

Native American Leaders: Recouping in the '80s
From Battles in the '70s

An Honors Thesis (ID 499)

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Savage battles, barbaric massacres, Hollywood-style war whoops, dead heroes, proud but defeated Indians; these are the stereotyped images that pop up when one thinks of the Native American Indians' battles for their land and of those who led them. And some of the images are true, at least of the battles and massacres which led to the Indians being banished to the deserts of their own land. But the battles are not finished, for the seemingly worthless pieces of land that the Indians were forced back to are found to be worth much, in fact millions, because of the resources such as gold, coal, oil, and uranium found within the land. So the Native Americans still have to fight for their land, a land guaranteed to them by treaties, and the battles are no less dangerous than in the past.

Throughout the 1800's treaties were made and broken, causing such things as the Trail of Tears in 1838 because gold was found on Cherokee land in Georgia and even though the Cherokee won their court suit of treaty rights to their land rendered by U.S. Supreme Court Chief Justice John Marshall, they were still forced to leave their land and walk to "Indian Territory".¹ Then came the 1887 General Allotment Act which decreed that the land owned by tribes had to be divided up to individuals, which was supposed to be good for the Indians but in reality eventually took 2/3 of the land they had in 1887 - about 90 million acres gone from their original 150 million acres. Some land, 38 million acres, was taken by the government, some was declared 'surplus' and allowed to be settled on, (22 million), and the rest had to be sold by Indians to pay for debts or to get out of poverty, (26.7 million acres).² In 1934 the Indian Reorganization Act stopped the Allotment Act but it did not stop Indian land from being taken by the government. From 1936 to 1976 1.8 million acres of land was lost to the government,

some paid for, some taken for state and federal projects such as roads, powerlines, or reservoirs.³ What it did do was to establish 'puppet' tribal councils in place of the traditional lineage of chiefs of a tribe.⁴ As Red Cloud, Chief of the Lakota said: "They made many promises to us, but they only kept one: they promised to take our land, and they took it."⁵

In the 1950's the U.S. government had a program called Termination which encouraged the termination of tribes' existence by the government paying off the tribe and the title to the land-holdings of that tribe would be put up for sale for private ownership and tribal sovereignty would be ended.

By 1958 several tribal councils including the Klamath Indians in Oregon and the Menominee in Wisconsin - both with large timber holdings - had accepted cash payments under the termination program. Over forty thousand Indian people were effected by termination program. Over forty thousand Indian people were affected by termination during the decade of the '50s. On September 16, 1958 Congressman Lee Metcalf, a Democrat from Montana, told a meeting of the National Council of American Indians in Missoula: "The Bureau of Indian Affairs has used duress, blackmail, and pressure," to encourage tribal councils to accept termination.⁶

At the end of the '60s, perhaps as a last stand against total termination of Native American tribal identities and culture, the American Indian Movement was started in the city of Minneapolis by Clyde Bellecourt, Pat Ballanger, Dennis Banks, and others. It's purpose was to mobilize Indians everywhere to fight unfair governmental practises while getting back to traditional values. As Russell Means wrote in Akwesasne Notes: "It is the responsibility of the Indian people themselves to change realities around them when these realities are repressive and oppressive. We are simply doing those things that all Indians agree should be done, in a way that will be

effective."⁷ AIM's first major confrontation with the U.S. government came in 1969 when Alcatraz Island was taken over by originally just 14 Indians, on November 4, but in two weeks time there were 79 Indians occupying the site. The occupation brought a lot of media attention to AIM and in press statements they were very ironic, saying such things as "... they would pay the U.S. government \$24.00 for the island, mocking the 1626 purchase of Manhattan Island by Dutch settlers. They also said that they would establish a Bureau of Caucasian Affairs to deal with any problems that whites might have in relation to the occupation."⁸ The next major confrontation between AIM and the government to grab much media attention occurred in 1972 when the Trail of Broken Treaties, which was composed of caravans of Native Americans from all over the U.S. seeking to discuss treaty violations with the government, arrived in Washington D.C. When they got there, the BIA refused to provide any housing or any other support, and though Russell Means, Clyde Bellecourt, and Hank Adams met with BIA officials, nothing was accomplished. So the BIA office building was taken over by the Indians. Dennis Banks and Russell Means, the AIM leaders there, had this to say: Dennis Banks- "We are trying to bring about some meaningful change for the Indian community. If this is the only action that will bring change, then you can count on demonstrations like this 365 days a year." Russell Means- "We didn't come here to grab hold of a building. We came here to work. The situation looks very positive because the negotiators realize our commitment here- that we are willing to die." And he said, "If we go, we're going to take this building with us. There's going to be a helluva smoke signal."⁹ Because there was some destruction of office furniture and property the government tried to portray AIM and the Indians as militants who didn't have

the backing of tribes across the country, and the press willingly advanced the portrayal. Interior Secretary at the time, Rogers C.B. Morton said:

All Americans should understand that the protesters are a small splinter group of militants. ... It is obvious to me that the seizure and continued occupation of the building are nothing more than a form of blackmail by a small group who seek to achieve through violence objectives which are not supported by a majority of reservation Indians. ... It is a shame that a small, willful band of malcontents should attempt to wreck the headquarters of the government's chief instrument for serving the Indian community.

