

THE
Unquiet
Grave

The FBI
and the Struggle for the
Soul of Indian Country

STEVE HENDRICKS

THUNDER'S MOUTH PRESS
NEW YORK

ENDNOTES

THE ENDNOTES AS I first wrote them were as long as the book proper. Because printing them in full would have added several hundred pages and several dollars to the book's price, I have pared them by two-thirds for publication. The full notes are posted on my Web site, SteveHendricks.org. I encourage researchers who want more detail to consult the full notes. Bound copies of the full notes will also be placed in several college libraries and historical-society archives in South Dakota, Nebraska, and Minnesota under the title *The Unquiet Grave: The FBI and the Struggle for the Soul of Indian Country: Expanded Endnotes*.

The notes below are densest where my research raises new facts or tries to sift through competing claims about disputed events.

The notes refer often to the WKLDOC Archives. These are, more properly, the Wounded Knee Legal Defense/Offense Committee Archives of the Minnesota Historical Society, St. Paul, Minnesota.

CHAPTER 1

p. 3 On February 24, at a quarter: Interview of Roger Amiotte by author, near Wanblee, S.D., Aug. 2003. See also FBI FD-302 report, interview of Roger Amiotte by SA Donald A. Dealing, Wanblee, S.D., MP 70-11023, interviewed Feb. 24, 1976, transcribed Mar. 5, 1976.

p. 4 The pathologist judged her an Indian: W. O. Brown, pathologist, autopsy of Anna Mae Aquash, autopsy performed Feb. 25, 1976, report issued Mar. 15, 1976. Brown told the FBI that Aquash had had sex within four or five days of her death. (FBI FD-302 report, interview of W. O. Brown by SA A. Wade Shirley, Scottsbluff, Neb., OM 70-1906,

RC 70-11023, interviewed Oct. 8, 1976, transcribed Oct. 12, 1976.) Brown died in the late 1970s.

p. 4 The next afternoon, the FBI Identification: The call is mentioned in an FBI teletype from Rapid City to Washington. Although the teletype is stamped 3:47 p.m., the call may have been made earlier. (FBI teletype from Rapid City (4-38)(70-11023), to Director, FBI, et al., re Anna Mae Aquash, et al.—Fugitive, Mar. 3, 1976, 3:47 p.m. URGENT; FBI FD-36 form, teletype, from Rapid City (4-38) (70-11023), to Director, FBI, re Anna Mae Aquash, et al.—Fugitive, March 3, 1976, 3:47 p.m.) Washington followed the call with a teletype: “Finger impressions obtained from deceased hands submitted with reairtel identified as fingerprints of Annie Mae Aquash, aka—fugitive, FBI nr 275229P1.” (FBI teletype from Director, to Minneapolis, Rapid City (70-10239), re “Unsub, unknown victim—deceased, Indian female located at Wanblee, South Dakota, February 24, 1976, CIR—Possible Manslaughter,” Mar. 3, 1976, 9:02 p.m. URGENT.)

p. 5 On March 9, six days after: FBI teletype from ASAC, Rapid City (70-11023) (P), to Director, FBI (Attn.: External Affairs Div. and General Investigative Div.), re “Unsub; Anna Mae Aquash, aka (Deceased),” May 25, 1976.

p. 5 “After I got there,” Hamilton said: When Hamilton first learned the Jane Doe was Aquash, she went to the cemetery to look for her grave but could not find it. When she returned for the exhumation, she discovered the grave was unmarked. (Interview of Candy Hamilton by author, Oglala, S.D., Aug. 2003.) Price refused to be interviewed for this book, and I could not locate Wood. The FBI declined to put me in touch with him.

p. 5 They said only that if a second necropsy: FBI documents show that the doctor the FBI tried to contract to perform the second autopsy said no. (FBI teletype from Rapid City (70-11023) (P), to Director, FBI, re “Unsub; Anna Mae Aquash (Deceased)—Victim, CIR—Murder,” Mar. 11, 1976.)

p. 6 “. . . and he threw a box across the room”: If Hamilton interview, *supra*. Ken Stern, whose book is not flawless, quoted Hamilton earlier saying the hands were tossed to Bruce Ellison. (Kenneth S. Stern, *Loud Hawk: The United States versus the American Indian Movement*, Univ. of Okla., 1994, p. 170.) Peter Matthiessen also wrote that Ellison asked for the hands back, although he does not say to whom they were given. (Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking, 1991, p. 261–2.)

p. 7 When Dr. Peterson’s tools were at last: For details of Peterson’s autopsy, see Garry Peterson, pathologist, autopsy of Anna Mae Aquash, Mar. 11, 1976; and FBI FD-302 report, by SA William B. Wood, SA David F. Price, SA J. Gary Adams, Pine Ridge, S.D., RC 70-11023, events of Mar. 11, 1976, transcribed Mar. 22, 1976.

p. 7 It was coated in a disinfectant: Hamilton interview, *supra*.

p. 7 No sooner had Peterson brushed: Peterson has said many times that he

noticed the bullet instantly. (Kevin McKiernan, "Indian woman's death raises many questions," *Minneapolis Tribune*, May 30, 1976, p. 1B; David Weir and Lowell Bergman, "The Killing of Anna Mae Aquash," *Rolling Stone*, Apr. 7, 1977, p. 51ff.)

p. 7 It was surrounded by a circle of dried blood: "On the posterior neck, 4 cm. above the base of the occiput and 5 cm. to the right of the midline is a 4 mm. perforation of the skin with a 2 mm. rim of abrasion surrounded by a 1.5 x 2.2 cm area of blackish discoloration. Surrounding this is an area of reddish discoloration measuring 5 x 5 cm. The area is grossly compatible with a gunshot entrance wound." (Peterson autopsy, *supra*.)

p. 7 "You could not believe it": Interview of Ken Tilsen by author, Troy, Wis., Aug. 2003. See also Pat Doyle, "Who Killed Anna Mae Aquash?" *Minneapolis Star Tribune*, Jan. 1, 1995.

p. 8 "They're a conquered nation": Zigrossi told me in 2003 that his quotations were part of a larger "philosophical discussion, a protracted historical discussion." (Weir and Bergman, *supra*.)

p. 8 He said a small-caliber head wound: Associated Press, "FBI defends timing of exhumation request," *Rapid City Journal*, Mar. 13, 1976, p. 13; Associated Press, "FBI denies coverup in death," *The Sunday Columbian*, Mar. 14, 1976, p. 16. Zigrossi also said the FBI could not be held culpable for the mistakes of Dr. Brown because the BIA, not the FBI, contracted him. But the FBI had accepted Dr. Brown's findings for years.

p. 8 . . . no agents had been at the autopsy: "No SAs present during February 25, 1976, autopsy." (FBI teletype from Rapid City to Director, Mar. 11, 1976, *supra*.)

p. 8 Freelancer Kevin McKiernan . . . found a nurse: (Interview of Kevin McKiernan by author, Santa Barbara, Cal., July 2003; McKiernan, "Indian woman's death," *supra*.) The FBI later confirmed McKiernan's findings in interviews with both nurse Inez Hodges and Dr. Stephen Shanker. The FBI also found a hospital volunteer from Groton, Connecticut, who had been with Shanker and who seconded Shanker's story. (FBI FD-302 report, interview of ██████ [Inez Hodges], Public Health Service Hospital, Pine Ridge, S.D., interviewed on June 8, 1976, by SAs ██████ and ██████ [one of whom was William B. Wood], transcribed June 11, 1976; FBI FD-302 report, interview of ██████ [Dr. Stephen Shanker], by SAs ██████ and ██████ [one of whom was William B. Wood], Public Health Service Hospital, Pine Ridge, S.D., interviewed on May 28, 1976, transcribed June 10, 1976; FBI FD-36 form, teletype from ASAC, Rapid City (70-11023) (P), to New Haven, re Unsub; Anna Mae Aquash, aka—Victim (Deceased), June 1, 1976; FBI teletype from SAC, New Haven (70-902) (RUC), to ASAC, Rapid City (70-11023), re "Unsub; Anna Mae Aquash, aka—Victim (Deceased)," June 3, 1976, 2:30 p.m.)

p. 9 "A little bullet isn't hard to overlook": Dr. Brown's quotations can be found in Jerry Oppenheimer, "FBI Under Fire For Conduct in Indian's Death," *Washington Star*,

May 24, 1976, p. A1; McKiernan, "Indian woman's death," *supra*; Johanna Brand, *The Life and Death of Anna Mae Aquash*, James Lorimer & Company, 1993. Much of Brand's account was based on the reporting of Kevin McKiernan. I have condensed some of Brown's quotations slightly.

p. 9 . . . X-ray machine had been broken: "Ontario gun suspect said S. Dakota victim," *The Oregonian*, Mar. 13, 1976, p. B4. At other times, Brown told reporters the choice not to use the X-ray equipment was a "calculated risk."

p. 9 But from his verdict he did not swerve: Brown's autopsy report read, "SUMMARY: Death is felt to be due to exposure. It is understood that a subsequent examination revealed a bullet wound of the head, which I inadvertently overlooked. Although there were extensive post mortem changes in the brain, I found nothing in the examination of the brain to indicate involvement of this organ by the bullet tract." (Brown autopsy, *supra*.) Another time Brown said, "The bullet may have initiated, or set in progress, the mechanism of death, the proximate cause of which was frostbite." (McKiernan, "Indian woman's death," *supra*.) The FBI offered varying opinions on what Brown thought of the bullet, first saying he acknowledged that the bullet must have killed Aquash, then saying he was sure that she had died only of exposure. (FBI teletype from Rapid City to Director, Mar. 11, 1976, *supra*; FBI teletype from ASAC Rapid City to Director, May 25, 1976, *supra*.) The FBI did not explain the shift.

p. 10 A lesser faith might have been shaken: Peterson noted the presence of blood in the neck and inside the skull, and he traced the path of the gunshot wound through the brain. (Peterson autopsy, *supra*; Weir and Bergman, *supra*.) On the matter of Brown's carelessness, Kevin McKiernan told me that a janitor from the hospital on Pine Ridge said that Brown tossed him a ball of thread as he walked out the door at the end of one autopsy and told him to sew up the body.

p. 10 . . . a nurse who helped with the autopsy told: Tilsen interview, *supra*.

p. 10 . . . Nathan Merrick, said he "thought": McKiernan, "Indian woman's death," *supra*.

p. 10 Dr. Brown said on one occasion: In Brown's autopsy report, he listed only BIA officers Merrick, Doug Parisian, and James Stensgar as present, but he said differently at other times. (Matthiessen, *supra*, 1991, p. 260; Brown autopsy, *supra*; Brand, *supra*, p. 24; McKiernan, "Indian woman's death," *supra*; Oppenheimer, *supra*.) Norman Zigrossi said Dr. Brown told him that no agents had been at the autopsy. (FBI teletype from ASAC Rapid City to Director, May 25, 1976, *supra*.) The most likely scenario is that agents wandered in and out of the autopsy.

p. 11 Price even photographed Aquash's face: Letter from William H. Webster, FBI Director, to Arthur S. Flemming, U.S. Commission on Civil Rights Chairman, Aug. 7,

1979, p. 9. David Price has said on several occasions that he was the agent who took the photos of Aquash. The FBI has maintained there was no lie about the presence of the agents: when Zigrossi said “no agents were there” or “no agents were at the autopsy,” he meant only that agents were not standing at Brown’s side while he was wielding the scalpel.

