

## THE TREATY OF 1868

The basis of the defense for the 275 people indicted for their stand for their rights by treaty and by law at Wounded Knee will be the Treaty of 1868.

Here are the main points of the Treaty of 1868 between 10 bands of Sioux and the Northern Arapaho Indians and the U.S. Government:

1. Peace between the U.S. and the Indians. The U.S. will punish anyone, Indian or white, who violates the Treaty, and reimburs the injured person for the loss.
2. The Sioux and Arapaho will have a reservation of everything west of the Missouri River in present South Dakota. The area north of the North Platte River and east of the Bighorn Mountains (in Wyoming) will be unceded Indian territory, where no whites will settle or pass through. The Indians will give up claims to other land.
3. If the reservation yields less than 160 acres of farming land per person, the U.S. will provide nearby land. Anyone living on the reservation may take land for his own or his family and own it privately; otherwise land is held in common by the Tribe. The U.S. may pass laws about passing down land to descendants.
4. The U.S. will provide: Governmental, educational and economic buildings; and agent who lives on the reservation and who can forward complaints of Treaty violation for prosecution; schools and a teacher for every 30 children; assistance for farming; clothing and necessities for 30 years; food for four years; oxen and a cow for every family that farms.
5. The Treaty can only be changed by a vote of  $3/4$  of all adult males of the tribes.

### SOME MAIN ISSUES

The agreement of 1877 which took away the Black Hills (after gold was discovered there) from the tribes is held to be invalid as it never obtained the required  $3/4$  adult male approval.

The Dawes Allotment Act of 1877-79 greatly reduced the reservation land base by opening up large portions of land for sale to white ranchers--it never had the  $3/4$  adult male approval either.

The 1868 Treaty makes no provision for the U.S. to set up it's own form of government on the reservations; yet that is what the 1934 Indian Re-Organization Act did. The act did not have the consent of the majority on many reservations so the U.S. stipulated that majority approval was not a necessary condition for the implementation of this act.

One of several myths ~~concerning~~ concerning the occupation of Wounded Knee-1973 was that the occupational force consisted primarily of "uninvited militant-outsiders". The indictments put forth by the grand jury investigating the case however, prove that many people being charged are from the Pine Ridge Reservation (where Wounded Knee is located), or from neighboring areas. The ~~charge~~ charge was further shattered by the attendance of 65 Traditional leaders of the Oglala Lakota Nation at the opening of the "leadership" trials in St. Paul, Minn., (Feb., 1974). There they issued the following statement to the presiding federal judge and to the American public:

We are all Oglala people, landowners and Traditional people. We have come to a court which we don't know, which doesn't know us, to tell everybody who will listen that we stand with our brothers Russell Means and Dennis Banks. Together we stand with our traditions, our land, our medicine, and our Treaty rights.

We represent not only ourselves but the Oglala Band, the Sioux Nation and concerned Indian people everywhere.

We called our brothers and AIM to help us because we were being oppressed and terrorized. They answered our call. We now call upon all people to honor our people and to honor our Treaty rights.

If Dennis Banks and Russell Means go to jail for supporting the dignity of the Sioux Nation and the promises made to us, you must be ready to send us all to jail. If we cannot live according to our ways and tradition we are ready to join them in the white man's prison.

FRANK FOOLS CROW  
Traditional Chief of the  
Oglala Sioux

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100 people still face possible imprisonment for their participation at the Wounded Knee occupation-1973 and depend on contributions from concerned groups and individuals to maintain an adequate legal defense--if YOU are concerned, please forward your donation to :

WKLD/OC\*  
P.O. Box 80903  
Lincoln, Nebraska  
68501

or

WOUNDED KNEE SUPPORT COMM.  
1st. Flr. Offices-Union  
Michigan State Univ.  
East Lansing, Mich.  
48824

(\*Wounded Knee Legal Defense/Offense Committee)

# TRAIL OF BROKEN TREATIES

## THE TRAIL OF BROKEN TREATIES

We need not give another recitation of past complaints nor engage in redundant dialogue of discontent. Our conditions and their cause for being should perhaps be best known by those who have written the record of America's action against Indian People. In 1832, Black Hawk correctly observed: "You know the cause of our making war. It is known to all white men. They ought to be ashamed of it."

The Government of the United States knows the reasons for our going to its capital city. Unfortunately, they don't know how to greet us. . . We go because America has been only too ready to express its shame, and suffer none from the expression — while remaining wholly unwilling to change to allow life for Indian People.

. . . We seek a new American majority — a majority that is not content merely to confirm itself by superiority in numbers, but which by conscience is committed toward prevailing upon the public will in ceasing wrongs and in doing right. For our part, in words and deeds of coming days, we propose to produce a rational, reasoned manifesto for construction of an Indian future in America. If America has maintained faith with its original spirit, or may recognize it now, we should not be denied.

Press statement issued October 31, 1972



JUSTICE IN AMERICA  
70

B.I.A. Interferes  
With  
Potawatomis  
Internal Affairs

The Scottsbluff Incident  
Indian/Chicano Unity Conference Draws Police Attention



"We Will Not Stand  
By And Watch  
Suppression"

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Oglalas Petition May Overthrow Wilson's Tribal Government



15 QUESTIONS ABOUT THE 1868  
TREATY OF FORT LARAMIE  
STRIP  
MINING IN  
MONTANA

OUR MOTHER EARTH!



# We want to have a new RELATIONSHIP with you...an HONEST one!



## OUR 20 POINT PROPOSAL

**"TRAIL OF BROKEN TREATIES": FOR RENEWAL OF CONTRACTS—RECONSTRUCTION OF INDIAN COMMUNITIES & SECURING AN INDIAN FUTURE IN AMERICA!**

**1. RESTORATION OF CONSTITUTIONAL TREATY MAKING AUTHORITY:** The U.S. President should propose by executive message, and the Congress should consider and enact legislation to repeal the provision in the 1871 Indian Appropriations Act, which withdrew federal recognition from Indian Tribes and Nations as political entities which could be contracted by treaties with the United States, in order that the President may resume the exercise of his full constitutional authority for acting in the matters of Indian Affairs — and in order that Indian Nations may represent their own interests in the manner and method envisioned and provided in the Federal Constitution.



**2. ESTABLISHMENT OF TREATY COMMISSION TO MAKE NEW TREATIES:** The President should impel and the Congress establish, with next year, a Treaty Commission to contract a security and assistance treaty, or treaties, with Indian people to negotiate a national commitment to the future of Indian people for the last quarter of the Twentieth Century. Authority should be granted to allow tribes to contract by separate and individual treaty, multi-tribal or regional groupings, or national collective, respecting general or limited subject matter—and provide that no provisions of existing treaty agreements may be withdrawn or in any manner affected without the explicit consent and agreement of any particularly-related Indian Nation.



**3. AN ADDRESS TO THE AMERICAN PEOPLE & JOINT SESSION OF CONGRESS:** The President and the leadership of Congress should make commitment now and next January to request and arrange for four Native Americans — selected by Indian people at a future date — and the President of the United States and any designated U.S. Senators and Representatives to address a joint session of Congress and the American people through national communications media, regarding the Indian future within the American Nation, and relationships between the Federal Government and Indian Nations — on or before June 2, 1974, the first half century anniversary of the 1924 "Indian Citizenship Act."



**4. COMMISSION TO REVIEW TREATY COMMITMENTS & VIOLATIONS:** The President should immediately create a multi-lateral, Indian and non-Indian, Commission to review domestic treaty commitments and complaints of chronic violations, and to recommend or act for corrective actions, including the imposition of mandatory sanctions or interim restraints upon violative activities, and including formulation of legislation designed to protect the jeopardized Indian rights and eliminate the unending patterns of prohibitively complex lawsuits and legal defenses — which habitually have produced indecisive and interminate results, only too frequently forming guidelines for more court battles, or additional challenges and attacks against Indian rights. (Indians have paid attorneys and lawyers more than \$40,000,000 since 1962. Yet many Indian people are virtually imprisoned in the nation's courtrooms in being forced constantly to defend their rights, and while many tribes are forced to maintain a multitude of suits in numerous jurisdictions relating to the same or a single issue, or a few similar issues. There is less need for more attorney assistances than there is for institution of protections that reduce violations and minimize the possibilities for attacks upon Indian rights.)



**5. Resubmission of Unratified Treaties to the Senate:** The President should resubmit to the U.S. Senate of the next Congress those treaties negotiated with Indian nations or their representatives, but never heretofore ratified nor rendered moot by subsequent treaty contract with such Indians not having ratified treaties with the United States. The primary purpose to be served shall be that of restoring the rule of law to the relationships between such Indians and the United States, and resuming a recognition of rights controlled by treaty

AKWESASNE NOTES

relations. Where the failure to ratify prior treaties operated to affirm the cessions and loss of title to Indian lands and territory, but failed to secure and protect the reservations of lands, rights, and resources reserved against cession, relinquishment, or loss, the Senate should adopt resolutions certifying that a prior *de facto* ratification has been effected by the Government of the United States, and direct that appropriate actions be undertaken to restore to such Indians an equitable measure of their reserved rights and ownership in lands, resources, and rights of self-government. Additionally, the President and the Congress should direct that reports be concluded upon the disposition of land rights and land title which were lawfully vested or held, for people of Native Indian blood under the 1848 Treaty of Guadalupe Hidalgo with Mexico.



**6. All Indians to be Governed by Treaty Relations:** The Congress should enact Joint Resolution declaring that as a matter of public policy and good faith, all Indian people in the United States shall be considered to be in treaty relations with the Federal Government and governed by doctrines of such relationship.



**7. Mandatory Relief Against Treaty Rights Violations:** The Congress should add a new section to Title 28 of the United States Code to provide for the judicial enforcement and protection of Indian Treaty Rights. Such section should direct that, upon petition of any Indian Tribe or prescribed Indian groups and individuals claiming substantial injury to, or interference in the equitable and good faith exercise of any rights, governing authority, or utilization and preservation of resources, secured by Treaty, mandatorily the Federal District Courts shall grant immediate injunctive or injunctive relief against any non-Indian party or defendants, including State governments and their subdivisions or officers, alleged to be engaged in such injurious actions, until such time as the District U.S. Court may be reasonably satisfied that a Treaty Violation is not being committed, or otherwise satisfied that the Indians' interests and rights, in equity and in law, are preserved and protected from jeopardy and secure from harm.



**8. Judicial Recognition of Indian Right to Interpret Treaties:** The Congress should by law provide for a new system of federal court jurisdiction and procedure, when Indian treaty or governmental rights are at issue, and when there are non-Indian parties involved in the controversy, whereby an Indian Tribe or Indian party may by motion advance the case from a federal District Court for hearing, and decision by the related U.S. Circuit Court of Appeals. The law should provide that, once an interpretation upon the matter has been rendered by either a federal district or circuit court, an Indian Nation may, on its own behalf or on behalf of any of its members, if dissatisfied with the federal court ruling or regarding it in error respecting treaty or tribal rights, certify directly to the United States Supreme Court a "Declaratory Judgment of Interpretation", regarding the contested rights and drawn at the direction or under the auspices of the affected Indian Nation, which that Court shall be mandated to receive with the contested decision for hearing and final judgment and resolution of the controversy — except and unless that any new treaties which might be contracted may provide for some other impartial body for making ultimate and final interpretations of treaty provisions and their application. In addition, the law should provide that an Indian Nation, to protect its exercise of rights or the exercise of treaty or tribal rights by its members, or when engaging in new activities based upon sovereign or treaty rights, may issue an interim "Declaratory Opinion on Interpretation of Rights", which shall be controlling upon the exercise of police powers or administrative authorities of that Indian Nation, the United States or any State(s), unless or until successfully challenged or modified upon certification to and decision by the United States Supreme Court — and not withstanding any contrary U.S. Attorney General's opinion(s), solicitor's opinion(s), or Attorney General's Opinion(s) of any of the States.



EARLY WINTER, 1973

**9. Creation of Congressional Joint Committee on Reconstruction of Indian Relations:** The next Congress of the United States, and its respective houses, should agree at its outset and in its organization to withdraw jurisdiction over Indian Affairs and Indian-related program authorizations from all existing Committees, except Appropriations of the House and Senate, and create a Joint House-Senate "Committee on Reconstruction of Indian Relations and Programs" to assume such jurisdiction and responsibilities for recommending new legislation and program authorizations to both houses of Congress — including consideration and action upon all proposals presented herewith by the "Trail of Broken Treaties Caravan", as well as matters from other sources. The Joint Committee membership should consist of Senators and Representatives who would be willing to commit considerable amounts of time and labors and conscientious thought to an exhaustive review and examining evaluation of past and present policies, program and practices of the Federal Government relating to Indian people; to the development of a comprehensive broadly-inclusive "American Indian Community Reconstruction Act", which shall provide for certain of the measures herein proposed, repeal numerous laws which have oppressively disallowed the existence of a viable "Indian Life" in this country, and effect the purposes while constructing the provisions which shall allow and ensure a secure Indian future in America.



**10. Land Reform and Restoration of an 110-Million Acre Native Land Base:** The next Congress and Administration should commit themselves and effect a national commitment, implemented by statute or executive and administrative actions, to restore a permanent non-diminishing Native American land base of not less than 110-million acres by July 4, 1976. This land base and its separate parts, should be vested with the recognized rights and conditions of being perpetually non-taxable, except by autonomous and sovereign Indian authority, and should never again be permitted to be alienated from Native American or Indian ownership and control.

**10a. Priorities in restoration of the Native American Land Base:** When Congress acted to delimit the President's authority and the Indian Nations' powers for making treaties in 1871, approximately 135,000,000 acres of land and territory had been secured to Indian ownership against cession or relinquishment. This acreage did not include the 1867 treaty-secured recognition of land title and rights of Alaskan Natives, nor millions of acres otherwise retained by Indians in what were to become "unratified" treaties of Indian land cession, as in California, nor other land areas authorized to be set aside for Indian Nations contracted by, but never benefitting from, their treaties. When the Congress, in 1887, under the General Allotment Act and other measures of the period and "single system of legislation", delegated treaty-assigned Presidential responsibilities to the Secretary of the Interior and his Commissioner of Indian Affairs and agents in the Bureau of Indian Affairs, relating to the government of Indian relations under the treaties for the 135 million acres, collectively held, immediately became subject to loss. The 1887 Act provided for the sale of "surplus" Indian lands — and contained a formula for the assignment or allocation of land tracts to Indian individuals, dependent partly on family size, which would have allowed an average-sized allotment of 135 acres to one million Indians — at a time when the number of tribally-related Indians was less than a quarter million or fewer than 200,000. The Interior Department efficiently managed the loss of 100-million acres of Indian land, and its transfer to non-Indian ownership (frequently by homestead, not direct purchase—, in little more than the next quarter century. When Congress prohibited further allotments to Indian individuals, by its 1934 Indian Reorganization Act, it effectively determined that future generations of Indian people would be "landless Indians" except by heirship and inheritance. (110-million acres, including 40-million acres in Alaska, would approximate an average 135 acres multiplied by .8 million Native Americans, a number indicated by the 1970 U.S. Census.

Simple justice would seem to demand that priorities in restorations of land bases be granted to those Indian Nations who are landless by fault of unratified or unfulfilled treaty provisions; Indian Nations, landless because of congressional and administrative actions reflective of criminal abuse of trust responsibilities; and other groupings of landless Indians, particularly of the landless generations, including many urban Indians and non-reservation Indian people — many of whom have been forced to pay, in forms of deprivation, loss of

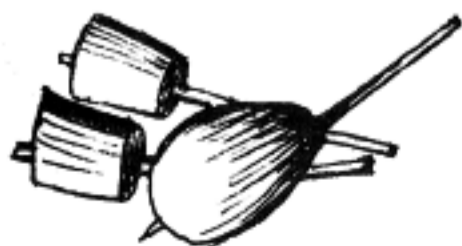


rights and entitlements, and other extreme costs upon their lives, an "emigration-migration-education-training" tax for their unfulfilled pursuit of opportunity in America — a "tax" as unwarranted and unjustified as it is unprecedented in the history of human rights in mature nations possessed of a modern conscience.

**10b. Consolidation of Indians' Land, Water, Natural and Economic Resources:** The restoration of an equitable Native American Land Base should be accompanied by enlightened revision in the present character of alleged "trust relationships and by reaffirmation of the creative and positive characters of Indian sovereignty and sovereign rights. The past pattern of treating "trust status" as wrongful "non-ownership" of properties, beyond control of individual interests and "owners", could be converted to a beneficial method of consolidating useable land, water, forests, fisheries, and other exploitable and renewable natural resources into productive economic, cultural, or other community-purpose units, benefiting both individual and tribal interests in direct forms under autonomous control of properly-defined, appropriate levels of Indian government. For example, the 13.5 million acres of multiple and fractionated heirship lands should not represent a collective denial of beneficial ownership and interests of inheriting individuals, but be considered for plans of collective and consolidated use. (The alternatives and complexities of this subject and its discussion require the issuance of a separate essay at a later date.)

**10c. Termination of Leases and Condemnation of Non-Indian Land Title:** Most short-term and long-term leases of some four million acres of Indians' agricultural and industrial-use lands represent a constant pattern of mismanagement of trust responsibilities — with the federal trustees knowingly and wilfully administering properties in methods and terms which are adverse or inimical to the interests of the Indian beneficiaries and their tribes. Non-Indians have benefited of the best of Indian agricultural range and dry farm lands, and of some irrigation systems, generally having the lowest investment/highest return ratios, while Indians are relegated to lands requiring high investments/low returns. A large-scale, if selective, program of lease cancellations and non-renewals should be instituted under Congressional authorization as quickly as possible. As well, Indian Tribes should be authorized to re-secure Indian ownership of alienated lands within reservation boundaries under a system of condemnation for national policy purposes, with the federal government bearing the basic costs of "just compensation" as burden for unjustified betrayals of its trust responsibilities to Indian people. These actions would no way be as extreme as the termination, nationalization, confiscation and sale of millions of acres of reservation land by a single measure as in the cases of the Menominee and Klamath Indian Tribes, and attempted repeatedly with the Colvilles.

**10d. Repeal of the Menominee, Klamath, and Other Termination Acts:** The Congress should act immediately to repeal the Termination Acts of the 1950s and 1960s and restore ownership of the several million acres of land to the Indian people involved, perpetually non-alienable and tax-exempt. The Indians' rights to autonomous self-government and sovereign control of their resources and development should be reinstated. Repeal of the terminal legislation would also advance a commitment towards a collective 110-million acre land base for Native Americans — when added to the near 55-million acres already held by Indians, apart from the additional 40-million acres allocated in Alaska. (The impact of termination and its various forms have never been understood fully by the American people, the Congress, and many Indian people. Few wars between nations have ever accomplished as much as the total dispossession of a people of their rights and resources as have the total victories and total surrenders legislated by the Termination Laws. If the Arab States of present Mid-East could comparably presume the same authority over the State of Israel, they could eliminate Israel by the purchase or by declaring it an Arab State or subdivision thereof; on the one hand, evicting the Israelis from the newly-acquired Arab lands, or on the other, allowing the Israelis to remain as part of the larger Arab Nation and justify the disposition to the world by the claim that, whether leaving or remaining, but without their nation, the Jewish people would still be Jewish. Such an unacceptable outrage to American people would quickly succeed to World War III — except except when such actions are factually taken against Menominees, Klamaths, Senecas, Utes, and threatened against many other landed nations of Indian people.)



**11. Revision of 25 U.S.C. 163; Restoration of Rights to Indians Terminated by Enrollment and Revocation of Prohibitions Against "Dual Benefits":** The Congress should enact measures fully in support of the doctrine that an Indian Nation has complete power to govern and control its own membership — but eradicating the extortive and coercive devices in federal policy and programming which have subverted and denied the natural human relationships and natural development of Indian communities, and committed countless injuries upon Indian families and individuals. The general prohibition against benefitting dually from federal assistance or tribal resources by having membership or maintaining relationships in more than one Indian Tribe has frequently resulted in denial of rights and benefits from any sources. Blood quantum criteria, closed and restrictive enrollment, and "dual benefits prohibitions" have generated minimal problems for Indians having successive non-Indian parentage involved in their ancestry — while creating vast problems and complexities for full-blood and predominant-Indian-blood persons, when ancestry or current relationships involve two separate Indian tribes, or more. Full-blood Indians can fail to qualify for membership in any of several tribes to which they may be directly related if quantum-relationships happen to be in wrong configuration, or non-qualifying fractions. Families have been divided to be partly included upon enrollments, while some children of the same parents are wrongly (if there are at all to be enrollments) excluded. There should be a restoration of Indian and tribal rights to all individual Indians who have been victimized and deprived by the vicious forms of termination effected by forced choices between multiply-related Tribes, abusive application of blood-quantum criteria, and federally-engineered and federally-approved enrollments. The right of Indian persons to maintain, sever, or resume valid relations with several Indian Nations or communities unto which they are born, or acquire relationships through natural marriage relations or parenthood and other customary forms, must again be recognized under law and practice and also the right of Indian Nations to receive other Indian people into relations with them — or to maintain relations with all their own people, without regard to blood-quantum criteria and federal standards for exclusion or restrictions upon benefits. (It may be recognized that the general Indian leadership has become conditioned to accept and give application to these forms of terminating rights, patterns which are an atrocious aberration from any concepts of Indian justice and sovereignty.)



**12. Repeal of State Laws Enacted under Public Law 280 (1953):** State enactments under the authority conferred by the Congress in Public Law 280 has posed the most serious threat to Indian sovereignty and local self-government of any measure in recent decades. Congress must now nullify those State statutes. Represented as a "law enforcement" measure, PL280 robs Indian communities of the core of their governing authority and operates to convert reservation areas into refuges from responsibilities, where many people, not restricted by race, can take full advantage of a veritable vacuum of controlling law, or law which commands its first respect for justice by encouraging an absence of offenses. These States' acceptance of condition for their own statehood in their Enabling Acts — that they forever disclaim sovereignty and jurisdiction over Indian lands and Indian people — should be binding upon them and that restrictive condition upon their sovereignty be reinstated. They should not be permitted further to gain from the conflict of interest engaged by such States' participation in enactment of Public Law 280 — at the expense of the future of Indian people in their own communities, as well as our present welfare and well-being.



**13. Resume Federal Protective Jurisdiction for Offenses Against Indians:** The Congress should enact, the Administration support and seek passage of, new provisions under Titles 18 and 25 of the U.S. Code, which shall extend the protective jurisdiction of the United States over Indian persons wherever situated in its territory and the territory of the several States, outside of Indian Reservations or Country, and provide the prescribed offenses of violence against Indian persons shall be federal crimes, punishable by prescribed penalties through prosecutions in the federal judiciary, and enforced in arrest actions by the Federal Bureau of Investigation, U.S. Marshals, and other commissioned police agents of the United States — who shall be compelled to act upon the commission of such crimes, and upon any written complaint or sworn request alleging an offense, which by itself would be deemed probable cause for arresting actions.

**13a. Establishment of a National Federal Indian Grand Jury:** The Congress should establish a special national grand jury, consisting solely of Indian members selected in part by the President and in part by Indian people, having a continuous life and equipped with its own investigative and legal staff, and presided over by competent judicial officers, while vested with prescribed authorities of indictments to be prosecuted in the federal and Indian court systems. This grand jury should

be granted jurisdiction to act in the bringing of indictments on basis of evidence and probable cause within any federal judicial district where a crime of violence has been committed against an Indian and resulted in an Indian's death, or resulted in bodily injury and involved lethal weapons or aggressive force, when finding reason to be not satisfied with handling or disposition of a case or incident by local authorities, and operating consistent with federal constitutional standards respecting rights of an accused. More broadly and generally, the grand jury should be granted broad authority to monitor the enforcements of law under Titles 18, 25, and 42, respecting Indian jurisdiction and civil rights protections; the administration of law enforcement centers, and judicial systems in Indian country; corrupt practices or violations of law in the administration of federal Indian agencies or of federally-funded programs for Indian people — including administration by tribal officials or tribal governmental units — and federal employees; and issue special reports bringing indictments when warranted, directed toward elimination of wrongdoing, wrongful administration or practices; and improvements recommendations for systems to ensure proper services and benefits to communities, or Indian people.

**13b. Jurisdiction over Non-Indians Within Indian Reservations:** The Congress should eliminate the immunity of non-Indians to the general application of law and law enforcement within Reservation boundaries, without regard to land or property title. Title 18 of the U.S. Code should be amended to clarify and compel that all persons within the originally-established boundaries of an Indian Reservation are subject to the laws of the sovereign Indian Nation in the exercise of its autonomous governing authority. A system of concurrent jurisdiction should be minimum requirement in incorporated towns.

**13c. Accelerated Rehabilitation and Release Program for State and Federal Indian Prisoners:** The Administration should immediately contract an appropriately staffed Commission of Review on Rehabilitation of Indian Prisoners in Federal and State Institutions, funded from Safe Streets and Crime Control funds, or discretionary funds under control of the President, and consisting of Indian membership. The review commission would conduct census and survey of all Indian prisoners presently confined, compile information on records of offenses, sentences, actions of committing jurisdictions (courts, police, pre-sentence reports, probation and parole systems) and related pertinent data. The basic objective of the review commission would be to arrange for the development of new systems of community treatment centers or national/regional rehabilitation centers as alternatives to existing prison situations; to work with Bureau of Prison and federal parole systems to arrange for accelerated rehabilitation and release programs as justified, and to give major attention to the reduction of offenses and recidivism in Indian communities. The commission would act to provide forms by which Indian people may assume the largest measures of responsibility in reversing the rapidly increasing crime rates on Indian reservations, and re-approaching situations where needs for jails and prisoner institutions may again be virtually eliminated. The Congress should provide appropriate authorizations in support of such effort — perhaps extending the protective jurisdiction of the United States over Indians in State institutions, to provide for transfer to Indian-operated rehabilitation and treatment centers, at least probation systems, in a bargain of responsibility for bringing about vast reduction in incidences of offenses among Indian communities. (The \$8,000,000 BIA budget for Law and Order is not directed toward such purpose — spending nearly half of its present increases on new cars to gauge the increases in reported offenses.)

(Note on 13 - 13c: The U.S. has asserted its jurisdiction over Indians nationwide, and may now do so again protectively. The Congress controlled liquor sales to Indians nationally until 1953, allowing prosecution for non-Indian offenders. Education of Indians in public state schools is essentially a contracting of jurisdiction to States.)



**14. Abolition of the Bureau of Indian Affairs by 1976: A New Structure:** The Congress working through the proposed Senate-House "Joint Committee on Reconstruction of Indian Relations and Programs", in formulation of an Indian Community Reconstruction Act, should direct that the Bureau of Indian Affairs shall be abolished as an agency on or before July 4, 1976; to provide for an alternative structure of government for sustaining and revitalizing the Indian-federal relationship between the President and the Congress of the United States, respectively, and the respective Indian Nations and Indian people at last consistent with constitutional criteria, national treaty commitments, and Indian sovereignty, and provide for transformation and transition into the new system as rapidly as possible prior to abolition of the BIA.



**15. Creation of an "Office of Federal Indian Relations and Community Reconstruction":** The Bureau of Indian Affairs should be replaced by a new unit in the federal government which represents an equality of responsibility among and between the President, the Congress, and the Governments of the separate Indian Nations (or their respective people collectively), and equal standing in the control of relations between the Federal Government and Indian Nations. The following standards and conditions should be obtained:

A. The Office would structurally be placed in the Executive Offices of the President, but be directed by a tri-partite Commission of three Commissioners; one being appointed by the President, one being appointed by the joint congressional committee, and one being selected by national election among Indian people, and all three requiring confirmation by the U.S. Senate.

B. The Office would be directly responsible to each the President, the Congress, and Indian people, represented by a newly-established National Indian Council of no more than twenty members selected by combination national and regional elections, for two-year terms, with half expiring each year.

C. All existing federal agencies and program units presently involved or primarily directed toward serving Indians would be consolidated under the new office, together with the budget allocations of the Departments assisting Indians although primarily oriented toward other concerns. All programs would be reviewed for revision of form, or elimination altogether, or continuance.

D. A total personnel and employee structure ceiling of no more than 1,000 employees in all categories should be placed upon the new office for its first five years of operation. Employment in the new office would be exempt from Civil Service regulations and provisions. (The Civil Service Commission and federal employee unions should be requested to propose a plan for preference hiring in other agencies and for transfer of benefits to new employment, for presentation to Congress, incident to abolition of the BIA and other Indian-related federal programs.)

E. The Office would maintain responsibility over its own budget and planning functions, independent from any control by the Office of Management and Budget (OMB), and should be authorized a \$15,000,000,000 budget, reviewing the efficiency of the Office and the impact and progress of the programming. The Appropriations Committees should not impose undue interferences in plans — but should insist upon equitable treatment of all Indian Nations and general Indian people who would not be denied their respective direct relations with the Congress, or with the President.

G. The office of Federal Indian Relations would assume the administrative responsibility as trustee of Indian properties and property rights, until revision of the trust responsibility might be accomplished and delegated for administration as a function and expression of the sovereign authority of the respective Indian Nations.



**16. Priorities and Purpose of the Proposed New Office:** The central purpose of the proposed "Office of Federal Indian Relations and Community Reconstruction" is to remedy the break-down in constitutionally-prescribed relationships between the United States and Indian Nations and people and to alleviate the destructive impact that distortion in those relationships has rendered upon the lives of Indian people. More directly, it is proposed for allowing broad attacks upon the multitude or millions of problems which confront Indian lives, or consume them, and which cannot be eliminated by piece-meal approaches, jerry-built structures, or bureaucracies or by taking on one problem at a time, always to be confronted by many more. The Congress with assent of the Courts, has developed its constitutional mandate to "regulate Indian commerce" into a doctrine of absolute control and total power over the lives of Indians — through failing to give these concerns the time and attention that the responsibilities of such power demand. The Congress restricted the highest authority of the President for dealing with Indian matters and affairs, then abandoned Indian people to the lowest levels of bureaucratic government for administration of its part-time care and asserted all-powerful control. The constitution maintained Indian people in citizenship and allegiance to our own Nations, but the Congress and the Bureau of Indian Affairs has converted this constitutional standard into the most bastardized forms of acknowledged autonomy and "sovereign self-governing control" — scarcely worthy of the terms, if remaining divested of their meaning. A central priority of the proposed Office should be the formulation of legislation designed to repeal the body of "Indian Law" that continues to operate most harmfully against Indian communities — including sections of the 1934 Indian Reorganization Act and prior legislation which instituted foreign forms of government upon our Nations, or which have served to divorce tribal govern-

ment from responsibilities and accountability to Indian people.

At this point in time, there is demonstrable need for the Congress to exercise highest responsibilities to Indian people in order that we might have a future in our homeland. This requires that Congress now recognize some restrictions upon its own authority to intervene in Indian communities and act to totally exclude the exercise of local tribal sovereignty and self-governing control. The proposed Office of Federal Indian Relations and Community Reconstruction should be authorized the greatest latitude to act and to remove restrictions from the positive actions of Indian people. This can be achieved if the Congress establishes a new Office in the manner proposed, and authorizes it in promising degree to operate as instrumentality of its responsibilities.