What was accomplished by this takeover? In return for the Indians leaving the BIA building the government promised to not prosecute any charges connected with the takeover of the building, that they would try to make Federal Government affairs with Indians more sensitive to Indian needs, and they promised to respond to the Trail of Broken Treaties proposal within a certain amount of days. Plus a police escort was given to the caravan out of town and travel money to return home was given to the Indians, in cash.¹¹

On the Pine Ridge reservation, which is 7,200 square miles in South Dakota, traditional reservation Indians tried to impeach a corrupt tribal chairman named Dick Wilson, who wanted to sell tribal land, in 1973. The Oglala Sioux Civil Rights Organization was formed then to carry out this purpose. Russell Means said this about Wilson: "The government uses Wilson in a strategy that began with the Puritans- divide and conquer."¹² And Wilson said about Means: "If Russell Means sets foot on this reservation, I will personally cut his braids off."¹³ So the U.S. Marshall service sent 70 Special Operations Group troops to the Pine Ridge reservation and along with the BIA police and a couple of FBI agents patrolled the area. Needless to say, Wilson was not impeached. So the

traditional Oglala Sioux Chiefs with the American Indian Movement decided to do something to stop the government abuse and they went to take over the small village of Wounded Knee on February 27, 1973. Roadblocks were immediately set up to and from the village by the FBI, the BIA police and Wilson's 'goon squad'. The Indians occupied in Wounded Knee issued a list of demands, including who they would specifically negotiate with, and at the bottom stating: "The only two options open to the United States of America are: 1. They wipe out the old people, women, children, and men by shooting and attacking us. 2. They negotiate our demands."¹⁴ The note was signed by Oglala Sioux Civil Rights Organization President Vern Long, Vice-President Pedro Bissonette, Secretary Eddie White Wolf, and AIM spokesman Russell Means. On May 8 when federal troops came into the village to process, fingerprint and make some arrests of the remaining protesting Indians of Wounded Knee, most of whom left the night before, after having reached a compromise with the government. During the three month holdout in Wounded Knee, two Indian men were dead, an elderly woman went into a diabetic coma and died, and three were injured by the continuous gunfire from the U.S. military. On the other side, two military men were wounded.¹⁵ Frank Clearwater died from Armed Personnel Carriers and FBI fire at a Catholic Church on the edge of Wounded Knee, and Buddy Lamont died from M-16 fire when he was forced out by gas from a bunker.¹⁶ Roger Iron Cloud, a Vietnam veteran who was part of the Wounded Knee bunker security force said: "We took more bullets in seventy-one days [at Wounded Knee] than I took in two years in Vietnam."¹⁷

The deaths and arrests at the end of Wounded Knee had just begun. In the three years that followed the occupation 562 arrests had been

made that led to a total of 15 convictions, five of which the accused were trying to get through the roadblock to Wounded Knee with supplies and thus called 'interfering with federal officers'.¹⁸ And AIM lawyer Cindy Hamilton documented 61 unsolved cases of political murder cases on Pine Ridge during the three years after Wounded Knee, from March 1, 1973 to the March of 1976. Compared to the national average the murder rate at Pine Ridge is eighteen times greater.¹⁹ As to the positive results of the Wounded Knee takeover, the Pine Ridge superintendent was transferred to a different BIA post, Wilson's expenditures were independently audited, other tribes were mobilized into action on their own; such as the Arapaho in Wyoming recalled for review the long-term land leases of white ranchers.²⁰

The Federal Government's relationship to the AIM in the '70s and into the '80s has been a antagonistic one, from the FBI trying to discredit AIM with false and alarmist memos internally and externally to the press, to arresting and jailing or even killing AIM leaders and activists, as the Army did at Wounded Knee. Secretary of the Interior during the Nixon administration, Roger Morton's statement characterized the government's attitude.

There has grown up in the wake of the black movement in this country a revolutionary Indian element. Dramatic violence is their pattern. ... They believe that the pursuit of their cause transcends their criminal methods. Their demands are vague and change from day to day. They do not represent a constituted group with whom the government can contract or serve. Some of their leaders are star-struck with self-righteousness, some are renegades, some are youthful adventurers, some have criminal records. They come forth with great gusto when there is hell to raise; otherwise, they are loosely organized, slipping from one expensive-to-the-taxpayers event to the next under a cloak of false idealism. The bloody past is the color of their banner, publicity is the course of their future. These are criminal actions, and should be dealt with accordingly.²¹

The media helped a distorted view of Indians along; Harper's

called Wounded Knee "largely a pseudo-event to which the world press responded with all the cautiousness of sharks scenting blood.", and "We wrote good cowboy-and-Indian stories because we thought it was what the public wanted, and they were harmless, even if they were not all true."²²

The Bureau of Indian Affairs tribal council system established under the 1934 Indian Reorganization Act allows the BIA to control the development and use of much of the little land left to the Indians. Specifically Form 5-5525 allows the superintendent of the BIA to lease land for grazing purposes; the purpose of the form supposedly to help Indians lease their land, but in actuality gives more control of the land to the BIA because along with the form comes a letter saying in effect if you do not sign within 90 days then "If an agreement cannot be reached within the 90-day period the Superintendent is authorized by law to grant a permit thereon to protect the interest of all the heirs by insuring a minimum income from their land."²³ So if they did not sign, their land would be leased away anyway. The Means brothers inherited 190 acres of land that was held in trust by the government and it was leased to a white rancher by the BIA. Russell Means reported they did not receive any lease payments since 1969 when they joined AIM, and other traditional Indians from the Pine Ridge reservation were reporting in 1973 that they also were not receiving lease money and Dick Wilson, tribal chairman, was the suspected culprit.²⁴

Besides using forms and legislation to take the land from Native Americans while trying to prevent resistance, the government through the FBI also used such tactics as false memos and multiple arrests, tampering with evidence,^{and} threatening witnesses.

