to further clarify AAUW-WI's position on this matter. There seems to be some confusion between the specific banning of the sale of Crazy Horse Malt Liquor, and the general nature of AB#116. Our sympathies lie with the descendants of Crazy Horse who wish to preserve the name and image of this historic political and spiritual leader of the Lakota people. Crazy Horse strongly opposed the use of alcohol. To use his name to market malt liquor is both offensive and misleading.

It is my understanding that "legislative efforts to ban the malt liquor are presently under way in several states, including Wisconsin" but perhaps this reference to legislation is not AB#116. As you alluded to in your phone call, AB#116 may not have any effect on this issue, but I hope this correspondence will enlighten your office regarding our organization's interest in this issue.

Sincerely



Kathy Ignatowski, President
Sheboygan Branch AAUW

Cc: Nancy Franz
AAUW Public Policy Coordinator

October 20, 1997

Ms. Leona J. Chadwick
AAUW
413 Hilltop Trail, W.
Fort Atkinson, WI 53538-2434

Dear Ms. Chadwick:

Thank you for your letter expressing support for Assembly Bill 116. I do plan to hold a public hearing on AB 116 on October 23, 1997.

Contrary to what you were apparently told, this bill has not been stalled in committee. The author of the bill did not request a hearing on this bill until late August. I agreed to that request. However, since that time, due to circumstances beyond my control, I have not been able to hold any public hearings until this month.

Sincerely,

CLIFFORD OTTE
Chairman
Assembly Committee on Consumer Affairs

CO:bmd

September 27, 1997

Rep. Clifford Otte, Chair
Assembly Committee on Consumer Affairs
P.O. Box 8093
Madison, WI 53708

Dear Rep. Otte:

At its last annual meeting in April, 1997, the American Association of University Women-Wisconsin passed a resolution supporting AB #116. As one of nearly 4,000 members of AAUW-WI, I urge you to move this bill to a public hearing at your next scheduled meeting date. Thank you for your immediate attention to this matter.

Sincerely,

Leona J. Chadwick

413 Hilltop Trail, W.
Fort Atkinson WI 53538. 2434

October 20, 1997

Ms. Mary Delgado
AAUW - Menomonee Falls Branch
6333 W. Chambers Street
Milwaukee, WI 53210

Dear Ms. Delgado:

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Menomonee Falls Branch
AAUW

6333 W. Chambers Street
Milwaukee WI 53210

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Sincerely,

Elma Anderson
Manitowoc - Two Rivers Branch
AAUW

no address

October 13, 1997

Ms. Betty Ponties
AAUW - Appleton Branch
846 Millbrook Drive
Neenah, WI 549563156

Dear Ms. Ponties:

Thank you for your letter expressing support for Assembly Bill 116. I do plan to hold a public hearing on AB 116 on October 23, 1997.

Contrary to what you were apparently told, this bill has not been stalled in committee. The author of the bill did not request a hearing on this bill until late August. I agreed to that request. However, since that time, due to circumstances beyond my control, I have not been able to hold any public hearings until this month.

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Assembly Committee on Consumer Affairs

CO:bmd

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Sincerely,

Betty Pontius
AAUW-WI Pres. Elect and member of the Appleton
Branch

B. Pontius
846 Millbrook Dr.
Neenah, WI 54956

October 13, 1997

Ms. Mildred Van De Bogart
AAUW - Whitewater Branch
12318 East Bradley Road
Whitewater, WI 53190-3156

Dear Ms. Van De Bogart:

Thank you for your letter expressing support for Assembly Bill 116. I do plan to hold a public hearing on AB 116 on October 23, 1997.

Contrary to what you were apparently told, this bill has not been stalled in committee. The author of the bill did not request a hearing on this bill until late August. I agreed to that request. However, since that time, due to circumstances beyond my control, I have not been able to hold any public hearings until this month.

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Chairman
Assembly Committee on Consumer Affairs

CO:bmd

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Assembly Committee on Consumer Affairs
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Sincerely,

*Mildred A. Van DeBogart
Whitewater Branch AAUW*

*Mildred Van DeBogart
12318 E. Bradley Rd.
Whitewater WI 53190-3156*

September 27, 1997

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Assembly Committee on Consumer Affairs
P.O. Box 8093
Madison, WI 53708

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Sincerely,

Sandra Clark
Wisconsin Rapids Branch

September 27, 1997

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Assembly Committee on Consumer Affairs
P.O. Box 8093
Madison, WI 53708

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Sincerely,

Greene Newhouse
Whitewater Branch, AAUW.

September 27, 1997

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Assembly Committee on Consumer Affairs
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Madison, WI 53708

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Sincerely,

Clair N. Grinde
Wausau Branch

October 8, 1997

Ms. Jean Sundt
AAUW
N1059 Cold Spring Road
Fort Atkinson, WI 53538

Dear Ms. Sundt:

Thank you for your letter expressing support for Assembly Bill 116. I do plan to hold a public hearing on AB 116 on October 23, 1997.

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Assembly Committee on Consumer Affairs

CO:bmd

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Sincerely,

Jean Sundt

*Jean Sundt
1059 Cold Spring Rd.
St. Albans, WI 53538*

October 8, 1997

Ms. Joan Korb
AAUW - Racine Branch
6631 Mariner Drive, #4
Racine, WI 53406

Dear Ms. Korb:

Thank you for your letter expressing support for Assembly Bill 116. I do plan to hold a public hearing on AB 116 on October 23, 1997.

Contrary to what you were apparently told, this bill has not been stalled in committee. The author of the bill did not request a hearing on this bill until late August. I agreed to that request. However, since that time, due to circumstances beyond my control, I have not been able to hold any public hearings until this month.

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Chairman
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CO:bmd

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P.O. Box 8093
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Joan M. Korb
Sincerely,

*AAUW - Racine Public
Policy Chair*

*Korb
6631 Main St.
#4
Racine WI 53406*