**17. Indian Commerce and Tax Immunities:** The Congress should enact a statute or Joint Resolution certifying that trade, commerce, and transportation of Indians remain wholly outside the authority, control, and regulation of the several States. Congressional acts should provide that complete taxing authority upon properties, use of properties and incomes derived therefrom, and business activities within the exterior boundaries of Indian reservations, as well as commerce between reservations and Indian Nations, shall be vested with the respective or related tribal governments, or their appropriate subdivisions — or certify that, consistent with the Fourteenth Amendment, Section 2 statehood enabling acts, prevailing treaty commitments, and the general policy of the United States, that total Indian immunity to taxing authority of states is reaffirmed and extended with uniformity to all Indian Nations as a matter/established or vested right. (These questions should not have to be constantly carried to the courts for reaffirmation — disregarded as general law, and attacked by challenge with every discernable variation or difference in fact not considered at a prior trial.) (Tribes have been restricted in their taxing authorities by some of the same laws which exclude federal or state authority. However, there are areas where taxing authorities might be used beneficially in the generation of revenues for financing government functions, services, and community institutions.) (The Congress should remove any obstacles to the rights of Indian people to travel freely between Indian Nations without being blocked in movement, commerce, or trade, by barriers of borders, customs, duties, or tax.)



**18. Protection of Indians' Religious Freedom and Cultural Integrity:** The Congress shall proclaim its insistence that the religious freedom and cultural integrity of Indian people shall be respected and protected throughout the United States, and provide that Indian religion and culture, even in regenerating or renaissance or developing stages, or when manifested in the personal character and treatment of one's own body, shall not be interfered with, disrespected, or denied. (No Indian shall be forced to cut their hair by any institution or public agency or official, including military authorities or prison regulation, for example.) It should be an insistence by Congress that implies strict penalty for its violation.



**19. National Referendums, Local Options, and Forms of Indian Organization:** The Indian population is small enough to be amenable to voting and elective processes of national referendums, local option referendums, and other elections for rendering decisions, approvals, or disapprovals on many issues and matters. The steady proliferation of Indian and Indian-interest organizations and Indian advisory boards and the like, the multiplication of Indian officials and the emergence of countless Indian "leaders", represent a less preferable form for decision-making, a state of disorganization, and a clear reflection of deterioration in the relations between the United States and Indian people as contracting sovereigns holding a high standard of accountability and responsibility. Some Indians seem to standby to ratify any viewpoints relating to any or all Indians; others conditioned to accept any viewpoint or proposal from official source. Whereas Indian people were to be secure from political manipulation and the general political system in the service of Indian needs, political favor, and cutthroat competition for funds with grants made among limited alliances of agency-Indian friends have become the rule — while responsibilities and accountability to Indian people and Indian communities have been forgotten. While the treaty relationship allows that we should not be deprived by power what we are possessed of by right — little personal power and political games are being played by a few Indians while we are being deprived our rights. This dissipation of strength, energies, and commitment should end. We should consolidate our resources and purpose to restore relations born of sovereignty and to resume command of our communities, our rights, our resources, and our destiny. (The National Council on Indian Opportunity,

Association on American Indian Affairs, and the National Tribal Chairmen Association are examples of government, non-Indian directed, and Indian organizations which are among many which could and should be eliminated.) (At least, none should be funded from federal sources.)



**20. Health, Housing, Employment, Economic Development, and Education:** The Congress and Administration and proposed Indian Community Reconstruction Office must allow for the most creative, if demanding, and disciplined, forms of community development and purposeful initiatives. The proposed \$15,000,000,000 budget for the 1970s remainder could provide for completed construction of 100,000 new housing units; create more than 100,000 new permanent, income and tribal revenue-producing jobs on reservations and lay foundation for as many more in years following; meet all the economic and industrial development needs of numerous communities; and make education at all levels and provide health services or medical care to all Indians as a matter of entitlement and fulfilled right. Yet, we now find most Indians unserved and programs not keeping pace with growing problems under a billion dollars-plus budget annually — approximately a service cost of \$10,000 per reservation Indian family per year, or \$100,000 in this decade. Our fight is not over a \$50-million cutback in a mismanaged and misdirected budget, and cannot be ended with restoration of that then invisible amount — but over the part that it, any and all amounts, have come to play in a perennial billion-dollar indignity upon the lives of Indian people, our aged, our young, our parents, and our children. Death remains a standard cure for environmentally-induced diseases afflicting many Indian children without adequate housing facilities, heating systems, and pure water sources. Their delicate bodies provide their only defense and protection — and too often their own body processes become allies to the quickening of their deaths, as with numerous cases of dysentery and diarrhea. Still, more has been spent on hotel bills for Indian-related problem-solving meetings, conferences, and conventions, than has been spent on needed housing in recent years. More is being spent from federal and tribal fund sources on such decision-making activities than is being committed to assist but two-thirds of Indian college students having desperate financial need. Rather, few decisions are made, and less problems solved, because there has developed an insensitivity to conscience which has eliminated basic standards of accountability. Indian communities have become fragmented in governmental, social, and constitutional functions as they have become restructured or destructed to accommodate the fragmentation in governmental programming and contradictions in federal policies. There is a need to reintegrate these functions into the life and fabric of the communities.

Of treaty provisions standard to most treaties, none has been breached more viciously and often as those dealing with education — first by withdrawing education processes from jurisdiction and responsibility of Indian communities, and from the powers of Indian self-government — and failing yet to restore authority to our people, except through increased funding of old advisory and contract-delegation laws, or through control to conduct school in the conditioned forms and systems devised by non-Indians, or otherwise commended by current popularity. At minimum, Indian Nations have to reclaim community education authority to allow creative education processes in forms of their free choice, in a system of federally-sanctioned unit or consolidated Indian districts, supported by a mandatory recognition of accreditation in all other systems in this land.



**WHY WOUNDED KNEE?**  
**COORDINATION AND INFORMATION COMMITTEE**  
 P.O. Box 19096  
 Diamond Lake Station  
 Minneapolis, Minnesota 55419



# Wounded Knee

## THE LONGEST WAR: 1890 - 1973

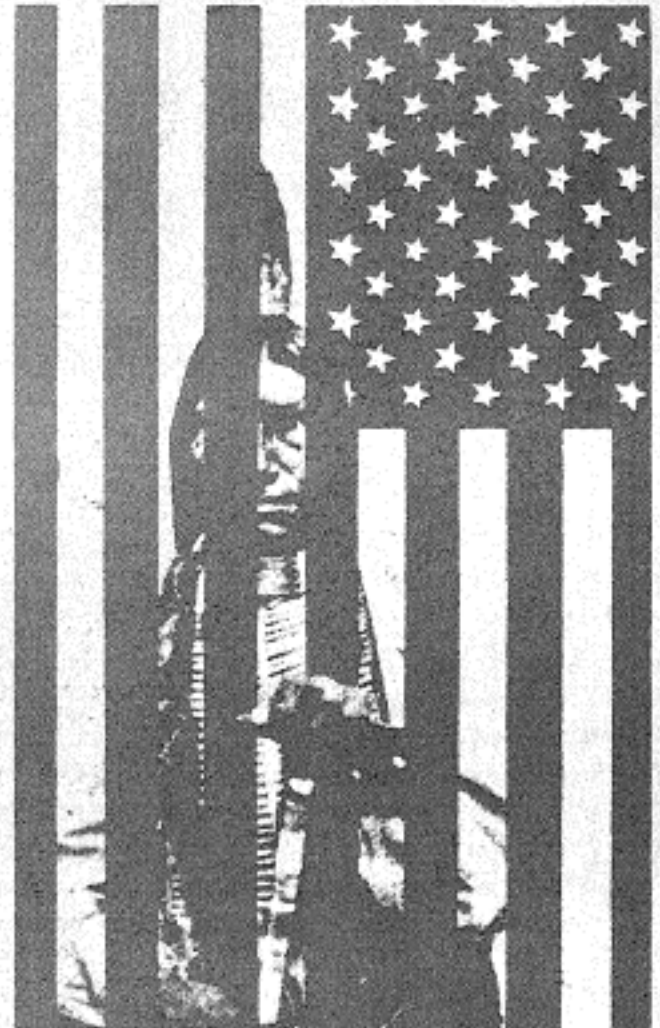
The longest war that the United States government has ever waged has been against the American Indians. The war has never ceased. In 1890 federal troops massacred 300 unarmed Indians at Wounded Knee, South Dakota. In 1973 the government again mustered its forces against the Indian people of the Pine Ridge Reservation who had gathered at Wounded Knee to protest the continuing injustices to their people and the government's violation of their treaty rights under the 1868 Treaty.

On February 27, within hours of calling for aid from the American Indian Movement, members of the Oglala Sioux Civil Rights Organization and its supporters were surrounded. Police set up roadblocks, cordoned off the area and began arresting people leaving Wounded Knee. The Oglala People prepared to defend themselves against government aggression - once again.

Under Heavy fire from government troops and local vigilantes, the Oglala people liberated the village for 71 days - from February 27 to May 8 - establishing the Independent Oglala Nation. Two Indian men, Buddy Lamont and Frank Clearwater, were killed in the fight for their treaty rights.

Like its history of broken treaties, the government failed to honor the agreements ending the liberation of Wounded Knee signed on April 5 and May 5. The liberators asked for, and the Wounded Knee trials support, three basic demands:

1. A treaty commission (Senate Committee on Foreign Affairs) should examine the 371 treaties the United States has made - and broken - with Indian people. Rights should be enforced by law. The Oglala people should receive control of their reservation, as spelled out in the Treaty of 1868.
2. Repeal of the Indian Reorganization Act of 1934, a major weapon in robbing Indians of their treaty-guaranteed reservation lands, and a means of setting up white-controlled puppet governments. On Pine Ridge, hold new elections with impartial observers protecting against violence and fraud in the election.
3. Remove the Bureau of Indian Affairs from the U.S. Department of Interior - its oil/mineral/park interests conflict with Indian interests - and make the BIA an independent agency. On Pine Ridge, there should be an independent investigation of the BIA's handling of Indian affairs, and an independent audit of the tribe's books and land rent records.





I WILL STAND WITH MY BROTHERS AND SISTERS. I WILL TELL THE TRUTH ABOUT WHY WE WENT TO WOUNDED KNEE. I WILL FIGHT FOR MY PEOPLE. I WILL LIVE FOR THEM. AND IF IT IS NECESSARY TO STOP THE TERRIBLE THINGS THAT HAPPEN TO INDIANS ON PINE RIDGE INDIAN RESERVATION, I AM READY TO DIE FOR THEM.

--Pedro Bissonette, Wounded Knee liberator and social activist on Pine Ridge Reservation; killed by Bureau of Indian Affairs police on October 17, 1973, Pine Ridge, S. Dakota.

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## — 24 PEOPLE STILL AWAIT TRIAL — SUPPORT THEIR LEGAL DEFENSE FUND

### Fund Raising-

Contact people in your community who might be willing to offer financial support in lump sums or monthly pledges.

### Publicity-

Write to local and national media asking for fair and detailed coverage of these trials and other Native American struggles. Distribute literature and circulate petitions. (more information available from Wounded Knee Support Committee-MSU, student offices, Union Bldg).

### Donations-

The government has already spent millions of dollars on prosecution, while the defense exists on the brink of insolvency dependent on contributions from concerned individuals. Contributions go toward maintaining 3 legal offices, and paying for room and board expenses of volunteer lawyers. The legal defense is in urgent need of funds at the present time--funds that are necessary to ensure an adequate legal counsel for the remaining 24 people who still have to stand trial for demonstrating at Wounded Knee 1973. (In addition to these cases, the legal defense is representing 30 other Native Americans who participated in other Wounded Knee-related protests occurring in Custer and Sioux Falls, S. Dakota.) Please send your donation to help balance the scales of justice.



WOUNDED KNEE LEGAL DEFENSE/OFFENSE COMMITTEE

P.O. BOX 918 COUNCIL BLUFFS, IOWA 51501

\_\_\_\_\_ ENCLOSED IS MY DONATION OF \$ \_\_\_\_\_ FOR THE DEFENSE.

\_\_\_\_\_ PLEASE PUT ME ON THE NEWSLETTER MAILING LIST.  
(ENCLOSE ATLEAST \$1.00 TO COVER COSTS).

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

WOUNDED KNEE SUPPORT COMMITTEE - MSU

(Please pass along this form to a friend if you do not use it)





PEDRO BISSONETTE

VICE PRESIDENT OF OGLALA SIOUX CIVIL RIGHTS ORGANIZATION  
COMMITTED TO THE LIBERATION OF ALL INDIAN PEOPLES  
MURDERED BY BIA POLICE, OCTOBER 17, 1973

#### DEDICATION

To Buddy Lamont, Frank Clearwater, Clarence Cross, Pedro Bissonette and to all the efforts and lives given in struggle for the Indian people, their children and their unborn.



# WOUNDED KNEE 1973

The Indian peoples who have tried to function through the White man's system since the Indian Reorganization Act of 1934, who have seen their land taken away and their hopes destroyed, saw the first real effort in years to regain power over their lives in the liberation of Wounded Knee.

Hundreds of Indians representing more than 75 different tribes, supported the just demands of the Oglala Sioux people on Pine Ridge reservation at the risk of their lives and their freedom. The Sioux, like every Indian tribe in the country have ceded land to the U.S. Government; and in payment for that land the U.S. Government is supposed to provide us with certain goods and services. They don't do it. Instead of providing services, they provide tyranny.

At Wounded Knee, we finally said, "The hell with that. You are going to honor your treaty with us from now on and we are going to force you to do that because if you don't, you will have to kill us." That was the point of Wounded Knee.

We have a treaty that is 105 years old and for 105 years it has been continually violated. It is time for the United States to live up to its pledges to the Indians. The United States has signed 371 treaties with Indian peoples and the result of these treaties is that our water has been stolen, our minerals have been stolen, and our land has been stolen. All this must be paid for retroactively and in perpetuity.

We are the landlords of this country and at Wounded Knee we showed up to collect. These treaties supersede any state laws and, in fact, prevail over federal law. If the country is going to live up to its constitution, then in fact it must live up to its treaty commitments. We still have to go to court to ascertain our treaty rights. Once again we have to rely on the White Man and wait for him to give us the right we already have. If he goes against his constitution and convicts us, we will prove to the world that this is really a police state instead of a free country. The Wounded Knee trials are the most important of the century. They will expose how America practices its founding philosophy.

--Statement by the American Indian Movement, November 1973





STATEMENT BY LAKOTA WOMAN WHO PARTICIPATED IN LIBERATION OF WOUNDED KNEE

The longest war that the United States government has ever waged has been against the American Indians. The war has never ceased. In the year 1973, from February 27 to May 8 there was the Independent Oglala Nation, established within the boundaries of the State of South Dakota, United States of America. No United States officials had any power within the borders of this new nation. No taxes were paid to any level of the United States government. This tiny piece of land was surrounded by United States troops, armored personnel carriers, helicopters, a daily barrage of bullets, a blockage of all medical and food supplies. No services were supplied by any governmental agency other than that created by the Oglala people in their own independent nation.

For the first time in many years, the Oglala people could organize themselves according to their ancient spiritual values and ways of life--the Indian Way. The life of the Indian people is their spirituality. We were free! It was the first time that we had ever known freedom. We ran a hospital, a school for our children, we had a common commissary, we ran our own security force to enforce our borders. People got married, babies were born in a free land. For 71 days there was power in the hands of the Indian people. Men and women stood side by side in the kitchen, in the bunkers, on patrol, in the hospital and in the schools, and at the constant negotiations with the United States government. The governing body of the Oglala Independent Nation consisted of every resident.



TREATY WITH THE SIOUX—BRULÉ, OGLALA, MINICONJOU,  
YANKTONAI, HUNKPAPA, BLACKFEET, CUTHEAD, TWO KETTLE,  
SANS ARCS, AND SANTEE—AND ARAPAHO, 1868.

Apr. 29, 1868.

15 Stats., 435.  
Ratified, Feb. 16,  
1869.  
Proclaimed, Feb. 21,  
1869.

*Articles of a treaty made and concluded by and between Lieutenant-General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and head-men, whose names are hereto subscribed, they being duly authorized to act in the premises.*

War to cease and  
peace to be kept.

ARTICLE 1. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

Offenders against  
the Indians to be ar-  
rested, etc.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

Wrongdoers against  
the whites to be pun-  
ished.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor.

Damages.

Reservation bound-  
aries.

ARTICLE 2. The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States, or Territories, except such as is embraced within the limits afore-said, and except as hereinafter provided.

Certain persons not  
to enter or reside  
thereon.

ARTICLE 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided,

Additional tillable  
land to be added, if,  
etc.



such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE 4. The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a store-room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

Buildings on reservation.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

ARTICLE 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Agent's residence, office, and duties.

ARTICLE 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select lands for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Others may select land for cultivation.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

Certificates.

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the sur-

Surveys.

Alienation and descent of property.

annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Appropriation to continue for thirty years.

Army officer to attend the delivery.

Meat and flour.

Cows and oxen.

Right to occupy territory outside of the reservation surrendered.

Right to hunt reserved.

Agreements as to railroads.

Emigrants, etc.

Women and children.

White men.

Pacific Railroad, wagon roads, etc.

Damages for crossing their reservation.

Military posts and roads.

No treaty for cession of reservation to be valid unless, etc.

ARTICLE 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.



ARTICLE 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

United States to furnish physician, teachers, etc.

ARTICLE 14. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

Presents for crops.

ARTICLE 15. The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

Reservation to be permanent home of tribes.

ARTICLE 16. The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

Unceded Indian territory.

Not to be occupied by whites, etc.

ARTICLE 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

Effect of this treaty upon former treaties.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. Taylor, [SEAL.]  
W. T. Sherman, [SEAL.]  
Lieutenant-General.  
Wm. S. Harney, [SEAL.]  
Brevet Major-General U. S. Army.  
John B. Sanborn, [SEAL.]  
S. F. Tappan, [SEAL.]  
C. C. Augur, [SEAL.]  
Brevet Major-General.  
Alfred H. Terry, [SEAL.]  
Brevet Major-General U. S. Army.

Attest:

A. S. H. White, Secretary.



# AGREEMENT -- MAY 5, 1973

(These are the combined written and verbal agreements of April 5 and May 5, 1973.)

TO EFFECT THE MAY 1973 MEETINGS BETWEEN WHITE HOUSE REPRESENTATIVES AND HEADMEN AND CHIEFS OF THE TETON SIOUX CONTEMPLATED IN THE APRIL 5, 1973 AGREEMENT BETWEEN THE PARTIES, IT IS AGREED THAT BOTH THE DISPOSSESSION OF ARMS OF THE OCCUPANTS OF WOUNDED KNEE AND THE END OF THE ARMED OCCUPATION OF WOUNDED KNEE WILL BE ACCOMPLISHED IN THE FOLLOWING MANNER:

--Starting at 7:00 A.M. , Wednesday, May 9, 1973 the Government will remove all its APC's (Army Personnel Carriers) from the Wounded Knee perimeter and put one chief or headman in each government bunker. The occupants of Wounded Knee will simultaneously evacuate all their bunkers, roadblocks, other fortifications and buildings, and assemble at the Tipi Chapel, where all weapons, ammunition, explosives and explosive devices will be turned over to the Community Relations Service. CRS will transport the weaponry to the old tipi site for examination by government officials. Those weapons which are both legal, and tagged in a manner identifying the owners, will be returned to the owners within 24 hours. All illegal weapons and untagged weapons will be seized. A list of all weapons shall be delivered through CRS to the government by 5:00 P.M., Sunday, May 6, 1973 so that the weapons turned over to the government on May 9, 1973 can be checked against the May 6, 1973 list. Nineteen CRS personnel are to be in Wounded Knee Tuesday and Wednesday.

--After CRS has turned all weapons over to government officials, the occupants of Wounded Knee will divide themselves into three groups for processing: Occupants with outstanding arrest warrants, followed by resident occupants present prior to February 26, 1973 and then all others.

Occupants with outstanding arrest warrants will submit to arrest and be taken to Rapid City as soon as arrangements can be made for prompt arraignment, and after dispossession of arms. Sufficient government personnel will be available for immediate court appearance. The government will make no bond or terms of release recommendations.

The government may photograph at the scene occupants against whom there are no outstanding arrest warrants (a dozen or so of whom may be subject to arrest despite the absence of a warrant). Either positive identification or fingerprints and current addresses may also be obtained.

No permanent residents will be interviewed at the time of the identification process but all nonpermanent residents and nonresidents may be interviewed and may consult with an attorney beforehand if desired.



- After those occupants who have been arrested are en route to Rapid City, and the "all other" group is en route from the Pine Ridge reservation, the permanent residents will be escorted to their homes by government officials and consent to a search, monitored by attorneys, for snipers, weapons, and other dangerous devices only with a minimum of inconvenience to the occupants. Any such snipers, weapons, and dangerous devices found will be removed. All subsequent searches if any will be conducted pursuant to court order.
- When the government is satisfied that Wounded Knee is safe for occupancy, government bunkers will be evacuated and covered over; Wounded Knee bunkers will be covered over by government officials; government roadblocks will be eliminated; and a residual force of marshals and FBI personnel will be stationed on the Pine Ridge Reservation to protect against further confrontations and the violation of individual rights, until such time as the situation within the Pine Ridge Reservation is sufficiently defused and stable. It is contemplated that the presence of a portion of this force will be required in Wounded Knee for a period of time subsequent to the end of the confrontation.

Lawful access to, from and within the Pine Ridge Reservation shall be resumed. No person engaged in lawful political activity in connection with reservation affairs shall be interfered with.

- The government agrees to mount an intensive investigation, not only in the Wounded Knee area, but throughout the Pine Ridge Reservation, in order to identify violations of federal criminal law which may have been, are being, or will be committed, on the Pine Ridge Reservation, including violations occurring under the color of law, or by abuse of any governing authority.
- The government agrees to an audit by an agency outside the Department of Interior of tribal funds and their utilization, of federal program funding provided to the Oglala Sioux and of police financing on the Pine Ridge Reservation. The results, including supportive data which can be appropriately revealed, will be made public.
- The Department of Justice, upon a proper factual and legal basis on authority of the Sioux Treaty and Agreements, and as specified in the Act of April 11, 1968 (Indian Bill of Rights), and in accordance with 25 U.S. Code 175, shall:
  - a. Consider, and where appropriate, prepare and institute civil suits to protect the personal, property, civil, political, and other legal rights of all individual Oglala Sioux Indians against unlawful uses or abuses by tribal governing authority;
  - b. Consider, and where appropriate, seek judicial restraint against the application of alleged Tribal Council actions, ordinances, resolutions, which have either been unlawfully or invalidly promulgated, or which would only be applied in violation of the rights of individual tribal members;
  - c. Consider, and where appropriate, seek judicial restraint against the application and enforcement of any actions of the Oglala Tribal court or judges, and of BIA or tribal police agencies, which would effect a deprivation of rights of individual Oglala Sioux members.
  - d. Nothing herein contained shall be construed as modifying the provisions of the aforementioned statutes and treaties.

LIKE THE 1868 TREATY WHICH THE LIBERATION OF WOUNDED KNEE SOUGHT TO UPHOLD, AND LIKE THE 371 OTHER TREATIES MADE BETWEEN THE U.S. GOVERNMENT AND THE INDIAN PEOPLE, THE WOUNDED KNEE AGREEMENTS SIGNED ON APRIL 5 AND AGAIN ON MAY 5 OF 1973 -- WERE IMMEDIATELY AND PERFUNCTORYLY BROKEN.

Lawyers for the Wounded Knee Legal Defense/Offense Committee personally witnessed the disregard of the May 5 Agreement -- done in the spirit of a recent statement by South Dakota Senator George McGovern: "I think the treaties were abrogated by an act of Congress over 100 years ago and that it is ridiculous to talk about the Treaty of 1868 being carried out."

--Almost simultaneously with the signing of the Agreement, government personnel shot flares and tracers into the village, lighting the grass and sending smoke fumes into the tipi.

--The agreement that the attorneys would be present and supervise the stand-down was ignored until one of the defendants refused to leave the area without an attorney, precipitating a near crisis.

--The agreement that those arrested would be taken to Rapid City was initially violated by taking one group to the Pine Ridge jail, precipitating another crisis.

--The U.S. Attorney has repeatedly violated the promise not to make bond recommendations, and instead has recommended and fought for outrageously high bonds.

--The agreement provided that permanent residents would be "escorted to their homes by government officials", and that a "search...monitored by attorneys" would be conducted "with minimum inconvenience to the occupants". This agreement was broken immediately and totally by the government. The residents were not permitted to return to their homes escorted or otherwise. The search was conducted without the presence of attorneys, who demanded and were refused the right to be present, and without the presence of the residents. Far from being at a "minimum of inconvenience, the search actually was an excuse for massive destruction of





personal property and homes by government officials. Repeated vociferous objections to these government procedures were ignored.

--The agreement that government roadblocks be eliminated was ignored for days, as was the promise that lawful access would be resumed.

--Despite the promise that lawful political activity would not be interfered with - no political activity has been permitted on the reservation unless approved by the tribal government.

--The promise to prevent civil rights violations by government authorities has been ignored; in fact terrorism on the reservation has increased since the stand-down.

--None of the promised civil suits to protect the personal property and civil, legal and political rights of Pine Ridge residents have been instituted by the federal government.

--The promised actions against unlawful tribal council actions, resolutions or ordinances have not been taken.

--None of the promised actions against tribal courts or BIA police have been taken.



They made us many promises,  
More than I can remember,  
But they never kept but one.

They promised to take our land  
And they took it.

--Chief Red Cloud

# CHRONOLOGY

**BACKGROUND:** Indians are the only ethnic group of people in the United States who are under federal rather than state jurisdiction. The Native American population is ruled by 33 volumes of BIA regulations, 5,000 federal statutes, 2,000 federal court decisions and 500 decisions by the Attorney General.

The current Bureau of Indian Affairs' structure, created by the Reorganization Act of 1934, basically is a front for militaristic U. S. government control. It does not allow or recognize Indian sovereignty guaranteed in the Ft. Laramie Treaty of 1868. The Bureau is intent on protecting the interests of non-tribal members. It acts as a brokerage firm in leasing Indian land to non-Indians. As a result, non-members, usually whites, have been able to amass huge ranches on the reservations.

The BIA's "election" process is equally anti-Indian. The Bureau imposed the white concept of elections on the Indian population - it is completely foreign to the traditional Sioux government, which was and is led by respected elders on a consensus basis. It resulted in Dick Wilson becoming Tribal Chairman at Pine Ridge. In the 1972 BIA sanctioned election, Wilson brought in non-residents from as far away as Rapid City to vote for him. He also bought votes in exchange for liquor. Polling places were scarce and hard to reach for a majority of the people.

In his first nine months as Pine Ridge Chairman, Wilson succeeded in placing family members and friends in most of the key positions of tribal government organizations. People who opposed Wilson lost their jobs and suffered periodic harassment. In the first council meeting in July, 1972, Wilson's regime adjourned the gathering before important tribal business and district resolutions could be voted on. It was evident that Wilson planned to rule with a U. S. government sanctioned iron fist.

**MOUNT RUSHMORE:** Sit-ins at Mt. Rushmore, one in the fall of 1970 and another in June, 1971, dramatized the Sioux Indians' grievances. Participants claimed ownership of the monument and surrounding land because of the government's failure to honor the Treaty of 1868. These sit-ins also denounced racism toward Indian people and demanded a hearing by the Secretary of the Interior.

**TRAIL OF BROKEN TREATIES:** The Trail began one year after a caravan of Indians had descended on Washington to protest the circumvention of Louis Bruce's authority as Commissioner of the BIA. Seeing no change in BIA policies despite an administration reorganization, Indian groups across the country called on AIM to help organize a second caravan to D.C. It left, in October, 1972, from three points: Los Angeles, San Francisco and Seattle. The purpose of the caravan was to set up meetings with representatives of the administration, BIA and Congress to negotiate the nine demands of the Trail of Broken Treaties Pan American Native Quest for Justice. The demands included discussions on a 20-point paper calling for "Renewal of Contracts, Reconstruction of Indian Communities and Securing an Indian Future in America." The Trail ended in the take-over of the BIA headquarters in Washington, D.C.



CASS LAKE: On May 10-16, 1972, AIM held a national convention at Cass Lake, Leach Lake Reservation, Minnesota. At the invitation of the tribal council they met with the town leaders and resort owners to discuss invasions of Indian fishing rights by the sports fishermen who converge on Cass Lake. A blockade of the reservation was called off after negotiations.

SCOTTSBLUFF: A Chicano-Indian group invited representatives of AIM to a unity conference in Scottsbluff, Nebraska, on January 13th and 14th 1973.

Despite promises that there would be no harassment, police began arresting participants that night and continued the arrests throughout the weekend. Approximately thirty people were arrested. Some people were assaulted by police. Charges are still pending. There are approximately ten court cases.

CUSTER, SOUTH DAKOTA: On February 6, 1973, more than 200 Indian people marched on the Custer Courthouse to protest the murder of Wesley Bad Heart Bull by a white Custer business man who received a two-month suspended sentence. A police riot ensued. Thirty persons were arrested, among them Sarah Bad Heart Bull, the mother of the murdered man. She was held on \$5,000 bail and faces a possible 20 year jail term. She is one of 19 people who have been indicted for their protest against what they termed "the dual system of justice in South Dakota."



## THE SIEGE

On February 26, 1973, the Civil Rights Organization on the Pine Ridge Reservation met openly to discuss their grievances concerning the tribal government and the BIA. Since similar meetings had produced no results, the people decided to ask for some assistance from AIM.

After another open meeting on February 27 a caravan of some 300 people drove to Wounded Knee Village, site of the 1890 massacre and a prime example of the treatment of Indians since the European invasion. Ironically, the number of Indians in 1973 was approximately the same as the number massacred less than 100 years ago.

On arrival the people continued the meetings that brought them to Wounded Knee. Within hours police had set up roadblocks, cordoned off the area and began arresting people leaving the town. The people prepared to defend themselves against the government's aggression.

The federal government brought in armored personnel carriers and an arsenal of weapons, including AR-15's, M-16's, 30, 50 and 60 caliber machine guns as well as grenade launchers, flares, CS gas and helicopters. BIA police, FBI and local vigilantes ringed the area. Hundreds of thousands of rounds of ammunition were fired into Wounded Knee; flares were shot off, burning up the countryside; and gas was released to rout the defenders.



On April 5, after holding off the government for 37 days, the residents of the Pine Ridge Reservation and leaders of AIM signed a 6 point agreement with White House representatives. Russell Means called the agreement "a small victory, a preliminary victory in the war with the United States over our treaty rights." The agreement provided for a meeting between traditional Indian leaders and White House representatives to re-examine U. S. obligations under the 1868 Treaty, investigation of the functioning of the BIA and tribal governments on the Reservation and inquiring into possible violations of civil rights and criminal laws. Promise of a preliminary meeting immediately after the signing of the agreement was instantly broken when the government demanded the Indians first surrender their arms and submit to arrest - a direct contradiction to the disarmament understanding reached during negotiations. The Indian people did not surrender. It was a month before a new agreement was signed and the people of Wounded Knee at last left the Village.