In order to discredit AIM and Senator Abourezk of South Dakota, who was a critic of BIA policies and FBI actions in South Dakota, the FBI circulated an internal memo that a resident of Rapid City, South Dakota, Rene Howell, would host 2000 "Dog Soldiers", (a name given to past Northern Plains societies that acted as more than just warriors²⁵), who would then go on to blow up the BIA building, assassinate the governor, shoot at tourists, among other things.²⁶ Howell was surprized, to say the least, when she read the memo. Another memo, from the Hartford Connecticut police department on June 18, 1976 "outlined a 'plot' by AIM, Chicano Activist Corky Gonzalez, and one section of the mainly white students for a Democratic Society to "kill a cop a day in each state."²⁷ However the memo did not explain how this group, with only two vans could possibly kill a cop a day in each state. One of the AIM founders, Vernon Bellecourt "compared such tactics with terrorism used by officials a century ago, when one band of renegade Indians might be blamed for 'six raids in six days - on horseback.'²⁸

The FBI used the tactic of arresting AIM leaders to effectively deter their resistance, using up their time and money in court and even sometimes getting them convicted on shaky evidence, usually tampered with. Early on the FBI used this tactic on AIM leaders. Ken Tilsen, a lawyer among the first to give legal assistance to AIM remembered:

I first met Clyde [Bellecourt] and Dennis [Banks] when they were doing the street patrols in Minnea polis. I met them because they would by arrested virtually daily sometimes. They would be charged with interfering with a policeman in his duties and such things as that. The first evidence of their being targeted for arrest was simply the incredible number of times they were arrested on silly charges without being convicted. Sometimes the police would wait for them at the

Bloomington [St. Paul] airport, and arrest them on old parking tickets.²⁹

But it was at Wounded Knee that the FBI showed AIM leaders and members what the consequences were in resisting the U.S. government and the rest of the American public only caught glimpses of the unfair practises. One such example of the consequences for protesting Indians was Pedro Bissonette's life after he had been a leader in the Oglala Sioux Civil Rights Organization and at Wounded Knee. Pedro Bissonette was charged with assault on a federal officer in connection with Wounded Knee and given a high bond - \$150,000.³⁰ While waiting in jail for a reduced bond, (it was eventually reduced to 25,000), Bissonette's court appointed lawyer brought a plea bargain from the government which in effect said that if Pedro testified against AIM leaders about Wounded Knee, he would be offered probation on his charges, but that if he refused, his sentence would be harsh. Bissonette refused and further charges were brought against him during his release on bail by a white man in Nebraska who said Pedro threatened him. So a warrant was out for Pedro's arrest. But Pedro never made it to jail, instead he was killed on October 17, 1973 by a BIA policeman.³¹ Dennis Banks spoke about Pedro Bissonette: "We lost a great man there. ... The federal police killed Pedro in an assassination conspiracy, and the reason was obvious: he knew too much about Wilson and about the BIA and about what their police were up to, and he intended to expose them. Also, I think they decided that if Pedro was dead, AIM could no longer function on the reservation."³² The circumstances of his death were suspicious, as were the circumstances of many Indians' deaths following Wounded Knee. Bissonette's family wanted Bissonette's body to be autopsied

by an independent pathologist, but instead Bissonette's body was moved across state lines to Nebraska to be autopsied by two pathologists working for the BIA.³³

The Dennis Banks and Russell Means vs. the U.S. trial was one of the most infamous trials arising from the Wounded Knee takeover. The trial, which opened on February 12, 1974, was where the incredible lengths the FBI was willing to go to get AIM leaders out of the way came out. Means and Banks were charged with an eleven count federal indictment including such things as larceny, burglary, assault, theft, arson, conspiracy, etc...³⁴

First of the shady dealings of the FBI found out by the defense at the time of the trial were illegal wiretaps during the Wounded Knee occupation and investigation. A FBI Special Agent, Joseph Trimbach, denied on the witness stand that there had been wiretaps but the defense found an affidavit signed by Trimbach which outlined illegally monitored conversations by two other FBI agents.³⁵ Also, the prosecuting lawyer failed to hand over all pertinent documents relating to Wounded Knee, and a 16 year old, Alexander Richards agreed to testify for the FBI in return for dropping charges against him, a bargain similar to one made to Pedro Bissonette, but one of the three affidavits he filed contradicted the other (the prosecution only gave the court two of the affidavits) and Richards admitted that he had lied on the witness stand. Richards had been in jail during the events he had supposedly witnessed at Wounded Knee. So the judge in the trial, Judge Nichol, disallowed Richards' testimony.³⁶ Also, the court eventually found out about other documents the prosecuting attorney Richard Hurd had withheld illegally, some relating to the government's unconstitutional use of the military against U.S. citizens without official authorization by the President. Judge

Nichol said: "This is about the most bizarre explanation I've heard," and addressing Hurd he asked, "Aren't you getting kind of tired of explaining your own negligence in some of these matters?" The prosecutor said: "No, Judge, I'm getting used to it as a matter of fact."³⁷ The prosecution had yet to link Means and Banks to the charges when a surprise witness was introduced who said he saw Banks and Means do everything in all of the charges. But the defense proved the witness was lying by the witness's mother and it was found out how the FBI paid the witness for his false testimony. Also, it was found that a couple of FBI agents and the witness, Wisconsin Moves Camp, spent several days in a motel preparing the false testimony. And the witness had a rape charge against him in the time period that he had mostly spent with the FBI agents and the rape charge was suppressed. More than that, the prosecuting attorney lied about knowing the charge existed against the witness, and was found out.³⁸ Judge Nichols told the court: "I blurted out, maybe unfortunately, in the early part of the trial, that the FBI had certainly deteriorated. I think that statement ... has become justified by the manner in which the FBI has operated in this trial..."³⁹ Later after the trial it was found the FBI had a man in the defense camp who was trusted by AIM leaders.⁴⁰ Needless to say all the charges were dropped against Banks and Means. In another trial in another place, but within the same fight, Leonard Peltier on May 13, 1976, told another court:

This type of selective political persecution against AIM leaders is no different from the abuses of the F.B.I. against the Black Panther Party and the Socialist Workers [documented in the Rockefeller and Church Reports published the year before.] The FBI has abused the court system by harassing and jailing people who resist. ... an attempt to push

us off our reservations.... what was once called worthless land [contains] valuable mineral and oil resources.⁴¹

It is against such odds that American Indian leaders have had to work to demand their rights under the U.S. Constitution and try to secure some land, land that is ever diminishing from the vast continent they once occupied. One obstacle that is the most effective strategy the government employs (besides death) to stop resistance is to jail American Indians, especially the leaders.

Dennis Banks, an Ojibway from Leech Lake reservation, was serving time in the Stillwater state Penitentiary in Minnesota (3½ years for burglary and forgery), at the same time that Clyde Bellecourt, and Ojibway also, one of the leaders of AIM, was in Stillwater. They both eventually were out of jail and they started AIM in Minneapolis with the first action being the AIM Patrol, which watched over Indians who were drunk to make sure they were not being mishandled by the police, by picking police calls on radio.⁴² "Bellecourt, Banks, and the others did collect evidence of rather vicious handling of Indians by the police, and the result was that they became well known by both the Indians and the authorities."⁴³

In one of the first examples of the AIM strategies in resisting the government that would eventually bring AIM world wide attention, in 1971 Dennis Banks led a group of AIM Indians over the fence at the Fort Snelling Naval Base. They occupied an abandoned building with the intention to make an Indian survival school on the property.⁴⁴ Senators Hubert Humphrey and Walter Mondale were going to negotiate with AIM, but before Banks could meet with Mondale, a SWAT team arrived early the morning the negotiations were supposed to take place and arrested all the Indians.

In 1973 a white man killed a 20 year old Indian - Wesley Bad Heart Bull. The white man, Darld Schmitz, was charged with second degree murder, which upset Wesley's mother, Sarah Bad Heart Bull because of the light treatment Schmitz received, not being charged with first degree murder. She called on AIM to help protest with her and petition the State Attorney. Dennis Banks and Russell Means met with the State Attorney in the Custer courthouse while a crowd of Indians waited outside. The talk proved futile, and when Means came out to talk to the crowd, sheriff deputies were standing guard at all the doors and someone was pushed and then a lot of people were pushed, including Sarah Bad Heart Bull and a full scale riot ensued.⁴⁵ Said one who was there, Mildred Galligo: "If they'd have opened the doors for us it wouldn't have happened. All we wanted to do was be heard. They closed the doors and shoved an Indian boy down the steps. That's how it started."⁴⁶ According to the police the Indians started it. But property was damaged; tear gas was used and Dennis Banks broke a window in the courthouse to let some fresh air in because of the gas, the Chamber of Commerce building across the street from the courthouse was burned down, the courthouse was partly burned, and a couple of police cars were damaged. Of course, many Indians were arrested, including Russell Means, Dennis Banks, and even Sarah Bad Heart Bull, who was convicted of rioting and assaulting an officer and she spent time in jail for five months of a one to five year prison sentence. This incident went down in history as the Custer riot and is the cause of Dennis Banks currently being a fugitive from the South Dakota prison system.

But between then and now, Banks was involved in Wounded Knee. He said this about it in the Wounded Knee trial:

Wounded Knee represented the last pint, or the last

blood transfusion. It was unfortunate that three Indians have died, but they died knowing - and all of us who were at Wounded Knee, and those people who called us to Wounded Knee will go to the Spirit World knowing - that the unborn generations will be given that opportunity to live the life that they choose, and not the life that somebody else dictates.⁴⁷

Banks was cleared of all charges in the Wounded Knee trial but that did not end his clashes with the 'justice' system, and the FBI.

In June of 1975, two FBI agents and an Indian were killed on the Pine Ridge reservation. In connection with the killings police stopped a van, registered to Marlon Brando, in Oregon. Anna Mae Aquash, along with KaMook Banks, Dennis Banks' wife, were among those found in the van. They were forced to lay face down on the ground, even KaMook who was pregnant at the time. The police made a couple of extremely witty remarks about KaMook's condition: "Are you sure she's pregnant, or does she have an M-16 in there?"⁴⁸ The FBI said that Dennis Banks and Leonard Peltier escaped the roadblock they had quickly set up. "The two men, who police believed to have been Banks and Peltier, drove the van through a rain of gun fire loosed by the several dozen police and FBI agents who had rapidly assembled at the scene."⁴⁹ KaMook Banks was taken back to Kansas to prison for firearms possession charges stemming from an incident in which a station wagon that she and some other Indians had been riding in, exploded after they had stopped to investigate a ticking noise within the car.⁵⁰ KaMook had a baby girl in prison, named, ironically, Iron Door Woman.