p. 11 “In the 1980s we had the pleasure”: Tilsen interview, *supra*. Price has testified, “I did not attend her first autopsy and stayed out of the room during her second autopsy, since that particular procedure is not one that I enjoy observing.” (Second affidavit of David Price, *David Price v. Viking Penguin, Peter Matthiessen, and Bruce Ellison*, U.S. Dist. Ct., 4th Div. Minn., Civ. 4-85-819, May 1987.) Price declined my several offers to interview him for this book.

p. 11 “I know all about the first autopsy”: Interview of Norman Zigrossi by author, via phone, July 2003. The FBI has maintained through the years—in communications to Congress, the U.S. Commission on Civil Rights, the government of Canada, and the public—that no agents were at the first autopsy. Two directors of the FBI have said so.

p. 11 Zigrossi said only one FBI agent: The FBI has maintained ever since that only one agent went to crime scene. (FBI press release, “Statement of FBI Director Clarence M. Kelley,” May 26, 1976; Webster letter, *supra*; *FBI Authorization: Hearings Before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary*, 97th Congress, Mar. 19, 24, 25, Apr. 2, 8, 1981, (testimony of Charles Monroe, Apr. 2); FBI report, Office of the Director, “Inquiry Concerning Indian Matters,” Jan. 5, 1982, reprinted in *FBI Authorization, supra*.)

p. 11 Amiotte remembered Price and Wood: Amiotte interview, *supra*.

p. 11 A BIA officer also remembered Price: The officer was Doug Parisian. Parisian also said David Price was at the autopsy. (McKiernan, “Indian woman’s death . . .” *supra*. See also Brand, *supra*, p. 23.)

p. 11 . . . but witnesses counted as many: Amiotte said so, as did an FBI field report. (FBI FD-302 report by Dealing, events of Feb. 24, 1976, *supra*.) “Chief Sayers . . . denies that he was present and claims that only officers [Nate] Merrick, [Paul] Herman and [Glen] Little Bird and FBI agent Donald Dealing were present.” (Brand, *supra*, p. 23.) Zigrossi’s eventual admission that more than one officer was at the scene is also recorded by Brand.

p. 12 In later years Zigrossi dismissed such talk: “At that time, anything that moved, especially if someone got killed, we would visit it because we were there to stay, and we stayed till we solved that murder [of the two agents]. And all of those various incidences helped us.” (Zigrossi interview, *supra*.) BIA Chief Ken Sayers told the U.S. Commission on Civil Rights the same thing. (Brand, *supra*, p. 23.) Reporter McKiernan doubted the claim: “It may not be impossible that the FBI jumped down there every time a hitchhiker’s body was found, but why didn’t we hear about it?” (McKiernan interview, *supra*.)

p. 12 The night the body was found, agents . . . cabled: (FBI teletype from Rapid City (70-NEW), to Director, FBI, re “Unsub; Unknown victim—deceased. I/F approximate age 20 found near Wanblee, South Dakota on February 24, 1976. CIR—Possible Manslaughter,” Feb. 24, 1976, 10:00 p.m.) Zigrossi said, “There was absolutely no indication of foul play.” (Zigrossi interview, *supra*.)

p. 12 The FBI would later say its agents: This argument seems to have first emerged in 1982: “Because of the substantial distance of the body from the road, the teletype also noted that the death may possibly have been the result of manslaughter.” (FBI report, “Inquiry Concerning Indian Matters,” *supra*.)

p. 12 . . . its agents did not know about Brown’s exposure finding: BIA criminal investigator Nate Merrick also seemed to be trying to hide that he knew of Brown’s exposure finding. A report he wrote the day after the autopsy discusses many of Brown’s findings but omits the small matter of how the woman died. Merrick did not write that Brown failed to tell him the cause of death. Nor did he write that Brown did not know. He simply wrote nothing—as if it were routine for criminal investigators not to investigate whether the dead had died criminally. (Merrick outline/investigative report, *supra*.)

In an FBI report of the same day, an agent claimed, “Preliminary autopsy failed to determine cause of death . . .” This was untrue in two respects. First, there was nothing “preliminary” about Brown’s autopsy. Second, Brown had to have determined the cause of death on the day of the autopsy (if ever) because he never saw the body again, and he never claimed to have arrived at a later revelation. That same week, the FBI called the finding one of “possible exposure,” although Brown never allowed that his conclusion was merely “possible.” (FBI airtel from SAC Minneapolis (70-NEW) (P), to Director, FBI (Att. Latent Fingerprint Sec.), re “Unsub; Unknown Victim—Deceased Indian Female Located at Wanblee, South Dakota, 2/24/76, CIR—Possible Manslaughter,” Feb. 26, 1976; FBI FD-36 form from Rapid City to Omaha, Mar. 1, 1976, *supra*; FBI FD-204 report from William Van Roe, Minneapolis, to USA, Sioux Falls (Attn.: AUSA David R. Gienapp), re “Anna Mae Aquash,” field office file 4-38, Mar. 11, 1976.)

The FBI would repeat these lies many times over the years. Perhaps the most stunning example was a letter from the FBI to Senator Tom Daschle in 1998, which read, “Additionally, the local pathologist who initially examined the corpse did not perform a full forensic autopsy and, based on a cursory external examination, concluded the cause of death was due to exposure.” (Letter from A. Robert Walsh, acting unit chief, for John E. Collingwood, assistant director, FBI Office of Public and Congressional Affairs, to U.S. Senator Tom Daschle, Jan. 27, 1998.)

p. 13 So swore Agent Wood: Wood testified that he called Dr. Brown on March 4, the day after the FBI learned Jane Doe was Aquash. “Doctor Brown advised your affiant

that his autopsy on the aforesaid unidentified Indian female had revealed that this individual had died of exposure.” (Wood affidavit, *supra*.) In his March 4 conversation with Dr. Brown, Agent Wood did not ask, or did not record if he did ask, how Dr. Brown knew on March 4 what he did not know on February 25. This seems an improbable oversight on the part of Agent Wood. The FBI refused to put me in touch with Wood, and my efforts to locate him failed.

p. 13 The only hitch in this argument is that an FBI cable: FBI teletype from Rapid City (4-38) (70-11023), to Director, FBI, re “Subject Anna Mae Aquash, et al—fugitive,” Mar. 3, 1976. The language of this and other documents implies that the FBI knew about Brown’s exposure finding on the day of the autopsy.

p. 13 . . . “an obvious injury . . . a small contusion”: The claim of an “obvious injury” contradicted the FBI’s many statements, both before and after the autopsy, that there was no sign of foul play at the crime scene, nor of a wound to the body.

p. 13 It is impossible to sort out all the lies: Wood may not have secured Brown’s collusion in the contusion, although he could have, since Brown released his autopsy report on March 15, eleven days after his (supposed) talk with Wood about the contusion, six days after Wood told the court about the contusion, and four days after Dr. Peterson found the “contusion.”

p. 13 The same newspapers that on February 25: “Dr. W. O. Brown told the FBI on March 4, that the woman had died of exposure according to the results of his autopsy, and said that the only obvious injury on the body was a small contusion on the head.” (Paul Riley, “FBI denies AIM implication that Aquash was informant,” *Rapid City Journal*, Mar. 11, 1976; see also, “Autopsy shows Aquash died of bullet wound,” *Rapid City Journal*, Mar. 13, 1976.)

p. 13 When, only a few weeks later, the FBI reversed course: See, e.g., FBI FD-204 report of Van Roe, *supra*.

p. 14 Even in 1976 . . . the museums of civilized: The University of South Dakota had Indian skeletons on display at least as late as the early 1970s. (Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, The New Press, 1996, p. 139.) The ghoulish exhibits prompted Congress to enact the Native Graves Protection and Repatriation Act of 1990.

p. 14 The FBI agents who had Aquash’s hands severed: The FBI said its agents ordered the hands severed, but the BIA said the two agencies did so jointly. Dr. Brown sometimes said the BIA and FBI gave the order jointly, but another time he apparently said a court gave the order. (Zigrossi interview, *supra*; FBI FD-36 form from Rapid City to Director, FBI, May 25, 1976, *supra*; FBI FD-302 report by SA John Robert Munis, Pine Ridge, S.D., RC 70-11023, events of Feb. 25, 1976, transcribed Mar. 1, 1976; Oppenheimer, *supra*; Brand, *supra*, p. 25; Webster letter, *supra*.)

p. 14 Early press releases said Aquash's "fingerprints": "Fingerprints delayed identification of body," *Rapid City Journal*, Mar. 9, 1976.

p. 14 The lawmen . . . eventually said they were too afraid: Brand, *supra*, p. 25. A close reading of FBI documents shows that the FBI never claimed that the government's men had tried taking prints, only that prints were unobtainable.

p. 15 That the lab could make casts: ". . . the fingers were placed in a material called Duplicast, which is a material that is similar to epoxy . . ." (*U.S. v. Fritz Arlo Looking Cloud*, U.S. Dist. Ct., S. Div. S.D., CR 03-50020, Feb. 2004, transcript p. 101ff. (testimony of Kimberly Edwards, forensic examiner, FBI latent fingerprint unit).)

p. 15 "They didn't even pause before taking": Tilsen's claim was verified by Ken Sayers, BIA police chief. (McKiernan, "Indian woman's death," *supra*.)

p. 15 And in fact once during Aquash's life: The rapid identification was made after Aquash was arrested in Oregon on November 14, 1975. (FBI FD-302 report by SA Leo B. App, Jr., Portland, Ore., PD 89-94, events of Nov. 15, 1975, transcribed Nov. 16, 1975.) Aquash's National Criminal Information Center fingerprint classification was 20131010071353111006.

p. 16 "She's . . . about the right height, right weight": The document declaring Aquash a fugitive on November 11, 1975, listed her as 5'2", 105 pounds. (FBI FD-65 form, from SAC, Minneapolis (4-38) (P), to Director, FBI, Attn: Special Investigative Div., re "Subject Anna Mae Aquash, aka—Fugitive, NFA," Nov. 11, 1975.) On the day of the first autopsy, the FBI reported that Jane Doe was 5'2", 110 pounds. (FBI FD-302 report by Munis, events of Feb. 25, 1976.)

p. 16 . . . he had questioned her about a murder: The FBI will not release Price's interview with Aquash on April 10, 1975, about the murder of Jeanette Bissonette.

p. 16 . . . he had been in possession of pictures of the living Aquash: The FBI had photos of Aquash as early as November 1972, apparently taken of her either while she was living in Boston or during her participation in the Trail of Broken Treaties. The Rapid City office had these photos and others shortly after Agents Ron Coler and Ray Williams were killed in Oglala in June 1975. Aquash's photo was also taken on her arrests in September and November 1975. (U.S. Government Memorandum from SAC, Los Angeles (157-11137) to SAC, Minneapolis (157-4323)(P), re "CHANGED: ANNA MAE AQUASH," Oct. 17, 1975; FBI FD-302 report, interview of ██████ by SA Charles T. Stephenson, Sharps, S.D., MP 70-10239, interviewed July 12, 1975, transcribed July 12, 1975; FBI FD-302 report, interview of Nogeeshik Aquash by SA John E. Shimota & SA Robert K. Taubert, Minneapolis, MP 70-11030, interviewed Mar. 19, 1976, transcribed Mar. 23, 1976.)

p. 16 And although he would later swear he was not: For example, in a lawsuit he brought against Peter Matthiessen and Viking Press, Price attested, "Defendants' supplemental

THE UNQUIET GRAVE

reply brief also suggests I was actively looking for Ms. Aquash at the time she was murdered. This is not so. Ms. Aquash was a fugitive, but as I explained in my prior affidavit, there was no particular reason to believe she was on Pine Ridge at the time she was murdered. She was simply one of innumerable fugitives nationwide, and I have no recollection of looking for her any more than I was looking for any other fugitive whom I had no particular reason to believe was in my area.” (Second affidavit of David Price, *supra*.)