The government siege claimed its first life on April 17 when sniper fire hit Frank Clearwater in the head as he rested in the Episcopal Church. He died April 25th. Then on April 27, another defender, Buddy Lamont, was killed in a bunker while the village was under heavy fire.

The government tried starving out the defenders. Only food and medical supplies that were smuggled in by night reached the people. The goon squad roadblock set up by Dick Wilson and tacitly supported by the government was in direct violation of a Federal Court order won by the Wounded Knee Legal Defense/Offense Committee. Communications were cut for over a month and the press was prevented from getting first-hand information. Freedom of the press was obstructed throughout the liberation. Communications with attorneys and negotiations with government officials were continually hampered.

On April 28 negotiations began for the first time since the abortive April 5 "peace" settlement. On May 5 an agreement was reached for disarmament and on May 8 the siege ended and the Village was evacuated. After 71 days an agreement had been reached.

The primary issues in the accord were a re-examination of the 1868 Fort Laramie Treaty and a democratized tribal government. As with the 1868 Treaty, the government still has not implemented its latest agreement with the Sioux people. Instead, 317 people are charged with conspiracy, larceny and numerous other charges.



# THE AFTERMATH ... HARASSMENT

Residents of the Pine Ridge Reservation requested the support of the American Indian Movement when it became clear that they could no longer stand up alone to the violence of the federal government, as carried out by the BIA police and Dick Wilson's official terrorist "goon squad." Wounded Knee 1973 strengthened the unity of the people against these strongarm tactics but at the same time led to an increase in the harassment from the moment the siege was ended and Wilson felt his stranglehold weakening.

In total disregard for the May 5 Agreement, BIA police, unattended by impartial observers, swept through the village, breaking into every automobile, prying open every trunk, smashing down even unlocked doors, ripping apart and confiscating the personal belongings of Wounded Knee families and Indian holy men.

But the harassment and violence did not stop there. Several supporters of the liberation were fired from their jobs, including the director of the Community Health Representative program and five employees of the Public Health Service hospital. Although their dismissal was overturned by the unemployment compensation board, the Wounded Knee Legal Defense/Offense Committee has filed a suit, Janis et al. v. Wilson et al., on their behalf.

On most occasions, the harassment has far exceeded loss of jobs, withholding of welfare checks or arrests without cause. Beatings by BIA police and goons have become a fact of life for residents of the reservation. Homes have been firebombed and shot at, including those of Frank Fool's Crow, a traditional Sioux chief; Eddie White Dress, a former policeman who stayed inside Wounded Knee during the liberation; and Severt Young Bear, a vocal AIM supporter and district councilman for Porcupine. One such incident resulted in nine-year-old Mary Ann Little Bear losing sight in one eye as the car she was riding in with her family was shot at by goon squad leaders John Hussman, Francis Randall and Woody Richards. Law enforcement officials were notified, but when FBI agents arrived--hours later--they made a cursory survey of the area and left, taking no statements and no action. Meanwhile, members of the Wounded Knee Legal Defense/Offense Committee investigations team had taken 20 signed statements by witnesses.

That such violence could go uninvestigated and unchecked made almost inevitable the murders of Clarence Cross and Pedro Bissonette. Clarence Cross, his brother Vernal, and their friend, William Spotted Eagle, were asleep in a car, en route to their home in Kyle, South Dakota. They were awakened and shot by two members of the BIA police force, who took Billy into the squad car. Clarence, mortally wounded, was left lying in the road. He died several weeks later as a result of these injuries and this neglect. Vernal was shot twice, then maced as he lay seriously wounded in his car. Vernal continues to be the subject of violence, his home shot at on many occasions, his car pursued as far as Rapid City, over 100 miles away, and his life threatened - as he aids the Wounded Knee Legal Defense/Offense Committee in an effort to bring his brother's murderers to justice.

Pedro Bissonette was murdered on October 17 by members of the BIA police. Much evidence has come to light that federal and tribal authorities conspired to cover up facts and alter hospital records. It appears that the official account of Pedro's death -- the murder weapon, the time of death, the distance and angle of the shots, and Pedro's alleged possession of a gun--is a fabrication. A founder and officer of the Oglala Sioux Civil Rights Organization, and a leading figure during the 71-day liberation, Pedro was perhaps the most important defense witness for the upcoming trials. He had personal and extensive knowledge of the way that BIA police, Wilson's goon squad, and the FBI, the Justice Department and the courts have been acting together against Indians working for self-determination and recognition of their civil rights. Again, although the Wounded Knee Legal Defense/Offense Committee has carried out a broad investigation, neither the BIA police nor the FBI has done anything more than question its own agents and harass the more than 2000 people who came to pay their respects and express their grief and outrage at the three-day wake and funeral.

But the reservation residents say it is more important than ever to carry on the fight to live freely as Indian people on Indian land. Russell Means' landslide vote in the primary election for tribal president was a major victory in that fight. People withstood rampant intimidation around election time and will continue to challenge Wilson's rule; a rule made possible only through violation of people's civil rights and of tribal laws.



I will stand with my brothers and sisters.  
I will tell the truth about them and about  
why we went to Wounded Knee.  
I will fight for my people.  
I will live for them.  
And if it is necessary to stop the terrible  
things that happen to Indians on the Pine  
Ridge Reservation, I am ready to die for them.

--Pedro Bissonette, June 27, 1973



# SUMMARY OF LEGAL CASES

When the siege of Wounded Knee ended, the front lines moved from the bunkers on Indian land to the United States Courts. There were over 400 arrests and now 271 cases are pending in federal, state and tribal courts. The cases cover civil, criminal and tribal charges.

The Wounded Knee Legal Defense/Offense Committee will represent all defendants in the federal Wounded Knee cases; in the tribal cases; in cases resulting from the protest at Custer, S.D. preceding the liberation of Wounded Knee and in other criminal cases in Scottsbluff, Nebraska, Phoenix, Arizona, Cheyenne, Wyoming and Rapid City, South Dakota.

## LEADERSHIP CASES

The first of the leadership trials, the trial of Russell Means and Dennis Banks, began on January 8, 1974, in St. Paul, Minn. before Chief Judge Fred J. Nichol of South Dakota who moved the case to St. Paul for trial. Clyde Bellecourt, Carter Camp, Leonard Crow Dog and Stan Holder will be tried under identical indictments in St. Paul. Pedro Bissonette, killed by BIA police on October 17, 1973 was a seventh conspiracy defendant and a key defense witness. Judge Nichol denied the defense motion to consolidate all the conspiracy cases.

THE INDICTMENTS - On March 13, 1973 a Federal Grand Jury returned a number of indictments including separate nine count indictments against Russell Means, Dennis Banks, Clyde Bellecourt, Carter Camp and Pedro Bissonette. These indictments were each mimeographed copies of each other with only the names changed. Approximately forty other persons were indicted at the same time, the largest group for alleged acts concerning the Trading Post at Wounded Knee and conspiracy to commit the same.

Subsequently each of the five persons were named in identical two count indictments and at the same time Stanley Holder and Leonard Crow Dog were named in 11 count indictments. The result was that each faced the same 11 charges. These charges were, Count I (burglary), Count II (larceny), Count III (assault on a federal officer), Counts IV and V (impeding federal officers in the course of a civil disorder), Count VI (arson of a motor vehicle), Count VII (possession of unauthorized firearms), Count VIII (theft of a motor vehicle) and Count IX (conspiracy to commit each of the other acts). Counts I and II of the additional indictments, often referred to as Counts XI and XII are additional assault on federal officer charges. Count VI (arson of a motor vehicle) has been dismissed by the Court as improper.

THE TRIAL JUDGE - All cases were originally set before Federal Judge Andrew Bogue of Rapid City. A massive series of affidavits were served showing Judge Bogue's prejudice against all the defendants. Judge Bogue removed himself from the Russell Means and Dennis Banks cases but refused to remove himself from the others. A writ of mandamus was filed in the Court of Appeals (8th Circuit) which transferred the Bellecourt, Camp, Bissonette and Holder and Crow Dog cases to Judge Fred J. Nichol, who then had the Means and Banks cases, but refused to remove Judge Bogue from the other cases. Judge Bogue subsequently removed himself from the trial of the cases, though he continued to preside during pre-trial stages. Federal judges from Nebraska and North Dakota are now scheduled to preside over the "non-leadership" cases.

CONSOLIDATION - From the beginning the defendants have wanted to be tried together. The government as opposed all efforts to obtain joint trials. This is the reverse of what is usually seen. Judge Nichol ruled that only the Banks and Means cases will be tried together at the first trial and he has held open the order and question of consolidation of future trials. The Court of Appeals refused to order Judge Nichol to consolidate the cases.

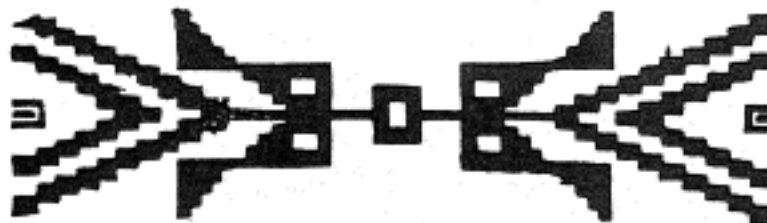
GRAND JURY ATTACK - An in depth study was made of the jury wheel for the Western Division from which the Grand Jury was selected. This study was conducted by the leading geographers and social scientists in the midwest. It demonstrated that Indians were grossly unrepresented in the jury wheel. The court denied all motions based on this discrimination.

PLACE OF TRIAL - The defendants placed before the court overwhelming evidence that it would be impossible to obtain a fair trial in South Dakota. This involved a statewide survey of attitudes, a compilation of newspaper articles, and evidence of the government's press activities. The court found that: "... there exists in the District of South Dakota so great a prejudice against defendants that they cannot obtain a fair and impartial trial at any place fixed by law for holding trial in South Dakota."

CONSTITUTIONAL QUESTIONS - The over-riding constitutional questions are those involving treaty rights. Within that context the defendants have challenged the Major Crimes Act which makes acts on a reservation which violate state law federal crimes. Counts I, II, VI (dismissed) and VIII are based on this Act. The defendants also challenge the constitutionality of the Civil Disobedience Act of 1968 which forms the basis of the charge of obstructing federal officers in the course of a civil disorder (Counts IV and V) and the particular provisions of the Firearms Control Act dealing with registering molotov cocktails (Count VII) has been challenged as clearly unconstitutional.

There are also serious constitutional questions in the indictments themselves. It is virtually unprecedented in modern American jurisprudence to charge individuals not only with conspiracy but also with responsibility for the allegedly criminal acts of hundreds or thousands of others. The Bill of Particulars by the government increases the problem for it discloses that the government does not claim to know who did many of the acts for which the defendants are being charged.

The defendants also have argued that the indictments themselves were brought for the purpose of preventing Indian people from uniting and struggling against the oppressive conditions of their lives and to destroy the American Indian Movement.





## OTHER FEDERAL WOUNDED KNEE CASES

The federal government has indicted 127 people for their stand with the "leaders" at Wounded Knee. These people are scheduled for trial in federal district court in Sioux Falls, South Dakota, before visiting judges from the Eighth Circuit, according to a schedule devised by Judge Andrew Bogue. Judge Bogue removed himself as trial judge, after ruling on the pretrial matters for the first 19 consolidated cases.

On February 4, 1974, the government opened its prosecution of the Wounded Knee defendants by dismissing the charges against four Oglala people--Francis Killer, Lessanes Killer, Cheyenne Nichols and Evelyn Deon. On February 11, Marianne DeCora and Vaughn Dix Baker went on trial before Judge Warren Urbom of Nebraska and within two weeks had won a hearing which ruled that the search of their car by the F.B.I. was illegal. Currently, suppression hearings continue on the case involving Madonna Gilbert, Tonia Ackerman and Lorelei DeCora Means. Other cases are yet to be firmly scheduled.

The 123 men and women range in age from their teens to middle age. Some are respected members of the Oglala Sioux Tribe and long-time activists on the reservation, others were making their first political stand for the civil rights of Indian people. Many of those charged tried to bring food, medicine and clothing into the liberated area, and were stopped at the federal roadblocks surrounding Wounded Knee. They face sentences of five to thirty-five years on the following felony charges: interstate transporting and use of firearms, impeding a federal officer during a civil disorder, burglary and larceny of the trading post, and several other substantive crimes and conspiracy to commit them. The predominant charge is "impeding a federal officer in the lawful performance of his duty."

The government has indicated that another 70 of the 100 people under investigation face indictment by a grand jury convened last November.

## CUSTER CASES

The 19 Custer defendants were indicted for their alleged participation in a demonstration in Custer, S.D. on February 6, 1973. They were protesting the government's double standard of justice--the white murderer of Wesley Bad Heart Bull, an Oglala Sioux from Pine Ridge, was virtually allowed to go free on a two-month suspended sentence for second-degree manslaughter. The defendants include many of those charged during and after the siege of Wounded Knee. Among those charged are: Sarah Bad Heart Bull, the mother of the murdered man, a number of Pine Ridge residents, one young man, John Carlson, who faces seven consecutive life sentences and several AIM leaders. The charges are riot, arson in the second degree, assault without intent to kill, injury to a public building, burglary and conspiracy to commit arson.

## TRIBAL CASES

There are 97 tribal cases against people asserting their civil rights on the Pine Ridge Reservation, which typify the Wilson Tribal government's use of repressive ordinances on riot, trespass, and unlawful assembly. For example, the congregation of more than one person at a given place could constitute "unlawful assembly" on Pine Ridge Reservation. None of these cases are yet scheduled for trial.





## OTHER CASES

There were additional people charged under federal, state and municipal law in Phoenix, Arizona, Cheyenne, Wyoming, Scottsbluff, Nebraska and Rapid City, South Dakota. The Phoenix case involves alleged conspiracy to cross state lines to aid a riot (Rap Brown Act) in connection with Wounded Knee. The Cheyenne cases, involving similar charges, were dismissed in early February 1974. Scottsbluff and Rapid City arrests were made in connection with activities immediately preceding Wounded Knee.

The government attempted unsuccessfully to force Dr. Paul Boe, director of Social Services for the American Lutheran Church, to testify before a grand jury about events inside Wounded Knee while he was there as a negotiator and mediator. Dr. Boe refused to testify, invoking a clergyman's privilege, and was held in contempt. Within hours of the execution of sentence, the Eighth Circuit Court of Appeals overturned the contempt finding, which would have put Dr. Boe in jail up to 14 months, or until he agreed to talk. On the day of the appellate decision, Dr. Boe announced his resignation from position as director of Social Services for the American Lutheran Church and an intention to begin immediately to work for justice for Indian peoples.

## ON THE OFFENSIVE

The Committee has filed suit against the government for a number of incidents of harassment and other illegal actions against people on the reservation, the defendants and members of the Committee.

Oglala Civil Rights Organization et al v. Dick Wilson, et al, was filed in an attempt to curb Tribal President Dick Wilson's use of a group of vigilantes to intimidate, harass and assault his opponents on the reservation. The motion for a temporary restraining order was denied and attempts at intimidation, including killings, continue.

Janis et al v. Wilson, et al, is a suit to reinstate four Oglala women wrongfully terminated from their jobs with the Community Health Service by Dick Wilson's tribal government because of their political beliefs.

Brim v. Wilson, et al, challenges orders issued by Wilson through his executive committee excluding "AIM members, AIM sympathizers and lawyers" from coming onto the Pine Ridge Reservation - orders which are a direct violation of an agreement made at the end of the siege. Under the orders the entire investigation team of the Wounded Knee Legal Defense/Offense Committee was summarily ejected from its headquarters in Manderson and thus prevented, temporarily, from carrying on investigations and maintaining personal contact with defendants - severely hampering an adequate defense of the Wounded Knee cases.



hibited any funeral procession and burial of Frank Clearwater on the Pine Ridge Reservation. Clearwater died during the liberation of Wounded Knee, killed by a bullet from federal troops. The order to prevent the procession and burial violated tribal procedures and the 1968 Indian Civil Rights Act. The Committee is seeking a default judgment declaring the order to be invalid and a violation of the civil rights of Clearwater's survivors. Clearwater has been buried on the Rosebud Reservation.

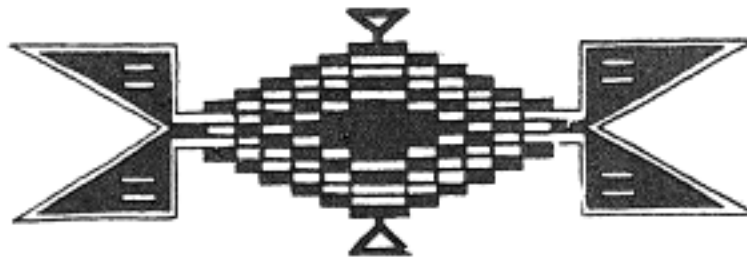
Wounded Head, et al v. Tribal Council, et al, is a suit to compel the tribal council to recognize the right under the 1968 Indian Civil Rights Act of 18-20 year olds to vote in tribal elections. The suit raises a simple legal question, but could upset the power structure on the Pine Ridge Reservation, and particularly the corrupt government of Dick Wilson. Up to this point Wilson has prevented 18-20 year olds from voting because he fears that most young people in that age bracket are AIM supporters.

Clearwater v. Tibbetts challenges a Tribal court order which prohibited any funeral procession and burial of Frank Clearwater on the Pine Ridge Reservation. Clearwater died during the liberation of Wounded Knee, killed by a bullet from federal troops. The order to prevent the procession and burial violated tribal procedures and the 1968 Indian Civil Rights Act. The Committee is seeking a default judgment declaring the order to be invalid and a violation of the civil rights of Clearwater's survivors. Clearwater has been buried on the Rosebud Reservation.

Means et al. v. Wilson et al. is a direct challenge to the election of Richard Wilson for tribal president on February 7, 1974. The suit cites instance after instance of alleged election fraud in violation of the Indian Civil Rights Act and asks the federal court to order the Tribe to nullify the election results and hold a new election.

A.I.M. et al. v. Nixon et al is an action for money damages brought on behalf of AIM, and all Wounded Knee defendants against Richard Nixon, the Justice Department, the U.S. Attorneys and Richard Wilson. The suit alleges that the defendants conspired with each other to destroy, harass and otherwise curtail the activities and purposes of AIM in violation of the plaintiffs' First, Fifth, Sixth, Eighth and Ninth Amendment rights.





## WOUNDED KNEE DEFENDANTS

Dennis Banks and Russell Means are the first of the six AIM leaders to go to trial on the 10-count conspiracy indictments.

DENNIS JAMES BANKS, 41, is a Chippewa born on the Leach Lake Indian Reservation in Minnesota. He attended BIA schools from 1939-1953, and boarding institutions (Pipestone, Minn.; Wahpeton, N.D.; Flanders, S.D.). In 1953 he served in the United States Air Force in Korea and was in Tokyo from 1954-57. He is married and has 13 children. In 1968 he co-founded AIM in Minneapolis and currently is executive director.

### STATEMENT

"From the Sand Creek Massacre to Wounded Knee, many Indians of different tribal ancestry have died most savagely. This violence has continued throughout Indian Reservations almost every hour of our lives. So much is our misery, hunger and poverty that we must declare ourselves as having been engaged in the longest undeclared war in US history. It was the judgment of those who participated in Wounded Knee of 1973 that injustice inflicted by the US government agents on Indian tribes should cease. And it was strongly felt that the government should finally honor the treaties.

What amazed us at Wounded Knee was the almost instantaneous response by the Iron Troops that came to defend the Bureau of Indian Affairs and its buildings. If the government would react to problems that plague American Indian reservations with the same zest and enthusiasm as they sent troopers, then we could realize an end to some of the problems. We can only conclude, however, that their (the government's) goal was not one of aiding justice but of obstructing Indian rights as guaranteed by the Laramie Treaty.

When Wounded Knee ended, we assumed the government would abide by the agreement of May 5, 1973. After reviewing what has transpired since the agreement, the shooting deaths, beatings, murders, we must now raise serious questions as to what this goal was.

We are positive an American jury, when fully advised of the massive corruption on Indian reservations, the lies, unkept promises of the BIA, and deprivation of Indian people, will not fall into the same trail of broken treaties."

(Dennis Banks, January 1974)





RUSSELL CHARLES MEANS, 34, is an Oglala Sioux from Porcupine, South Dakota on the Pine Ridge Reservation. His family later moved to Cleveland, Ohio, where he attended public schools. In Cleveland he founded an urban Indian center, which he ran for four years before he returned to South Dakota and assumed leadership in the American Indian Movement.

Over the last five years he has been a principal participant in Indian actions across the country, including the 1969 sit-in at Mt. Rushmore; the National Day of Mourning at Plymouth, Massachusetts, Thanksgiving Day 1970; the Trail of Broken Treaties and the BIA takeover in Washington, D.C. in November 1972; and the march on Custer on February 6, 1973.

He is one of four brothers, all of whom are active in AIM in South Dakota and father of four children. He currently resides on the Pine Ridge Reservation where he is campaigning for tribal chairman against Dick Wilson and the corrupt, BIA-controlled government.

#### STATEMENT

"Wounded Knee happened because traditional chiefs and holy men of the Oglala people directed and supported our attempt to ascertain the treaty rights of the Lakota people based on a 1868 Sioux treaty.

We did not break any laws, but in fact we went into Wounded Knee to uphold laws. The statement put forth by the Independent Oglala Nation inside Wounded Knee is that we were trying to force the United States of America to live up to its own laws. They made those laws, we didn't.

We are going to attempt for the first time in history through the federal judiciary system, in front of a jury, to prove that we, the American Indian do have treaty rights. If the United States is going to live up to its Constitution and idea of democracy, if it is going to honor its sacred trust, made with American Indian people, it will have to honor the 1868 Treaty - and find us not guilty.

They have no recourse because treaties are on par with and equal to the Constitution, the law of the land. Therefore, treaties made by the United States, ratified by Congress and proclaimed by the President, supercede federal statements and local laws."

(Russell Means, January 1974)



Below are brief biographies of the defendants in the Wounded Knee cases scheduled for trial in Sioux Falls, South Dakota.

EVELYN DEON is a 60-year-old Oglala Sioux who lived in Pine Ridge all her life. Up until the February 7, 1974 election she worked at the mocassin factory where she earned little more than \$2 an hour, including overtime. She first became involved in attempts to gain justice for Indian people in 1972, when the brutal slaying of Raymond Yellow Thunder and subsequent inaction by Gordon, Neb. authorities stirred many reservation residents to bring pressure to bear on an unresponsive tribal government.

LESSANES KILLER also first acted politically around the Yellow Thunder murder, and, like Evelyn Deon, became an active member of the Oglala Sioux Civil Rights Organization (OSCRO), which ultimately invited AIM to their reservation. For some time she worked as a day cook in the Pine Ridge public schools, then was employed at a fishhook factory from 1968 until it shut down in 1969. She now works at the mocassin factory. She has a son, also a defendant, and a daughter, both married.

FRANCIS KILLER is the 27-year-old son of Lessanes Killer. Born on the Pine Ridge Reservation, he lived there until he graduated from high school, and since then has lived there and in Vermillion, S.D., where he currently resides. He is a public accountant for a private firm, and in that capacity worked as fiscal manager for the Tribe in 1971-72. Like his mother, his first political involvement centered around the Yellow Thunder murder in Gordon.

CHEYENNE VIOLA NICHOLS is the mother of six children, including Bernadine and Darlene who are both Custer defendants. A life-long resident of the reservation, she, too, began to express her concern about the lives of Indian people at the time of the Yellow Thunder murder, and then became involved with the Ogala Sioux Civil Rights Organization.

TONIA ACKERMAN is a 23-year-old Indian woman. Born in Canada, she grew up in Montana, and has travelled and lived throughout the United States. She worked her way through several years of college, then was an instructor and counsellor at the Little Red School House in St. Paul, where she taught Indian history and culture. She has been an active AIM member since 1968 and now resides at Porcupine.

LORELEI DE CORA MEANS is a 20-year-old Winnebago Minneconjou Dakota (Sioux) from Sioux City, Iowa. She has been involved in the Indian movement for three years. Before the liberation of Wounded Knee, she was the Iowa state coordinator of AIM, working with three chapters in the areas of prisons, education, employment and relationships with churches. She headed the medical clinic inside Wounded Knee. She now lives in South Dakota with her husband, Ted Means, AIM state coordinator, and works actively with AIM throughout the mid-West and with the Wounded Knee Legal Defense/Offense Committee. She is expecting her first child in June.

MADONNA GILBERT is a Minneconjou Lakota from the Cheyenne River Reservation, S.D. Thirty-three years old, she has been an extremely active member of AIM since 1969. She spent nine months on Alcatraz Island during the 1970-71 liberation. She has worked with AIM survival schools in Cleveland and St. Paul, and with AIM members from her own reservation running for tribal council. She is now working in Rapid City with the AIM state coordinator, and was the liason with the Wounded Knee Legal Defense/Offense Committee when the office was located there. The mother of three children, she has also been involved in the National Welfare Rights Organization.

KENNETH LOUD HAWK has lived on Pine Ridge all his life. Nineteen years old, he completed 11 1/2 years of school and is currently employed as a construction worker, building cluster housing on the reservation.

DELLA STARR is also a life-long resident of Pine Ridge. The mother of six children, ages 3-9, she worked as a community health aid from 1965 to April 1973, when she was fired from her job because of her participation in a peaceful demonstration. Ultimately reinstated as the result of an unemployment compensation board ruling, she is one of the complainants in Janis et al. v. Wilson et al., an employment discrimination suit filed by the Wounded Knee Legal Defense/Offense Committee.

FRANK STARR, Della's husband, has lived on the reservation all his life. He was the bookkeeper for the Tribal Neighborhood Youth Corps. He worked for a time for the BIA, then for the Public Health Service mental health program, working in the outlying districts of the reservation. He is currently a candidate for Tribal Council, and has long been concerned with improving the quality of Indian life by shifting the power of government to the people themselves.

ZACHARY TWO BULLS is a 20-year-old Oglala Sioux who lives in the town of Oglala on Pine Ridge. The Wounded Knee liberation was his first active involvement in the struggle for Indian rights.

GINGER VITALIS is a teacher's aide at the Oglala Community High School, who, like her mother, Evelyn Deon, first became politically active in the attempt to bring the murderers of Raymond Yellow Thunder to justice. She was laid off from her job last spring because of her support of the Wounded Knee liberation, but was finally reinstated at the instruction of the Tribal Secretary because of legal pressure on her behalf.

VICTORIA WOUNDED FOOT is another life-long resident of Pine Ridge whose concern for the rights of Indian people first came into focus around the Yellow Thunder murder. The mother of six children, she was laid off from her job as a lab technician at the PHS, and is another of the claimants in the Janis suit.

VAUGHAN DIX BAKER is a Sioux from Ft. Peck, Mont. Twenty-five years old, he is married and in Montana was a self-employed rancher. He has been a very active member of the Indian movement since his honorable discharge from the Army three years ago, and was staff



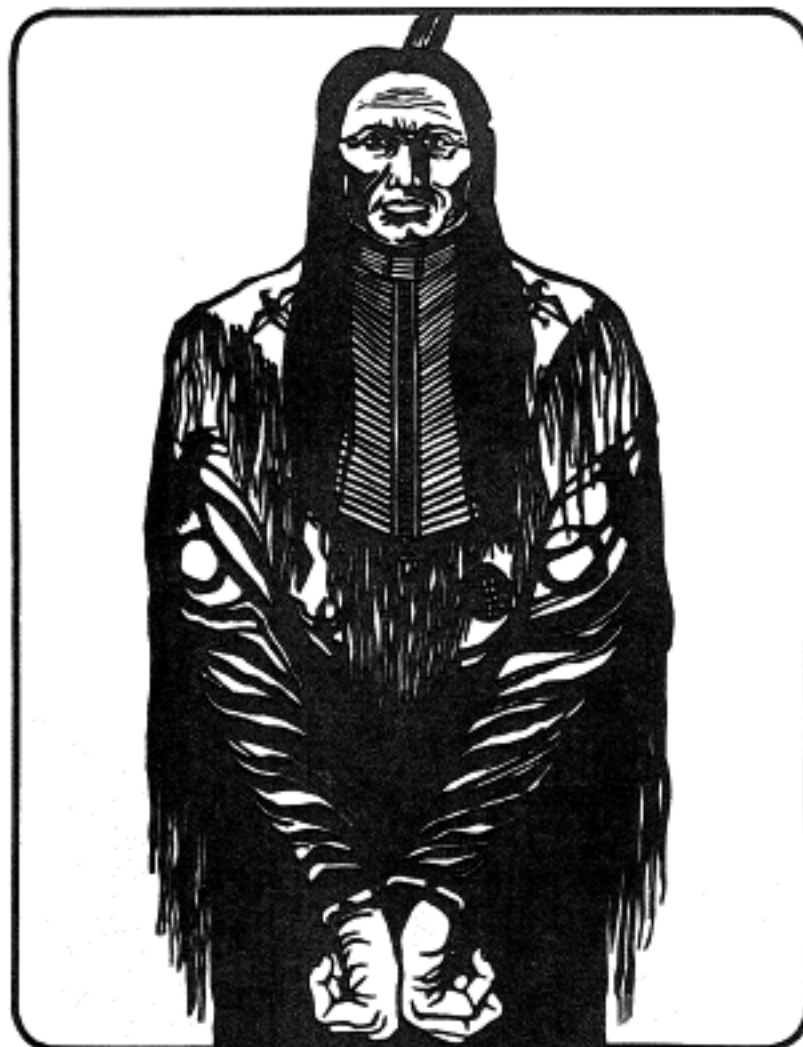
organizer of the Community Action Plan in Billings, Mont. He has been chosen by traditional leaders to study Indian spiritual ways and become a holy man. He currently lives in California.

MARIANNE DE CORA is a 19-year-old Winnebago Minneconjou Dakota from Sioux City, Iowa. A member of the Sioux City Chapter of AIM, she, like her sister Lorelei, has been active in the struggle for Indian rights for the past three years. When her time allows, she works with the Wounded Knee Legal Defense/Offense Committee in South Dakota.

CAROL RED STAR has been a resident of the Wounded Knee district of Pine Ridge Reservation since childhood. The mother of six small children, she was involved in the Indian rights movement for the first time at Wounded Knee 1973.

FRANK LOCKE is 53 years old and a life-long reservation resident. He entered the Army in 1942, served active duty in the Pacific, and was honorably discharged in 1946. He was self-employed as a mechanic for eight years and currently runs the cooperative crafts store in Porcupine on the reservation. He and his wife, Gladys, are the parents of nine children, ages 8-27.

GLADYS LOCKE has, like her husband, lived on the reservation all her life. Both Frank and Gladys are diabetic and were continually frustrated in their attempts to get proper medication during the siege of Wounded Knee, as government and goon squad roadblocks prevented both food and medical supplies from being brought in. They, like all of the people inside, relied almost totally on men and women who backpacked these essentials in, over ten or more rugged miles, in the dark, and often under fire by government forces.