The FBI caught up with Dennis Banks in 1976 at San Francisco with a state fugitive warrant. Banks had jumped bail before being convicted of charges of riot and assault without intent to kill in the Custer riot of 1973, because he believed his life was in danger

in the South Dakota prison system. To try to help Banks from being extradited from California, a campaign was started by Jane Fonda, Marlon Brando and many other liberals, plus Banks' attorney William Kunstler, got a petition collected with 1.4 million signatures on it. Dennis Banks said this about his past activism: "What we have done, we did for the seventh generation to come, for the future. We did not do these things for ourselves, for personal gain. We work now so that the seventh generation may be born free."⁵¹ The governor of California at that time, Jerry Brown had his legal affairs director offer a compromise and Banks agreed to it. Governor Brown allowed him to stay in California. That really irked William Janklow, who had brought the suit against Banks and had won, because Janklow had a personal vendetta against Banks. Dennis Banks had brought charges against Janklow of Janklow allegedly raping his Indian baby-sitter, the charges being brought up when Janklow was running for state attorney general. The evidence was found by federal prosecutors to be insufficient but it was enough for the tribal court who barred Janklow from practising law on the reservation. Janklow became state Attorney General anyway and then went on to become South Dakota's governor, in 1978. Janklow said a lot about Jerry Brown's decision, such as: "One of the key things people like Dennis Banks complain about is the dual standards of justice in this country - and if we allow him to go because he has friends like Jerry Brown and Marlon Brando, we would be playing right into the accusations of duality."⁵² And: "We kind of feel there's a beacon in California. Give us your felons, your pickpockets, your crooked masses yearning to be free."⁵³ But when Jerry Brown lost the gubernatorial bid to George Deukmejian, the warrant was out again for Banks. But, once again, Banks was gone; he was in New York at the Onondaga reservation.

Banks' attorney hoped to work out a deal with the New York Governor, Cuomo. The options for Banks besides that could have been going to Central America or to take up Marlon Brando's offer of sanctuary on his private island near Tahiti. But Dennis Banks said "Even though I'm hounded from one end of this country to the other I will never abandon it completely."⁵⁴

Peter MacDonald, a Navajo from Arizona, is a "progressive" Indian or "Peter MacDollars"; either view dependent on where one stands. MacDonald served in the U.S. Marines, as a 'Code Talker' (they used Navajo language as a code which baffled the Japanese in the South Pacific), and then he graduated from the University of Oklahoma in 1957, with a B.S. degree in electrical engineering.⁵⁵ In 1963 he became the first Indian member of the New Mexico Economic Development Advisory Board. Then he became director of the Office of Navajo Economic Opportunity, which was funded by the U.S. government, and had many community programs on the reservation. In 1971 MacDonald became the new Tribal Council Chairman. In his inaugural address MacDonald said he would not "barter away the Navajo birthright for quick profit that will cheat our children and their children after them."⁵⁶ A few months after his inauguration, the Navajo Nation had its first sale of uranium, which brought in \$3 million. And \$6 million was gotten from Exxon in return for exploration rights.⁵⁷ But MacDonald agreed with traditional Indians on the matter of the BIA, saying that they regard "Indian people and Indian governments much in the way that an overbearing parent regards a recalcitrant child. Instead of encouraging Indian people to become self-sufficient and Indian Tribes to take up new responsibilities the Bureau seems bent on frustrating innovation and stifling initiative."⁵⁸

And about voting he said that "certain politicians had always taken the Navajo vote for granted and had voiced their appreciation for the Navajo way of life just so long as the Navajos had been content to play the centerfold role for Arizona Highways."⁵⁹ MacDonald was re-elected for a second term as Chairman but during his second term many of his administration were convicted of embezzlement.⁶⁰ In early 1977 MacDonald was subpoenaed for allegedly defrauding the Tucson Gas and Electric Company, but he was acquitted on insufficient evidence. MacDonald served as chairman of the Council of Energy Resource Tribes, which renegotiated the El Paso Natural Gas Company lease and raised the royalty from 30 cents per ton to 55 cents.⁶¹ But also in the lease was the stipulation that if the 55 cents a ton was less than 8 percent of the coal's market price than the Navajo Nation would get 8 percent. The minimum leasing rate by federal law, though, is 12.5 percent.⁶² MacDonald said: "In the past, whenever the Indians were sitting on something the country wanted, the U.S. brought out the legislative cavalry and the judicial cavalry and the bureaucratic cavalry and took it away. That will not happen again."⁶³ Now, Peter MacDonald will sell it, for the right price.

Leonard Peltier, a Sioux-Ojibwa Indian born in Grand Forks, North Dakota, is currently serving two consecutive life terms for a crime that was never proven to be of his doing and he will not be eligible for parole until 2015. Peltier had been at the Fort Lawton occupation in the state of Washington in 1970 and had been arrested for trespassing in connection with the occupation. After that he went back to Milwaukee and on November 22, 1972, two off-duty Milwaukee police picked a fight with him. They found a gun on

Peltier (with a broken firing pin) and charged him with attempted murder. Peltier talked about the incident:

Well, that gun was just what them pigs needed; they busted me for attempted murder, and here Hlavinka is hitting me so hard that I had to jam my head under the wagon seat to keep my brains from being beat out. Finally the other one, James Eckel - the one who later admitted in court that he had kicked me 'four or five times' while I was laying handcuffed in the paddy wagon - this Eckel tells Hlavinka he'd better take it easy.⁶⁴

Peltier fled underground having been released on bond, and four years later at the trial for this episode it came out in court that the whole incident was a set-up by the police. Anne Guild, who was a girlfriend of one of the policemen, Ronald Halvinka, said Halvinka showed her a picture of Leonard Peltier and said he was "going to 'help the FBI get a big one.'"⁶⁵