This is a lie. Aquash’s body was found on February 24, 1976. On February 18, 1976, Price wrote a memo about the progress on the search for Anna Mae Pictou Aquash, stating, “On 2/12/76 ██████ advised PICTOU was in ██████ S.D. at ██████ with ██████. These persons were en route ██████ S.D. via ██████. They were driving a blue Mustang with temporary South Dakota plates. They were probably going to stay with ██████. PICTOU was wearing blue jeans, a red scarf, a long brown coat and moccasins. A fisur of the ██████ area on 2/12/76 and 2/13/76 met with negative results.” A “fisur” is physical surveillance—a stakeout. Because Price wrote the memo, in all probability it was he who conducted the stakeout. No doubt he was assigned to oversee the hunt for Aquash because he knew what she looked like from having interviewed her twice. (FBI Memorandum from SA David F. Price, to SAC Minneapolis (4-38), “Anna Mae Aquash, aka Pictou—Fugitive,” Feb. 18, 1976.) While Price searched for her in western South Dakota, other agents searched other parts of the country under the coordination of an agent in Minneapolis. (FBI FD-263 report of William Van Roe, Minneapolis, “Anna Mae Aquash, aka Annie May Aquash et al.—Fugitive,” investigative period Nov. 24, 1975–Feb. 3, 1976, report issued Feb. 18, 1976.)

p. 16 And then there is the story that Aquash told: Price has strongly denied he ever threatened Aquash.

p. 17 That she was decayed was not in question: For the various opinions on whether the body was identifiable: “She was basically intact but was going skeletal,” Roger Amiotte said. (Amiotte interview, *supra*.) Brown’s autopsy report said her tissues were “dissicated [sic], of a dark slate color,” and in some places showed early mummification. The optic globes were collapsed. (Brown autopsy, *supra*.) Price was quoted in Matthiessen, *supra*, p. 461. The FBI has always maintained that Anna Mae Aquash was unrecognizable “due to the advanced decomposition of her facial features.” (FBI press release, Kelley “Statement,” *supra*.) The one FBI agent who the FBI admits was at the death scene, Donald Dealing, was less emphatic: “The body appeared to be partially deteriorated.” (FBI FD-302 report by Dealing, events of Feb. 24, 1976, *supra*.) The BIA policeman who claimed Aquash for an acquaintance lived and worked on the Rosebud Reservation. (FBI FD-302 report, interview of ██████ by SA William R. Schroeder and SA William Van Roe, Rosebud, S.D., RC 70-11023, interviewed Nov. 9, 1976, transcribed Nov. 18, 1976.) Peterson was quoted in

Matthiessen, *supra* p. 261. McKiernan is quoted in McKiernan, “Indian woman’s death,” *supra*, and in McKiernan interview, *supra*.

p. 17 The FBI could make the question moot: The FBI has told me it has the photographs it made of Aquash at both autopsies. At the time this book went to press, my suit against the FBI to release the photos (and other documents) was in its third year. (*Stephen Hendricks v. U.S. Dept. of Justice, et al.*, U.S. Dist. Ct., Helena Div. Mont., CV-03-061-H-CSO.) The FBI once shared the photos with the U.S. Commission on Civil Rights, but USCCR has since destroyed them in accordance with a standard document-destruction schedule.

p. 18 If Aquash was, as the FBI claimed, beyond identifying: Moreover, the pictures were Polaroid instant-prints, a type of image not known for reproducing fine detail. To be potentially recognizable in an instant-print, a face would have been quite intact.

p. 18 “But no one ever saw it”: Norm Zigrossi did not even remember posters “because if posters had been posted, if the right agents would have seen the pictures of Jane Doe, we should have identified her.” (Zigrossi interview, *supra*.) This comment raises the question of why, since the “right” agents—i.e., agents who knew her—*did* see Aquash, they did not identify her. David Price said efforts to identify Aquash were more extensive. (Price affidavit, *supra*.) Zigrossi added that “hardly anyone came to the morgue anyway to try to identify her. It’s not something people want to look at—someone that decayed.” A few people went to the hospital to try to look at the body but were turned away. A very few people were permitted to see it, including the family of Myrtle Poor Bear, who thought Myrtle was missing (she was in fact in FBI custody). (Matthiessen, *supra*, p. 446. See also Brand, *supra*, p. 14.)

p. 18 . . . but the BIA memo on which it was based: This was Merrick’s outline/investigative report, *supra*, which read in part, “The BIA Area Office, located in Aberdeen, has been notified [of the Jane Doe]. The Area Officer will send out a Missing Person Flyer to the Indian Reservations in the Aberdeen Area.”

p. 18 . . . so Sayers ordered the body buried: FBI teletype from ASAC Rapid City to Director, May 25, 1976, *supra*; FBI teletype from Rapid City to Director, Mar. 11, 1976, *supra*; FBI press inquiry, Portland Ore., first released Mar. 12, 1976, updated Mar. 24, 1976. Sayers was quoted in Oppenheimer, *supra*; Zigrossi agreed. (McKiernan, “Indian woman’s death,” *supra*.) (This is not to say the FBI was uninvolved in the decision to have Aquash buried.) The claims of Chamberlain and Peterson are also found in McKiernan.

p. 19 The friend, Gladys Bissonette, offered: Brand, *supra*, p. 19.

p. 19 Another friend of Aquash’s, Lou Beane: Interview of Charlie Abourezk by author, Rapid City, S.D., Aug. 2003.

p. 19 No burial certificate ever surfaced: Letter from Kenneth E. Tilsen,

WKLDOC, to International Indian Treaty Council, July 6, 1976, in WKLDOC Archives; Brand, *supra*, p. 16. My inquiries to South Dakota Department of Health in 2005 turned up neither a burial nor a death certificate.

p. 19 Only after the deed was done, Agent Wood swore: “On March 2, 1976, I was advised by Nathan Merrick . . . that the remains of the unidentified Indian female had been buried . . .” (Wood affidavit, *supra*.) But Merrick said in 2004, at the trial of Arlo Looking Cloud, that he was not on Pine Ridge when the body was buried, having left for a family emergency in Nebraska. Decades later, speaking with me in 2003, Norm Zigrossi agreed with Wood: “I found out she had been buried as a pauper, okay? And I said, ‘Who the hell ordered her to be buried?’ The FBI routinely does this, but we pay for the burial. We hadn’t this time.”

p. 19 Inmates from the Pine Ridge jail: Brand, *supra*, p. 16, 19.

p. 20 Then, too, a report from Agent Wood: (FBI FD-302 report, interview of ██████ [Nathaniel Merrick] by SA William B. Wood, Rapid City, S.D., RC 70-11023, interviewed Mar. 2, 1976, transcribed Mar. 12, 1976.)

p. 20 The key manuscript is Aquash’s FBI Identification Record: FBI identification record, Identification Div., 275 229 P1 (Annie Mae Aquash), Apr. 30, 1976. Her death could not have been logged as received on her form if her identity remained unknown until March 3, as the FBI claimed. There is also circumstantial support for the argument that the FBI knew Aquash’s identity before March 3: the FBI’s many statements about the handling of Aquash’s body do not say the body was *identified* on March 3; they say only that Washington *called* Rapid City on March 3 to say the body had been identified. The reader is left to assume the identification was made on March 3, but that is never stated explicitly. (See, e.g., FBI press release, Kelley “Statement,” *supra*; FBI FD-204 report of Van Roe, *supra*.)

p. 20 The paper is a short memo: FBI report, Latent Fingerprint Sect., Mar. 10, 1976, Anna Mae Aquash, 275 229 P1.

p. 21 According to the FBI, “immediately” on learning: (Associated Press, “FBI denies coverup in death,” *The Sunday Columbian*, Mar. 14, 1976, p. 16. See also FBI teletype, from Rapid City to Director, Mar. 11, 1976, *supra*; letter from A. Robert Walsh, FBI Acting Unit Chief, Office of Public and Congressional Affairs (for John E. Collingwood, Assistant Director), to U.S. Sen. Tom Daschle, Jan. 27, 1998; “Body to be exhumed for further study,” *Rapid City Journal*, Mar. 10, 1976, p. 3.)

p. 21 But neither the FBI nor the office: FBI Rapid City claimed that Wood contacted the U.S. attorney’s office on March 4, but there are no papers to support the claim. (FBI teletype from ASAC Rapid City to Director, May 25, 1976, *supra*.) The U.S. attorney’s office refuses to release most of its files in the matter.

p. 21 March 8 happened to be the day a lawyer: FBI FD-302 report, interview of

Bruce Ellison by SA Thomas H. Greene, Rapid City, S.D, RC 70-11023, interviewed Mar. 8, 1976, transcribed Mar. 12, 1976. It has often been said, apparently wrongly, that Ellison demanded Aquash be exhumed and re-autopsied, or that he said WKLDLOC would proceed with that course.

p. 22 . . . page-one exposés about the case: Oppenheimer, *supra*; McKiernan, “Indian woman’s death,” *supra*. Levi made his announcement after Oppenheimer’s article ran in the *Star* but before McKiernan’s piece ran in the *Tribune* the next day. (United Press International, “Levi Orders Probe Of Aquash Slaying,” *The Oregon Journal*, May 25, 1976, p. 11; “Levi asks review of Indian death,” *Minneapolis Tribune*, May 25, 1976.)

p. 22 But when Kelley spoke to the public: Kelley’s statement was the FBI press release, Kelley “Statement,” *supra*.

p. 22 What General Crimes investigated: Even years later, the FBI would only say that it “found no evidence of any attempt to conceal the cause of death and no evidence of misconduct by the FBI.” (FBI report, “Inquiry Concerning Indian Matters,” *supra*.)

p. 22 When USCCR persisted, Assistant Attorney General Richard Thornburgh: Letter from Richard L. Thornburgh, Assistant Attorney General (apparently written by Alfred L. Hantman, Chief, General Crimes Sec.), to John A. Buggs, U.S. Commission on Civil Rights Staff Director, Oct. 14, 1976. See also Flemming letter, May 10, 1976, *supra*; letter from Richard L. Thornburgh, Assistant Attorney General, to Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights Chairman, July 12, 1976; letter from John A. Buggs, U.S. Commission on Civil Rights Staff Director, to Edward Levi, U.S. Attorney General, Sept. 16, 1976; Webster letter, *supra*.

p. 23 . . . and the legislators in turn asked: Rep. Les AuCoin, e.g., had written Attorney General Levi in April. (Letter from U.S. Rep. Les AuCoin, to Edward Levi, U.S. Attorney General, Apr. 23, 1976.) Kelley replied three months later. (Letter from Clarence M. Kelley, FBI Director, to U.S. Rep. Les Au Coin, July 26, 1976). Letters from Assistant Attorney General J. Stanley Pottinger to AuCoin (on July 19) and from AuCoin in reply are discussed in James Goodman, “FBI Chief Denies Oregon Times Charge,” *Oregon Times Magazine*, Sept. 1976, p. 14ff. Per Goodman, AuCoin asked House Judiciary Chair Peter Rodino to probe the handling of Aquash’s body; the committee did not.

p. 23 . . . unless a lone phone call from Norman Zigrossi: Zigrossi interview, *supra*. Zigrossi’s account to me essentially matches what he claimed at the time. (FBI teletype from ASAC Rapid City to Director, May 25, 1976, *supra*.)

p. 23 “I don’t think anything could come of it”: FBI Authorization Hearings (testimony of James Frier), *supra*.