# A. I. M.

## THE AMERICAN INDIAN MOVEMENT

### 1. How? When? Where? did AIM start?

The American Indian Movement was founded on July 28, 1968 in Minneapolis, Minn. to unify the more than 20 Indian organizations which were then felt to be doing little, if anything, to change life in the Indian ghetto. As it became clear that most of these organizations treated Indians paternalistically, with little incentive to manage their own affairs, AIM, first called the Concerned Indian American (CIA), redirected its attention away from the organizations and toward the Indian people as the means to Indian self-determination.

A catalyst for AIM in 1968 in the city of Minneapolis was the pervasive police harassment of Indian people. While Indians represented only 10% of the city's population, 70% of the inmates in the city jails were Indian. To divert Indians from the jails, AIM formed a ghetto patrol, equipped with two-way radios which monitored the police radios. Whenever a call came over involving Indians, AIM was there first, and for 29 successive weekends prevented any undue arrests of Indian people. The Indian population in the jails decreased by 60%. And out of the patrol evolved the federally funded Legal Rights Center, where established attorneys donated up to 80% of their time to serve poor people.

### 2. Who founded AIM?

The cofounders of AIM are Dennis Banks, Clyde Bellecourt and George Mitchell, Chippewas of Minnesota. Banks is from Leach Lake Reservation and Mitchell and Bellecourt from White Earth. Banks now serves as national director, succeeding Vern Bellecourt, also of the White Earth Reservation.

### 3. How extensive an organization is AIM?

There are 79 chapters of AIM internationally, eight of which are in Canada. AIM has also developed ties with aboriginal organizations in Australia and with natives in Micronesia, and continues to grow on and off the reservation.

### 4. What is the structure of AIM?

Unlike other organizations and agencies dealing with Indian affairs, AIM uniquely begins with the people and pyramids to a national organization. It is the chapters which direct and dictate priorities to the national officers, who in turn create and guide AIM in the long-range strategy to meet those priorities. Each chapter is independent and autonomous. The current national officers are: Chairman, John Trudell; Treasurer, Larry Anderson; Secretary, Carol Stubbs; National Executive Director, Dennis Banks.

5. What are the goals of AIM?

From its beginning AIM identified three main forces destructive to the Indian people: Christianity, white oriented education and the federal government. To secure Indian self-determination and the right to be and think Indian, the destructive tendencies of these forces must be eliminated from Indian life, along with the yoke of the BIA.

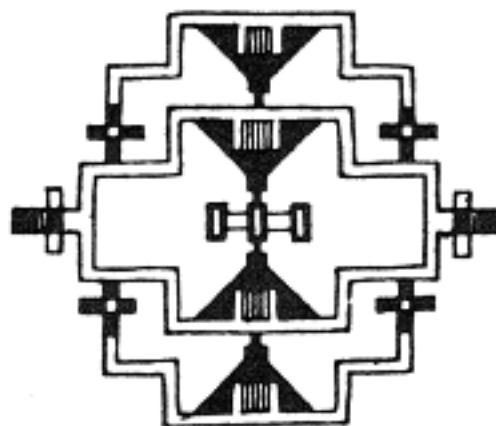
6. What has been the role of AIM in protest demonstrations around the country?

AIM has played the major role in Indian demonstrations over the last five years; AIM was in evidence in more than 150 demonstrations prior to November 1972 alone. Its role has been a peaceful one, to work within the system toward its goals, unless pushed by counterforces into a militant stand. Often AIM's presence is a direct response to a call from the Indian people, and AIM will shoulder the blame, deserved or not, for political actions by Indian people.

7. What is AIM's position on the traditional foundations of Indian life?

AIM is always first a spiritual movement. In the words of Kills Straight, an Oglala Sioux on the Pine Ridge:

...from the inside, AIM people are cleansing themselves. Many have returned to the old religions of their tribes, away from the confused notions of a society which has made them slaves of their own unguided lives. AIM is first a spiritual movement, a religious rebirth, and then a rebirth of Indian dignity. AIM succeeds because it has beliefs to act on. AIM is attempting to connect the realities of the past with the promises of tomorrow.





## WOUNDED KNEE LEGAL DEFENSE/OFFENSE COMMITTEE

The Wounded Knee Legal Defense/Offense Committee is a support group which originated on March 22, 1973 to assist those involved in the Wounded Knee Liberation. Committee members are Indian and white women and men, of various ages and backgrounds, who have volunteered their energy and skills for the legal and political defense of all those indicted for participation in Wounded Knee - and other recent Indian liberation struggles.

A number of Committee members serve as an investigating team - living and working on the Pine Ridge Reservation at Porcupine, S.D. They maintain close contact with reservation residents, research evidence for the trials, and investigate incidents of harassment and violence. Violence continues to plague those who supported the liberation of Wounded Knee; and who still oppose the corrupt tribal government.

Approximately thirty fulltime Committee members, in addition to a large number of part-time volunteers, work in Sioux Falls and St. Paul. The Committee is sustained by small contributions from thousands of people. Committee members receive room and board only - no salary.

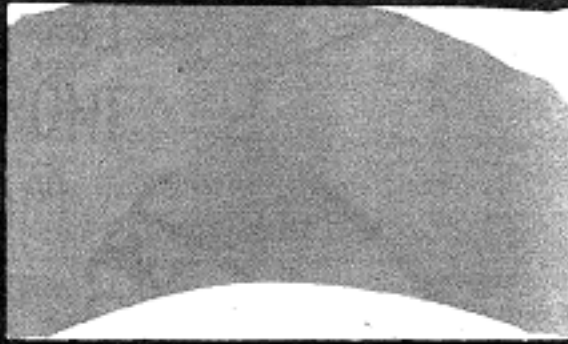
The Wounded Knee Legal Defense/Offense Committee supports the objectives of the Wounded Knee Liberation and the American Indian Movement. We join in demanding the recognition of the 1868 Treaty with the Sioux Nation and the end to corrupt tribal government on the Pine Ridge Reservation.

# WOUNDED KNEE INFORMATION BOOKLET

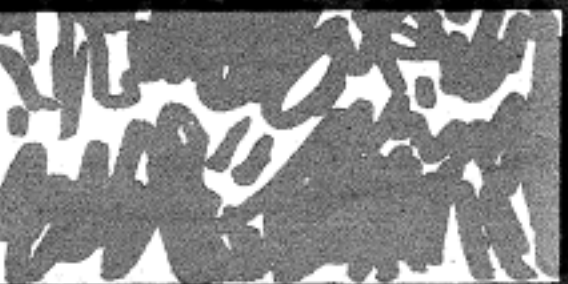
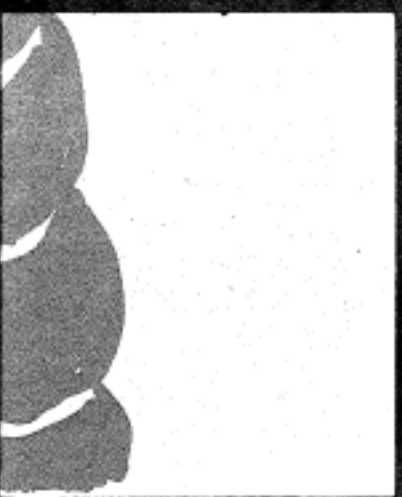
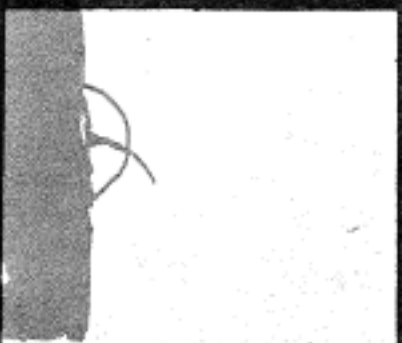
## INDEX

Dedication .....	2
Wounded Knee 1973 - AIM Statement .....	3
Statement on Wounded Knee - Lakota Woman .....	4
Treaty of 1868 .....	5 - 9
Agreement - May 5, 1973 .....	10 - 11
Broken Agreements .....	12 - 13
Chronology .....	14 - 16
The Aftermath - Harassment .....	17 - 18
Summary of Legal Cases .....	19 - 23
Wounded Knee Defendants .....	24 - 28
Wounded Knee Lawyers .....	29
American Indian Movement .....	30 - 31
Wounded Knee Legal Defense /Offense Committee ....	32

# WOUNDED KNEE NEWS



**no. 1**  
JULY 73



"INDIAN TREATIES ARE THE SUPREME  
LAW OF THE LAND AND STAND ON AN  
EQUAL FOOTING  
LEGALLY WITH  
THOSE TREATIES  
MADE BY THE  
U.S. WITH  
FOREIGN  
NATIONS."







# FOR THE LOVE OF MONEY

Few people have been so exploited, harassed and relegated to second class citizenship as the Native Americans are today. They have been robbed of their land, then deprived of opportunities for education and employment and now they are being deprived of a hearing for their grievances.

Indians are regarded by most Americans as a historical curiosity, an image which the government and the press carefully seek to maintain, in order to prevent their demands from being taken seriously by working people generally.

The history of the American Indian has been portrayed as that of a race of blood thirsty savages who were overcome by the heroic efforts of the pioneers and farmers who won the West for democracy and civilization. In real life however, the destruction of the Indian people was a series of genocides, carried out in the process of American profit-making (capitalist) expansion. Most of the Indian tribes were hunted down by the U.S. Armed Forces supported by the fur companies, mining interests, railroads, and large ranchers.

Akwesasne Notes  
Spring '73

# B.I.A.

The Bureau of Indian Affairs

Prior to their military defeat by whitemen, all tribes had centuries-old methods for governing themselves: some by councils of wise and respected civil headmen and chiefs, others, by hereditary religious or clan leaders.

The Bureau of Indian Affairs (BIA) changed all that. Organized in 1829 and supervised by the U.S. Department of Interior, the Bureau's function was to serve the needs of the Indians and to maintain trusteeship over the land retained by the Indians through treaties with the U.S. government. Since then, these treaties have been broken repeatedly while the Dept. of Interior and the BIA, instead of protecting Indian rights have acted as an agent for private businesses or governmental agencies to use Indian lands for highways, dams, military installations, recreation facilities or to exploit mineral resources.

In 1934 the Federal government imposed on almost every tribe, a uniform system of tribal councils—styled in the whiteman's way. Council members, were supposed to be elected democratically by the people. Elections, however, were foreign to the Indians, and most of them, led by their traditional chiefs ignored the new system. Only a tiny fraction of the reservation Indians participated in the government administered elections. The elected tribal officers received sizable salaries from the whiteman's government, and the councils began to make decisions themselves that were binding on the entire reservation. Traditional tribal rituals, such as the Sundance, were outlawed.

Initially the election system worked on some reservations. The tribal councils bolstered the reservation economies through investments, government settlements for land, and leasing land contracts. Eventually, Indians discovered that something was wrong, and the blame fell on the white system and on those Indians who carried it out.

There is a clear conflict of interests involved in the administration by the Department of the Interior of Indian affairs through the BIA, while at the same time it also administers the Bureau of Mines, Bureau of Reclamations, and the Office of Oil and Gas.

One of the demands of Indian activists is the abolition of the Bureau of Indian Affairs. The BIA, they say, was born in paternalism, or perhaps in outright hostility, and time has transformed its unfortunate traditions into a bureaucratic inertia too powerful to overcome.

If Native Americans vote to abolish the BIA, then, the money in the BIA budget would be given directly to Indian tribes and Indian groups without the interference of bureaucratic middlemen, most of them white.

# THE PLIGHT

## OF THE NATIVE AMERICAN



The problem is indeed not a lack of money. It is rather: where does the money go? The BIA's appropriations rose to more than \$530-million in fiscal 1973, while overall Federal expenditures for Indians, including funds for Indian programs in such agencies as the Office of Economic Opportunity and the Department of Health, Education and Welfare, climbed to \$925-million. Most of these moneys end up in the pockets of the BIA 15,000 employees, other government employees and their capitalist friends, including some tribal chairmen.

The government is spending almost \$2,000 for each reservation Indian, yet the average annual income of each Indian *family* remains considerably below that figure, and the misery on the reservations is blatant.

The 500,000 Native Americans still on reservations (there are roughly an equal number in the cities) can find no escape from the BIA, which affects everything from the education of their children and the preservation of their natural resources to the execution of their wills. 25-35 per cent of all Indian children are removed from their families and placed in foster homes. One of the most frequently advanced grounds for separating Indian children from their parents is the abuse of alcohol. However, this standard is very rarely applied against non-Indian parents, in areas where rates of problem drinking are the same among Indians and non-Indians.

Here is the plight of the Indians, as documented in a few statistics published by *The New York Times*:



	Amer. Indian	U.S.
Suicides (1970)	32 per 100,000	16 per 100,000
Life expectancy (1970)	47 years	70.8 years
Unemployment rate (1972)	45% estimated	5.8%
Median family income (1971)	\$4,000	\$9,867
Infant mortality (1970)	30.9 per 1,000 live births	21.8 per 1,000 live births
Per cent entering college (1971)	18%	50% *

\*According to the one-page ad published in the New York Times by the Wounded Knee Defense Fund, June 27th, 1973, these figures are even higher: on the reservations, suicide is 15 times the national average; unemployment is 90%; 95% of the housing is sub-standard; the school drop-out rate is 75%.



# A.I.M.

The American Indian Movement

The American Indian Movement (AIM) is basically a spiritual movement. The Indian people were and are lost only when they "lose" their "way of life," which is totally based on the spiritual rather than the materialistic religion of the whitemen.

AIM began in Minneapolis in 1968 as a street patrol, policing the local police who arrested Indians because they were Indians. Over 100 local chapters have since sprung up in other cities, growing out of the particular needs of each local Indian community. Since 1968, AIM has participated in several actions on behalf of Native American people, including the recent occupations of the BIA building in Washington D.C., the town of Custer, South Dakota, and of course Wounded Knee. Locally, AIM is involved with educational programs, legal problems, and bureaucratic problems that Indian people are faced with.

Native Americans are demanding that treaties be honored, not scrapped when gold is discovered or when a dam is to be built. The Indian will no longer be pushed around to make way for the "progress" of white America. The Indian is demanding that the remaining reservation lands be utilized for the betterment of Indian life, not as a continual source of revenue for white ranchers.

The occupation of Wounded Knee reflects the recently renewed efforts of American Indians to regain national and cultural identity, to improve their economic status, to maintain the integrity of their land.

AIM wants full human rights for Indians, a recognition that the treaty of 1868 with the Sioux nation is still valid, a presidential treaty commission to review and update *all* treaties, and the separation of the BIA from the Dept. of Interior.

Some Indians think they may never win control of their future—not at least until the BIA is abolished entirely.



## BROKEN 'TRAIL OF TREATIES'

A caravan of more than 600 Indians from 250 tribes traveled to Washington DC in October 1972. The Trail of Broken Treaties Caravan expected to be able to talk with government officials. It was a peaceful group. Many women and young children took part, as well as older Indians, chiefs and activists.

The caravan approached Washington and found they were not allowed to present a set of 20 demands which were founded on President Nixon's proposal to Congress on "self-determination" for Indians (July 1970). Unable to get living quarters, the Indians occupied the BIA from November 1nd to the 8th. This strong show of their anger focused the attention of the whole world on the misery of the Indians and their grievances. By renaming the BIA building the "Native American Embassy," they showed how they felt about their imposed U.S. citizenship.

The twenty point proposal covered the main problems of Indian life, especially tribal governments, the policy on Indian lands, the tax status, and services supposedly available to Indian people. The proposal also asked, very frankly, for the replacement of the BIA by a new unit that would be responsible to the President, the Congress and the separate governments of the Indian Nations. This new office would employ 1,000 persons, instead of the 15,000 now employed, and would function on a \$15 billion dollar budget.

Another point related to the relationship of the U.S. government to Native Americans would be that all Indians should be considered to be in treaty relations with the Federal government. The treaties, some 400, have been unilaterally nullified by the United States.

So, the caravan left Washington. The government examined the 20 demands and *turned them all down*, thus showing what a hypocrisy the rhetorical promises of "self-determination" had been.

If one understands the development of capitalism, one cannot be too surprised: supposedly acting as a trustee for the Indians (the way a bank does for its clients' money), the government, the BIA, the Dept. of Interior and other Washington agencies could care less about the real problems of the Indian people they agreed to protect. Indians to them were, and still are easily available human and land resources in the eyes of the profit makers.



# WOUNDED KNEE 1890

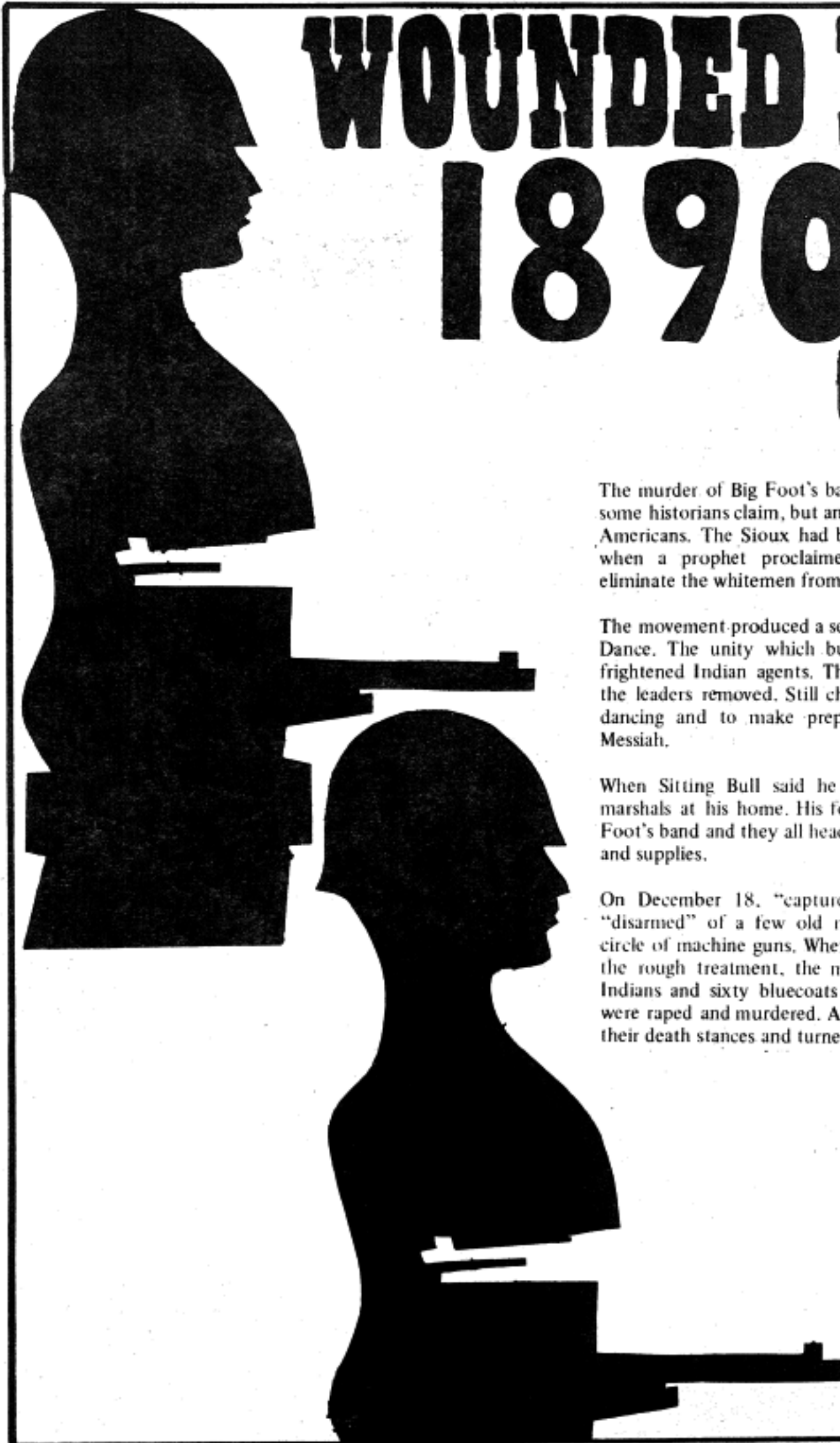
## GENOCIDE!

The murder of Big Foot's band in 1890 was not the "battle" some historians claim, but an atrocity well known to all Native Americans. The Sioux had been at peace for nearly a decade when a prophet proclaimed that the spirits would soon eliminate the whitemen from North America.

The movement produced a set of songs and dances—The Ghost Dance. The unity which built up around the Ghost Dance frightened Indian agents. The dances had to be stopped, and the leaders removed. Still chiefs urged the Sioux to continue dancing and to make preparations for the coming of the Messiah.

When Sitting Bull said he would dance, he was killed by marshals at his home. His followers fled to the hills, met Big Foot's band and they all headed towards the Agencies for food and supplies.

On December 18, "captured" by troops, put in a circle, "disarmed" of a few old rifles they were surrounded by a circle of machine guns. When a young Indian became angry at the rough treatment, the machine guns fired. Two hundred Indians and sixty bluecoats died. Then mothers and children were raped and murdered. A blizzard soon froze the corpses in their death stances and turned the bodies blue and green.



# BUT... NOTHING SOLVED



Kyle, S.C. (AP)—American Indian Movement leader Russell Means said yesterday that the situation on the Pine Ridge Reservation is as bad as it was before the occupation of Wounded Knee.

(...)

The Justice Department negotiated a peaceful end to the 70-day occupation of Wounded Knee May 8. The settlement included government promises to investigate charges of corruption on the reservation and to establish a commission to review an 1868 treaty that AIM contends gave the western half of South Dakota to the Sioux.

Means, who is free on bail pending trial on numerous charges in connection with the takeover, told the subcommittee on Indian Affairs, chaired by Sen. Abourezek (D-S.D.), "The situation is as bad as before the takeover and it only serves to give the suffering Indian people more reason to put their life on the line." (...)

The New York Post,  
June 19, 1973

# WOUNDED KNEE MORE IMPORTANT THAN WATERGATE

## A LETTER OF THE TRADITIONAL TETON SIOUX PEOPLE TO MR. NIXON

June 4, 1973

To: The President of the United States

History will show that Wounded Knee is more important than Watergate. Your long silence over Watergate has severely shaken the public's faith in the men of your administration. Your continual silence now over Wounded Knee will eventually break the public's faith in the Office of the President as an institution. The truth is on photographs, on film, on audio tape, on video tape and on the lips of 4,000 people.

We risked our lives at Wounded Knee because we believed this was the only way to focus world attention on the genocide practiced daily on our people. The principal reason we lay down our arms last month is because your people promised us a Presidential Commission to investigate the Treaty of 1868.

The issue is simple. The Teton Sioux Nation signed a Treaty with your nation in 1868. Article XII of that Treaty said that it could not be changed unless three out of every four adult Sioux males agree to change. We have never agreed to a change in the Treaty. Your people say that the Treaty was changed by a later act of Congress. But if two parties have an agreement, how can one party change it? The very roots of law in any society are based on people honoring their word. We have honored our word. Why do you not honor your word? How can the people of Japan, of Germany, of Kenya ever believe that any Treaty with the United States has any value unless you honor the Treaty of 1868 with our people?

If there is confusion in the White House about what really happened at Wounded Knee it is because you are still trusting the Justice Department and the FBI for your information. But the very heads of these agencies who were trying to kill us in February now hide in dishonor over Watergate. And their hired guns in the field are no better. We remember the U.S. Marshal who wears a skull and crossbones on his cap, and we remember the FBI agents who forced open Clearwater's coffin and then laughed at his widow.

The only way to get accurate information is to set up an independent Presidential Commission as your people promised us. A month has passed and we are still getting evasive answers such as the May 29th letter from your special assistant, Leonard Garment.

Many of our people feel we sold them out by laying down our arms at Wounded Knee. But as older men we know there is a time to fight and a time to talk. We are still prepared to talk. Why is there no Presidential Commission to listen?



# WHAT CAN YOU DO ?



- 1.) Keep abreast of current developments not only through daily biased papers, radio, tv, but by reading material prepared and published by Indian and non-Indian groups you can trust.
- 2.) Subscribe to two of the most accurate sources of information available:

Wassaja—a monthly national newspaper of Native Americans  
subscription: \$10/year  
1451 Masonic Ave., San Francisco, Calif. 94117

Akwesasne Notes—the official publication of the Mohawk Nation in upstate New York published eight times annually, there is no fixed price for a subscription. An issue comes out as soon as funds for printing have been received.

\*We would like to thank Akwesasne who provided much of the information and eloquence, and inspiration

Akwesasne Notes—Mohawk Nation  
via Roosevelttown, N.Y. 13683  
tel: (518) 358-4697

Both magazines are illustrated and contain a thick packet of first hand news and analysis in depth, of current Indian situations.

- 3.) Put constant pressure on the local media to cover the issues fairly and accurately. If you come across a newspaper that continues stereotypes etc., tell them how you feel about that.
- 4.) Boycott old movies on tv that dehumanize the American Indian. Let the station or movie house know about it. Organize a campaign around it.
- 5.) Try to sponsor politically educational programs in high schools etc. about the reality of American history and Indian people.
- 6.) Contact your local AIM chapter and offer your help.

- 7.) Write and encourage others to write to:  
Leonard Garment, Special Consultant to the President—White House  
Senators and Congress people  
Bureau of Indian Affairs  
Demand the resumption of the 1868 Treaty negotiations and constitution of the promised commission.  
Find out what legislation concerning Indians is coming before the Houses of Congress. Women's International League for Peace and Freedom can help with this. Demonstrate

- 8.) Raise money: Over half a million dollars has already been spent in legal costs alone. Lawyers are working with a minimum of staff, no salaries and no legal facilities. Send money to: Ramon Roubideaux, Treasurer

~~DeRose~~  
Wounded Knee Legal Fund  
919 Main St. suite 112  
Rapid City, S.D. 57701

Make checks payable to Wounded Knee Legal Defense Fund

- 9.) Pass this newsletter around

- 10.) Write us.

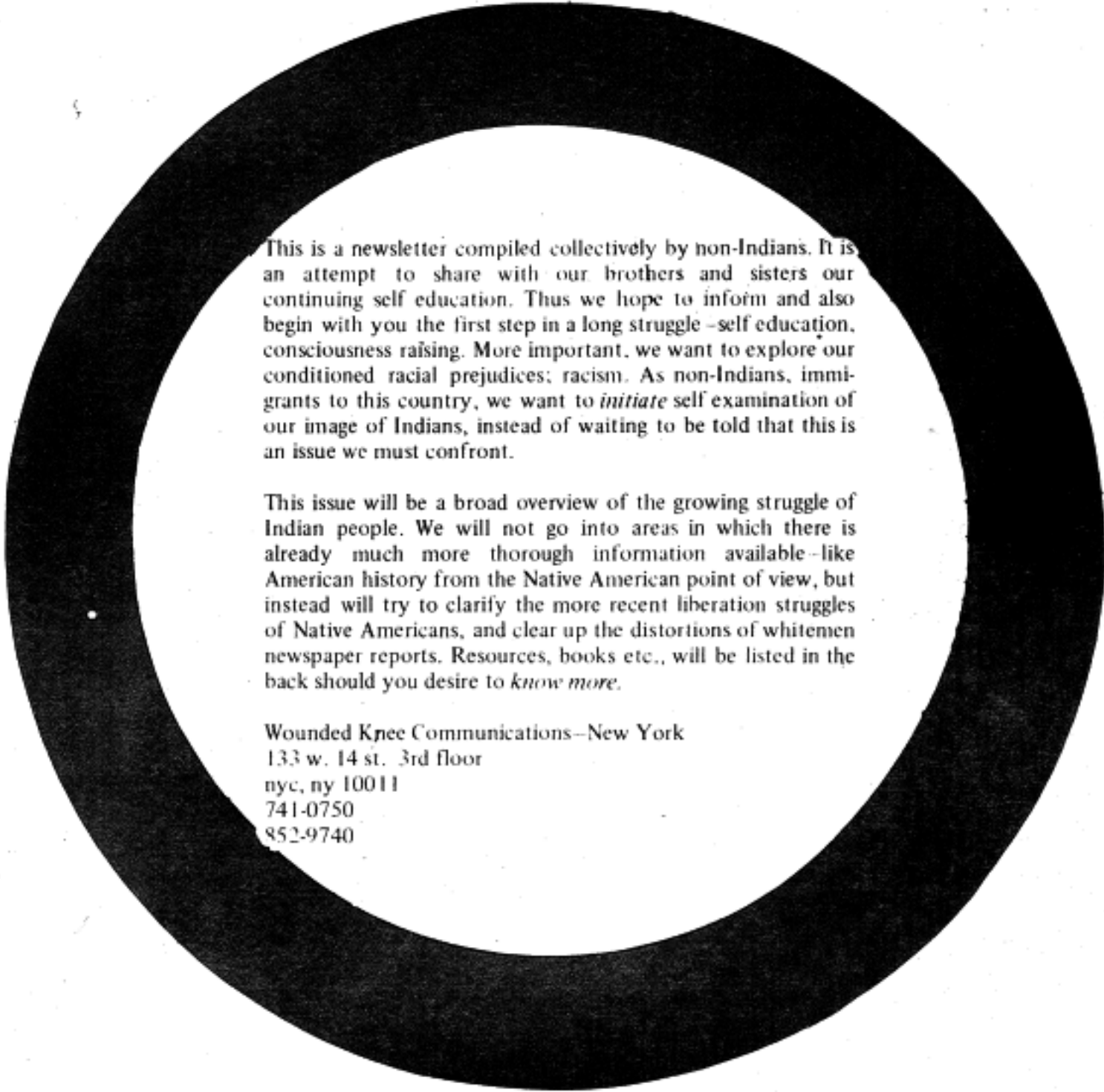
- 11.) MOST IMPORTANT, SIT DOWN WITH SOME FRIENDS, OR YOURSELF, AND BEGIN TO EXPLORE YOUR OWN STEREOTYPES TOWARDS INDIANS. FROM THIS PROCESS, WE CAN GET SOME UNDERSTANDING AS TO WHAT AREAS OUR BROTHERS AND SISTERS, AND OURSELVES, HAVE TO BEGIN TO CHANGE TO MAKE THIS A FREE WORLD. AS A NON-INDIAN, WE ALL HAVE A SPECIAL JOB OF TALKING WITH AND WORKING WITH OUR OWN PEOPLE ON THAT VERY DELICATE SUBJECT OF RACISM.

Any comments, letters etc. to us will be gratefully welcomed—as well as any information on what you are doing, questions and any help you can offer us!