After Wounded Knee, FBI and police surveillance of Pine Ridge reservation was heavy. On June 26, 1975 two FBI agents had a warrant out for the arrest of Jimmy Eagle for stealing a white kid's boots. They chased a pick-up truck but lost it and ended up a quarter mile from Harry and Celia Jumping Bull's residence, dead, along with an Indian - Joe Stuntz. The FBI issued a statement to the press and the press willingly went along with it, blowing it all out of proportion, saying it was an ambush of 30 Indians, forgetting to mention the dead Indian in their news releases. The FBI Director Clarence Kelley ended up retracting the original story.⁶⁶ But the reservation was still swarming with FBI agents, policemen, and SWAT teams after the incident, and there were many illegal searching of homes by the FBI. A Washington Post reporter, Joel Weisman, was turned back from the area by gunpoint of an FBI agent but he still uncovered many of the facts, such as the FBI agents killed did not have a warrant on them as they were supposed to have had in the official story, and Jimmy

Eagle was actually at his grandmother's at the time he was supposedly stealing the boots.⁶⁷ John Trudell, AIM National Chairman, said later:

FBI agents armed with M-16's came onto the Pine Ridge reservation to serve a warrant that they didn't have on someone who wasn't there; they were accompanied by over fifty highly trained military marksmen, also with high-powered automatic weapons. These agents opened fire on a small house in which men, women, and children were asleep. Leonard [Peltier] and the others returned fire, creating cover as the people fled to safety. On that very same day, Dickie Wilson gave one-eighth of the Pine Ridge reservation to the U.S. government. Now, common sense tells us that something very unusual is going on.⁶⁸

Many Indians were charged with offenses connected with the killings; Peltier being one of them, he fled to Canada, but the Royal Canadian Mounted Police found him near Alberta and arrested him on February 6, 1976. Peltier sought political asylum in Canada but was refused and after having been in solitary confinement at Okalla prison in Canada was handed over to the U.S. government on the grounds that the U.S. had presented enough evidence for Peltier's extradition to be warranted.⁶⁹ Peltier's co-defendants, Butler and Robideaux, had been acquitted so Peltier was the last one the FBI could blame for their agents' death. During the trial the prosecutions' major witness - Myrtle Poor Bear admitted to signing false affidavits after having been threatened by a couple of FBI agents who took her to a motel room and she said they told her "if I didn't do what they said I'd be dead like Anna Mae Aquash.... they kept reminding me I'd be dead like Anna Mae Aquash..."⁷⁰ Also, during the trial an FBI agent said one time the pickup truck passed his roadblock in one trial and in Peltier's trial he said the pickup truck never went by. But the judge ruled the discrepancy to be irrelevant.⁷¹ Poor Bear tried to recant her testimony, but was not allowed to do so in court to the jury, Judge Benson saying: "the FBI is not on

trial here."⁷² The only evidence which came anywhere near linking Peltier to the killings of the two FBI agents was from Frederick Coward, an FBI agent, who said "he had recognized Peltier from half a mile away through a seven-power rifle sight."⁷³ This was proved impossible by the defense, using a gun expert. Karen Northcott, lawyer, said, "Defense evidence which had convinced the first jury of the innocence of Butler and Robideaux was ruled inadmissible in Peltier's trial. He was not allowed to present a case of self defense."⁷⁴ The jury convicted Peltier and Judge Benson handed down a sentence of two consecutive life terms on June 1, 1977. Peltier was taken to Marion federal penitentiary in Illinois. Luckily, Peltier could not have been sentenced to death because the extradition agreement with Canada forbade it.⁷⁵ In September Peltier's appeal was denied (1978) and the case went to the Supreme Court but the Supreme Court refused to review his case. In 1979 Peltier tried to escape from Lompoc Prison in California with Bobby Garcia and Dallas Thundershield. Thundershield was shot and killed during the escape and Garcia was captured and sent back (later to be sent to Terre Haute prison in Indiana where in December 1980 he was found dead in his cell, supposedly by hanging), and Peltier was free for five days before he was captured.⁷⁶ Peltier tried to escape because there was a murder plot on his life, revealed to him by Standing Bear who was supposed to carry out the plot. Standing Bear and Peltier were both supposed to be transferred to Lompoc, minimum security facility, so that it would be easier to kill him. It is still questionable why Peltier, with maximum security classification, would be transferred to Lompoc, which was a minimum security facility. In the trial for the escape attempt the judge refused to allow testimony in court

about the murder plot. Peltier tried to tell about the assassination attempt but the judge refused to hear that also, and Peltier said his conviction in North Dakota was also due to not being allowed a defense but the judge ordered that off the record too. So "Peltier said 'I am not going to participate in this railroad any longer,' and walked off the stand in protest."⁷⁷ So Peltier had seven more years added to his sentence, on February 4, 1980, and was sent back to Marion.⁷⁸ Peltier was able to get the escape conviction overturned, in March 1981, but he still has the two consecutive life terms to serve.⁷⁹ From prison Peltier wrote: "the only thing I'm guilty of is trying to help my people. For this, it is very possible I'll spend the rest of my life in prison."⁸⁰

Anna Mae Pictou Aquash, a Micmac Indian from Nova Scotia, participated in the Wounded Knee occupation also. But unlike Dennis Banks, and Leonard Peltier, being an AIM activist cost her more than a jail sentence. But before Wounded Knee, in 1970 Anna Mae was involved in the Boston Indian Council and taught at TRIBE (Teaching and Research in Bicultural Education), such things as Indian culture arts, music, and dancing, and discussing stereotypes and biased views of the Indian in American history in textbooks.⁸¹ In 1972, Anna Mae was involved in the occupation of the BIA office building in Washington. In 1973 Anna Mae joined the protesters at the Wounded Knee occupation by creeping through the government patrol lines and roadblocks with some food runners. Anna Mae got married to the man she came to Wounded Knee with, Nogeeshik Aquash, a Chippewa, in a traditional Sioux ceremony at Wounded Knee, a few weeks after she had arrived.⁸² Anna and Nogeeshik only spent about a month at Wounded Knee, leaving before the occupation ended. In 1974 Anna Mae helped organize the L.A.