CHAPTER 2

p. 25 On that winter Friday a quartet of men: My account of the Yellow Thunder episode and related events is taken largely from articles in the *Rapid City Journal* of 1972: “Nebraska death linked to ‘cruel practical joke,’ ” Mar. 3, p. 2; “AIM leader says Gordon will be in ‘spotlight.’ ” Mar. 4, p. 2; “Indian demonstration set at Gordon; 1,300 expected,” Mar. 7, p. 1; “Angry Indians name their own ‘grand jury,’ ” Mar. 8, p. 1; “No mutilation of Yellow Thunder, but no answers about rumors, mistreatment, death, race relations,” Mar. 10, p. 1; “Tension said easing at Pine Ridge,” Mar. 11, p. 1; “Massive gathering at Pine Ridge planned,” Mar. 12, p. 1; “Discrimination national problem, not localized, says BIA official,” Mar. 13, p. 1; “AIM authority considered,” Mar. 14, p. 1; “AIM hopes unrest continues,” Mar. 15, p. 1; “BIA ignores charge they want Indians divided,” Mar. 16, p. 1; “One charged in Indian death tells of beating,” Mar. 25, p. 1; “Kleindienst says Yellow Thunder action not seen,” Apr. 15, p. 1; “Venue change granted for Yellow Thunder suspects,” Apr. 25, p. 1; “Yellow Thunder jury selection begins in Alliance,” May 24, p. 2; “Yellow Thunder death trial stirs Nebraska town,” May 25, p. 2; “Yellow Thunder case expected to go to jury,” May 26, p. 1; “Two convicted of manslaughter in death of Yellow Thunder,” May 27, p. 1; “Alliance Indian, white communities express relief at end of Hare trial,” May 28, p. 3. See also “Yellow Thunder’s death centered attention on Indian discrimination,” Jan. 27, 1973, p. 5. Of several secondary sources, the most reliable are Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 29–32, and Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, The New Press, 1996, p. 113–6. Other sources are Robert Burnette and John Koster, *The Road to Wounded Knee*, Bantam, 1974, p. 193; Associated Press, “AIM Director Reports Recklessness, Lawlessness of White[s] on Reservations,” *Daily Capital Journal* (Pierre, S.D.), Mar. 31, 1972; Lakota Coalition, *Wounded Knee Bulletin #3*, Mar. 19, 1973, in WKLDLOC Archives; untitled WKLDLOC statement explaining why Wounded Knee occurred, ca. spring 1973, in WKLDLOC Archives.

p. 26 At midnight, they stopped at the Legion Hall: Some weeks earlier the Hares had been blacklisted from the Legion Hall by a manager who thought them disruptive to other patrons. On this Friday, they decided to have their revenge on the manager by foisting Yellow Thunder on him. Yellow Thunder’s humiliation apparently lasted not more than a minute or two; most of the patrons apparently did not even see it.

p. 28 . . . the Oglala Sioux Tribe: The name “Sioux” was enshrined in the tribe’s BIA-written constitution. A constitutional amendment would be needed to change the name to “Oglala Lakota Tribe,” and the tribe has never passed such an amendment.

p. 28 “It is isolated from modern facilities”: Smith and Warrior, *supra*, p. 29.

p. 30 “For every rifle on the street”: Associated Press, “Banks issues ‘call to arms’; Guard in Custer,” *Rapid City Journal*, Feb. 10, 1973, p. 1.

p. 31 . . . “killing the Indian to save the man”: The dictum was that of Captain Richard C. Pratt, who pioneered the use of boarding schools to “educate” Indians.

p. 32 “If the federal government once again”: “Penthouse Interview: Russell Means,” *Penthouse*, Apr. 1981, p. 136.

p. 33 Today the rumors are still spoken of: *A Tattoo on My Heart: The Warriors of Wounded Knee 1973*, film by Charles Abourezk and Brett Lawler, 2005.

p. 34 The Points called on the United States: The Twenty Points contained other heresies, like a call to replace the BIA with a more responsive office of Indian relations.

p. 34 . . . “as long as the rivers shall run”: This phrase was stock language in many Indian treaties. The literal phrase does not appear in the Fort Laramie Treaty of 1868, although the promise that the Indians could keep their land in perpetuity did.

p. 35 “A more ripe and rank case”: It was the Indian Court of Claims that said thus. (207 Ct.Cl., at 241, 518 F.2d, at 1302, cited in *U.S. v. Sioux Nation of Indians*, U.S. Sup. Ct., June 30, 1980, 448 U.S. 388, 100 S.Ct. 2716.)

p. 35 During World War II . . . the Oglalas lost 525: American Indian Leadership Council, “About the ‘Gunnery Range,’ ” *The Indian*, vol. 2, no. 3, Aug. 6, 1970; American Indian Policy Review Commission, *Report on Tribal Government, Task Force Two: Tribal Government*, Final Report to the American Indian Policy Review Commission, U.S. Govt. Printing Ofc., 1976, p. 342; House Report 1328, 90th Congress, 2nd Session, p. 1 and Senate Report 1349, 90th Congress, 2nd Session, p. 4, both quoting Letter from S. Bobo Dean, to Louis Bruce, Commissioner of Indian Affairs, reprinted in *Oglala Lakota*, Apr. 14, 1970. On August 8, 1968, Congress passed PL 90-468, which gave most of the bombing range to the Badlands National Monument.

p. 36 Those Indians who held onto their land tended: AIPRC report, *supra*, p. 352–3. See also Letter from Dave Long and Eddie White Wolf, Oglala Sioux Civil Rights Organization, to whom it may concern (explaining grievances behind the takeover of Wounded Knee), Aug. 16, 1973, in WKLDOC Archives; Untitled report, Oglala Sioux Landowners Association, ca. 1973, in WKLDOC Archives.

p. 36 Tom Conroy . . . became the third-largest landowner: The largest private landowner on the reservation was the Catholic Church. (Long and White Wolf Letter, *supra*.)

p. 36 When the General Accounting Office . . . examined Conroy’s: The GAO study was requested by Sen. Henry M. Jackson, chair of the Senate Committee on Interior & Insular Affairs, on March 19, 1973. (Letter of Elmer B. Staate, Comptroller General of the United States, to Sen. Henry M. Jackson, May 7, 1973. See also Letter from Hank Adams, Survival of American Indians Association Director, to Dennis Banks and Russell Means, May 14, 1974, in WKLDOC Archives; WKLDOC report, “Witnesses Re: Land,” in WKLDOC Archives; AIPRC report, *supra*, p. 352.)

p. 37 “Indian male life expectancy is 44.5 years”: Lakota Coalition, *supra*. Hank Adams, referring principally to the Staate letter, *supra*, wrote, “the level of federal expenditures [is] \$2000-plus per capita; \$11,000-almost per family . . .” (Adams letter, *supra*.)

p. 38 But three weeks before . . . Harrison Loesch forbade: Loesch’s order was given by memo of October 11, 1972. (Smith and Warrior, *supra*, p. 147.) Quotations from Smith and Warrior below and the rest of their account of the BIA occupation appear on pp. 147–71 of their history.

p. 41 . . . the Natives had backed a U-Haul: The stack of BIA documents was said to have measured 178 cubic feet. (Smith and Warrior, *supra*, p. 171.)

p. 41 Dennis Banks later said his people first: Banks, *supra*, p. 139.

p. 42 The sting was the work of John Arellano: The spelling of the agent’s name varies by source: Arrellano and Areliano are two common variants. (Richard LaCourse, “The FBI’s ‘Racial Intelligence’ and the American Indian Militants,” undated manuscript, in WKLDLOC Archives; “Portrait of an Informer,” *Akwesasne Notes*, early summer 1973, p. 47; Smith and Warrior, *supra*, p. 177.) A fine article about the sting and its aftermath that came to me as this book was going to press is Mark Feldstein, “The Jailing of a Journalist: Prosecuting the Press for Receiving Stolen Documents,” *Communication Law and Policy*, v. 10, no. 2 (spring 2005), p. 137–77. Feldstein intends to include the episode in his forthcoming book, tentatively titled *Poisoning the Press: Richard Nixon, Jack Anderson, and the Rise of Scandal Media*, Ferrar, Straus & Giroux.

p. 42 He later testified in court: This was at a trial of an Indian who was prosecuted for possession of some of the BIA documents.

p. 43 By one report, the National Guard of Washington: Hank Adams said the war games were the work of 540th Aviation Unit of the Washington National Guard; he cited Captain Chris Lane for his source. (Adams statement, *supra*.)

p. 43 Means, however, said he had been searched: Russell Means, *Where White Men Fear to Tread*, St. Martin’s Griffin, 1995, p. 240–1.

p. 44 “I vass horrivied”: Interview of Richard Erdoes by author, Santa Fe, N.M., Nov. 2005.

p. 46 “Nothing but a bunch of sponges”: “Tribe Leader Says Militants Give Indians A Bad Name,” *Minneapolis Tribune*, Nov. 26, 1972. Wilson’s other observations can be found in an article of uncertain title, *Sioux Falls Argus-Leader*, Nov. 11, 1972; Interview of Dick Wilson, *Newslines*, undated transcript, in WKLDLOC Archives; and Interview of Dick Wilson by Cheryl McCall and Dee McGuire, Apr. 5, 1975, in WKLDLOC Archives.

p. 46 “The long-awaited Dick Wilson”: I have condensed this quotation slightly. (Terri Shultz, “Bamboozle Me Not at Wounded Knee,” *Harper’s*, June 1973, p. 48.)

McKiernan's observation is from Interview of Kevin McKiernan by author, Santa Barbara, Cal., July 2003.

p. 47 Wilson . . . helped himself to another \$5,000: For this and other accusations against Wilson, see "Partial Transcript of Taped Interview with [Tribal Councilman] Richard Little," Nov. 16, 1973, in WKLDLOC Archives; Letter of Eugene White Hawk, Inter-District Council president, and Hildigarde Catches, IDC secretary, to Oglala Sioux Tribal Council, Jan. 17, 1973; Statement of Rufus Fast Horse, trainee mechanic, Feb. 24, 1974, in WKLDLOC Archives. Wilson's base salary of \$13,500 would be worth about \$50,000 in 2006. Wilson's critics also charged him with using the tribal station wagon for personal errands and drinking sprees and with using tribal mechanics to repair his own car.

p. 47 . . . an accounting firm that studied the tribe's books: Burnette and Koster, *supra*, p. 283. See also untitled article, *Shannon County News*, July 21, 1972, in WKLDLOC Archives; interview of Delores Swift Bird, former tribal judge, date appears to be Jan. 1974, in WKLDLOC Archives.

p. 48 In one egregious example, the tribal secretary: AIPRC report, *supra*, p. 354.

p. 48 Wilson called the council into its first session: For details on how Wilson ran the council in 1972, see Affidavit of Delores Swift Bird, former Oglala Sioux Tribal Judge, Apr. 8, 1974, in WKLDLOC Archives; Long and White Wolf letter, *supra*. The tribal constitution did not anticipate the use of the executive committee for governance between sessions (special sessions of the council were supposed to be called for those), and any act of the committee was supposed to be ratified by two-thirds of the council at its next regular session, but Wilson ignored such formalities. In October 1972, when he was required to call the council into its second session, he did not. When he finally did in November, he refused to seek the council's approval for the executive committee's deeds. Again the BIA saw nothing wrong.