BEFORE OUR WHITE BROTHERS  
CAME TO CIVILIZE US WE HAD  
NO JAILS. THEREFORE WE HAD  
NO CRIMINALS. YOU CAN'T HAVE  
CRIMINALS WITHOUT A JAIL.  
WE HAD NO LOCKS OR KEYS,  
AND SO WE HAD NO THIEVES.  
IF A PERSON WAS SO POOR  
THAT HE HAD NO HORSE, TIPI  
OR BLANKET, SOMEONE GAVE HIM THESE THINGS.  
WE WERE TOO UNCIVILIZED TO SET MUCH VALUE  
ON PERSONAL BELONGINGS. WE WANTED TO HAVE  
THINGS ONLY IN ORDER TO GIVE AWAY. WE HAD NO  
MONEY, AND THEREFORE A MAN'S WORTH COULDN'T BE  
MEASURED BY IT. WE HAD NO WRITTEN LAW, NO ATTORNEYS  
OR POLITICIANS, THEREFORE WE COULDN'T CHEAT.  
BUT NOW "VISIBLE PROGRESS IS EVERYWHERE"—JAILS ALL  
OVER THE PLACE, AND WE KNOW THESE JAILS ARE FOR  
US INDIANS. WHAT A PITY THAT SO MANY OF US DON'T  
APPRECIATE THEM!

LAME DEER - SEEKER of VISIONS



This is a newsletter compiled collectively by non-Indians. It is an attempt to share with our brothers and sisters our continuing self education. Thus we hope to inform and also begin with you the first step in a long struggle -self education, consciousness raising. More important, we want to explore our conditioned racial prejudices: racism. As non-Indians, immigrants to this country, we want to *initiate* self examination of our image of Indians, instead of waiting to be told that this is an issue we must confront.

This issue will be a broad overview of the growing struggle of Indian people. We will not go into areas in which there is already much more thorough information available -like American history from the Native American point of view, but instead will try to clarify the more recent liberation struggles of Native Americans, and clear up the distortions of whitemen newspaper reports. Resources, books etc., will be listed in the back should you desire to *know more*.

Wounded Knee Communications--New York  
133 w. 14 st. 3rd floor  
nyc, ny 10011  
741-0750  
852-9740

This newsletter is based mainly on legal documents and from trustworthy sources.



A few basic reading suggestions:

Henry: *Textbooks and the American Indian*  
Indian Historical Press

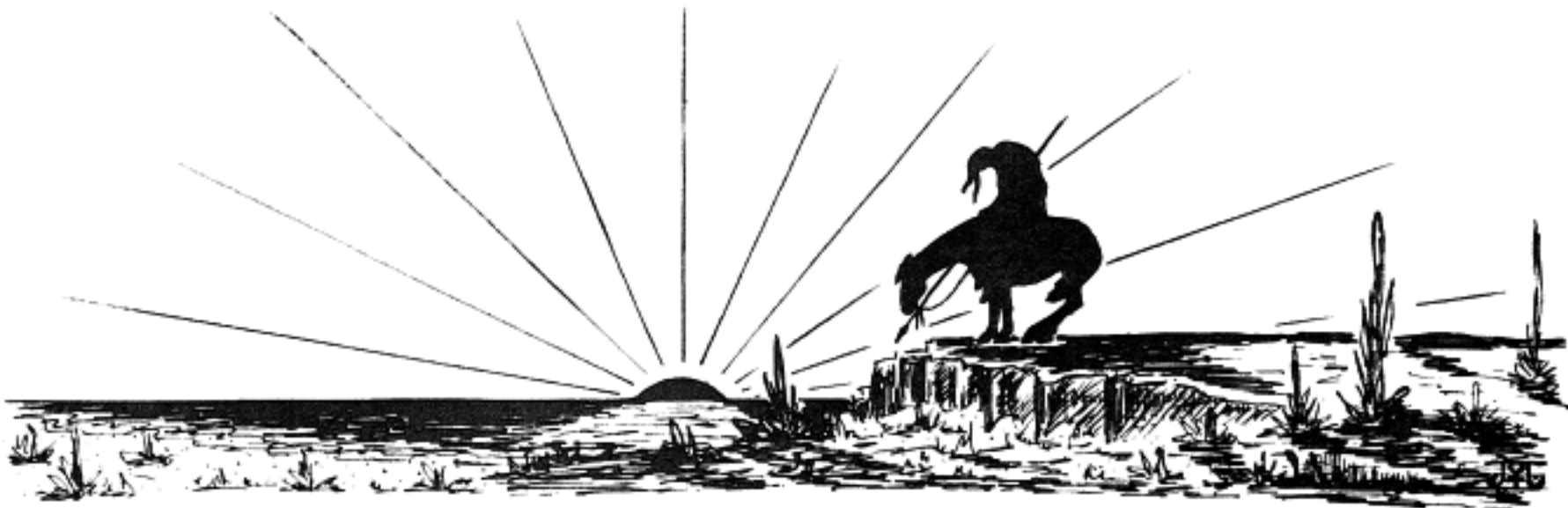
Brown: *Bury My Heart at Wounded Knee*  
Bantam 1971

Steiner: *The New Indians*  
Delta 1968

Schusky: *The Right to be Indian*  
Indian Historical Press 1965

MANY THANKS TO "COME! UNITY PRESS" 13 E 17<sup>th</sup> St, TELE. 6753043,

Who made this printing possible.



WOUNDED KNEE INFORMATION AND DEFENSE FUND 595 MASS. AVE., CAMBRIDGE, MASS. 02139 (617) 864-0965

### WOUNDED KNEE 1973: THE STRUGGLE CONTINUES

The 1973 occupation of Wounded Knee is over. But the struggle of the Oglala Sioux for recognition of their basic rights to govern their own affairs will not end. In 1890 the response of the United States government to such demands was a massacre. The demands of the Indians were ignored and their legitimacy undermined by lies about their motives and goals. In 1973 the response of the government has not changed. The demands of the Indians were scarcely considered by the government. The only response to the Indians was a show of force with a total disregard for human lives. The occupants of Wounded Knee were denied food and medical supplies in an attempt to starve them into submission. The area was saturated with heavy gunfire by the United States Marshals and a military force was mobilized to conduct the second massacre at Wounded Knee. With the signing of an agreement, the government has again made considerable efforts to undermine the significance of Wounded Knee.

The American Indian has never doubted the capacity of the United States government to lie. Recently, Watergate and Vietnam have demonstrated this fact to the American public. Now the government reports about Wounded Knee show the same lies and distortions.

**THE GOVERNMENT CLAIMS THAT THE TAKEOVER HAD NO SUPPORT FROM THE RESIDENTS OF WOUNDED KNEE, and, as proof, points to the fact that many families left the occupied village.**

**FACT:** The occupation was widely supported not only by the people of Wounded Knee, but of the entire reservation. Sworn affidavits indicate that many people who were in sympathy were afraid to speak out because of the atmosphere of fear of BIA and vigilante reprisals which pervaded the reservation.

**FACT:** The government made a concerted effort to isolate the American Indian Movement from the residents. In early March, roadblocks were removed and residents were told they could leave to shop for food in nearby Pine Ridge. Many families left, only to find that when they returned, the roadblocks had been set up again and that they could not return to their homes.

**FACT:** In mid-April, 35 of the families who had been victims of this treachery submitted a petition of 100 names of residents to the Federal Court demanding removal of the roadblock "illegally preventing food, medicine, doctors, and lawyers from reaching our friends, neighbors, and relatives who have remained in Wounded Knee," and insisting that they be allowed to return immediately to their homes.

**THE GOVERNMENT CLAIMS THAT ONLY AIM MILITANTS AND "WHITE SUPPORTERS" OCCUPIED THE VILLAGE.**

**FACT:** Wounded Knee was occupied largely by Oglala Sioux (80%, according to a national Indian newspaper) with the support of the AIM. The AIM's policy has always been to "support all Indian people upon request where ever." Such a request was made by 4 organizations of Oglala Sioux residents of Pine Ridge Reservation, organizations formed in an attempt to get a more responsive, less corrupt government on the reservation and to diminish the power of the Bureau of Indian Affairs over their lives. Previous attempts in this direction were met with outright suppression by the tribal council and the BIA.

THE GOVERNMENT HAS CLAIMED THAT THE AMERICAN INDIANS HAVE FAILED TO RESPECT THE AGREEMENT OF MAY 5, 1973.

**FACT:** The U.S. government has already broken its part of the agreement. It promised that its bunkers and roadblocks would be dismantled or removed as soon as the occupation ended. 48 hours after the Indians' surrender, the federal roadblocks (including armored personnel carriers) were still in place, and the government bunkers were still up.

**FACT:** The government promised that no person arrested at the time of the surrender would be taken to the BIA jail in Pine Ridge, but that everyone arrested would be taken immediately to Rapid City. However, at least 20 people were subjected to the brutal and inhumane treatment at the BIA jail.

THE GOVERNMENT CLAIMS THAT THE INDIANS DESTROYED MUCH PROPERTY AND BURNED BUILDINGS.

**FACT:** No one knows what caused the fires on the reservation. However, the first building that burned was the trading post, which was used by the occupants as sleeping quarters and as a storage place for their meager food supply. The day before it accidentally burned, however, the government had shut off all electricity, and the village water pump was thus inoperable. There was simply no water available to put out the fires. Furthermore, hundreds of acres of valuable grazing land around the village were burned by government flares.

The government and the media have tried to minimize the importance of the Wounded Knee occupation. But it is clear that the people of Wounded Knee have achieved for themselves and for American Indians throughout the country. Living with the threat of starvation and massacre, the Indians held out for 70 days, until their demands were met:

- The U.S. government will finally reexamine the original 1868 Sioux treaty and its obligations under that treaty at a meeting between traditional Oglala leaders and representatives from the White House;
- and the government must investigate corruption on the part of the BIA and the tribal government and violations of civil rights and criminal law on the reservation.

The government's lies cannot conceal the reality of this victory.

If you are interested in obtaining further information and/or contributing to the legal defense fund for the people of Wounded Knee, please clip and send this coupon to:

Wounded Knee Information and Defense Center  
595 Massachusetts Avenue  
Cambridge, Massachusetts 02139      (617) 864-0965

Name \_\_\_\_\_ Enclosed is my contribution \_\_\_\_\_

Address \_\_\_\_\_ Please send me more information \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_



## pine ridge: elections

A STEP TOWARD A QUIET BICENTENNIAL:  
DENNIS BANKS BEHIND BARS

It seems that the U.S. Government has grown a step closer to achieving its goal of a quiet bicentennial year by putting American Indian Movement (AIM) leaders behind bars. Leonard Crow Dog, an important AIM spiritual leader and traditional medicine man, is currently serving a 5-year prison sentence stemming from a dubious charge of aiding and abetting an assault. The charge resulted from an incident that occurred at Crow Dog's homestead on the Rosebud Reservation this past September. Two men, considered troublemakers by Rosebud Tribal Chairman Robert Burnette, attempted to enter Crow Dog's land to instigate a fight. Crow Dog looked on as several people helped break up this fight. Two days later Crow Dog's residence was attacked by over 80 FBI agents with full assault gear in a pre-dawn raid. Their stated intention was to serve the assault warrant on which Crow Dog was convicted.

Less than a month ago Russell Means, another AIM leader, was convicted in Sioux Falls, South Dakota, on a riot charge and sentenced to four years. He is currently out on bond with the stipulation that he cannot participate in any AIM activity. His conviction originated out of a police-induced courtroom riot nearly two years ago. The police attack left several spectators hospitalized and one Indian defendant with permanent eye damage.

Last July Dennis Banks, National Field Director of AIM, was convicted of assault and riot with a dangerous weapon in a trial dealing with the Custer, S. Dak. courthouse melee nearly 3 years ago. According to Vernon Bellecourt of AIM, Banks, convicted by an all-white jury refused to "submit to a racist system of justice which does not even give the appearance of equality for Indian people", and was not present for sentencing August 5.

After being free in political exile for 5 months, Dennis Banks was captured in El Cerrito, Calif. on January 24. He was arraigned in San Francisco on federal firearms charges and is presently in jail at \$100,000 bond.

cont'd p. 2



Dick Wilson, the tribal chairman on Pine Ridge Reservation for the last four years was soundly defeated in a January 27th election by a former Bureau of Indian Affairs (BIA) superintendent at Pine Ridge.

Al Trimble was booted from the BIA job (the first Sioux ever to hold that position) when he demanded that more services be given to the full-blooded traditional Indians on the reservation and because he criticized the Wilson regime and the brute force it employed to maintain its grip on Pine Ridge. Wilson charged that he was "soft on AIM" and had Trimble removed. Although Trimble is considered a moderate, he has the general support of AIM. He has promised to address himself to vital issues on the reservation such as poverty, land use, and making the tribal government more responsive to the needs of the Oglalas.

Trimble stated that his first order of business would be to "diminish the fear and anxiety by getting rid of the gon-squad". (I.e., Wilson's private police force that had been used for the last four years to harass, intimidate, beat, firebomb and kill political opponents of Wilson.) It appears, however, that this may be easier said than done. While Trimble waited for election returns at his sister's home on Pine Ridge, January 27, two bottles crashed through the front window of the house. In the first week after the election, one AIM member has been killed and firebombings have taken place at some homes of anti-Wilson political activists.

It was two years ago that AIM leader Russell Means ran against Wilson for the tribal chairmanship. Means (who was ruled ineligible to run in this recent election) was defeated narrowly in an election which was marred by numerous electoral violations stemming from Wilson's underhanded, iron-rule tactics. After a year, the U.S. Commission on Civil Rights reported that the election had been "permeated with fraud" and suggested that a new election be held. The BIA and the Interior Dept. refused, however, as Wilson was too much of a traitor to his people to be removed. If independent observers (which were requested by opponents of Wilson) had been allowed to monitor the election two years ago, Wilson would not have been elected and more people would have been alive today as a result.

cont'd. p. 3



## BANKS cont'd.

If Dennis Banks is returned to S. Dakota for sentencing on his Custer conviction a very real possibility exists that he could be killed in prison. "The prisons tend to be a reflection of the society and this society is very, very white", stated John Flynn (co-counsel for Banks during the Custer trial).

Throughout the course of Banks' trial this past summer, the prosecution refused to acknowledge the political nature of it. Banks made it clear that indeed it was a political trial. S. Dakota and State Attorney General Wm. Janklow, who was personally prosecuting this case, were the ones on trial.

Janklow was elected Attorney General of S. Dakota in November 1974 on the platform of driving AIM from South Dakota. Lightly veiled in the campaign was a promise to put Dennis Banks behind bars. Janklow's political future was based on conclusive defeat of Dennis Banks in the courtroom.

The Custer incident occurred on February 6, 1973. A group of Indian people, Dennis among them, had gone to Custer to meet with the district attorney to negotiate the light charge given to the white killer of an Indian man (Wesley Bad Heart Bull). The slain man's mother was attacked by police as she attempted to enter the office of the district attorney. Several observers in the group rushed to her defense. The protesters were assaulted with clubs, tear gas, mace, and water hoses.

By the time the smoke cleared the Chamber of Commerce Bldg. was burned to the ground and the courthouse was severely smoke and water damaged. Several Indian people were injured. 19 people were indicted on various charges of arson, riot, and assault. Dennis was among them. In his closing statement, Dennis Banks eloquently explained the continued oppression of Indian people and why they had rallied at Custer. He explained that the murder of Wesley Bad Heart Bull and subsequent undercharging of his white killer was not an isolated incident. It had to be understood within the context of the last 400 years.

Previous to Bank's capture, January 24, nationwide searches had been conducted by local, state, and federal officers. Banks was believed by officials to have been in a car that blew up on the Kansas Turnpike this past September. The 8 passengers in

the car, including 2 teenagers and a baby were charged by federal officers with possession of explosives. One of the occupants of the car was Kamook Banks, wife of Dennis.

October 6, A Keystone Kop comedy-like incident occurred in St. Paul, Minn. The National AIM office located there was under surveillance all day long by a police helicopter. As the office personnel left in their car they were chased by FBI agents and the police helicopter zoomed in. They were questioned and the car was impounded. But Banks was not in the vehicle.

Banks was not found, as expected, in a motor home riddled with police bullets after it was stopped in Oregon. After the incident 4 adults and 2 children were taken into custody with Kamook Banks among them once again.

In 1968, Dennis was one of the founders of AIM. The organization began in Minneapolis as a ghetto patrol policing local police who seemed to possess an affinity for throwing Indian people into jail. Since its inception in 1968, AIM has grown to include more than 100 chapters in various locations in the U.S.A. and 79 chapters internationally.

Dennis Banks is a Chippewa and was born on the Leech Lake Reservation in Minnesota. As a child he attended BIA schools and boarding institutions. (Bank's experience in these institutions was probably a main factor in his proposal of the AIM Survival Schools in 1970; This system incorporates an Indian school board and Indian culture to build a sense of identity and pride because public, private, and government operated schools had failed Indian children by making them despise their heritage. There are currently 3 Survival Schools in Minnesota and 1 in South Dakota. They have been a positive answer to high Indian drop-out rates.

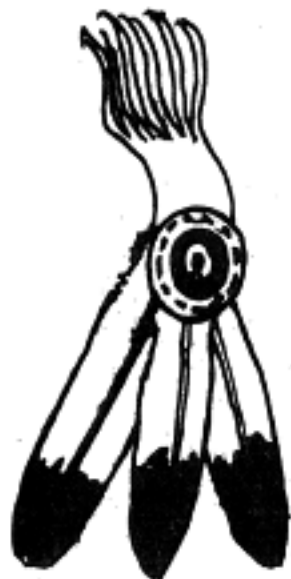
But these vital members of AIM, Leonard Crow Dog, Russell Means, and Dennis Banks, have now been hampered in their efforts of further reform for their people and our country as a whole. William Kunstler, one of the defense attorneys in the Wounded Knee case of Dennis Banks and Russell Means (after a 8 month long trial all charges were dropped in federal court because of blatant government misconduct), stated most accurately at the close of that particular trial, recalling the lost vision of the Sioux medicine man Black Elk, "The sacred tree is alive...because of what happened at this place just a year or so ago...At this same place where Big Foot died in the snow (Wounded Knee 1890)...the nation's hoop is being repaired...There is a fighting chance for something decent in this world, and it will not come by sending these people to prison."



## Elections cont'd.

In order to maintain the facade of neutrality and objectivity, the Federal Government agreed to have the Federal Mediation and Conciliation Service monitor this latest election. As a result, the Oglala people were given half-a-chance to express their desires; Wilson was dumped by a margin of nearly 2 to 1.

Although we feel that Trimble replacing Wilson is definitely a step in the right direction, we caution those who may feel that the problems at Pine Ridge are now (or will soon be) over. As our friends at Akwahasne Notes have said "...the major industry at Pine Ridge today appears to be the local BIA government which replaced the U.S. Army as the method of maintaining the status quo, i.e., the domination of Oglala lands by white ranchers." Until the Oglala people have the power to control use of their lands and thus, their way of life, the problems will continue.



## DUHAMMEL

Art Duhammel of Peshawbestown is free on bond until appeal is heard on his latest conviction of interfering with a Dept. of Natural Resources officer. As earlier reported in WKSC News, Duhammel was arrested last May for netting fish in Traverse Bay. When he tried to retrieve his boat and gear, he was charged with interfering with an officer, using illegal fishing gear, and transporting illegally caught fish. Plea bargaining dropped the last two charges.

Duhammel is also appealing last June's conviction fishing illegally in Grand Traverse Bay. It is expected to be 6 months before the Appeals Court hands down its decision.

(Thanks to Indian Talk for the above information.)

TREATY LAWSUIT WITH U OF M  
STILL PENDING

A class action suit filed with Washtenaw County Circuit Court on behalf of children of Michigan tribes has been pending since August 1971. Litigation seeks an accounting of the money received by U of M from the sale of Indian educational trust lands.

In September, 1817, Governor Lewis Cass signed the Treaty of Fort Meigs with chiefs from Chippewa, Ottawa and Potawatomi tribes. Article 16 shows that the tribes conveyed 4,000 acres of land to the University of Michigan. No money was exchanged however the University agreed to educate Indian children. The Treaty was ratified by the US Senate and signed by Pres. Monroe.

During the 19th century the University sold the land; the tribes however insist that the University has a legal duty as trustee to make an accounting for the monies received from the sale of the lands. The position of the plaintiffs is that the money should be used to educate Indian children.

The suit is another example of Indian people trying to enforce written agreements. Sought is the recognition of the reasonable expectations that were induced in the forefathers by the promise of the first president of the Board of Regents of the University of Michigan.

The University is obstructing the agreement by contending that the plaintiff (Paul Johnson) cannot represent the class in that he has no Potawatomi blood. However, Johnson is mixed Chippewa-Ottawa.

## MINNESOTA LAWSUIT

Grand Portage Reservation Business Committee decided on October 30, 1975, to initiate a lawsuit against the state of Minnesota, Department of Natural Resources, Cook County, and area Game Wardens for continuing to arrest Indian people in clear violation of Treaty law. The Treaty of 1854 state quite clearly that the Chippewas of Lake Superior "shall have the right to hunt and fish" on territory ceded to the United States. The suite seeks \$20 million in damages and is one more in a series of legal hassles that area Native Americans are having regarding fishing and hunting rights.

(Thanks to Nishnawbe News for the above information.)





## COMMITTEE HAPPENINGS

This term the WKSC, along with the North American Indian Student Association will be sponsoring a Native American Film Series. The films and dates are:

- Feb. 13: "Lament on the Reservation" and "The Longest War"
- Feb. 27: "Soldier Blue"
- Mar. 5: "Forty-Seven Cents" and "Indian Relocation: A Report on Elliot Lake"
- Mar. 12: "Cree Hunters at Mistassine"

All films will be shown at 7:30 and 9:30 p.m. in room 105 South Kedzie, except "Soldier Blue" which will be shown at 7 and 9 p.m. in B108 Wells. There will be a \$1 donation at the door. Hope to see you all!

The Committee set up a table for the John Hartford-Mariah Concert last Friday night (January 30) and collected \$45 for the Defense Fund. Thanks to everyone who participated in making the night a success.

Our Information Table is set up in the main lobby of the Union Bldg. every other Tuesday from 10a.m. to 4 p.m.; and at the International Center on the alternate Tuesdays. If you're in the neighborhood stop by and check out our stuff. We've got fresh issues of "Akwasasne Notes", books, posters, Akwasasne Calendars and lots of current and not-so-current Native information.

Also a reminder that our meetings are still on Thursday nights at 8 p.m. in the student offices on the first floor of the Union. The phone number is 353-0660. Come to the meetings or give us a call if you have some time you'd like to contribute. The Committee needs help!

# SOUTH DAKOTA



## TRIAL UPDATES

### Sioux Falls

Voir dire is currently underway for four Sioux Falls defendants. The four are: Edgar Bear Runner, Ted Means, Kenny Kane, and Curtis Bald Eagle. All, except Ted Means who is charged with riot, are charged with riot and assault. These charges stem from the police-induced courtroom riot that occurred almost two years ago. Russell Means was convicted of riot on December 15 and sentenced to four years. He is presently out on \$2000 bond pending appeal with the stipulation that he cannot be involved in any AIM activity.

### Custer

The following Custer defendants had their charges dismissed last month: Regina Brave Dixon, Reginald Black Elk, Larry Red Shirt, and Bernadine Nichols. That leaves 8 people yet to stand trial for the courthouse melee that occurred 3 years ago. Russell Means (assault, arson, riot) Dave Hill (assault, arson, riot), Kamook Banks, wife of Dennis Banks (burglary), and Paul Clifford (arson, riot) will stand trial sometime this month.

funded partially by SMAB

# DUAL SYSTEM OF JUSTICE SOUTH DAKOTA

## PROTECTION FOR WHITES

## PRISON FOR INDIANS

The police attack on Indian spectators in a Sioux Falls state courtroom April 30 follows 15 months of whites murdering Indians and going free; of Indians facing long prison terms for protesting the court's injustice to Indian people; of Indian defendants and lawyers receiving racist treatment from the white judges; and of harassment to Indian spectators in the courtroom. From Wesley Bad Heart Bull's murder in January 1973 to the April 1974 beating of Indian people in the courtroom where Wesley Bad Heart Bull's mother faces trial for protesting the leniency toward his white murderer, the South Dakota dual system of justice has prevailed. (Note; be sure to see the latest developments on back side, bottom)

### → APRIL 30, 1974 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE ←

Judge Joseph Bottum ordered 25 tactical squad police in full riot uniform with riot sticks in hand to clear the courtroom of 14 Indian spectators giving support to the five Custer defendants then on trial in Sioux Falls. Moments after the press was ejected from the courthouse the tactical squad, armed with riot sticks, mace and tear gas attacked unarmed defendants and spectators. A Lutheran clergyman present in the courtroom described the scene as "using a shotgun against a flee." All but five Indian spectators were thrown out of the courtroom after the 10-minute attack. The five were arrested and taken to jail where they were denied adequate medical attention for their injuries. All Indian spectators were injured, eight requiring hospital care. However, the most serious injury was to defendant David Hill, who had been ordered to remain in the room. The first person attacked, he received severe eye and head wounds, and doctors still have not been able to determine if he will lose his right eye.

Why was such an attack made on courtroom spectators? Because they are Indian people who refused to stand to show respect for a judge who has demonstrated over and over how racist he is. Standing to show respect for the judge in a courtroom is only a courtesy, not a law. Joseph Bottum deserves no courtesy from Indian people whom he is helping to railroad into the prisons of South Dakota.

### → APRIL 26, 1974 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE ←

Over 50 Indian people were bodily carried out of the Minnehaha County Courtroom, where they came to show support for the Custer defendants whose legal and constitutional rights were being denied. The spectators refused to stand when judge Bottum started to enter the courtroom and he refused to enter unless they did. In a peaceful, non-violent demonstration, more than 50 women, men and children were carried out and dumped in the hall. Over an hour later Bottum reinstated the three defense attorneys whom he had suspended the day before. He then set court for the following week.

### — • — APRIL 25, 1974 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE — • —

Judge Bottum ordered defense counsel to continue jury selection although the defense had a motion pending before the State Supreme Court to increase the number of pre-emptory challenges for each defendant. Because of the difficulty in getting a fair South Dakota jury for Indian people, defense attorneys felt that each defendant should have more than two pre-emptories, the number assigned by Bottum. When the three defense attorneys refused to continue jury selection, Bottum only suspended the white defense attorneys but fined and jailed the Indian attorney. Once again, Bottum had vividly demonstrated his own racism and how the dual system of justice works. Yet, the next day he expected Indian spectators to stand when he entered the courtroom.



Bottum's actions in the courtroom are horrifying but they are no longer shocking to the Indian people who have been struggling against the dual system of justice ever since Wesley Bad Heart Bull was murdered.



## JANUARY 21, 1973 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE

Darell Schmitz, a filling station manager from Custer, S.D., stabbed and killed Wesley Bad Heart Bull in Buffalo Gap, S.D. There were a number of eye-witnesses, and although it would have been easy to stop the murderer, no attempt was made to catch Schmitz. The car carrying Wesley to the hospital broke down en route, and some of Schmitz's friends who passed it, decided to late too return for help. At the hospital, highway patrolmen made no attempt to question people who were known to have been with Schmitz that night. They instead, arrested Eddie Clifford, a friend of Wesley's who himself had been shot a few weeks before. He was arrested on an old traffic fine. It had been common knowledge in Buffalo Gap that a white bar owner had offered a reward to the person who killed Eddie or Wesley. Apparently confident of avoiding conviction, Schmitz turned himself in the next day and was scheduled for trial February 6.

## FEB. 6, 1973 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE

About 200 Indians came to Custer, S.D., in the heart of the land which belongs by Treaty and by right to the Indian people, in the sacred Black Hills. They came to see that justice be done to the white murderer of Wesley Bad Heart Bull because they knew nothing had happened a month earlier to the white murderer of Raymond Yellow Thunder in Gordon, Nebraska. They planned to hold a meeting with the states attorney Hobart Gates to discuss the prejudice shown in the lack of investigation and with Schmitz's being charged with only second degree manslaughter instead of first degree murder. Riot squad police met the peaceful demonstrators with riot sticks, baseball bats, mace, tear gas and other weapons. Many Indians were injured. Thirty of the demonstrators were arrested; later 19 were indicted. Those indicted include Sarah Bad Heart Bull, Wesley's mother, whose bail was set at the same amount as Schmitz's had been after he murdered her son. Darell Schmitz had his trial rescheduled for May and moved to Rapid City.

## MAY 1973 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE

After two days of testimony from 20 witnesses, an all-white jury acquitted Schmitz. Indian people who heard testimony from defense witnesses say many of them lied.



Because of Judge Bottum's racism and the tactical squad's brutality, five Indians were immediately arrested in the courtroom and by May 3, three more Indians and a white sympathizer were also arrested. Again and again the police attack, and the people are arrested and face prison terms. More than \$8,000 in bail had to be raised, and with more arrests expected, more bail money will be needed. On May 3, after requiring that David Hill be brought to the courthouse in an ambulance and into the courtroom on a stretcher, Judge Bottum denied the defense motion for a mistrial. He scheduled a hearing on removing himself from the case for May 14.

## SARAH BAD HEART BULL CONVICTED! JUNE 20, 1974 SOUTH DAKOTA DUAL SYSTEM OF JUSTICE

Sarah Bad Heart Bull has been sentenced by Judge Joe Bottum to spend 1-5 years in prison. In the same trial, Robert High Eagle and Kenneth Dahl were both sentenced to 5-7 yrs; all three were convicted of "riot where arson was committed," in connection with the Feb. 6, 1973 Custer courthouse demonstration. Bottum's hostility towards these people was again demonstrated when he refused them bond pending the appeal of their case--he gave Sarah Bad Heart Bull only 24 hrs. to make complete arrangements for her remaining six children.

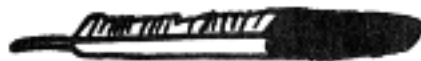
These were only the first cases to be heard by the state of South Dakota on the Custer demonstration--16 more people still have to go to court --what can we expect for these people when even the mother of the deceased man is sent to prison for protesting the leniency shown towards her son's murderer?

The Wounded Knee Legal Defense/Offense Committee is in desperate need of funds, if you are concerned, please send your contributions to:

WKLD/OC  
P.O. Box 80931  
Lincoln, Nebraska  
68501

OR

WOUNDED KNEE SUPPORT COMMITTEE  
1st Flr. Offices-Union  
Michigan State Univ.  
East Lansing, Mich. 48824





## LATEST TRIAL EVENTS

ST. PAUL, MINN.- Wounded Knee "leadership" trials  
On Sept. 16, 1974 U.S. District Judge Nichol dismissed the cases of American Indian Movement leaders Dennis Banks and Russel Means- the first two of the six leadership cases to be heard by the court. Means and Banks faced 5-count indictments- the trials lasted 8 months. Basis for the dismissal by the judge was the prosecutor's (the U.S. Government) refusal to accept the judgement of an 11-person jury after one of the jurors fell sick during the first week of deliberations. The judge had threatened earlier to dismiss the cases due to government misconduct; he rebuked the F.B.I. for withholding evidence, knowing providing false testimony, and for giving special witness privileges to a late surprise witness whose testimony was later invalidated.