chapter of AIM into a better fund-raising one, and then in 1975 she was at the occupation of the Gresham novitiate by the Menominee Warrior Society.⁸³ Also in 1975 Anna Mae came back to the Pine Ridge reservation, staying in the vicinity of the Jumping Bull residence, and she was interrogated by an FBI agent in connection with the murder of Jeanette Bissonette, to see what she knew about it. But her interrogation caused rumours to fly that Anna Mae was an informer for the FBI.⁸⁴ Anna Mae was not on the Pine Ridge reservation when the killings of the FBI agents and the Indian occurred but the FBI was still looking for her to question her on the incident. The FBI had a raid on Al Running's house on September 5, 1975, where Anna Mae had been staying, and she was arrested on the charge of illegal possession of dynamite, and with firearm possession with rubbed out serial numbers. In the interrogation she was refused a lawyer, and was asked about Peltier, Robideau, Banks, and others, but she refused to talk about them. Eventually she was released from jail on bail and she called her sister, in Micmac because she thought the phones might be bugged, and told her that she feared for her life.⁸⁵

Anna Mae Aquash wrote:

You are continuing to control my life with your violent, materialistic needs. I do realize your need to survive and be a part of this creation - but you do not understand mine... I have traveled through this country and I have observed your undisciplined military servants provoke those whose rights are the same as yours.... I am not a citizen of the United States or a ward of the Federal Government, neither am I a ward of the Canadian government. I have a right to continue my cycle in this Universe undisturbed.⁸⁶

On February 24, 1976 the body of Anna Mae Aquash was found at the bottom of a cliff on the Pine Ridge Reservation. The body was taken to a BIA contracted pathologist - Dr. Brown, who concluded that she died of exposure after having neglected many things in his autopsy,

including X-rays. Dr. Brown also did something unusual for a routine autopsy; "He cut the woman's hands from the body at the wrists, placed them in a preserving jar and turned them over to one of the FBI agents observing the proceedings."⁸⁷ Her body was at the morgue for awhile, not being identified and her relatives not being told, then her body was buried in a Catholic ceremony. Then she was identified by fingerprints and the media announced it, after the burial.⁸⁸ Then a second autopsy was sought by her family and a pathologist not from the FBI or the BIA, did it and found a .32 calibre bullet in her temple and powder burns around the wound in her neck. She had been shot in the back of the head at close range. Dr. Brown did not waver from his opinion, though, saying: "Anna Mae Aquash wasn't dead when she went off the cliff... Frostbite was the cause of death. The bullet may have initiated the mechanism of death, the proximate cause of which was frostbite." And he added: "Why all the interest in this case? It seems awfully routine, you know. So they found an Indian body- so a body was found."⁸⁹ Also, Dr. Peterson, (the independent pathologist), said the fingerprints could have been gotten very easily; removing the hands from the body was an unnecessary procedure.⁹⁰ So Anna Mae Aquash was buried again on March 14, 1976 in a traditional Indian funeral bier ceremony, wrapped in a AIM flag, with many questions about her death still alive.

Russell Means, an Oglala Lakota (Sioux) born on Pine Ridge reservation but raised most in Oakland, California, said that before he became involved in AIM in 1969 he had been an "accountant, a thief, a drunk, a computer operator, a rodeo hand, a junkie, a ballroom dance instructor, a janitor, and a farmhand."⁹¹ But his life was no less interesting after becoming involved in AIM.

... Russell was perhaps the most well-known Indian rights activist in North America. For his trouble, Russell Means had been arrested countless times, indicted in thirteen court cases, framed, shot three times, stabbed in jail, and threatened by both government officials and vigilantes.⁹²

In one of the shooting incidents Means was shot in the back by a BIA officer on June 8, 1975, the bullet pierced his kidney. When he recovered, Means was charged with assaulting the officer who shot him.⁹³ At the Wounded Knee trial opening on February 12, 1974, Russell Means made a statement:

We call ourselves 'Lakota', which means 'allies' to us.... Today we are going to talk about the case of the United States of America versus Russell Means and Dennis Banks.... really, it is the United States of America versus the Oglala people and all Indian people. ... The Bureau of Indian Affairs and the Department of Interior, and this will be shown in testimony, have complete control over our lives... we have continued to turn the other cheek too many times. We are going to ask that the United States of America in this trial, and in the future, beginning from yesterday, live up to their own laws.⁹⁴

Means was acquitted of the charges at the Wounded Knee trial. Kenneth Tilsen, one of the defense attorneys at the Wounded Knee trial, said about Russell Means, "... Russell and Dennis and Clyde aren't leaders by accident; they are tremendously powerful people, intellectually and in person - they had to be in order to survive."⁹⁵

In 1974, when Tribal Chairman of Pine Ridge, Wilson was seeking re-election, Russell Means ran against him. And in the primary Means was ahead of Wilson, having 667 votes to Wilson's 511, but Wilson won the election by less than 200 votes in balloting, which was later found to be fraud-permeated by the U.S. Commission on Civil Rights.⁹⁶ Means tried to contest the election but Wilson, who was the only person with legal authority to call a session of the tribal council to consider the contest, refused.⁹⁷