p. 48 "The Tribe is to be complimented": Letter from Dan Y. Jensen, Bureau of Indian Affairs Area Director [Dakota area], to Richard Wilson, Oglala Sioux Tribal President, Sept. 14, 1972, in WKLDLOC Archives.

p. 49 If Wilson's critics were right, ordinance 72-55: Long and White Wolf letter, *supra*; Adams statement, *supra*. The quotation that follows is slightly condensed.

p. 49 While in jail, a turnkey who knew Means: Swift Bird interview, *supra*.

p. 49 Dennis Banks was also arrested: Article of unclear title, *Mitchell* (S.D.) *Republic*, Nov. 30, 1972; Letter of Long and White Wolf, *supra*.

p. 49 One was Vice President Long: Memorandum from Dick Wilson, Oglala Sioux Tribal President, to Dave Long, Oglala Sioux Tribal Vice President, Nov. 21, 1972, in WKLDLOC Archives. Severt Young Bear, another tribal councilman, was also kicked off the reservation.

p. 49 The prosecutors said they would give: Long eventually won reinstatement to his seat, although only by appeal to the tribal council, not by the help of the federal government. (Editorial, *Shannon County News*, Dec. 15, 1972, p. 8.)

p. 50 Colhoff said the goons were a public nuisance: John O'Connell, "Note re Richard G. Colhoff," in WKLD0C Archives; "Partial Transcript of Taped Interview with Richard Little," *supra*; Long and White Wolf letter, *supra*.

p. 50 Colhoff was no saint: For example, Leroy Pumpkin Seed attested that in November 1972 he was arrested, driven into the country, and beaten by a police officer. (WKLD0C report, "Statement from complaint conference, April 2 and 3, 1973," which consists entirely of an excerpt from an FBI report, FBI file MP 70-6832, p. 50-51, in WKLD0C Archives.)

p. 50 . . . others out of fear of losing their jobs: Marvin Richard, e.g., said that George Wilson, Dick Wilson's brother, was his boss in the tribe's water works and well-repair department and he and his co-workers were afraid not to go to the training. (Statement of Marvin Richard, Apr. 6, 1973, in WKLD0C Archives.)

p. 50 But by the end of 1972 . . . called on Wilson and Lyman: WKLD0C report, "Time-line re: Wilson Impeachment," in WKLD0C Archives; Long and White Wolf letter, *supra*.

p. 51 . . . Wesley Bad Heart Bull was knifed to death: Wesley Bad Heart Bull was killed on January 21, 1973. Accounts of the killing and events of the next three weeks conflict badly, particularly in the secondary sources. The most accurate accounts are probably from the *Rapid City Journal* of 1973: "Custer man, 30, charged in death of Springs man," Jan. 23, p. 1; "Schmitz bound over on fatal stabbing charge," Jan. 24, p. 2; "AIM calling Indians to Custer rights day," Jan. 31, p. 2; "Indian group claims 'rampant discrimination,'" Feb. 3, p. 2; "Custer protest doesn't materialize by noon," Feb. 7, p. 1; "Confrontation first, then 'everything broke loose,'" Feb. 8, p. 1ff; "Thirteen arraigned on riot, arson charges," Feb. 9, p. 1; "Banks, 23 other AIM defendants arraigned," Feb. 10, p. 1; "Violence flares in city; 16 hurt, 40 arrested," Feb. 12, p. 1; "Different versions of stabbing offered," May 1, p. 1; "Schmitz says stabbing to protect him, others," May 2, 1973; "Schmitz found innocent in Bad Heart Bull death," Feb. 3. Further accounts are found in the *Journal* during the trial of Sarah Bad Heart Bull in 1974: "State witnesses say Custer trial defendants in incident," May 24, p. 1; "Three eye-witnesses tell of Custer incident," May 25, p. 2; "Gates testifies about AIM, demonstration," May 30, p. 1; "Custer deputy testifies about violence," May 31, p. 2; "Custer trial jury viewing disturbance film," June 4, p. 2; "Patrolmen take stand at Custer trial," June 6, p. 32; "Custer trial prosecution rests case," June 7, p. 1; "Bellecourt on stand for defense," June 8, p. 1; "Testimony centers on Bad Heart Bull death," June 11, p. 2; "Custer defendants say they had peaceful aims," June 12, p. 3; "Custer trial in hands of

jury,” June 19; “Three convicted at Custer trial,” June 20; “Three get prison terms in Custer incident case,” July 30, p. 1. Among the more reliable secondary sources (if biased in favor of the government) is Rolland Dewing, *Wounded Knee II*, *supra*, p. 40ff. See also Rolland Dewing, “South Dakota Newspaper Coverage of the 1973 Occupation of Wounded Knee,” *South Dakota History*, vol. 12, no. 1, spring 1982; Smith and Warrior, *supra*, p. 183ff; Burnette and Koster, *supra*, p. 221ff; Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 62ff.

p. 53 AIM probably started it: After the riot, more than one Indian would claim to be the instigator. David Hill, who was inside the courthouse, told me he started the riot, while Russell Means, in his autobiography, claimed the honor. For other information on the riot, see Smith and Warrior, p. 184ff.

p. 54 “It was a different era”: The chief of police was Thomas Hennies. (*Native Americans in South Dakota: An Erosion of Confidence in the Justice System*, South Dakota Advisory Committee to the U.S. Commission on Civil Rights, Mar. 2000 (www.usccr.gov/pubs/sdac/ch2.htm, viewed Apr. 2003).)

p. 55 SOG, in the words of its director: Wayne Colburn was the director. (Ed Meagher, Los Angeles Times News Service, “Special marshals’ group on duty at Pine Ridge,” *Rapid City Journal*, Mar. 21, 1973.) The marshals arrived on February 13 (WKLDOC report, “Time-line re: Wilson Impeachment,” *supra*; see also Letter from Rogers C. B. Morton, U.S. Secretary of the Interior, to Richard G. Kleindienst, U.S. Attorney General, Feb. 13, 1973; FBI FD-302 report by SA Ray W. Gammon, Pine Ridge, S.D, MP 70-6832, events of Mar. 10, 1973, transcribed Mar. 16, 1973; Terry De Vine, “U.S. marshals doing their job,” *Rapid City Journal*, Apr. 2, 1973, p. 8.)

p. 55 “There was an elaborate radio”: I have condensed this diary entry for February 22, 1973. (Stanley Lyman, *Wounded Knee 1973: A Personal Account*, Univ. of Neb. Pr., 1991, p. 4–8.)

p. 56 He was also supposed to recuse himself: Tribal ordinance 26 of June 6, 1941, governed impeachment proceedings. (“Partial Transcript of Taped Interview with Richard Little,” *supra*.)

p. 57 The next morning, BIA police escorted: Lyman, *supra*, p. 12–5.

p. 57 . . . had asked the marshals of Fort Wilson: (Memorandum from Oglala Sioux Civil Rights Organization to Mr. Cash [sic: Reese Kash], U.S. Marshall [sic], Feb. 19, 1973, in WKLDOC Archives.) In theory, the marshals were empowered to protect only federal property, personnel, and prisoners, but as events would show, they interpreted their mandate more broadly when it suited their purpose.

p. 57 “Whether the tribal president is corrupt”: Lyman, *supra*, p. 19–20.

CHAPTER 3

p. 59 On Pine Ridge, the Oglalas called the superintendent: Much of my account of the massacre at Wounded Knee comes from Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vols. I & II unabridged, Univ. of Neb. Pr., 1995, p. 727–9. Prucha’s massive work is a valuable touchstone but overly sympathetic to the U.S. government.

p. 61 In 1975, Senator James Abourezk: John William Sayer, *Ghost Dancing the Law: The Wounded Knee Trials*, Harvard Univ. Pr., 1997, p. 216; Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 11.

p. 61 Its owners, the Gildersleeve: The Gildersleeves were Clive and Agnes; the Czywczynskis were Jim and his wife, whose name I did not discover. Their billboards are recalled in many publications, e.g., Mary Crow Dog and Richard Erdoes, *Lakota Woman*, Grove Pr., 1990, p. 129.

p. 61 A Catholic priest once watched: WKLD0C report, “Interview of Father Charles,” in WKLD0C Archives.

p. 62 Years later Clive Gildersleeve was called to testify: Interview of Karen Northcott by author, Minneapolis, Minn., Aug. 2003. For the many alleged crimes of those who ran the trading post, see Russell Means with Marvin J. Wolf, *Where White Men Fear to Tread: The Autobiography of Russell Means*, St. Martin’s Griffin, 1995, p. 262 (on illegal trading of government food commodities); Associated Press, “AIM Director Reports Recklessness, Lawlessness of White[s] on Reservations,” *Daily Capital Journal* (Pierre, S.D.), Mar. 31, 1972 (on operating without a license) (see also *Rapid City Journal* of same date); Dewing, *supra*, p. 33, 106 (on the choking of teenager Ross Red Feather); Robert Burnette and John Koster, *The Road to Wounded Knee*, Bantam, 1974, p. 194 (on ditto).

p. 63 “The cavalry captain in charge”: I have condensed this quotation slightly. (Means and Wolf, *supra*, p. 263.)

p. 63 . . . but Father Paul Manhart, vicar of Sacred Heart: Means and Wolf, *supra*, p. 259; Crow Dog and Erdoes, *supra*, p. 129.

p. 63 . . . the FBI had cultivated moles inside: Memorandum from Ralph E. Erickson, Deputy Attorney General, to Acting Director, FBI, Nov. 21 (or 23: the number is hard to read), 1972.

p. 64 . . . a pair of undercover agents infiltrated meetings: FBI teletype from Acting Director FBI, to SAC, Minneapolis (176-87), re “URTEL 2/19/73,” Feb. 20, 1973; FBI teletype from SAC Minneapolis (157-1509) (P), to Acting Director FBI, re “Disorders by American Indians in South Dakota, E[xtremist] M[atters],” Feb. 23, 1973; U.S. Government Memorandum from G. C. Moore to Mr. E. S. Miller, re “Disorders by American Indians in South Dakota, Extremist Matters,” Feb. 23, 1973; FBI FD-302 report by SA

Stanley R. Keel and SA Charles P. Stephenson, events of Feb. 22, 1973, Rapid City, S.D., MP 157-1509, transcribed Feb. 25, 1973; James M. Wall, "Wounded Knee Comes to Trial," *The Christian Century*, Mar. 6, 1974, p. 251.

p. 64 . . . the FBI monitored Russell Means: *Voices From Wounded Knee*, self-published by *Akwesasne Notes* newspaper, 1974, p. 32; Smith and Warrior, *supra*, p. 194; Adams statement of Apr. 19, 1973, *supra*; *U.S. v. Dennis Banks and Russell Means*, U.S. Dist. Ct., W. Div. S.D., CR 73-5034 and 5035, CR 73-5062 and 5063, transcript p. 5,347.

p. 64 That evening, two hours before the congregants: For surveillance of the caravan, see FBI FD-302 report by SA Ray W. Gammon and SA James W. Dick, events of Feb. 27, 1973, Pine Ridge, S.D., MP 70-6832-48, transcribed Mar. 6, 1973; *Voices From Wounded Knee, supra*, p. 32.

p. 65 They empowered a junta: Banks, Means, Clyde Bellecourt, Carter Camp, and Pedro Bissonette were the main members of the junta. Medicine man Leonard Crow Dog was a quasi-member.

p. 65 By the reckoning of historians Paul Smith and: "Alcatraz and the BIA takeover had been the subject of intense local interest in San Francisco and Washington, and sporadic national interest, but neither event had completely penetrated the national consciousness." (Smith and Warrior, *supra*, p. 207.)

p. 65 "The American Indian commands respect": John G. Bourke, *On the Border with Crook*, 1892.

p. 65 Not all the press, however, was favorable: Later, several senior AIMers, looking to their legacy, would variously say they never took hostages, never used the word "hostages," and/or never encouraged their white "guests" to think they were hostages—the guests were merely being held for their own protection. This was all nonsense. AIM leaders at the time spoke openly of the whites as hostages (e.g., "The hostages," Russell Means said, "are in no danger from the Indian people. The only danger is if the federal troops attack—their bullets are indiscriminate."), and the list of detainees that AIM gave the FBI was titled "Hostages, Wounded Knee." (*Voices From Wounded Knee, supra*, p. 37–8.)

p. 65 "It is ridiculous to talk about": I have condensed this quotation. (Marge Buckley, "Justice in America," news article clipped from unknown publication, p. 16, in WKLD0C Archives.) McGovern is also quoted in Burnette and Koster, *supra*, p. 262. See also Letter from Hank Adams, Survival of American Indians Association National Director, to Senator George McGovern, Sept. 6, 1973, in WKLD0C Archives.

p. 66 "We asked to see Senator Abourezk": Burnette and Koster, *supra*, p. 228.

p. 66 "The fact is," octogenarian Wilbur Reigert: *Voices From Wounded Knee, supra*, p. 39.