LINCOLN, NEB.-Wounded Knee "non-leadership" trials  
The first 15 people tried for their participation in the occupation of Wounded Knee have been acquitted. However in the latest trial ending Oct. 17, 1974, four people were convicted for "conspiracy" to enter Wounded Knee; they have not yet been sentenced. About 100 people still have to appear in court and the grand jury is still actively indicting people for the Wounded Knee incident.

### OTHER CASES INCORPORATED BY THE WOUNDED KNEE LEGAL DEFENSE/OFFENSE COMMITTEE

SIOUX FALLS, S. DAKOTA-The Custer Cases  
These trials involve 19 people indicted for their part in a Feb. 6, 1973 protest at the Custer S.D. courthouse. Approximately 200 protesters gathered at the courthouse to demand that the alleged killer of Wesley Bad Heart Bull (Oglala Sioux) be charged with murder instead of 2-degree manslaughter. A confrontation with police ensued causing some destruction to the courthouse and the Chamber of Commerce building. The first case (before an all-white jury) ended in June, 1974 and sent three people to prison: Sarah Bad Heart Bull (mother of the deceased man) 1-5yrs., Robert High Eagle 5-7yrs., and Kenneth Dahl 5-7yrs., all convicted for "riot where arson was committed." Darold Schmitz, the admitted killer of Wesley Bad Heart Bull was given a 2-month suspended sentence more than a year earlier. The remainder of these cases will take place in Pierre, S.D.  
The killing of Wesley Bad Heart Bull and related-subsequent events were in part responsible for increasing frustration among many Indian people in the area and helped pave the way to the Wounded Knee occupation which happened less than a month later.

SIOUX FALLS, S. DAKOTA- Sioux Falls Courtroom Riot Cases  
In April, 1974 during the first of the "Custer" cases in Sioux Falls, a riot occurred within the courtroom. 13 people have been indicted for this incident which started when the presiding judge ordered 24 riot-equipped policemen to clear the courtroom of spectators after a considerable number of spectators refused to stand when the judge entered (rising to show respect for a judge is custom only). One person, David Hill, was a defendant and not ordered to leave the room; as a result of the attack by police,

(cont'd)

he has lost the sight of his right eye. Some witnesses, including a Bishop have stated that Hill was attacked and knocked unconscious from behind. Others were hospitalized. The trial date and judge for these cases have not yet been announced.

RAPID CITY, S. DAKOTA- Pine Ridge Tribal Election Suit  
In January, 1974, Russell Means ran against Dick Wilson (the incumbent) for the tribal chairmanship of the tribal council on Pine Ridge Reservation. Means had earlier won the primary election but lost the final 1,709-1530. After the election, Means filed suit with the U.S. District Court in Rapid City calling for a new election on the grounds that his opponent had used many illegal electoral procedures. Two women signed affidavits stating that they were paid to vote for Wilson. Means also claimed that non-eligible voters participated in the election and that people showing support for him were often harassed. The Justice Dept. sent it's Commission on Civil Rights to investigate the charges and upon it's findings, Attorney General William B. Saxbe issued a brief July 15, suggesting a new election. In Sept., 1974, the presiding judge in Rapid City finally ruled that the election falls out of his jurisdiction. At this time, the people of Pine Ridge Reservation are trying to impeach Wilson through the signing of petitions. At least five of the eight tribal councilmen are opposed to Wilson. The oppression cannot last forever. After an earlier impeachment attempt against Dick Wilson failed, the occupation of Wounded Knee began. The suspension of Wilson's corrupt tribal government was one of the demands of the occupiers.

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Due to the number and location of the trials involved, the Wounded Knee Legal Defense/Offense Committee has to maintain 4 separate legal offices and has expenses averaging \$10,000 per month at the present time (Oct. 1974). In addition to this, the Committee is \$30,000 in debt. If you have money to spare, this is the time to make a contribution.

Send contributions to:

WKLD/OC  
P.O. Box 80903  
Lincoln, Nebraska  
68501

or Wounded Knee Support Committee  
1st Floor Offices- Union  
Michigan State Univ.  
East Lansing, Mich. 48824

# JURORS AND OTHERS FOR RECONCILIATION

## WOUNDED KNEE JURORS

Fran Aiken  
Louanne Boeke  
Therese Cherrier  
Maureen Coonan  
Richard Garcia  
Elaine Grono  
Linda Lacher  
Geraldine Nelson  
Susan Overas  
Joyce Selander  
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September 20, 1974

Honorable William Saxbe  
Attorney General of the United States  
Department of Justice  
Washington, D. C.

Dear Mr. Saxbe:

For more than eight months, beginning in January of this year, we have served as jurors at the Wounded Knee Trial of Dennis Banks and Russell Means. From the outset we approached the evidence in the case as impartial observers who had been selected by the government prosecutors and the defense lawyers. Possibly more than any other group of citizens we have had the opportunity to hear the facts and to judge them.

As you know, we voted unanimously to acquit both defendants of the charge of conspiracy and we were continuing with our work when one of our number suffered a stroke. The Justice Department refused to permit a jury of the remaining eleven to reach a verdict; Judge Nichol granted a motion to dismiss all the charges against both of the defendants.

We think it is important for you to know that while all of the jurors undertook their obligations very seriously while we were a jury some of us believe that our obligations continue. It is for that reason that we have written this letter.

We, the undersigned, wish you to know that we could not have voted to convict either of the two defendants on any of the charges and that we would not have voted to convict because each of us concluded that there was not enough evidence to do so in spite of the fact that the government presented evidence for 98 days and the defendants' response was comprised of but five witnesses. In our view a government that cannot, in an eight month trial, present enough evidence against the two leaders of the Wounded Knee seige to secure a conviction on any count should for moral and ethical reasons, drop the criminal charges against all the other Indian people and



Honorable William Saxbe  
September 20, 1974  
page 2

their supporters. Since the two leaders were guilty of no crime we believe that the others should not be prosecuted for following them.

It is in the spirit of reconciliation and redemption that we urge you to respect this suggestion and to join with us and other Americans in an effort to bind up the wounds that have been caused by this, our longest, and perhaps our least honorable, war.

Respectfully,

Theresa M. Cherrin  
Marianne A. Cannon  
Beraldine L. Nelson  
Joyce M. Selander  
Susan E. Owens  
Linda Lacher  
Eileen Harris  
Katherine Vato  
Richard Marcia  
Fran Aiken  
William H. Backe  
Theodore L. Bois

# THE Minnesota Leader

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## WOUNDED KNEE: A FIRSTHAND REVIEW

### The Occupation

"I never felt as free as I did in Wounded Knee," words often spoken by Indians who made themselves part of the 71 day occupation last year.

To the hundreds who held out against the tanks and machine guns of the FBI and U.S. Marshals, Wounded Knee was a liberated zone, a free place. For ten weeks a war went on in a grubby, windswept valley in the middle of the United States. People were shot at and gassed, some were killed, many were wounded. There was little food or medical supplies. People were hungry, some were sick; an old woman in need of insulin went into a diabetic coma and died. Babies were born, people were married. Life went on in the midst of the war. The village was being run by the people who lived there. And the community was free.

Wounded Knee 1973 is the story of a people so long pushed up against the wall, they finally took their lives in their own hands.

It is an unusual, but not unheard of tale: it is the story of the ancient Hebrews caught in the grips of the Egyptian pharaoh; it is the story of European pilgrims sailing the Atlantic to religious freedom; it is the story of Washington, Jefferson, Franklin and American militants who dumped King George's tea into Boston harbor two hundred years ago; it is the story of tradesmen, miners and truckdrivers who took their lumps in the labor movement struggles of the 1920's and 1930's; it is the story of the Jews who went underground in Nazi Germany; it is the story of Freedom Fighters in Hungary in 1956; it is the story of Negroes in Mississippi, Catholics in Northern Ireland, Tupamaros in Uruguay and tax rebels in the U.S.A.

It is the story of people who stood up and exposed the stacked deck that shortchanged their lives; it is the story of people who, like the legendary David, faced up to the Goliath who bullied them. In particular, Wounded Knee 1973 is the story of the American Indian's bid for freedom in his own land.

*Land is sacred to Indian people.* Yet in southwestern South Dakota on the Pine Ridge Reservation, over 60% of the land is leased to white ranchers, some of it for as little as 80¢ an acre.

*Pride is being able to feed your family.* But the median annual income on the reservation is less than \$2,000; the unemployment rate is over 50%.

*Medical treatment is a right, not a privilege.* But since the recent Selective Service elimination of the doctor draft, health care from the already wretched Public Health Service has worsened. Disease, especially TB, alcoholism, and pneumonia, is widespread.

*People have a right to life.* But life expectancy on Pine Ridge, like most reservations, is only about 43 years; infant mortality is high; the suicide rate is a dozen times the national average.

To Native Americans who roamed this country for a thousand years before the arrival of the European immigrants, these are not "Indian" problems. They are white problems. Moreover, the U.S. government has broken every one of the 390 treaties made with Indian people; and it successfully



Agnes Afraid of Hawk defied the U.S. Marshals, the FBI and the Bureau of Indian Affairs Police. They ordered her to leave her home in Wounded Knee during the 71 day occupation. She said no. "I moved here 15 years ago. I don't want to move again."

Mrs. Afraid of Hawk told the writer she stayed in her one room hut during the heavy firefights: "I take a little food and water. I lie on the floor. The bullets go through near the ceiling."

The articles and photos in this issue of the Minnesota Leader are the work of Kevin Barry McKiernan. The Minnesota Leader is indebted to him for sharing his views and experiences with our readers.

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### INSIDE:

The Trial p.4  
Notes from a Day p.6  
The Media p.8  
The Impact p.12

has crushed attempts in other areas for Indians to regain their self-determination. Religion and language have been suppressed through the Bureau of Indian Affairs (BIA) which has managed Indian affairs since it first was established as an arm of the Department of War (now called the Department of Defense).

Perhaps the most shameful chapter in government-Indian relations was written in the village of Wounded Knee in the late December winter of 1890. A reorganized unit of General Armstrong Custer's Seventh Cavalry slaughtered hundreds of virtually unarmed Minneconju Sioux led by Chief Big Foot as well as scattered followers of the Hunkpapa Sioux leader, Sitting Bull.

Eighty-three years later the Cavalry was long gone. But the violence remained.

Protests against the violence of centuries of racism and land theft and years of systematic corruption by the BIA came to a head. Tribal Chairman Richard Wilson responded to months of peaceful protest on the reservation by ignoring the problems or by terrorizing political opponents through the tactics of his "goon squad." Had he listened to the discontent and promised solutions, even ones he could never deliver, Wounded Knee 1973 would never have taken place. But he was not a clever politician.

When Chairman Wilson threatened the life of a federal poverty lawyer, his action brought to an end legal services for the poor on Pine Ridge. But he also made more enemies and fanned the flames of discontent.

When members of his own Tribal Council and supporters of the Oglala Sioux Civil Rights Organization (OSCR) tried to impeach him for misuse of funds and other crimes, Wilson presided over his own impeachment hearing. Naturally, he was not impeached and the outrage among the people increased. The OSCRO, whose membership during this period reached 800, invited the American Indian Movement (AIM) onto the reservation. Less than a week later, the village of Wounded Knee was seized by members of the civil rights group with technical support from AIM.

There was, no doubt, a conspiracy to take over Wounded Knee. But no one expected the takeover to last more than a few days or a week. No one was prepared for more than that.

There weren't enough clothes, baby food or medicine for more than a short siege in the cold South Dakota valley in the middle of winter. But the days turned to weeks, the weeks into months, and the occupiers came to feel a purpose in themselves, even beyond the legal demands for treaty and land recognition. There was a pride and self-respect in just being Indian, in reviving a proud culture and history which, for many, had been lost in the back alleys of reservation border towns and cities.

That purpose was elevated and propelled by a return to traditional Indian religion. No other factor so strengthened the Wounded Knee resistance. It gave the occupiers the sense that they had a higher mission in life than their own survival. It gave them a powerful strength to resist the cold, to go hungry, to fight machineguns with squirrel rifles and to make their stand. It sometimes seemed as if a lot of old scores had to be settled and God had appointed them to do it. It seemed to many that they were selected by history to redeem the broken promises, homes, and dreams of their fathers and grandfathers.

The most common religious ritual of the occupation was the sweat lodge ceremony. I remember the first one I attended in Wounded Knee. Built in the gully below the Sacred Heart Catholic Church, behind which Big Foot and the 1890 victims are buried in their mass grave, the sweat lodge was no more than a crude hut. Small branches framed the dome-like skeleton. They were bound with rawhide and cloth strips and draped with tarps and animal skins.

I entered the sweat lodge with six others, who that day included AIM leaders Dennis Banks, Carter Camp and Stan Holder. With Black Elk, the Sioux medicine man, conducting the ceremony, there was a total of eight people in an enclosed space no bigger than the inside of a Volkswagen car. We huddled naked around a pit carved in the ground. Rocks which had been cooking for hours in the fire outside were dumped into the pit from the pitchfork of Black Elk's assistant, the "fireman." Cedar twigs were thrown on the molten rocks, filling the lodge with a sweet, smokey aroma. Every rock was a glowing red coal when the "fireman" closed the flap. Inside, everything else went in blackness.

We hunched down, so tightly crowded together that our cross-legged bodies seemed connected. Black Elk prayed in his Lakota language and then in English because, although I was the only non-Indian, most of the others were not Sioux. He prayed to Grandfather, the Great Spirit, and to

Grandmother, Mother Earth. With each prayer he would ladle a cup of water from a bucket onto the sizzling rocks. Instantly, a blast of steam swept around our cubicle of darkness, scorching my shoulders and pushing my chin to my chest.

Black Elk prayed for the safety of those in Wounded Knee, for the runners whose nightly trips through FBI lines gave us enough food to survive another day, for courage of Indian families on the reservation who operated the "underground railroad" and for the health of the new little baby in the village. Each prayer was followed by another offering of water and each rush of steam greeted by guttural sounds of assent by the seated respondents. We were so tightly bunched together that I couldn't get my feet far enough away from the rocks in the center. With each ladle of water into the fire pit, I was scalded with little splashes on my toes and legs. It was hard to breathe; my entire body became a running faucet of sweat.

Black Elk told us that his grandfather witnessed the battlefield remains the day after the Massacre at Wounded Knee. He thought that the "sacred tree of life" died there with Big Foot in 1890. But he dreamed its roots on one day would be resurrected, joining all Indian people together again. The dream had not been forgotten. Black Elk reminded us that the dozens of tribes at Wounded Knee 1973 were joined as one, nourishing those roots and fulfilling the ancient prophecy that tribal unification would come through the Sioux.

"Grandfather, watch over us," he prayed, "let us water the tree, let the tree bloom again..."

When he finished, Black Elk asked the man across from him to pray outloud, and then each person to follow suit in a clockwise direction, from the front of the hut around the circle. As each man prayed to the Great Spirit, we all



Members of Tribal Chairman Richard Wilson's "goon squad" set up road blocks around Wounded Knee to bolster the federal blockade.

answered, "All my relations, all my friends." Black Elk poured more water. When my turn came, I could barely speak. My words were few and direct. Luckily their impact prompted only one ladle of water.

Later on, my fingers seemed so close to being paralyzed from the heat that I had to brace my wrists against folded knees in order to smoke the passing peace pipe when it came around the circle. In the weeks that followed, my body became more accustomed to the heat, and the physical shock of the sweat bath diminished. But that first night there seemed to be no time for spiritual requests beyond that for mere stamina and endurance to resist the liquid-like fire engulfing me. It was as if I was being cooked alive in a pot of smoldering lava. I was conscious, but it all seemed like a dream.

When the ceremony ended, we crawled outside. My lungs were bursting when I hit the cold evening air. It was a dizziness I'd only felt after surfacing from a long underwater dive. My knees were weak as I tried to stand with the others around the fire in front of the teepee. But gradually I noticed my head becoming clear and my month-



long cold almost completely gone.

Black Elk started talking. He told us he didn't know how to read or write but that he felt "civilized" because he was close to nature. He told us how his grandfather was baptized by the Methodist missionaries, by the Catholic missionaries and, finally, by the Episcopalian missionaries. Then he found out there were something like 285 organized churches in America. He was shocked. After adding up the years his three conversions had already taken, he returned to the earth and to his Indian religion. We all laughed.

Someone had papers and tobacco. We passed a cigarette around the fire and smoked in silence.

Black Elk then told us about being a child in a missionary school on the Pine Ridge Reservation. His teachers made him speak English. They had flakes of soap grated-up in a shoebox and stuck a few in his mouth whenever he spoke his native Lakota. After a few minutes they would inspect his mouth to make sure he had swallowed the soap. But he said he learned to hide the flakes under his tongue. Alone later, he would spit-out the soap (along with the presumption he'd swallowed it). "Old Indian trick," Black Elk said with a smile.

That was the last sweat bath of the day. We felt at peace sitting around the glowing bars of the final fire. It was early evening there in the gully, but already the skies were popping with government rocket flares. Federal search lights swept the village in crisscross paths. It seemed like a movie scene from *Stalag 17*. But by then it was a fact of life and no one bothered to comment. It was gently amusing, those distant reminders of military might from the men in the hills who were "only doing their job."

Around the fire it was quiet. I felt a tranquil nothingness in the center of myself. There was a clarity that night in Wounded Knee. I guess I felt closer to my spirit, to just being myself: one person, in one place, at one time.

I don't mean to suggest that my Wounded Knee experience was always so peaceful. Heavy firefights with the U.S. Marshals and FBI men often made it seem that Wounded Knee was solely a military occupation. But those who were hit had their bullet wounds treated with Indian medicine, herbs, peyote, and minerals. Except for the two who died, everyone responded to treatment, partially I can't help believing, because of healing ceremonies by Black Elk and others who instilled a spiritual purpose and drive into all of the occupiers. People were proud, yet humbled that they were part of something larger than themselves. It was not always so.

A few years ago it was not uncommon for many Native Americans to be ashamed of their heritage. Some would deny being Indian and try to pass themselves off as Spanish or Italian when applying for a job. Assimilation was the goal of most who left the reservations and came to the cities. They wanted to fade into the so-called melting pot of American acceptance. And, while privately they may have winced at hearing racial put-downs like "cigar store Indian," "blanket ass" or "bow and arrow," publicly they tried to forget the culture which once had been so unique and distinctive. Moreover, the pressure to conform to white society filtered back to the reservation where full-blooded Indians gradually took a second class stature beside the mixed breeds who had inter-married and, thus, were "more white."

In 1934 full bloods decisively lost control on Pine Ridge when Congress passed the Reorganization Act. This act replaced the Treaty Council which was composed of natural leaders of numerous kinship bands on the reservation. It imposed upon the people the current elective form of government, which is modeled after the American states and the federal government. It was a form of government welcomed by the mixed breeds who, though largely landless, were coming into the majority in numbers. It was bitterly opposed by the full bloods who even today, though outnumbered three to one, own most of the Pine Ridge land.

The Reorganization Act combined with over 100 missionary churches on the reservation to separate Indian culture from its traditional political and religious roots. Progress meant to "Americanize" and that was to leave behind "backward" self-government and "pagan" nature worship. Despite the lengths Washington and the Christian churches went to suppress political and religious expression (the Sioux Sun Dance and Ghost Dance both were outlawed at different times), the full bloods maintained their practices. The practices of traditional chiefs and medicine men never died out, although neither did they flourish as once they had.

It was hardest for the Indians who left the reservations. To make it in white society they had to bury the very

things which gave their lives meaning: their language, their religion and their culture. If Wounded Knee 1973 did anything, it made Indians feel good. It returned their pride. It exorcised their shame. It revitalized their spirit.

Wounded Knee 1973 was a spiritual magnet to Indians from all over North America who came to aid the resistance. It was as if they were drawn there to make a personal stand, to put their own lives into an integral order with their race.

The Indian activism of the 1970's which culminated at Wounded Knee is, to some extent, an outgrowth of tactics employed by Black Civil Rights activists in the 1960's. One fundamental difference, however, is the importance to each of religion. Groups like Martin Luther King's Southern Christian Leadership Conference may have had an underlying religious emphasis. But it was more a focus of humanitarianism than of fundamental spiritual belief. It was a means toward an end; it wasn't the end itself.

The remarkable thing in Wounded Knee was the attempt to recover what traditional Indian ancestors always had: a harmony with Nature and the Great Spirit, a way of life in which religion was not, as it has become today, a mere category in one's overall program.

Without question, the Wounded Knee occupation was a struggle of the will, of the spirit. Against the U.S. tanks and automatic weapons, the Indian shotguns and .22's were ludicrously inept. But what really went on the line at Wounded Knee were people's lives. At first I was skeptical. So I watched and waited. I observed everyone closely over long periods of tension and stress. And then I knew: the Indians were ready to die for their beliefs. It was no put-on. They smoked the sacred pipe, prayed with the ceremonial peyote and sweated the poison of hate from their bodies inside the skin-covered sweat lodge. They put their lives up for massacre. Only their spiritual strength inside Wounded Knee and the Harris Poll of public support outside kept them alive. Wayne Colburn, the Director of the U.S. Marshals Service, at one point told the press that he was tightening the blockade around Wounded Knee in an attempt to drive the Indians from the village. "We're going to change their life-style," he promised. But his efforts failed. The people remained.

For ten weeks they fought a war against a greatly superior military force. They had little or no food, water or heating fuel, but they survived as free people in a liberated territory. They controlled those institutions which affected their viability, and they aimed their assault at the weakest part of the American fabric: spirituality.

It was no wonder that Stanley Pottinger, one of the U.S. negotiators at Wounded Knee, would question the reasons so many people stayed for the entire occupation, and then would answer his own question, "I suppose their lives have been so shabby on the outside," he mused, halfway through the occupation, "that they feel they have nothing to lose."

To Stanley Pottinger, the residents of Wounded Knee--- cold, tired, hungry---might have said: *We only have something to gain, our pride. This is our land. It gives us our identity. We are part of it. Mother Nature is our mother. If you're in tune with that, in tune with the rhythm of the universe, your life is at peace. You are not separated from your spirit. Your life is caught up. It is a good day to live. It is a good day to die. It doesn't matter what the geographical spot is. You are yourself. You are all things. You are everywhere. Time and space are one. You are.*

It seems unlikely that the spiritual experience of Wounded Knee 1973 was shared by U.S. Marshals and FBI men stationed in the surrounding hills. To them, no doubt, the assignment was only a "job." They were paid "overtime" when they worked weekends. But there were no "weekends" in the culture of the village. And one question the Indians often yelled up to the hills during long evening watches was, "Are you ready to die for money?"

Like the soldiers in Vietnam, the federal men hardly seemed to be where they were for any transcendent belief. The Indians, on the other hand, did not separate their jobs from their lives. And so, in that sense at least, the struggle favored the villagers.

The federal men came ill-equipped to deal with Wounded Knee, just as they had been ill-equipped to deal with Vietnam. Both were struggles for national liberation and the rights of self-determination. Annotated government legal codes entitled "INDIANS" were brought to Wounded Knee in government briefcases. Not only did these show the folly of legalistic attempts to solve human problems, they indicated further that the U.S. was condemned to repeat the mistakes of hundreds of years of government-Indian relations. The U.S. still had the guns; it could

# The Trial

Russell Means and Dennis Banks were the first of seven indicted American Indian Movement leaders to come to trial for their roles in the occupation of Wounded Knee. Throughout their eight month trial, the two never denied that they and about 200 somewhat armed supporters took over the village on February 27, 1973 and held out until the following May 8th.

They defended their actions on the basis of a 106 year old agreement, the Fort Laramie Treaty. According to that 1868 treaty, Congress guaranteed the eight Teton Sioux Nations "undisturbed use" of all lands in South Dakota west of the Missouri River, plus territories in present day Wyoming, Montana, North Dakota and Nebraska. They accused the Bureau of Indian Affairs (BIA) with misuse of funds and charged the elected Oglala Sioux tribal leaders on Pine Ridge with using a "goon squad" to wage a "reign of terror" on the reservation.

The trial opened on January 8, 1974, eight months to the day after the last holdouts emerged from Wounded Knee. The ten-count grand jury indictment charged the defendants with leadership roles in Wounded Knee, and thus responsibility for crimes committed during the occupation---whether they personally took part in them or not.

The government's case from the beginning insisted that society could not permit present day laws to be broken to rectify past wrongs. If this were condoned, said the prosecutors, civilization would be replaced by anarchy.

Russell Means and Dennis Banks argued that their intent was not to break American law but to uphold Indian treaty law.

When the case went to the jury September 12th, the 1868 Sioux Treaty was as much an issue as it had been the previous January. Federal Judge Fred Nichol instructed the jurors the Treaty was evidence before them. He told them that possible violations of it could be considered in assessing the AIM leaders' motive in seizing Wounded Knee.

He instructed them, however, that under American law the Treaty was not a legal defense: "Even if the defendants acted out of the highest moral principles, purity of motive alone will not negate criminal intent."

When the jury went out the afternoon of September 12th, no one suspected there would never be a deliberated verdict in the case. However, after the panel had met for only eight hours, a 55 year old juror suffered a heart attack and could not continue. Federal statute provides an automatic mistrial in such an instance---if both defense and prosecution will not agree to an abbreviated panel.

The defense was willing. But the prosecution was not. And, the final refusal came from high levels in the Justice Department after alternate jurors, released from their oaths before the heart attack occurrence, publicly indicated the regular jurors might acquit the AIM leaders.

Overall Wounded Knee prosecutions had tied up the American Indian Movement for 18 months. The defendants wanted out.

So lawyers for Banks and Means confronted Judge Nichol with a last minute motion for acquittal based on government misconduct during the trial. It worked. Nichol was incensed that the government would not accept the verdict of 11 jurors, especially in view of all the time, money and energy which had gone into this, one of the longest criminal trials in American history. "It's been a bad year for justice in this country," said the judge, "a bad year for justice."

In dismissing the charges, Nichol delivered a blistering 75 minute attack on Assistant U.S. Attorney R.D. Hurd, the prosecutor, and on the FBI. The judge said Hurd was more interested in conviction than in justice. He implied the prosecutor had not acted as a servant of the law. Judge Nichol accused Hurd of collaborating with the FBI to quash a rape investigation of the government's star witness in August. He said Hurd had lied to the Court and that FBI agents were guilty of misconduct in "stooping to such a low state." Quoting from another decision, the judge said, "The U.S. Attorney may strike hard blows, but he is not at liberty to strike foul ones."

Judge Nichol also dismissed the charges for what he ruled to be the illegal participation of the military at Wounded Knee. The trial produced evidence that the Pentagon had covertly supplied more than \$300,000 in arms, personnel and assistance to federal agents during the occupation. "We don't want the military running the civil affairs in this country or having anything to do with the execution of laws," said the judge.

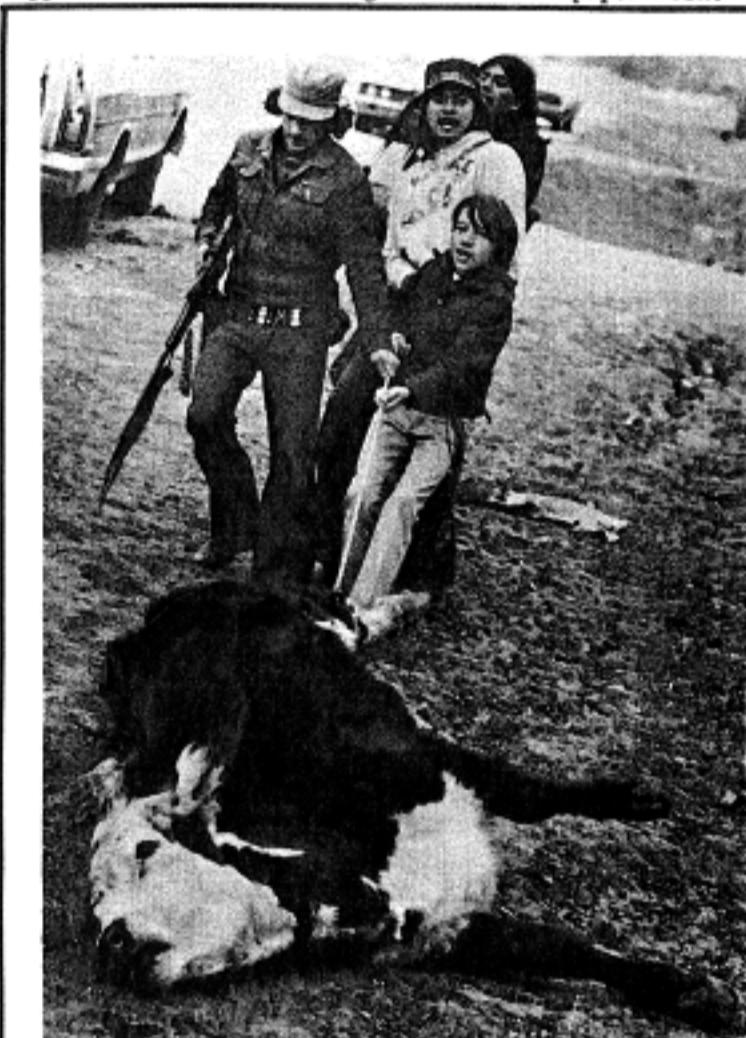
But, it was clear that the misconduct of the prosecutor, and especially the FBI (which Nichol said was responsible

for the dismissal of another AIM trial he'd presided over---the Twin Cities Naval Air Station takeover three years ago) were the main causes of the Wounded Knee decision.

Shortly after the dismissal, Judge Nichol told me, "I think the worst corruption of the FBI is due to the Nixon administration."

It was not, generally, a good case for the FBI's image. Throughout the trial, the defense charged the government with bad faith prosecution, and compared the conduct of the FBI and other federal agencies to the Watergate scandals. Six evidentiary hearings interrupted testimony in the trial. Most were the result of defense allegations of government misbehavior. The hearings logged hundreds of hours and saw witness stand appearance of dozens of FBI agents.

During one hearing last Spring, which accounted for a five week trial interruption, Judge Nichol ruled that the FBI had "obliterated" a piece of trial evidence. This prompted precedent setting action by the court. Judge Nichol ordered the FBI's entire file on Wounded Knee impounded. It was then discovered that the FBI had over 315,000 separate file classifications on the case. This revelation caused the judge to remark: "If this government ever falls, it won't be because of outside subversion. It will topple under the sheer weight of its own paper work."



Indians butchered a cow; later the beef would be boiled in garbage cans over outdoor fires and then eaten.