On March 1, 1975, Martin Montileaux was shot in the bathroom of a bar and died six days later. Montileaux had lived on the Pine Ridge reservation, and had been suspected by traditional Indians of working with Wilson and the FBI. Before he died he described his killer to Deputy Sheriff Don Phillips as having "shaggy hair", and wearing a "green coat".⁹⁸ Richard Marshall, an officer in the Pine Ridge Committee for Better Tribal Government, and Russell Means were arrested on March 2 and charged with killing Montileaux.⁹⁹ Myrtle Poor Bear testified in signed affidavits coerced from her by the FBI against Marshall, Means, and Peltier. Her affidavits were later proven false and she admitted it but still they were used to convict Marshall, who was sentenced to life imprisonment on April 6, 1976, and of course Peltier. But Poor Bear's testimony was proven false before Russell Mean's trial and Means was acquitted.¹⁰⁰

In 1977 the International Treaty Council gained Non-Governmental Organization status at the U.N. and on September 20, 1977, a conference was held in Geneva, Switzerland, on "International Conference on Discrimination Against Indigenous Populations in the Americas".¹⁰¹ Russell Means presented the case of the Lakota people to U.N. officials, entering "documentation of CIA and multinational corporation activities in Brazil, Ecuador, Peru, Colombia, and Venezuela, accusing both U.S. and other Neo-European governments of 'planned genocide' in the Western Hemisphere."¹⁰²

At the 1980 Survival Gathering in South Dakota Means said:

This is the last chance for the white man. We have always maintained that there is enough to share, but the white man has never seen that, never accepted that; America wants to own everything. Now they are coming to the Black Hills for the uranium, but they will have to kill us first. I've been shot three times and stabbed once, and I'll die fighting right here on this land.¹⁰³

On April 4, 1981, the Lakotas started occupying a valley of 800 acres in the Black Hills which they named Camp Yellow Thunder, after an Indian slain in 1972, and established a traditional, spiritual, educational camp. They cited the 1868 treaty and the 1978 Indian Freedom of Religion Act to prove the legality of the occupation, and filed a claim for the land on April 6.¹⁰⁴ But their special use claim was denied on August 24 and they were ordered to vacate by September 8. Russell Means said they would defend themselves, and:

This is the final act; the final indignity: they want to sacrifice our homeland for a few more years of energy, a few more dollars. We are the most colonized people in the world, right down to the poisoned water on the Pine Ridge reservation, they've even poisoned the Indian soul. ... we will fight. Our struggle began with the land, and it will end, if it does end, right here on the land.¹⁰⁵

March 12, 1982 Russell Means gave a speech on "The Arrogance of Human Rights and Ignorance of Civil Rights" at Ball State University. His oratory was mesmerizing. He was the most eloquent speaker I have ever heard. Unfortunately, I, like many others who were there, had never heard of Russell Means before I went to see him speak (so many questions I could have asked if I knew then what I know now), but even so, I, like the others around me, was deeply impressed by what he was saying. I also remember the rumours flying before, and after Means spoke, that Means was a criminal who had killed someone and gotten away with it. Bob Scally, a reporter for the short-lived Icarian at Ball State had an interview with Russell Means in which Means said in answer to the question of the future for his people:

I am no prophet, I can not predict the future. Today as a people I know that we are stronger spiritually, that is a philosophical reality. In terms of power over our own destiny... we are probably weaker by the day. We have one advantage. That is our spirituality. I have

faith in my spirituality that is beyond comprehension. We will succeed with a lot of hard work and a lot of suffering.... I know that people who believe in justice will come to our aid.... I do not know how but I know that we will. Remember, (Means said in parting), we are all related.¹⁰⁶

As to the immediate future of the American Indians, as usual, things do not look very good. In a 1983 U.S. News and World Report it was reported that "Reagan aims to trim funds for Indian programs next year to 2.3 billion dollars, 353 million under the current budget and a half-billion less than in 1982."¹⁰⁷ And, of course, a former member of the Reagan administration, one who was sometimes said just to be carrying out the policies of Reagan but taking the flack for Reagan, James Watt, said: "If you want an example of the failures of socialism, don't go to Russia- come to America and go to the Indian reservations."¹⁰⁸ And America reported the American Indian leadership was becoming more effective, but that the government still clashed with leadership on Indian interests, even disagreeing with its Indians within the BIA.¹⁰⁹

Felix Cohen, who wrote Handbook of Federal Indian Law, (1971, originally 1949), and many other articles on American Indian rights, in 1949 wisely said:

The issue is not only an issue of Indian rights; it is the much larger one of whether American liberty can be preserved.... when those of us who never were Indians and never expected to be Indians fight for the cause of Indian self-government, we are fighting for something that is not limited by the accidents of race and creed and birth: we are fighting for what Las Casas and Victoria and Pope Paul III called the integrity or salvation of our souls. We are fighting for what Jefferson called the basis rights of man....¹¹⁰

American Indians' struggle to exist with rights within the United States government should be seen by more of the U.S. public,

not ignored as it so often is or blown all out of proportion by the media until the real issue is lost. Their struggles and confrontations with the government and the treatment they receive in turn from the government affects all of us; because if their rights are not protected, who is going to protect our rights? American Indian leaders have had to deal with many unfair practises of the U.S. government in the past, hopefully in the future they will be treated with more justice and their land rights and way of life respected, because in the future the U.S. public might have to learn rather abruptly how to live and survive with nature at a subsistence level and the Indians might have to teach them, once again.

Endnotes

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