THE UNQUIET GRAVE

p. 66 “Do not let newspaper personnel in”: *Voices From Wounded Knee, supra*, p. 42; see also Dewing, *supra*, p. 57.

p. 67 . . . the AIM pack trains that resupplied: The packers were clever. They tantalized the government’s tracking hounds with trails of urine that ended in mounds of Tabasco. One snort, and the dogs were out of operation for hours.

p. 67 The Justice Department . . . tried to justify: “We have discovered,” the Justice Department’s Ralph Erickson said, “the Indians have an automatic weapon which could wipe out a group of men. We believe it’s an M-60 machine gun.” (*Voices From Wounded Knee, supra*, p. 41.)

p. 67 “Don’t you think that destroys”: *Voices From Wounded Knee, supra*, p. 41–4. The claims about the M-60 and AK-47 appear in *Voices* too.

p. 67 Invariably the agents on the roadblock: Dewing, *supra*, p. 83.

p. 67 The harassment was worse for reporters: Lyman, *supra*, p. 21; Affidavit of Marc Kay Dinsmore, Apr. 1973, WKLDOC Archives; Carol Talbert, “Experiences at Wounded Knee,” *Human Organization*, vol. 33, no. 2, Summer 1974, p. 216; WKLDOC memorandum, “Illegal Arrests,” 1973, in WKLDOC Archives. The quotation about “no constitutional rights on the reservation” is drawn from the last of these sources.

p. 68 “I published a story in *Ebony*”: Interview of Paul Collins by author, via phone, Jan. 2004.

p. 69 . . . an estimated 500,000 by the end: Peter Harriman, “One minute calm, the next chaos,” *Sioux Falls Argus-Leader*, Mar. 16, 2003. McGovern is quoted in Sayer, *supra*, p. 114.

p. 69 “I’m sure as hell planning on changing”: Burnette and Koster, *supra*, p. 238–9.

p. 69 “Any spies who violate our borders”: Burnette and Koster, *supra*, p. 230; Dewing, *supra*, p. 89.

p. 71 Wilson . . . tried to throw them off the reservation: Dewing, *supra*, p. 89; Return of Service Writ by Server Pat Kelly, *James Fennerty et al. v. Dick Wilson et al.*, U.S. Dist. Ct., W. Div. S.D., Civ 73-5046, May [possibly Mar.] 14, 1973.

p. 71 “Dope pushers,” Wilson said: Adams represented the National Council of Churches. His and Wilson’s quotations are found in Dewing, *supra*, p. 88–9.

p. 71 “At the spillway,” Brave attested: Affidavit of Corraine Brave, Apr. 1973, in WKLDOC Archives.

p. 72 “But I remembered I was on”: I have condensed this quotation slightly. (Affidavit of Edward A. Cooper, alias Thomas White Bear, May 19, 1973, in WKLDOC Archives.) Cooper’s friend was also interviewed; their accounts matched.

p. 72 Gary Thomas . . . reported: Associated Press, “Lawyer Says At AIM Trial He

Was Threatened With Death If He Didn't Leave Reservation," *Sioux Falls Argus Leader*, undated clipping from 1974, in WKLDOC Archives.

p. 72 For years the government left his post unfilled: Sayer, *supra*, p. 107.

p. 73 Judge Richards, in her last job as clerk: The many sins alleged against Judge Richards and the tribal court can be found in Interview of Delores Swift Bird, former tribal judge, ca. Jan. 1974, in WKLDOC Archives; Affidavit of Ethel Merrival, tribal attorney, *Oglala Sioux Civil Rights Organization v. Wilson*, U.S. Dist. Ct., W. Div. S.D., Civ. 73-5036, undated; Affidavit of Delores Swift Bird, former tribal judge, Apr. 8, 1974, in WKLDOC Archives; Statement of Barbara Means, Apr. 4, 1973, in WKLDOC Archives; Affidavit of Victoria Wounded Foot, Apr. 13, 1973, in WKLDOC Archives; WKLDOC memorandum, "Proposed testimony of Edward White Dress," 1973, in WKLDOC Archives.

p. 73 "The judge said she had just made": I condensed this quotation slightly. (Lyman, *Wounded Knee 1973*, p. 127–8. See also Barbara Means statement, *supra*.)

p. 74 Activists of the Oglala Sioux Civil Rights Organization: The complex discussion between activists and government about the petition is traced in Letter of Stanley D. Lyman, Pine Ridge Reservation Superintendent, to Barbara Means et al., Mar. 19, 1973, in WKLDOC Archives; Letter of Marvin L. Franklin, Assistant to the Secretary of the Interior, to Louis Bad Wound et al., May 3, 1973, in WKLDOC Archives; Letter of Elmer B. Staate, Comptroller General of the United States, to Sen. Henry M. Jackson, May 7, 1973; Letter of Ken Tilsen, WKLDOC, to Kent Frizzel[1], Dept. of the Interior Solicitor General, July 10, 1973, in WKLDOC Archives; Letter from Charles M. Soller, Acting Assoc. Solicitor for Indian Affairs, U.S. Dept. of the Interior, to Kenneth E. Tilsen, WKLDOC, Aug. 6 [or 16], 1973, in WKLDOC Archives; Letter from White Hawk, to Charles M. Soller, Acting Asst. Solicitor for Indian Affairs, U.S. Dept. of the Interior, Sept. 29, 1973, in WKLDOC Archives; Dewing, *supra*, p. 132; Lyman book, *supra*, p. 62–105.

p. 75 . . . on so grand an issue as an constitutional referendum: On this point, an analogy could be made to allowing a native Texan who had moved to New York fifty years before and who had never in his life registered to vote, to vote on throwing out the Texas constitution. It is also worth noting that in all of this affair, the BIA's position on whether to involve itself in tribal politics was exactly the opposite of what it had been a decade before. In 1962 agitators on Pine Ridge had petitioned for an election to recall the entire tribal council and the council had refused to hold the election. The agitators appealed to the BIA, but the BIA said resolutely that it could not get entangled in what were clearly intra-tribal political squabbles and the tribe would have to sort it out itself. (American Indian Policy Review Commission, *Report on Tribal Government, Task Force Two: Tribal Government*, Final Report to the American Indian Policy Review Commission, U.S. Govt. Printing Ofc., 1976, p. 340, 353.)

p. 75 “It looks to me,” Senator Jim Abourezk observed: Burnette and Koster, *supra*, p. 257.

p. 75 . . . “march into Wounded Knee and Kill”: This statement has sometimes been attributed to Wilson (e.g., Dewing, *supra*, p. 98), but it was sent out in a “Newsletter” of uncertain provenance. (“Newsletter,” Mar. 26, 1973, source not identified, in WKLDOC Archives.)

p. 75 the goons, who stuck their guns in the faces: Ted Elbert, “Wounded Knee: A Struggle for Self-Determination,” *The Christian Century*, Mar. 28, 1973, p. 357.

p. 76 The agents caucused with Wilson: Lyman book, *supra*, p.22–9, 55; *Voices From Wounded Knee*, *supra*, p. 129.

p. 76 The FBI complied by giving: Dewing, *supra*, p. 98. On the APC, see Dewing, *supra*, p. 106.

p. 76 . . . the goons turned away mediators: The two confrontations between Wayne Colburn and the goons at the roadblock, and the arrests and debate that followed, are discussed in Lyn Gladstone, “Man arrested at roadblock says FBI agents were assisting them,” *Rapid City Journal*, Apr. 27, 1973; *Voices From Wounded Knee*, *supra*, p. 189, quoting FBI radio log of Apr. 23 saying the FBI tipped the goons; Lyman book, *supra*, p. 109–15, quoting *inter alia* “If there is going to be bloodshed”; FBI FD-302 report, interview of William E. Hall, associate director, USMS, by SA W. Gordon Gibler and SA John H. O’Neill, Jr., Pine Ridge, S.D., MP 70-6832-V-2, interviewed Apr. 23, 1973, transcribed Apr. 23, 1973; FBI FD-302 report, interview of Wayne B. Colburn, by SA W. Gordon Gibler and SA John H. O’Neill, Jr., Pine Ridge, S.D., MP 70-6832-V-3, interviewed Apr. 23, 1973, transcribed Apr. 23, 1973; Dewing, *supra*, p. 117–8.

p. 77 In a press conference after the arraignment: Hussman was probably referring to the deputization months before, when AIM was returning from the Trail of Broken Treaties. (WKLDOC report, “Notes on Goon Deputization,” *supra*.)

p. 78 “We came this far from shooting Frizzell”: Smith and Warrior, *supra*, p. 254–6.

p. 79 . . . the White House would send a delegation: The White House sent a staff member of low rank to a single meeting with the Lakotas.

p. 79 (Frank Clearwater was buried elsewhere): Lamont was a native of Pine Ridge and thus entitled to burial on Pine Ridge. Wilson would not permit the burial of the non-native Clearwater on the reservation.