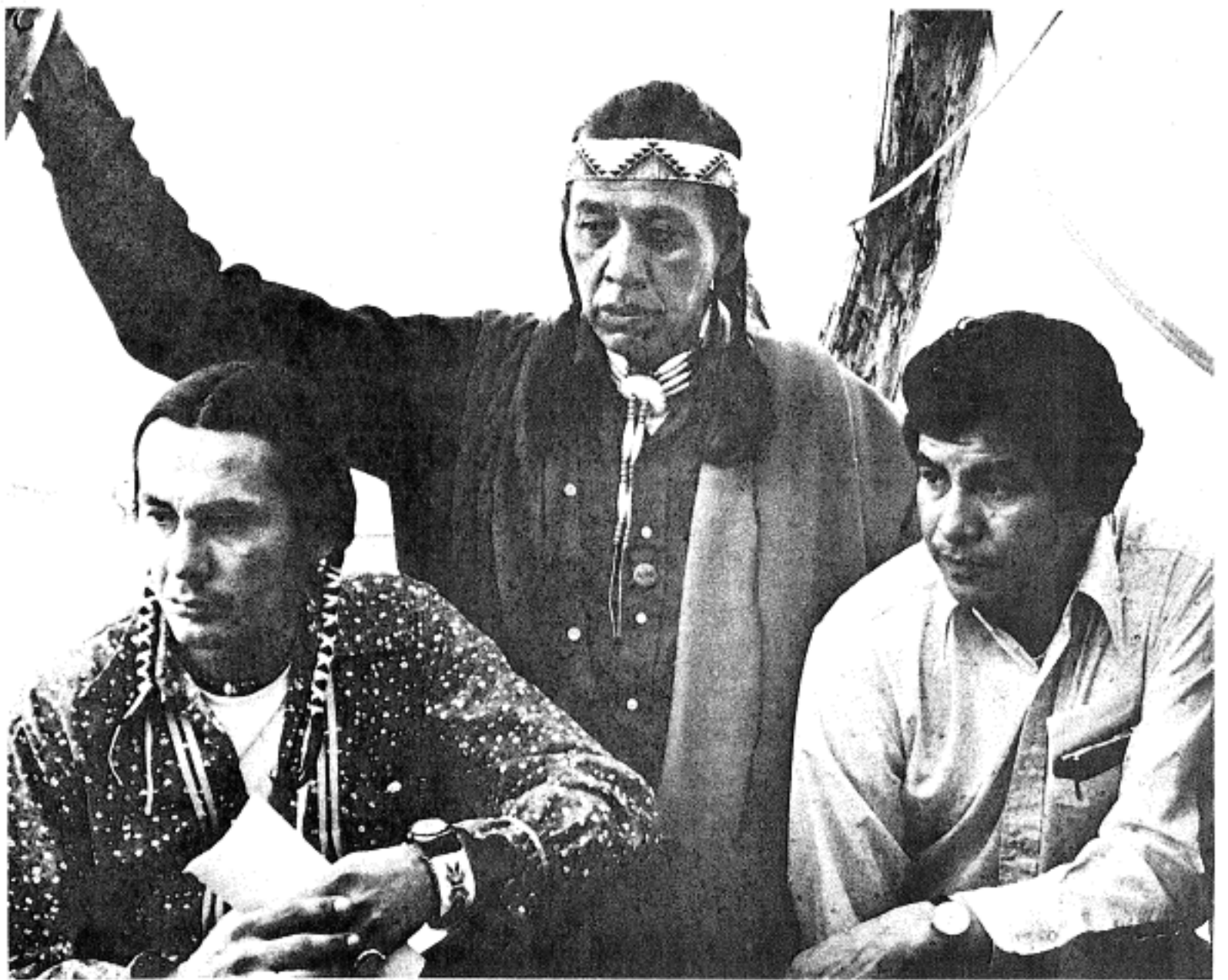
Early in the trial, when three FBI agents visited the news editors of the *St. Paul Dispatch-Pioneer Press*, the defense charged the government with intimidation of the media. Judge Nichol refused to hold an evidentiary hearing, but later when the initial two day hearing on the FBI wiretap stretched out beyond a month, the judge said his opinion of the Bureau had changed: "I used to think the FBI was one of the best organizations ever to come down the pike. But now, I think it's deteriorated, deteriorated badly."

When Joseph Trimbach, Special Agent-in-charge of the FBI for the three state area centralized in Minneapolis, told the judge he knew nothing of the Wounded Knee wiretap, the defense proceeded to produce a wiretap affidavit in Trimbach's name. Judge Nichol angrily rebuked Trimbach. Out of court, the judge indicated Trimbach had perjured himself.

Later, one of the agents who actually committed some of the phone monitoring appeared on the stand. When he admitted under oath that in fact he had violated the federal electronic surveillance law, Banks and Means tried (in the presence of the jury) to place the agent under citizen's arrest. Nichol told the defendants he would not allow an arrest in his courtroom. The defendants and their supporters then chased the FBI agent through the streets of downtown St. Paul. The man wasn't caught, but this and other such incidents prompted observers to ask, "Just who is on trial here?"

See TRIAL, page 5





AIM leader Russell Means, Medicine Man Wallace Black Elk and Oglala Sioux Civil Rights leader Pedro Bissonnette joined in teepee negotiations with federal authorities at Wounded Knee. Bissonnette was shotgunned to death by BIA policemen six months after the occupation of Wounded Knee.

#### TRIAL, from page 4

Later in the case came the hearing to determine whether the FBI had unduly influenced the dropping of a seven count rape complaint against the government's star witness. Two days into the hearing an incident occurred which Judge Nichol was to call "bizarre." During testimony of a sequestered witness, a pair of armed FBI agents was uncovered eavesdropping behind a door near the jury box. Judge Nichol abruptly recessed court and called the agents into his chambers for a tongue lashing. And so it went, seemingly, until the final dismissal.

The government's case against Dennis Banks and Russell Means lasted almost seven months. The defense took four days. Five witnesses were called, three reservation Indians, and authors Vine Deloria, Jr. and Dee Brown.

The defendants were originally charged in an eleven count indictment. One charge was dropped before the trial. Five charges were dropped in July when the government rested its case—mainly for reasons of legal insufficiency. The misconduct dismissal in September affected the five remaining charges: conspiracy in the Wounded Knee seizure; larceny of the village's trading post; and three counts of assaulting federal officers.

Banks and Means did not testify in their own defense. But they cross-examined government witnesses, acting as co-counselors with their attorneys, who included Chicago Seven lawyer Bill Kunstler and Mark Lane, author of the JFK assassination book, *Rush to Judgment*.

It was a stormy trial. There were frequent outbursts. Kunstler, Lane, and St. Paul attorney Ken Tiisen were ejected from the courtroom by U.S. Marshals on February 12, 1974, the day of opening arguments. In June, Lane was jailed briefly for contempt after heated questioning of a government informer. Both Lane and Kunstler were jailed overnight in late August. The incident prompting the action occurred during questioning of another informer. A fistfight, mace-spraying melee broke out between marshals and Indian trial supporters in the spectator gallery. No permanent contempt citations remain against the lawyers from any of the incidents.

It was a vigorous defense by attorneys for the AIM leaders. Their strategy from the beginning was to go on the offensive and to attack the very system which brought the

prosecutions.

"Watergate" appears hundreds of times in the court record. The name of former Attorney General John Mitchell often was mentioned.

Mitchell and his boss, Richard Nixon, campaigned successfully in 1968 and 1972 on the "law and order" platform. In a 1969 speech, Attorney General Mitchell condemned radicals and government opponents. He said that the greatest danger to American security lay with "domestic subversives." Five years later, as the Wounded Knee trial moved along, it was clear that he and others, whose sworn duty it was to uphold the law, were the real lawbreakers.

The Wounded Knee defendants may have broken laws, but it was clear they did so out of principle. Mitchell, the former top-cop in the country, and Nixon, the former Chief Executive, had done so for greed and power. Wounded Knee lawyers sought to drive that distinction home throughout the trial.

The victory in the end was more a victory for hundreds of hard-working supporters of Dennis Banks and Russell Means than it was for the defendants or their well known lawyers. It was a collective effort of teams of legal workers, investigators on the reservations, volunteers in the office. It was a cooperative effort of people who believed in an idea. It was a victory prayed for daily in the defense room on the 7th floor of the courthouse and chanted for in the drum ceremonies on the front sidewalk below.

After more than eight months in the courtroom, hundreds of exhibits and witnesses, 22,000 pages of transcript and almost five million words of testimony, the trial which opened January 8th finally ended.

At first it was thought that the outcome directly would affect at least 100 other Wounded Knee cases still pending. In fact, Judge Nichol, in dismissing the charges against the AIM leaders, drew a comparison to President Ford's pardon of ex-President Nixon. The judge asked, somewhat rhetorically, "Is it fair for the Wounded Knee non-leaders to be found guilty if Dennis Banks and Russell Means go free?"

Thus far, the "non-leaders" have been tried in Sioux

See TRIAL, page 11





# Notes from a Day at Wounded Knee

by Kevin Barry McKiernan

Kevin Barry McKiernan is a 30 year old journalist who resides in the Twin Cities. He covered the Wounded Knee occupation and many of the subsequent court trials for National Public Radio and for KSJN Radio in St. Paul. He was a free lance photographer for UPI wireservice and for WCCO-TV during the occupation and for UPI Audio Network during the Banks-Means trial. He spent 7 weeks inside Wounded Knee during the takeover. The following is a page from a diary of his experiences.

## APRIL 17, 1973: Dawn

Food drop! I scramble awake from the floor of the trailer house and run outside. It seems incredible! Three single engine planes fly-in from the north, dipping low wing to wing over Wounded Knee. Seven silky parachutes float to earth. The aircraft fan out, disappearing over the pine-studded hills. They're gone as quickly as they came.

One parachute lands in a field across Manderson Road. Food! What a beautiful sight for sore eyes and hungry bellies. People are flocking from everywhere, gathering up the chutes, ripping the bundles open---fresh carrots, potatoes, rice, chocolate bars, rolling tobacco. And leaflets bearing the words, "Freedom from Oppression in Indochina."

Then all hell breaks loose. There's sniper fire from "Vulture," the largest of the federal helicopters. It's raking Manderson Road where food's being carried to the Security Building for distribution. Bullets are dancing in the dirt around Florine Hollowhorn's kids. It's like a salt-shaker pouring around them. A miracle nobody's hit. I grab some food and run back to the trailer.

## 7:00 a.m.

Automatic gunfire from Armored Personnel Carriers (APC's) on the hill behind the trailer. In minutes there are sounds of shooting all over town. AIM's are running for cover under trailers, behind cars, down in the trenches, from building to building behind the community center.

Mary Ellen leaves the new-born baby with Grandma to go for food to the trailer next door. A federal sniper's tracer bullet splatters the metal door frame inches from her arm. She dashes inside. The round lies imbedded near the knob, smoldering as the door bangs closed behind her. Bullets go through both trailers. Our bedroom window shatters. Trailers are so shabbily built they offer about as much protection as a Dixie Cup.

## 9:00 a.m.

Federal fire seems confined to north and west sides of Wounded Knee. Run next door to fill a pouch with some of the Bugler tobacco from the food drop. Nice to be smoking again. Helicopters flying high around our perimeters. AIM's fire on them but they're out of range. Junior is shot through the left palm while reloading his own pistol.

Automatic fire coming in from the hills. Single shots from .22 rifles and 20 gauge shotguns going out from the village. Sounds dueling in the morning sunlight. CRACK-CRACK-CRACK! Plip! Boom! Plip! Boom! Grandma sits on the couch holding the week-old baby she delivered. She's calmly braiding the long black hair of her 35 year old son, a Philadelphia truckdriver after he left the reservation in Kansas. He's sitting below her on the living room floor. She looks through the glass and smiles, "Listen to that meadow lark, singing through all of this!" Grandma's got a .38 Special stuck in the bosom of her dress. She still refuses to be driven uptown from the trailer where she's made her home these past weeks.

## Breakfast

Some rice. I ask Mary Ellen if she'll take the baby to safer quarters over at the trading post, if I can get a vehicle to the trailer to pick them up. She says yes. But the only car with gas is the white Toyota---which ran up the hill behind us carrying men and guns an hour ago. There was a crazy face-off with an APC. Everybody got pinned down. They crawled down the hill backwards, abandoning the car. I can't get to it, but I'll see if anything else is running.

Grab the Minolta still camera and cautiously venture out, carrying three pop bottles full of drinking water for the guys in the closest bunker. Hop, crawl and scramble across the road. Flatten out under the bullets whizzing overhead. I remember what Bobby said; if the rounds are only whizzing, they're at least a yard above you; if they're cracking, "They're right on you!" Sweating. Make my way a few hundred yards up to the Manderson bunker and jump inside. My God---it's empty. No wonder, with these tin and plywood walls. Take a swig of water and leave the pop bottles. Notice a green van parked outside by the sandbags. Yell to the people across the field in the houses: "Is the truck running?" A girl sticks her head out of the closest project home---"No, it's out of gas!" Fifty yard dash to her doorway. Clutching the Minolta. Running for my life.

Three people in the house, all in the kitchen lying down below the window lines. A pregnant Chippewa girl is on the floor, her back propped up against the sink pipes. There are a couple of guns on the table. I grab a walkie-talkie and try to call Pawnee Command Post to get a car down here for Mary Ellen. No response. Batteries are almost dead.

Two more people burst into the kitchen. Bad news. Someone's been shot! Up in the old Episcopal church on the hill near King Cobra bunker. Hurt bad, they say. That new nurse sprained her ankle trying to run through fire to get to him. Others trying to stretcher him out over the draws and through Big Foot's burial ground. But the fire's too heavy. They're trapped somewhere halfway to the field hospital.

## 11:00 a.m.

Up from the lower projects comes Mary Ellen hurrying, babe in arms. She's flanked by Ray and Gwen carrying guns. Two girls, Venona and Kamook, raising white flags behind them. As they weave from house to house, the APC fire is still loud but it doesn't seem to be hitting near them. I run down to meet them. We make our way back to the house. Mary Ellen and the baby ought to be safe in the basement.

11:30 a.m.

A tall young kid from Rosebud named Bo, that mouthy, shovy character who's always asking me why I'm taking pictures, decides to make a run for the trading post. He saddles up the white stallion I rode the other day. He mounts up, pushes his cowboy hat down tight over his straight black hair and digs in the spurs. Everybody's cheering for him as he gallops south through the ditches along Manderson Road. APC's on the hill open up with short, steady bursts. He crests the ridge in a cloud of dust. He's whipping that horse flank to flank. Bullets are popping in the dirt ahead of him. Underneath him. Behind him. Then the clip-clops grow fainter. And the gunfire subsides as he disappears toward the Big Foot Trail. How he made it I'll never know.

Ray is reading war comics and seems to be relaxing out on the back porch in the morning sun. Gwen paces back and forth through the yard among the junked cars, barking dogs and laundry on the line. Then they decide they'll try to make it uptown, too. It's crazy to go through the ditches where Bo went. The only way is the back gulches, then up to the church shack near King Cobra where that guy was hit. I grab my camera and follow. We go up the hills and down the canyons, out of sight from the APC's. Gwen's leading with her drawn .22 pistol. Ray's behind, with one of his two handguns out. I'm bringing up the rear with my 50mm Minolta.

The last two hundred yards are wide open up the west side of the hill to the church. We're zig-zagging but still a hell of a target. Final sprint to the door. Somebody throws it open. We burst out of breath into the darkened interior.

I see a guy with three days beard growth lying on a mattress by a blanket-shrouded window. He motions me to get down, pointing his carbine at the wet wooden floor underneath my boots---"A guy just got shot here! He was sitting in a chair where you're standing. Get the hell down."

I sink to the floor. A white basin at my feet is full of blood. Somebody else says it's from the man they just carried out, a 47 year old Apache. Look around the room. Bullet holes in the sides of the walls. Guy with the carbine points to the hole which passaged the round that struck the man: "Frank Clearwater. He was just sitting there in that chair. Just woke up. Almost everybody else was still sleeping..." He points to the half-dozen mattresses that line the floor around the pot-bellied stove in the middle of the shack. "...Bullet came through the wall, blew the back of his head off. He never knew what hit him. And he just came in yesterday with his wife. She was pregnant. They hitchhiked all the way from North Carolina. He never even picked up a gun..."

Now I remember Frank! He and his wife were the ones who showed up yesterday in the Security Building. Asked me for blankets. I told them where to find some, then shot the shit with Frank for a few minutes. I had a little Bull Durham tobacco left. Asked him if he had any rolling papers. "No," he said, "but here's a cigarette...take a couple. I just got in and there's still a full pack."

Noon

Ray and Gwen are lying on the floor. Ray's filling the chambers of his .38 with new rounds. The World War II Medal of Honor earned under General MacArthur in Asia as a 2nd Lieutenant in the U.S. Army lies pinned on his chest next to a red and white AIM button. An American flag is sewn upside down on the back of his jersey. Cree, Cheyenne, Apache and Seminole---what a mixture in this guy---who as a young kid almost 30 years ago enlisted in the Service to keep the world safe for democracy. Gwen's still panting from the run. "Times like this," she says between breaths, "I wish I were ten years younger!" Before long they're up and out the door.

Everybody's got tobacco from this morning's air drop. We sit on the dirt floor rolling cigarettes. I'm taking pictures. Occasionally, I pop out by the trench where there's a telescope mount with heavy metal field glasses like those you'd find at the top of the Empire State or in Golden Gate Park by the San Francisco Bay. I can see really well as far west as that APC position on the hill behind the trailers. Magnification is powerful, but the focus is ripply from this distance. It's producing heat waves, but I can see two APC's, a jeep and five men up close enough to make out which men are carrying weapons. Wish I had a telephoto lens like this on my Minolta.

Bobo, the crazy little guy who broke the spindle on my tape recorder at the wedding the other night, bursts into the bunker. His face is awash with sweat, a medicine bag is hanging on a rawhide cord from his neck. "Where's the nurse with the sprained ankle?" He's been sent out to guide her back to the hospital downtown, where three Indians now lie wounded. She's needed more than ever since the doctor's gone out with Frank up to RB#1, to get medovacked to the Pine Ridge Hospital.

He's got no gun, but he's planned a route to town. Ann, the California photographer, and I decide to go, too. We jump out of the bunker and into the trench (which leads to a halfway carved tunnel under the house) Plan is to try to run from ditch to ditch down the east side of the hill until we reach the Manderson Road. "I can't run!" The nurse yells to Bobo. "You gotta run! Do you want to stay alive?" he says. She's starting to get hysterical. Bobo's already up out of the trench and zig-zagging down the flare-burnt hillside. Then Ann, a Nikon camera and lens bouncing all over the front of her dungaree jacket. I grab the nurse's hand and we careen down the hill, diving in the first ditch. It's a shallow one, offering little or no protection from the Feds on the ridge to the east. She's crying out with pain from her injured leg. Bobo's yelling we got to get the hell out of here. I suggest we make a run for Big Foot's grave, then try to make it behind the tombstones and through the cemetery weeds to the Catholic church. Bobo says the fire from the western ridges is too heavy. Nurse keeps calling to Bobo, "Brother, I can't Brother, it's too dangerous, Brother, my leg..."

Spurts of automatic fire as we reach Big Foot Trail and cross it. Drag, pull, cajole nurse into running with me. She's half-freaked out. Of course, I might be too, if I'd seen that guy's head half blown off.

12:30 p.m.

We make it. Hospital's in a low key frenzy. Three wounded (included Junior). Junior's in main dispensary unconscious, an i.v. into his right arm, his left hand bandaged from the bullet wound. Sara is doing dishes in a careful, almost hiding way in the kitchen. There's a guy named Daryl lying on a stretcher in the TV room with three bullets in his right arm and a bullet hole in his foot. Eva's got an i.v. going into him, Black Elk's got peyote trying to work the bullets to the surface in his arms. No luck. They're M-16 "tumblers," like they used in Vietnam. Who knows where they go after hitting you? The kid's half in shock. "I didn't have a gun. They pinned me down in the gully. Didn't have a chance. That M----- F----- sniper. Even in Vietnam they wouldn't have done this to me." Another Vietnam vet lies on a plywood bunk across the room. He's got a bullet in his heel, and they can't get his boot off.

People running in and out, dodging bullets from the street. Whole squad of guys pinned against trailer wall 40 feet across from hospital door. I sit with Grace Black Elk. We're all numb. Firing outside is constant. It doesn't seem real. Daryl calls for music. Portable record player begins playing Indian drum chants. Medics are given tourniquets and other supplies in little packs, then dispatched to the bunkers. (Daryl had lain in the gully across from the Catholic church for 45 minutes before any help could be gotten to him.) I tell people I'll make a dash across the street to the trading post basement for more still film, the movie camera and the recorder. Somebody yells out, "Don't go! They'll be dragging you in here in a minute!" Laughter. Somebody else yells, "Hey, what size boots do you wear?" I light out across the open street to the trading post.



# The Media

The full story of Wounded Knee 1973 has never been told. Despite the tonnage of film, tape and newsprint devoted to covering the occupation and resultant court cases, the media failed in the journalistic duty to seek out and uncover the issues and facts behind this extraordinary struggle. The "Fourth Estate" has nothing to crow about. The bulk of the coverage thus far has been sensationalized, superficial and, in some instances, just plain false.

To some extent, the nature of the Wounded Knee takeover and the role of the often flashy American Indian Movement lent itself to sensational treatment. Indians regaled in feathers, armed with rifles and riding bareback on ponies made lively newscasts for color television. A wireservice photograph of Dennis Banks with a golf club, posed in Wounded Knee at the request of a reporter, made national news but, like the "war pony" pictures, did little to reflect the real issues of the conflict.

The press, like the government, has ignored the poverty and hopelessness of Indian reservation life for a hundred of years. Wounded Knee 1973 unfortunately did little to change that status quo. While the media spent millions covering the 71 day siege, little or no coverage was given to life on Pine Ridge outside Wounded Knee. One is hard put to recall reading, hearing or seeing any significant reports on the quality of reservation life, the schools, the unemployment, the tar paper shack homes, the suicide and alcoholism rate, the government's violation of treaty promises or the violence of the puppet tribal council. And yet, each of these was a factor producing the takeover and each remained a grievance throughout the subsequent court trials.

Instead of concentrating on the real issues of the occupation, the media pursued two "stories" in explaining the phenomenon of an entire town's seizure in the middle of the United States in 1973. The first portrayed Wild West gunfights between Indians and U.S. Marshals. As Senator James Abourezk (D-S.D.), chairman of the Senate Subcommittee on Indian Affairs, has asserted, "All the press did was to highlight Indians with guns, Indians silhouetted against the sky with more guns..."

The second story given the public during the occupation was that Wounded Knee was simply the product of factionalism on the reservation—that the conflict was born of a power struggle between Tribal Chairman Richard Wilson and the AIM leaders for political control of the reservation.

For the most part, the local population of Wounded Knee and that of the rest of the reservation was ignored by the media. Until midway through the occupation, when the press was barred from Wounded Knee, reporters concentrated on AIM leaders Banks and Means. When they spoke, notebooks and microphones appeared. When the Grand Jury indictments named the two men as occupation leaders, the press was further convinced that AIM had brought on the entire siege. In reality, however, generations of grievances produced Wounded Knee 1973; AIM was merely the catalyst.

During the last 40 days of the occupation there was virtually no firsthand news coverage from inside Wounded Knee. And yet stories of events taking place inside the village were printed and aired. Where was the information obtained? To a great degree, it came from government news conferences outside Wounded Knee.

Since the village was sealed off to the press, the government could insure a measure of news control. When food and medicine were airlifted to Wounded Knee, the Justice Department announced that "guns and ammunition have been dropped to the militants." The story was printed. When the Apache Frank Clearwater was killed, the government told the media he was white, not Indian. Despite that lie, and despite the insidious logic that his alleged skin color made him an "outside agitator"—thus a less culpable death—the newspapers printed the stories just as they were mouthed by the Federal Public Relations Men.

When police arrested "19 college age males" for possession of "contraband" headed for Wounded Knee, it was not important that the "contraband" was food for starving villagers. In a world of uncritical acceptance, words from authorities define reality: food is an illegal substance if you are told that it is. And the media too often parrots this double-think, just as it did in Vietnam when "(We) had to destroy the village to save it."

The news blackout shortchanged the public but relieved the Justice Department of the pressure of open scrutiny of its actions. With information sources mainly limited to government spokesmen, the situation was reminiscent of much of the Vietnam conflict when reporters' stories were often filtered through the Pentagon for "accuracy."



Dennis Banks, AIM leader, took a moment to relax at Wounded Knee.

Since the press was not present for such actions as the heavy firefights in Wounded Knee, the government did not need to worry about such filtering. When unarmed medics under white flags were fired upon as they stretched injured Indians from the earthen bunkers to a field hospital in the village, there were no reporters to record the sniping. There was no objective media constraint on the government. There was no embarrassing "editorializing" about the Geneva Convention or established standards of international decency.

Even before the news blackout was imposed, the government strictly controlled the number and "type" of newspeople entering Wounded Knee. Press passes were granted on a daily basis by Justice Department officials who headquartered themselves at the BIA building in Pine Ridge. The press list first consisted of the "biggies": *Time*, *Newsweek*, *The New York Times*, CBS Television, ABC, NBC, the AP and UPI wireservices. Then came the news dailies and television stations from smaller cities. At the bottom of the list were reporters from out of the country: Japan, France, Russia, Australia, Britain, Germany and others.

When I first applied for a pass, my credentials were screened by Jim Harpster, the official in charge of government press relations. Harpster, a tall, bespeckled, prematurely balding man in his early forties, explained the rules to me as he chain smoked cigars in his office at the BIA Command Post. Reporters could not stay overnight in Wounded Knee. They had to be out of the village by 4:30 in the afternoon. Their vehicles would be searched by the FBI at the government roadblock. No food or liquids would be permitted into Wounded Knee. Only a reasonable number of cigarettes for personal consumption was allowable. Federal agents would note the gas gauge reading on cars coming and going to insure that no one donated fuel for the use in the occupiers' vehicles. No photographs were to be taken of the government positions or the men manning them. Infraction of any one rule would result in forfeiture of press privileges for the following day.

Harpster told me that "the press situation has gotten way out of hand." He said he had taken great care in selecting only "bona fide reporters" for the press list. He complained that his time was being wasted by turning back "droves" of college and underground newspaper reporters, most of whom he guessed were "AIM sympathizers."

"You wouldn't believe the people trying to get by us," Harpster exclaimed. "Why, yesterday some guy came walking in here who said he was a poet! That's all we need," he said, relighting his cigar, "A poet in Wounded Knee!"

The list of reporters who did gain access to Wounded Knee in the first few weeks of the occupation was a long one. On a daily basis, it often outnumbered 50. Just before the final blackout on March 26, 1973, Harpster decided to trim the list to 29. I remember because I was the 29th. The first to go, of course, were the foreign correspondents. Add they weren't very happy about it.

I was in Harpster's office when he tried to explain to an Australian photographer that he could not go into Wounded

See MEDIA, page 9



Knee that day. The photographer was furious. "Do you mean to tell me, sir, that the foreign press is being barred from Wounded Knee?" Harpster hesitated, rubbing his bald head and biting into his cigar. "No," he responded slowly in his best governmentese, "you are not being barred. You're simply not being issued a press pass."

The press blackout affected everyone after March 26th. No reporter could legally enter the village. Many who tried were stopped, some were arrested. But the night before the early morning stand down on May 8th, a four man CBS Television crew managed to slip through federal lines to film the "phasing-out" from the inside. Their personal attitude toward the overall Wounded Knee resistance revealed itself the next day.

The men had seemed happy to make it inside the village. They slapped Indians on the back, extended their palms in the movement's power handshake and seemed generally congratulatory toward everyone for holding out so long. Although there were few beds available, the Indians found at least a couple to give up. It was sort of a welcome for the VIP guests.

The next morning everyone left Wounded Knee. Federal agents flooded the village in a commando-style sweep. I was arrested. The CBS crew was arrested. The five of us initially were brought to the infamous Pine Ridge jail. As we lay on the floor of the urine-coated drunk tank, the real values of the adventuresome television reporters came out. They complained about the "rough night" they had experienced in Wounded Knee. The food was "rotten," there was "garbage everywhere," people's body odors "stank," and Indians "kept us awake all night cocking their guns."

The five of us were later handcuffed and transferred to the Rapid City jail but the reporters were afraid, as was I, of even temporary confinement in Pine Ridge. Their fears were allayed somewhat, however, when one of them scribbled a note to the CBS producer waiting outside the jail, telling him to have the network's lawyer in Rapid City arrange for their release as soon as the prisoners' bus would arrive from the reservation. The note was written on cell block toilet paper. A \$20 bribe to an Indian jailer accomplished its delivery.

I later recalled the jailing incident when similar press attitudes surfaced on opening day of the Banks-Means trial in St. Paul. Two out-of-state newsmen had been "glad handing" Banks during a recess outside the 7th floor courtroom. Later in the day I rode down with them on the same elevator. The newsmen were joking about the length of the AIM leader's hair. "Who's he think he is, Crazy Horse?" laughed one.

Some of the reporting of the 8½ month trial was downright

"You are not being barred. You are simply not being issued a press pass."

irresponsible. WCCO-TV in Minneapolis carried at least one story which illustrates a real lack of journalistic ethics. On July 19, 1974 the station reported that defense attorney Mark Lane was jailed for contempt over the noon recess after a tense morning session. A full color artist's sketch was broadcast that evening. It depicted provocative action by defendant Russell Means which, announcer Dave Moore told viewers, had precipitated the jailing of the lawyer. The sketch showed Means menacingly shaking a clenched fist at chief trial prosecutor R.D. Hurd. That didn't happen.

Unfortunately, the WCCO-TV sketch artist did not arrive to do the drawing of the morning incident until 2:00 in the afternoon; nor was the station's reporter in the courtroom that morning. Their second hand information was false. It did not serve the public's need for an accurate portrayal of the already controversial trial.

Naturally, most newspapers, radio and television stations which carried trial coverage did not send their own reporters into the courtroom. They relied on wireservices for the information. It was clear from the beginning that these wireservices, especially the Associated Press (AP), regarded the issues in the trial with a jaundiced eye. Of the hundreds of AP dispatches I read during the case, not one omitted the word "armed" in discussing the occupation. Almost all insisted on prefixing "Indians" with the word "militant." AP writer John Lundquist viewed the defendants, as his conversations with me during the course of the trial indicated, as a sort of mixture between showmen and thugs. Like most reporters, he was consistent in his refusal to deal with the case's substantial questions, the treaty rights issue in particular. It's a shame so much of the public was forced to depend on his reporting.

National press coverage was limited during the trial, despite the fact that possibly no other 20th century criminal case aroused as much interest among Indian people as did that of Dennis Banks and Russell Means (and despite the fact that the trial uncovered enormous government misconduct---another issue important to all Americans). The TV networks (CBS, ABC, NBC), smarting from heavy criticism they suffered for making the Wounded Knee occupation a "staged media event," covered little but opening and closing arguments. Most wireservice stories were relegated to the "B" wire; the coverage was regionalized, except for sensational occurrences like the courtroom battle between

U.S. Marshals and spectators. A few reporters, notably Martin Waldron of *The New York Times*, were the exception to what became a virtual boycott in national coverage of the trial.

See MEDIA, page 10



Negotiations were conducted with federal authorities in Wounded Knee.

From the beginning of the Banks-Means trial there existed in some quarters the notion that the defendants were determined to produce what *St. Paul Dispatch-Pioneer Press* editor William Sumner called a "passion play." Sumner made this prediction before the trial even began, then wrote a self-congratulatory editorial nine months later calling the trial a "road show" and knocking the judge, the defendants and their attorneys.