CHAPTER 4

p. 81 The house of Paul Thunder Horse: The shooting of Mary Ann Little Bear on the night of August 24–25, 1973, and its aftermath are discussed in Affidavit of

Dallas Little Bear, Aug. 1973, in WKLD OC Archives; Affidavit of Roselyn Little Bear, Aug. 1973, in WKLD OC Archives; Statement of Robert Thunder Horse, Aug. 25, 1973, in WKLD OC Archives; Statement of Alex Bad Bear, Aug. 25, 1973, in WKLD OC Archives; Statement of Leo White Hawk, Aug. 26, 1973, in WKLD OC Archives; Statement of Edward White Dress, Aug. 1973, in WKLD OC Archives; WKLD OC report, “Chronology” (of Little Bear Shooting), undated, ca. Sept. 1973, in WKLD OC Archives. Robert Thunder Horse, his wife Lorene, and their three children were in the second car, which was driven by Anthony Good Lance. Bad Bear was in the first car, driven by Dallas Little Bear. Crooked Eyes was inside his house when he first heard the shots.

p. 82 “He showed me two plastic bags”: I have condensed this quotation slightly. (Affidavit of Roselyn Little Bear, *supra*.)

p. 82 The night . . . was not the first time guns: Statement of Ellis Crooked Eyes, Aug. 25, 1973, in WKLD OC Archives.

p. 83 The government . . . now mustered fourteen BIA police: WKLD OC newsletter, Sept. 10, 1973, in WKLD OC Archives.

p. 83 A second bullet had pierced the driver’s side: Affidavit of James Cecil Normandin, Aug. 1973, in WKLD OC Archives.

p. 84 The government declined them all: WKLD OC Motion, *U.S. v. Russell Means and Dennis Banks*, U.S. Dist. Ct., W. Div. S.D., CR 73-5035, 73-5034, 73-5062, 73-5063, p. 9; Russell Means and Mark Lane, “Wounded Knee Defendant and Attorney Doubt Sincerity of Grand Jury Investigation,” WKLD OC news release, Dec. 12, 1973, in WKLD OC Archives.

p. 84 The Civil Rights Division . . . had started its investigation: Robert Burnette and John Koster, *The Road to Wounded Knee*, Bantam, 1974, p. 257–8; *Voices from Wounded Knee*, self-published by the newspaper *Akwesasne Notes*, 1974, p. 224-30.

p. 84 There was no brutality in Wilson’s dominion: In the summer of 1973, after the siege of Wounded Knee, Senator Jim Abourezk held hearings in Rapid City about brutality on Pine Ridge. BIA police officers sat outside the hearing taking photographs and writing down names and license plates of Indians who attended. “This is one of the most reprehensible things I’ve seen,” Abourezk said, but he was powerless to extract even so much as an explanation from the BIA. (Burnette and Koster, *supra*, p. 257.)

p. 86 On the roadbed above, Clifford took aim: It is not entirely clear that Clifford’s gun failed too. The stories are confused. It is possible that only Rencountre’s gun failed and that Clifford got off a shot without difficulty. The most reliable accounts of the shooting are probably: memorandum from Dennis Ickes, Ofc. of Indian Rights, to Carlton R. Stoiber, Ofc. of Indian Rights Director, “Shooting of Pedro Bissonette,” Oct. 1973;

THE UNQUIET GRAVE

memorandum from R. Dennis Ickes, Deputy Director, Ofc. of Indian Rights, Dept. of Justice to J. Stanley Pottinger, Asst. Atty. Gen., Civil Rights Div., Dept. of Justice, "Prosecutive Summary," Nov. 5, 1973.

p. 88 . . . secure permission from Bissonette's mother: "Authorization of Susie Bissonette," Oct. 18, 1973, in WKLDLOC Archives.

p. 88 Cavise said WKLDLOC wanted . . . Clayton agreed: WKLDLOC Motion, *supra*, p. 73; "Bissonette's death said surrounded in secrecy," *Rapid City Journal*, Oct. 18, 1973, p. 3.

p. 88 But shortly before 5:00 a.m., a nurse: At 4:50 a.m., Kay Hudson called the Bissonette house to say Pedro's body missing from morgue. At 4:55 Mark Lane went to the hospital. Police were watching the house and followed Lane to the hospital.

p. 88 It was produced, but the blanks: IHS's "Disposition of Body" form records the body's arrival the night of October 17 and its return from autopsy the night of October 18 but not the removal of the body for autopsy in the early morning of October 17. (IHS 523A form, "Clinical Record, Disposition of Body: Pedro Bissonette," Oct. 17 and 18, 1973, from IHS medical file of Bissonette.)

p. 88 "If you're going to say I told you that": WKLDLOC phone log, Oct. 17-18, 1973, in WKLDLOC Archives.

p. 89 An aide to Brown refused to answer: WKLDLOC phone log, October 17-18, *supra*.

p. 89 (This was later proven untrue): Cavise had called Brown's office at 7:20 a.m.; Brown, by his own account, did not start the autopsy until 7:30. (FBI FD-302 report, interview of ██████, West Nebraska Hospital, by SA ██████, Scottsbluff, Neb., OM 44-522, interviewed Oct. 19, 1973, transcribed Oct. 25, 1973.)

p. 89 "Eastman insisted only one bullet": I have condensed Lane's recollection slightly. (Walter Gallacher, "Was Pedro Bissonette Slain? an interview with Mark Lane," *Shannon County News*, Dec. 21, 1973, vol. 34, iss. 42, p. 3. See also WKLDLOC press release, Oct. 20, 1973, in WKLDLOC archives.) Mark Lane refused to be interviewed for this book.

p. 90 "That's when they changed the story": Per the WKLDLOC phone log, *supra*, the story changed sometime before 5:55 a.m. on the morning after Bissonette's death; at that time, Eastman said the killing wound was from a single shotgun shell. Lane did not consider that Eastman might have been confused or that Eastman, in the early hours after the shooting, might simply have not had all the facts before him.

p. 90 Later he seems to have said . . . a high-powered rifle: Ickes memo, Nov. 5, 1973, *supra*.

p. 90 Lane turned up two Pine Ridge residents: Statement of Verlean Ice, Oct. 19, 1973, in WKLDLOC Archives.

p. 90 Another Pine Ridge couple, John and Cordila: WKLDLOC memorandum, unsigned, “John and Cordila Attack Him,” undated, in WKLDLOC Archives. See also WKLDLOC phone log, Oct. 17-18, 1973, *supra*, entry for 2:20 a.m.

p. 91 Bissonette was also a hothead: “He was not a sensitive, new age guy,” reporter Kevin McKiernan remembered. “During Wounded Knee, he tried to lay all the sins of the white man on me—personally. Just when it was about to get physical, Clyde Bellecourt stepped in and said, ‘That’s racism, Pedro. Back off.’ Pedro did, and later he wanted to make up with me. So he says, ‘Hey, let’s go out and take a piss.’ That was his way of making up—taking a communal leak in the darkness by the sweat lodge. I almost wasn’t able to deliver.” (Interview of Kevin McKiernan by author, Santa Barbara, Cal., July 2003.)

p. 91 “I hear you’re the toughest guy around”: Interview of Poker Joe Merrival by author, Pine Ridge, S.D., Aug. 2003.

p. 92 . . . Merrival was one of Wilson’s most trusted goons: Among other services Merrival provided Wilson, he was Dick Wilson’s “personal observer in and around Custer, Wanblee, and Kadoka for an indefinite period beginning February 6, 1973.” (Letter from Dick Wilson, Oglala Sioux Tribal President, to Joseph Merrival, Feb. 8, 1973, in WKLDLOC Archives.)

p. 92 . . . indictments that Bissonette did before Wounded Knee: He was, for example, charged on September 9, 1970, with grand larceny, which was later reduced to petty larceny and assault and battery. On June 2, 1971, he was charged with making a false statement but the charge was dismissed.

p. 92 Some months before the assault, Theresa Perkins: Medical records of Pedro Bissonette, chart dates Oct. 4-7, 1972, Pine Ridge Hospital, S.D., Indian Health Service; Memorandum of Roger Finzel, WKLDLOC, “Statement of facts in outstanding cases against Pedro,” early Aug. 1973, in WKLDLOC Archives.

p. 92 Bissonette went to the police station: FBI FD-204 report to USA, Sioux Falls, S.D., and U.S. Secret Service, Minneapolis, Minn., “Pedro Aloyious Bissonette,” field office file no. 89-132, Nov. 13, 1972. See also FBI FD-36 form, teletype from SAC, Minneapolis (89-132) (P), to Acting Director, FBI, “Pedro Bissonette,” Nov. 9, 1972.

p. 92 The next night BIA police stopped the pair: Accounts of the event are included in Marge Buckley, “Justice in America,” from unknown periodical, p. 16, in WKLDLOC Archives; WKLDLOC notes re “Poker Joe Merrival,” undated, in WKLDLOC Archives; Untitled, undated document, labeled “16” in left corner, first line “Lt. Wayne Brewer” [sic: Duane Brewer], in WKLDLOC Archives; FBI teletype, from Minneapolis (89-NEW) (P), to Acting Director, Nov. 7, 1972, 4:17 p.m.; FBI FD-376 form, from L. Patrick Gray III, Acting Director, to Director, US Secret Service, re “Pedro Aloyious Bissonette,” Nov. 15, 1972; FBI FD-204 report to USA, Sioux Falls, S.D., and U.S.

Secret Service, Minneapolis, Minn., re “Pedro Aloyious Bissonette,” field ofc. file 89-132, Bureau file 89-2317, Apr. 4, 1973; Unidentified report, apparently from FBI to U.S. Attorney, probably from file no. PR-73-96, Nov. 8, 1972, p. 6. The last report is a partial report released to me by the FBI, on referral from the Exec. Ofc. of U.S. Attys. under FOIA request 1022150, July 27, 2005.

p. 94 So Bissonette was appointed a lawyer: The accusations by Bissonette and WKLDLOC against Warder and Bogue are included in Affidavit of Pedro Bissonette, *U.S. v. Russell Means, et al.*, U.S. Dist. Ct., S.D., CR 73-5035, 73-5063, June 2, 1973; WKLDLOC Motion, *supra*, p. 17–23; Buckley, *supra*; Emergency Petition for Writ of Mandamus, *Pedro Bissonette v. Hon. Andrew Bogue*, U.S. Ct. of Appeals, 8th Cir., 73-1356; Gallacher, *supra*, p. 2.

p. 94 The judge was apparently not concerned: Nor, if Bissonette’s account of what Warder told him was true, was Judge Bogue fazed by helping to broker deals for witnesses to testify against defendants who were to be tried in his court. Judge Bogue declined to be interviewed for this book.

p. 94 “I will stand with my brothers and sisters”: I have condensed this quotation slightly. (Bissonette affidavit, *supra*.)

p. 94 . . . Bissonette received an unexpected jailhouse visit: WKLDLOC memorandum, “Pedro Bissonet [sic] Interview by Robert J. Doyle,” May 19, 1973, in WKLDLOC Archives; WKLDLOC Motion, *supra*, p. 19; WKLDLOC memorandum from John Taylor to file, May 19, 1973, in WKLDLOC Archives.

p. 95 WKLDLOC lawyers who tried to visit Bissonette: On the day of Bissonette’s trial, WKLDLOC lawyers Mark Lane and Ramon Roubideaux tried to visit him in jail in Pierre, but no sooner had they sat down with him than a deputy sheriff ushered them out. The deputy explained he had been ordered to bar anyone, specifically including lawyers from WKLDLOC, from visiting Bissonette. Later that day in a hallway in the federal courthouse, Judge Bogue swished up to Lane and Roubideaux in his black robes and demanded to know if they had been “tampering with our witnesses.” When Lane said they had not but that they had tried to see Bissonette (and had done so briefly), Bogue pointed a finger at Lane’s chest and said, “I gave strict orders that nobody was to bother him. I’ll look into that.” A short while later, prosecutor R. D. Hurd told Lane and Roubideaux that Bogue had just asked him whether he thought an appellate court would reverse him if he did not let Bissonette dump Warder for WKLDLOC. Hurd had said no, and Bissonette’s trial was gaveled into session.

p. 95 The panel made clear that if Bissonette: Order, *Pedro Bissonette v. Hon. Andrew Bogue*, U.S. Ct. of Appeals, 8th Cir., 73-1356.

p. 96 Bissonette allegedly fired a shot over the heads: The incident of September 22, 1973, in Whiteclay is discussed in Affidavit of David R. Gienapp, Assistant U.S.