Sumner's viewpoint was again established when five months into the case he editorialized, "This trial is a farce." He proceeded to question the court-established fact that the FBI had obtained evidence illegally through a wiretap at Wounded Knee. Then the editor lamented the gunshot paralysis of a U.S. Marshal as one of the high costs of the occupation. He conveniently omitted the fact that at least three Indians lost their lives in the conflict.

Some of the coverage lacked objectivity not for what was said, but for what wasn't said. *Dispatch-Pioneer Press* writer J.C. "Red" Wolfe spent seven months, like other local reporters, covering the testimony of scores of prosecution witnesses. When the defense employed the surprise tactic of calling only five witnesses during its presentation, Wolfe reported on the testimony of only four. The one he left out, Agnes Lamont, gave significant testimony. Moreover, she was perhaps the most dramatic witness of the trial. Her son, Buddy, a Vietnam-era veteran, was shot to death by federal agents in a Wounded Knee firefight. Mrs. Lamont collapsed in tears on the witness stand and caused an unscheduled trial recess. When I asked Wolfe why nothing about her appeared in his stories of the trial that day, the "senior courts reporter" lamely explained, "Well, not everything you write gets printed..."

Was the *Dispatch-Pioneer Press* coverage of the trial manipulated by the paper's management? A former employee and now editor of the *St. Paul Newz*, Larry Adcock, thinks so. Adcock's October 17, 1974 edition of the *Newz* suggests that the visit of FBI agents to the paper's editorial offices just before the trial began was a successful intimidation ploy. The thrust of the *Newz* critique is that, throughout the next nine months, the front office dictated by memo such ironclad policies as forbidding staff to print photographs of Indians on page one.

One of the most thorough newspaper coverage of the Banks-Means trial itself was Dennis Cassano's work in the *Minneapolis Tribune*. While he occasionally chose a sensationalized focus, Cassano's treatment was usually comprehensive. He did more than merely report from the courtroom. He attended press conference's, sought out witnesses in

their hotel rooms and did some digging into the seemingly innumerable case documents. With a single exception, however, he was not permitted by his editors to cover significant Wounded Knee related developments in South Dakota---many of which occurred during recesses in the St. Paul trail.

The *Tribune's* counterpart, the *Minneapolis Star*, unfortunately rated a close second to the *St. Paul Dispatch-Pioneer Press* in worst daily coverage of the trial. The *Star* sacrificed a consistent and knowledgeable point of view by rotating courtroom assignments among three or four reporters. About as near to a sensitive wrap-up analysis of the trial and its issues was *Star* writer John Carmen's front page article following the dismissal of the case. Carmen's piece explored in some detail the love letters and other fan mail of defendant Russell Means.

Despite the fact that laws were broken at Wounded Knee to air grievances, many newspeople resented the notion that the trial was "political." A reporter from KMSP-TV in Minneapolis was covering, at one point, both the Krohnholm kidnapping trial and the Wounded Knee trial. He told me he took notes at one during the mornings and then, during the afternoons, at the other. "I don't see the difference," he said, "they're both criminal cases."

The major "news" during the time of the Banks-Means trial focused on Watergate scandals. It's safe to say that many issues of national importance, including Wounded Knee, would have received greater attention had it not been for the day-by-day monopoly of front pages by Nixon and the gradual toppling of his administration. But Watergate may have cut Wounded Knee with a double-edged sword. Watergate revealed massive subversion of the U.S. Constitution by high ranking officials who had gained their elective offices campaigning on law and order platforms. As many news commentators have noted, these revelations have produced cynicism and a loss of trust in government on the part of many Americans. From the Indian perspective, the revelations may have made the widespread misconduct of the Wounded Knee prosecutions more believable to the general public. For years before the Watergate break-in, American minorities (as well as war resisters) complained about harassment and intimidation by federal agents who seemed bent on destroying movements for social justice. Groundless arrests, searches without warrants, wiretaps and even burglaries of activists' homes were not uncommon during the 1960's civil rights struggles (as the CIA revelations and the recently exposed FBI surveillance program, COINTELPRO, indicate). Complaints from minorities received little serious or widespread consideration in the media. But then the Republicans assaulted

See MEDIA, page 11



Federal negotiators left Wounded Knee after a mediating session.



the Democratic National Headquarters. It took some time, but the press eventually stopped treating that incident as a "second rate burglary." The victims of the break-in were influential, and so the issue quite quickly was publicized as one involving a threat to every citizen's legal safeguards.

One of the most unfortunate (but perhaps predictable) facets of media coverage of the Wounded Knee occupation and resultant trials was press sensationalism of violence. When the government sealed off Wounded Knee to newspeople many reporters were assigned to other stories. When Indians were killed, however, the reporters returned to government road blocks on the reservation and covered the exiting of dead bodies from the village.

When, on February 27, 1974, a first year anniversary of the Wounded Knee takeover was planned on the reservation, the media predicted that violence would erupt between AIM and supporters of Tribal Chairman Richard Wilson. Nothing of the kind did occur; but among those commenting on the prediction was my own news director, KSJN's Dick Daly. Daly encouraged me to travel the 600 miles for the anniversary because, as he put it, "something may happen."

Minneapolis Tribune photographer Mike Zerby, who exhibits a genuine desire to dig out the real issues on the Pine Ridge Reservation was refused permission to go. According to Zerby, his Tribune editor was very blunt in evaluating the newsworthiness of the anniversary. He told Zerby, "If somebody does get shot, we'll send you out there tomorrow."

This is not to say that violence on the Pine Ridge Reservation no longer occurs. It does. The back sections of the daily newspaper carry the stories. But what the continuing violence represents in the Indian struggle is seldom treated, if even understood.

The majority of the Wounded Knee defendants have yet to be tried, but judging from the news coverage to date of the trials in Sioux Falls, S.D. and Lincoln, Nebr., these "non-leaders" rate little interest in the press. It's regrettable. Like the Banks-Means case, these trials could serve as educational vehicles, not only in the attempt to uncover the truths of the siege and its origins, but to bolster the revelations of government behavior which the Watergate scandals initiated.

The media has done a slipshod job on Wounded Knee. The public has been toyed with. The press created a hunger in people for some answers; it failed to satisfy that hunger. Certainly one index of the public's desire to learn the real facts about Wounded Knee is shown by the numbers who attended rallies and conferences before and during the trial of Dennis Banks and Russell Means. Literally thousands of speeches, talk shows and open forums were presented to capacity audiences during this period, although most took place in the Twin Cities area.

This level of consumption bespeaks an educational need that went unfilled by the media. And perhaps the fact that most of the Banks-Means jurors volunteered to assist the Wounded Knee Legal Offense/Defense Committee after the dismissal verdict is reflective of a strength of interest produced by the long trial. And it is never really mirrored by the newspapers, radio or TV.

So far the real and full story of Wounded Knee has not been told. The media are powerful shapers of public reaction. Unfortunately, they too often render disservice both to the public and to civil rights struggles by superficial and, thus, inaccurate coverage. Moreover, the tendency of many reporters to accept uncritically the truth of "official" pronouncements often results in distortion of issues and causes. Wounded Knee is not the only such major story in recent history to be subjected to these journalistic failings.

Three years ago New York State policemen stormed the Attica Prison and left 43 men dead in their assault. Among these were numerous guards being held hostage by the inmates. The media seemed only too willing to relay the "official" version of the hostages' death. According to correctional authorities, prisoners murdered the guards by slitting their throats. But not long afterwards, autopsies revealed that the hostages died from the same police bullets which killed the inmates. The corrected press reports merited something less than the headline coverage given the initial announcement.

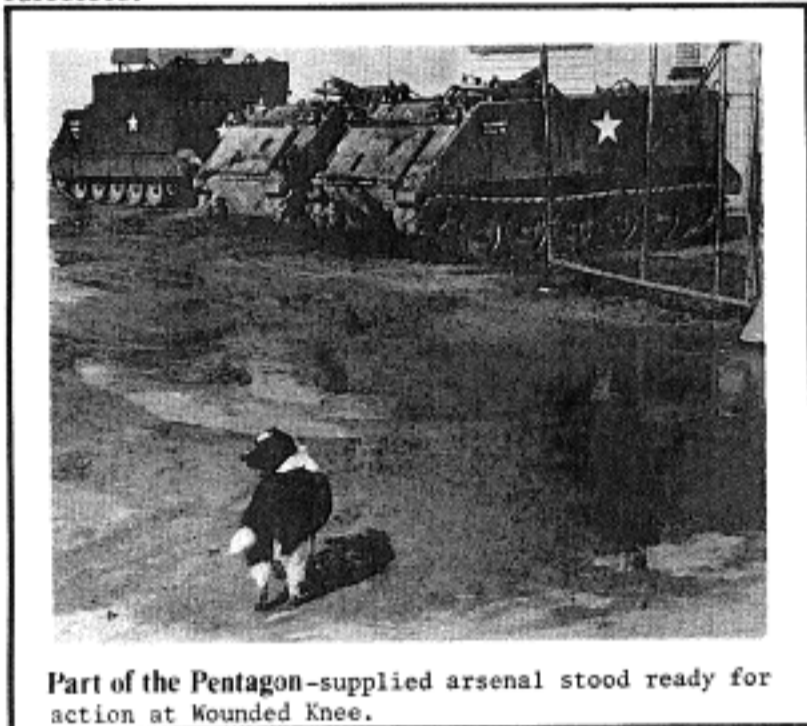
Now that the "Attica trials" have begun, one wonders whether the media will shortchange the public---as surely was done in the case of Wounded Knee 1973. ●

choose the method of statutory justification for its actions.

Those at Wounded Knee came from many places for many reasons. In all, there were representatives from over 60 North American tribes: Iroquois from New York, Chippewas from Minnesota, Arapahos from Wyoming, Poncas from Oklahoma, Navajos from New Mexico, Blackfeet from Montana, Potawamies from Kansas, and many more.

They all had experiences of oppression in their own lives. All were poor. They had stories from their parents and grandparents of massacres, starvation, land frauds, jail terms, promises broken, cop-outs and sell-outs. Some had been drunks or addicts. A few had never done anything right. But they all came to Wounded Knee to make their stand.

Regardless of personal motivation, there wasn't anyone who did not feel the sacredness of the village, who did not live daily with the presence of Big Foot, the old chief whose body lay with his slaughtered people in the mass grave behind the Catholic Church. With Big Foot lay buried the dream of Black Elk's grandfather---the dream that someday the "sacred tree of life" would bloom again. To many in Wounded Knee last year that prophecy was becoming fulfilled. ●



Part of the Pentagon-supplied arsenal stood ready for action at Wounded Knee.

TRIAL, from page 5

Falls, S.D. and Lincoln, Nebr. At least 70 additional trials are scheduled to be held in Council Bluffs, Iowa; the first will be opening in late spring or summer of 1975.

The government's appeal in the Banks-Means case was denied in St. Louis, Mo. before the 8th Circuit Appellate Court in March. In view of the District Court's dismissal of all charges against the defendants, the 8th Circuit was confronted at that time with the quite significant constitutional issue of double jeopardy. And the court handed down a strong judgment preventing the government from retrying the defendants.

At this writing it is unknown if, when or where the trials of the four other AIM leaders (Leonard Crow Dog, Clyde Bellecourt, Stanley Holder and Carter Camp) will be held. Although Federal Judge Fred Nichol initially assigned these cases to Sioux Falls, Iowa, defense attorneys insist their clients won the same change of venue to St. Paul as did Banks and Means. Government prosecutors oppose the trying of more Wounded Knee cases in St. Paul. They argue they are not bound by the original motion granting St. Paul venue to all the "leaders" (because they intend to bring new charges based on the same facts against the four men). But lawyers for the four maintain it would be improper to modify the indictments after so much time has passed since the occupation. And they still believe that if these defendants are brought to court, the trials will be in St. Paul, perhaps this summer.

Change of venue motions in the "non-leadership" cases were all denied. But it is unlikely that anymore of the trials will take place in South Dakota. The official reason for moving them out of the state was for "administrative purposes," not because the courts agreed that Wounded Knee Indians could not get a fair trial in South Dakota. Yet, Judge Nichol told me a month after the end of the Banks-Means dismissal decision his notion of an Indian's ability to get a fair trial in South Dakota has changed drastically. "Nationally," he said, "my mail is running 4:1 in favor of the dismissal. But South Dakota letters are about 4:1 against my throwing out the charges. You know, if I had to do it all over again, I'd have all the Wounded Knee cases moved out of South Dakota." ●



# The Impact

"Wounded Knee really shook up Indian Country," confided writer Vine Deloria, Jr. after the occupation. Deloria, an American Indian treaty scholar and author of several books including *Custer Died for Your Sins*, told me he felt that the length of the 10 week siege had much to do with its impact. "When the occupation started," he said, "a lot of Indians on the outside were pretty critical. They said that all the property damage just wasn't the 'Indian Way.' They said 'if you want to change things, you should work through the system.' But by the end of the 71 days there had been a lot of rethinking. Many Indians who were critical at first, said to themselves, 'Well, I've been working through the system and where's it gotten me?' I think that a lot of Indian people made reassessments."

Wounded Knee certainly put the Pine Ridge Indian Reservation through a long period of chaos and disorder. People were killed and wounded, property destroyed, commerce interrupted, relief checks delayed, and schools closed. These adversities are concrete and, to some extent, can be gauged.

The gains of the occupation are more subtle. They are long term ones, and thus not so easily measured. How, for example, does one evaluate this bit of graffiti written by a young man on the walls of the Sacred Heart Catholic Church in Wounded Knee during the takeover?

## "Wounded Knee"

There was a war  
All my people came  
  
We held out  
The whole world watched  
  
We won  
The drums beat on  
We're one...

A brave 3/73

Because of its key role at Wounded Knee the American Indian Movement made a sharp impression on Indians throughout the country. I recall the hope that AIM brought to a 70 year old man whom I met last year on the "underground railroad," a clandestine network of occupation support groups which operated on the Pine Ridge Reservation. He was the oldest member of a family that used its house as a "jump off point" for infiltrating federal lines into Wounded Knee. I was brought there on the last leg of a week-long attempt to find a guide for sneaking through the hills into the surrounded village.

All day long I hid out, as instructed, in one of a dozen junked cars which sat rusting away in the backyard of the house. Nosy Bureau of Indian Affairs cars cruised the dirt road out front. When darkness fell and it became unbearably cold, I went inside the shack. It was a large room with loose wooden slats over a dirt floor. A wood stove was burning in the center of the room. Two broken ice boxes sat at one end; at the other end, five or six children were stretched out on wall to wall mattresses.

Three old men were rolling tobacco by the stove. I crouched down on a soapbox near them. They were talking Lakota. A longtime passed before one of them addressed me in English, and we struck up a short conversation. Nothing more was said for awhile. Then I cautiously asked another of the men what he thought of the "FBI's" and "AIM's," as they were known on the reservation. He answered in broken English, "The FBI's are the same as the Blue Coats. The Blue Coats came at my father's house. Now they come back."

And what of the American Indian Movement---did he know any of them? Did he know what their policies represented? "No," the old man said, "but who else has ever stood for



An 11 year old boy dug in against federal agents.

I recalled his answer later when, as a spectator in the Banks-Means trial, I watched old Indian people take the witness stand and testify in Lakota. Often the jurors appeared transfixed listening to this strange language as its staccato-like cadences filled the U.S. District Courtroom. And I recalled it the day a proud young Indian couple brought a new born baby to the trial. His name was "Dennis-Russell." Before long, perhaps he might know, like the old man, who had stood up for his people.

Some of the gains produced by Wounded Knee 1973 were in fact concrete and immediate. The Arapaho tribe in Wyoming recalled for review long term land leases held by white ranchers. The Pine Ridge Reservation superintendent, long a target of Indian complaints, was transferred to a different BIA post. Tribal Chairman Richard Wilson's expenditure books were subjected to an independent audit. Early this year, the U.S. Justice Department responded to a civil rights grievance on the reservation which might have been ignored except for the attention generated by the Wounded Knee siege. Government lawyers filed a "friend of the court" brief on the side of Russell Means when the AIM leader brought suit against Wilson's re-election. Means alleged that his narrow loss to Wilson in the Tribal Chairman's election was grounded in voter fraud and other irregularities. The Justice Department brief challenged the election results for some of the same reasons. (Wilson's re-election incidentally was upheld by the "end run" ruling of Federal Judge Andrew Bogue who declared that his court did not have jurisdiction over tribal affairs---at least with respect to the issue at hand.)

Wounded Knee certainly left its mark on the American Indian Movement. But at this point it is impossible to predict AIM's future beyond the current efforts to support trial defendants of both Wounded Knee and Custer, the site of a South Dakota demonstration which preceded Wounded Knee by three weeks.

In its 6½ year history AIM has failed to establish lasting, workable social programs for Indians. But the organization has succeeded as an agent of social change by using confrontation tactics. The movement members have been the shock troops. It well may be, however, that more conservative Indian groups may be left to reap the long range benefits of the hard core activism. The system has been jarred by AIM. But while others may be needed to reassemble the pieces, AIM's significance in Indian history is secure---especially as a result of Wounded Knee.

The words "Wounded Knee" are known today in Europe, Asia, Africa, South America, and all around the world. The words are known. Perhaps some of the details of what happened in that tiny, isolated village last year will be forgotten. But the symbol will remain.

At least three Indians died during the 71 day siege. A dozen more, as well as two lawmen, were wounded. Wounded Knee was no candlelight vigil. It was an open rebellion. And it will probably not be the last. But it may be remembered as the time in the twentieth century when a people made their bid for freedom. Perhaps a turning point. Whether they make it or not remains to be seen.

At least at this stage a lot of Indians are walking tall.

During the victory party held after the freeing of Banks and Means, a heavy set, usually somber Indian woman was making her way through a room full of celebrators. She was alternately laughing and crying for joy.

"It's so good, I feel so happy," she said. "It's so good to be Indian!"

And maybe that's what it's all been about.

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The Leader supports and discusses people's struggles. Such topics as the Reserve Mining controversy, downtown development, fluoridation, gun control, and women's struggles have appeared in other issues. The paper carries no advertising, is non-profit, independent and comes out every three weeks. ---Al Wroblewski, editor

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# Tourist Boycott

OF



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In early 1973, a young Lakota man, Wesley Bad Heart Bull, was killed by a South Dakota white. His mother, Sarah Bad Heart Bull, and several witnesses to the slaying, tried to meet with the S.D. district attorney, to convince him that the man should be charged and stand trial. They were barred from the Courthouse in Custer, S.D. When AIM members from nearby Rapid City came to Custer that day to protest this kind of "justice," Sarah again tried to enter, but she was grabbed and choked by police (photo in- side). This touched off what was later called a "riot" as Indian people tried to aid her and were attacked. In 1974, Sarah and several others were the first of the "1973 Custer victims" to be tried for this at Sioux Falls.

Sarah and 3 men: Bob High Eagle (a witness to the original slaying), Ken Dahl, and John Carlson were convicted and began to serve time in the S.D. State Prison. Although their cases are being appealed, they were denied the normal appeal bond. Letters of protest and demonstrations resulted in Sarah's being freed (probation), but the 3 men are still imprisoned. Now the state is moving against the other 15 "Custer '73" victims, including AIM leaders Dennis Banks, Russell Means, and several women, trials at Custer, March. Also, the state is prosecuting 11 Indian people (and non-Indian legal workers) for a police attack on spectators and defendants which occurred during the 1974 trial of Sarah and others, when Indians refused to stand to show respect for S.D. Judge Botum. AIM leader Vernon Bellecourt, Indian women Lois Tiger and her daughter Bobbie, and legal workers John Concannon and Al Cooper start trial in March, trials at Sioux Falls.

Custer '73, and its continuations in '74 and '75 are examples of "white justice toward Indians" in South Dakota. State businessmen and politicians have pressed to "solve the Indian problem" by jailing the "troublemakers" for many years. THE ONLY CHANCE FOR THESE MODERN CUSTER VICTIMS IS AN AROUSED PUBLIC, BRINGING THE PRESSURE OF OPINION (AND MONEY) AGAINST THE S.D. POWER STRUCTURE. South Dakota is vulnerable to a tourist boycott. Over 1/3 of the State's income comes from tourists. We indicate, inside, what you can do to make your belief in justice for Indian people an effective force.

**HISTORICAL NOTE:** The 1868 "Custer victims" were over 100 Cheyenne and Arapaho, mostly women, children, and old people, asleep in a camp attacked by U.S. General George Custer, in whose honor the town of Custer is named.

# FREE





Steps of Custer Co. Courthouse, Feb. 6, 1973, about 1:30 p.m. Sarah is being choked and clubbed by police at right; her glasses and jacket have been torn off. Bob High Eagle and Ken Dahl are attempting to aid her (center); John Carlson is visible at left.

The town of Custer is named after the infamous General, who is known to Indians as "squaw killer," because of the massacres he led of women and children in sleeping villages. The town is in the heart of "tourist country" in western S.D.

Custer '73 trials are being held in this town for

Dennis Banks, Regina Dixon-Brave, and other Indian people. At the same time, trials for the 1974 police attack during the trial of Sarah and others at Sioux Falls are being held, again in Sioux Falls.

Do Indian people also benefit from the profitable tourist trade? Regina Dixon Brave, 34-year-old Oglala mother of four describes the "benefits:" "They have this Gold Discovery Days where they do a re-enactment of how the Black Hills was supposedly created according to our tradition. There was no Indian participant in the pageant. The only money made by the Indian people was--they danced in the streets, and the tourists threw them dimes. That's the only time I went to Custer (before 1973)."

#### LETTER CAMPAIGN

Write as many letters as you can to S.D. politicians and businessmen stating your support for the tourist boycott, why you support it, and what you expect the officials to do. Make it clear you will avoid S.D. in support of the Indians, not from fear of "militants." The most effective letters will say, in your own words, these ideas:

1. You, your family, friends, organizations to which you belong might want to visit S.D., but you aren't going to, and you are going to try to persuade as many others as you can to support the boycott.
2. The boycott's purpose is to use economic pressure to force S.D. resort operators, merchants and state officials to see that justice is done. Justice means immediate release (parole or pardon) of any "Custer" or "Sioux Falls" people who have been convicted, and dismissal of all remaining charges, whether brought in 1973, 1974, or 1975.
3. State enough of the facts of the cases so they know you know what's really going on--that your opinion of this kind of "justice" is based on the facts.
4. If you belong to any groups which might support the boycott--from ski clubs to church groups--ask them to pass support resolutions, and send those to the officials along with your letters..

Send copies to: AIM (Custer Campaign); Box 3677, St. Paul, MINN. 55101. Contributions for support and defense work may also be sent to us, and are badly needed.



## WHERE TO SEND YOUR LETTERS

1. STATE OFFICIALS: The S.D. state government itself makes quite a bit of money on tourism. S.D. "owns" and operates many recreation areas, charging \$2 for car permits and \$12-\$15 for camping. The state collects fees for hunting and fishing licenses and entrance fees to "natural wonders" and museums. There is also a large revenue from sales and gas taxes.

GOVERNOR RICHARD KNEIP, State Capitol, Pierre, S.D. 57501.

JEREMIAH MURPHY, ch. State Board of Pardons and Paroles, Boyce-Greely Building, Sioux Falls, S.D., 57101.

DIRECTOR, DIVISION OF PARKS, GAME AND RECREATION, State Office Building, Pierre, S.D. 57501.

DIRECTOR, DEPARTMENT OF HIGHWAYS, State Office Building, Pierre, 57501.

2. S.D. BICENTENNIAL COMMISSION, State Capitol Building, Pierre, 57501. Chairman: Les Helgeland. This Bicentennial Commission is spending hundreds of thousands of dollars to promote tourism and to boost "American Democracy South Dakota style." To celebrate the 200th birthday of the country which was stolen from Indians, the U.S. government has made Mount Rushmore, with the faces of 4 U.S. Presidents, the "center" of its celebration. These faces are sacrilegiously committed upon the sacred stone of Paha Sapa, the Black Hills, long a sacred place for the Lakota people, and still theirs under the Treaty of 1868. Illustrated below is the "Bicentennial Flag" designed by the U.S. government.

3. NATIONAL POLITICIANS: Senators are George McGovern and James Abourezk, Senate Office Building, Washington, D.C. 20515. Representatives are Frank Denholm (Democrat) and James Abdnor, Republican, House Office Building. You might let all of them know what you think about the way S.D. "justice" is treating Indians in comparison to pardons and wrist-slaps for Nixon and the Watergate criminals. Write your own Congressional representatives and ask them to vote no tax subsidies for S.D. economic development. Return the huge federal landholdings (national parks) to the Indian people.

4. TRANSPORTATION: Write to presidents of national gas/oil companies; Greyhound Bus Lines, Avis, Hertz, and National Car Rental. Western and North Central Airlines also profit greatly from tourists in the Black Hills area.

5. MOTELS: The most important "chain" in S.D. is the Holiday Inn. You can boycott all Holiday Inns when you travel. Write to the president of the chain, New York City and let him know. U.S. vice-President Nelson Rockefeller's family owns a controlling interest in this motel chain, so let him know about the boycott also.

6. PASSION PLAY: This is "the" tourist draw for Spearfish, gateway to a wild river fishing area. Famed all over the world, it's the story of the life of Christ, and should receive particular attention from religious groups. Write "Passion Play Amphitheatre, 421 Meier, Spearfish, S.D. 57783."

7. TOURIST CENTERS: Chamber of Commerce, Custer, S.D. 57730. Black Hills, Badlands, and Lakes Association, Sturgis, S.D. 57785. Visitor Center, Mount Rushmore National Memorial, Keystone, S.D. 57751. Terry Peak Ski Area, Lead, S.D. 57754. Rapid City Chamber of Commerce, Rapid City, S.D. 57701.

Tourist literature, available from AAA and other auto clubs, or from travel agencies, will give you addresses of many motels and tourist attractions to whose owners you can write also.

## 2 CENTURIES STANDARDS OF "JUSTICE"

"Innocent men of our Nation are killed, one after another...but none of your people who have committed these murders have been punished...We know that you are very strong--and we now wait to receive your answer, that we may know if you are just."

--Chief Cornplant, Seneca

"They said their laws were made for everybody, but we soon learned that although they expected us to keep them, they thought nothing of breaking them themselves."

--Chief Plenty-Coups, Crow

"These people have made many rules which the rich may break but the poor may not."

--Sitting Bull, Sioux

"We ask only that the law shall work alike on all men."

--Chief Joseph, Nez Perce

"I ask you in the name of justice, for myself and my injured people... when the hand of oppression is stretched against us, that every part of the United States, filling the mountains and valleys, will echo and say STOP."

--George W. Harkins, Choctaw



*South Dakota  
celebrates ... a  
"Festival of Freedom"  
for "all of the people."*

Les Helgeland, SDBC chairman, commented that the groups could "form a very important partnership... to help create an awareness of the meaning of the Bicentennial." He said that from the point-of-view of the state commission, the Bicentennial would be a proper time for Humanities "to discuss American ideals... in the broadest sense."

"Give us a hand," Helgeland asked, "to discuss public policy and our ideas of liberty in every community at every level."

"This Bicentennial program is not a program which belongs to the South Dakota Bicentennial Commission--it is a program which belongs to all of the people."

This Festival of Freedom can only be that if everyone is involved."

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(517) 353-0660



Dear Friends and Supporters,

I am writing this letter on behalf of the East Lansing chapter of the Native American Solidarity Committee. Our chapter in East Lansing is one of 25 that are located in cities throughout the U.S. Our national office is located in St. Paul, Minnesota.

We are a group of students and non--students, from different backgrounds, and of varying ages that are working in solidarity with Native American people in their struggle for sovereignty, independence, and a more human way of life. We do this by such methods as: distributing a national newsletter, bringing speakers and films to campus, writing for local newspapers, setting up literature tables, and serving as a resource center on Native American issues.

Just recently the East Lansing Peace Education Center purchased a 37 minute color slide show with sound that was produced by the national office of the NASC with the advisory aid of Native people. This show, "The Question That You Ask" is a history of Native American sovereignty and resistance. It gives both a historical background and a current update on Native American struggles.

The East Lansing NASC in conjunction with the Native American Task Force of the Peace Education Center would like to bring this slide show to the classes, organizations, or gatherings with which you are affiliated. In addition, we send out a speaker with each showing for discussion purposes and to answer any questions that the viewers might have.

"The Question That You Ask" can be booked for showing by calling the following numbers: Elayne 337-7042, Mary Ann 332-3126, Peace Education Center 351-4648. Or, feel free to stop by the NASC office or the Peace Center(1118 S. Harrison ) anytime. We hope to hear from you soon.

In order to provide further information to you about our slide show I have included some excerpts from a review .

" " The Question That You Ask" is a fast--moving, hard--hitting slide show on Native American history in North America--400 years of resistance. We are graphically reminded of the genocide that accompanied the European "discovery" of the new world. Some of the well--known photographs--Geronimo, the signing of the 1868 Sioux Treaty, the massacre at Wounded Knee in 1890... evoke a weird sense of deja--vu. Native people are determined to become totally independent of the U.S. and Canadian governments. This fact has provoked a sharp reaction from white racists and the power structure. The government bunkers at Wounded Knee 1973 look just like Indochina. The S.W.A.T. teams decked out in their blue jumpsuits with their automatic weapons are 1984. "



"Vernon Bellecourt (American Indian Movement) reminds us that the U.S. has raped Puerto Rico and other peoples in a similar fashion, "There is no difference in the invasion of Wounded Knee in 1890, where our people were massacred, and in what the U.S. did in Puerto Rico. In fact the same General Miles invaded Puerto Rico in 1898. There is no difference in the massacres of My Lai, Wounded Knee, Attica, Kent State, and that of the people of Ponce and their land of Puerto Rico. There is no difference in the invasion of Wounded Knee in 1973 and the invasions into Cambodia, Laos, and Angola,..." "

"Broken promises, blankets, and bombs, Indians and Viet Nam..." "

"Eyes of the young and old, lustrous with pride, spirituality, and determination. Beautiful shots of remaining Native lands...Contrasted to the beaten--down expressions of those trapped in the urban jungles..." "

"Yeah," you might say, "but I already know all this stuff." But listen: simply "knowing" and really feeling in our guts and heart are two different matters. The slides of "The Question That You Ask" bring us face-to-face and eye-to-eye with reality."

The F.B.I. and local forces of repression are currently coming down very hard on A.I.M. and the traditional people, and on other groups that they feel threatened by because they fear the power of the people. On top of all this, Native lands contain strategic mineral resources that the U.S. government is determined to get--over the dead bodies of A.I.M. and traditional people, if necessary."

As in Indochina we have a choice to **make**. Either we can sit back and become accomplices, or we can move out and begin to educate the people."

Thank you.

Sincerely,

*Mary Ann Kopydlowski*  
Mary Ann Kopydlowski

for NASC and the Native American Task Force

NATIVE AMERICAN SOLIDARITY COMMITTEE  
1st FLOOR STUDENT OFFICES, UNION BLDG.--MSU  
EAST LANSING, MICHIGAN 48824 (517) 353-0660



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