Attorney, *U.S. v. Pedro Bissonette*, U.S. Dist. Ct., CR 73-5032, CR 73-5066, Sept. 25, 1973; Dewing, *supra*, p. 136–7; Order Revoking and Forfeiting Bond and for Issuance of a Bench Warrant, *U.S. v. Pedro Bissonette*, U.S. Dist. Ct., CR 73-5032, CR 73-5066, Sept. 25, 1973.

p. 96 . . . a particularly senseless murder: The homicide was Byron DeSersa. See chapter 11.

p. 96 But the police discovered his whereabouts: A tribal judge told the manager of a hotel where Bissonette was staying that a conversation between Bissonette and Banks had been tapped. (Statement of Beverly Geary, hotel manager, Oct. 22, 1973, in WKLDOC Archives.)

p. 96 Bissonette told Poker he was going to turn: Statement of Joseph F. Merrival, Oct. 18, 1973, in WKLDOC Archives.

p. 97 When they did so, Bissonette fired a shot: FBI FD-302 report, interview of ██████, BIA, Pine Ridge, S.D., by SA ██████ and SA ██████, Pine Ridge, S.D., MP 44-763, interviewed Oct. 18, 1973, transcribed Oct. 20, 1973. (There are two reports with the same citation but different content; they are interviews with each of the BIA officers.)

p. 97 A few minutes later Bissonette came racing: WKLDOC phone log, Oct. 17-18, 1973, *supra*; Dewing, *supra*, p. 136–7.

p. 97 By one account, the officers were instructed to shoot: Marei Kingi, a BIA police officer at the time, told several people that the police had orders to shoot to kill Bissonette. (Merrival interview, *supra*.) Kingi declined my several offers to interview him. A bartender in Rushville, Nebraska, told Gladys Bissonette that he overheard police officer Hobart Ecoffey say, “They wanted Pedro to testify against AIM. He should have done it. Then they wouldn’t have had to kill him.”

p. 97 The hitchhiker, for one, told the FBI: FBI FD-302 report, interview of ██████ by SAs ██████ and ██████, Pine Ridge S.D., MP 44-763, interviewed Nov. 8, 1973, transcribed Nov. 8, 1973. The FBI inspected the BIA radio log, which was titled “Pine Ridge Police Department Summary of Shift and Radio Station and Activity Log for October 17, 1973.” (FBI FD-302 report, interview of ██████, BIA, Pine Ridge, by SA ██████ and SA ██████, Pine Ridge S.D., MP 44-763, interviewed Oct. 18, 1973, transcribed Oct. 19, 1973.)

p. 98 “Mark [Lane] got on the phone”: Interview of Sand Brim by the author, via phone, Jan. 2004.

p. 98 “The Oglala Sioux have organized”: Statement of Dick Wilson, undated but appears to be Oct. 18, 1973, in WKLDOC Archives.

p. 98 “If you have to shoot them”: Statement of Lou Beane, Oct. 22, 1973, WKLDOC Archives.

p. 98 The police stopped mourners as they came: Statement of Hazel Little Hawk and Linda Brings, Oct. 21, 1973, in WKLDLOC Archives; Statement of Jim Bordeaux, Oct. 24, 1973, in WKLDLOC Archives; Statement of Floyd Running Hand, Oct. 25, 1973, in WKLDLOC Archives; Statement of John Iverson, Oct. 24, 1973, in WKLDLOC Archives.

p. 99 At the wheel was a drunken teenager: WKLDLOC memorandum, “Incident at Bissonette Property—October 24, 1973,” in WKLDLOC Archives; WKLDLOC press release, “Pine Ridge Lawyer, Bissonette Family File Criminal Complaint Against Richard Wilson,” Oct. 29, 1973, in WKLDLOC Archives. For the dispute about the filing of a complaint, see Associated Press, “Tribe Refutes Charge Claim,” *Denver Post*, Oct. 30, 1973, p. 16.

p. 99 Perhaps the FBI was too busy investigating the mourners: For just a few examples of the widespread FBI spying on the caravan, see FBI urgent teletype, from Minneapolis 157-1458 P, to several offices, re “Minneapolis Tel to Bureau 10/18/73,” Oct. 19, 1973, 7:10 p.m.; FBI Memorandum from SAC, San Francisco (157-9726) (RUC), to Director, FBI, “Proposed Caravan to Pine Ridge, South Dakota on 10/22/73, Relative to the Shooting of Pedro Bissonette, Sponsored by the American Indian Movement,” Nov. 5, 1973.

p. 100 Decades later Ickes confirmed that he spoke: In fact, lawyers in the Civil Rights Division often requested that agents interview specific witnesses.

p. 100 But even so, the FBI’s limited investigation . . . disturbed Ickes: Ickes memo, Oct. 1973, *supra*. The FBI will not release its diagram of how the participants were supposedly standing or its photos of the crime scene. (FBI FD-302 report by SA ██████ and SA ██████, events of Oct. 20, 1973, Pine Ridge S.D., MP 44-763, transcribed Oct. 19, 1973; FBI FD-302 report, interview of ██████, BIA, by SA ██████, Pine Ridge S.D., MP 44-763, interviewed Oct. 22, 1973, transcribed Oct. 23, 1973.)

p. 100 . . . a second autopsy Mark Lane commissioned by: Summary of interview of Dr. Perber by Len Cavise and Marty Fassler, WKLDLOC, Nov. 13, 1973, in WKLDLOC Archives. Perber apparently could neither confirm nor deny Dr. Brown’s claim that Bissonette’s blood alcohol level was .23 percent. (FBI FD-302 report, interview of ██████ [W. O. Brown], West Neb. Hospital, by SA ██████, Scottsbluff, Neb., OM 44-522, interviewed Oct. 19, 1973, transcribed Oct. 25, 1973.)

p. 102 “Since January, 1973, we have investigated”: Ickes memo, Oct. 1973, *supra*. Ickes’s boss passed Ickes’s recommendations about Bissonette up the line dispassionately. (Memorandum from Carlton R. Stoiber, Ofc. of Indian Rights Director, to J. Stanley Pottinger, Assistant Attorney General for Civil Rights, “Proposed Investigative Grand Jury in Pine Ridge Cases,” Nov. 5, 1973.)

p. 103 “It’s good that we finally heard from”: WKLDLOC Motion, *supra*, p. 74; Gallacher, *supra*, p. 2.

p. 103 Charles said he had recently been menaced: “Joe Clifford Resigns,” *Shannon County News*, Feb. 1, 1974.

p. 105 Not long before this book went to press, the FBI gave: The key documents in the newly released papers were the FBI’s interviews of Rencountre and Clifford: FBI FD-302 report, interview of [REDACTED] [Evans Rencountre], by SA [REDACTED] and SA [REDACTED], Hot Springs, S.D., MP 44-763, interviewed Oct. 18, 1973, transcribed Oct. 22, 1973; FBI FD-302 report, interview of [REDACTED] [Joseph Clifford], by SA [REDACTED] and SA [REDACTED], Hot Springs, S.D., MP 44-763, interviewed Oct. 18, 1973, transcribed Oct. 20, 1973. See also, FBI FD-302 field report, interview of [REDACTED], BIA, Pine Ridge, by SA [REDACTED] and SA [REDACTED], Pine Ridge S.D., MP 44-763, interviewed Oct. 18, 1973, transcribed Oct. 19, 1973.)

p. 105 But another FBI document . . . summarized their claims: FBI FD-204 report from [REDACTED], Minneapolis, to USA, Sioux Falls, title “[REDACTED], [REDACTED], BIA Police Officers, Pine Ridge, South Dakota; Pedro Aloysious Bissonette—Victim (Deceased),” field ofc. file MP 44-763, Oct. 23, 1973.

p. 106 Another FBI document said . . . the FBI tested his hands: FBI FD-302 field report, interview of [REDACTED], Scottsbluff Police Dept., by SA [REDACTED], Scottsbluff, Neb., OM 44-522, interviewed Oct. 19, 1973, transcribed Oct. 25, 1973.

CHAPTER 5

p. 107 Anna Mae Pictou was born: For the outlines of Aquash’s life, Johanna Brand’s *The Life and Death of Anna Mae Aquash* (James Lorimer & Co., 1993) is valuable. Some additional information is available at “Anna Mae Pictou Aquash: Timeline,” *News From Indian Country*, www.indiancountrynews.com/aquashlegacy.cfm, viewed Apr. 2003. Unfortunately, Aquash’s family declined to be interviewed for this book, so I was unable to verify several details of her biography. For example, it is not entirely clear that Aquash was inside the BIA building when AIM occupied it during the Trail of Broken Treaties; she may have participated only in an earlier part of the Trail.

p. 109 . . . Bill Means, brother of Russell, drove them: Interview of Bill Means by author, St. Paul, Minn., Aug. 29, 2003.

p. 110 “She was carrying a pack filled”: Open letter of Michael Denny, ca. Mar. 2004, posted at AIM Grand Governing Council, www.aimovement.org/moipr/letters.html, viewed May 2004.

p. 110 “Most of the people at Wounded Knee”: Interview of Kevin McKiernan by author, Santa Barbara, Cal., Aug. 2003.

p. 111 “They were loud-mouth city women”: Mary Crow Dog and Richard Erdoes,

Lakota Woman, Grove Pr., 1990, p. 138. The Pie Patrollers now say they either liked Aquash just fine or did not much think about her.

p. 112 On April 25 . . . they walked out of the new nation: Interview log, either BIA or FBI, “Annie Mae Aguash,” 70-6832-A-438, Apr. 26, 1973, in WKLDLOC Archives; Undated FBI report, “Alleged Purchase of Weapons by Nogeeshik Aquash for the American Indian Movement (AIM)”;

FBI FD-204 report from Charles E. Stephenson, Minneapolis, “RESMURS; Anna Mae Aquash,” field office file 70-10239, Bureau file 89-3229, July 16, 1975.

p. 113 . . . Nogeeshik later said the story was not true: FBI FD-302 report, interview of Nogeeshik Aquash, *supra*.

p. 114 Today he acknowledges having had nothing more: “Silenced: The Execution of Anna Mae,” *The Fifth Estate* television program, Canadian Broadcasting Corp., aired Nov. 8, 2000; Interview of Richard Erdoes by author, Santa Fe, N.M., Nov. 2005.

p. 114 Her liaison with Banks, her rise to AIM’s: A report a few months later noted, “Source felt that the subject, through her association with BANKS, may rise to an influential position in the AIM movement.” (FBI memorandum, from SAC, Minneapolis (157-4323) (P), to SAC, Los Angeles (157-11137), re “Joanna Jason, aka Anna Mae Aquash,” Mar. 11, 1975.)

p. 115 Nearly all of the informers’ reports on her: See, e.g., FBI FD-263 report of Charles P. Stephenson, Minneapolis, “RESMURS; Anna Mae Aquash,” investigative period June 26, 1975—July 16, 1975, report issued July 16, 1975; FBI FD-306 informant report, received ██████, received by SA Gilbert R. Cordova, Los Angeles, Cal., prepared Dec. 12, 1974.

p. 115 “Our biggest problem,” a spy quoted Aquash: I have condensed this quotation. (FBI FD-306 informant report, received ██████, received by SA Gilbert R. Cordova, SA Martin A. Gonzales, Los Angeles, Cal., prepared Jan. 9, 1975.)

p. 115 FBI agents prevailed on state officials: FBI FD-36 report, airtel from SAC, Los Angeles (157-11137) (P), to SAC, Minneapolis, “Joanna Jason, aka Anna Mae Aquash,” Feb. 25, 1975; see also FBI report, “Anna Mae Aquash, also known as Joanna Jason,” Los Angeles, Cal., July 11, 1975.

p. 115 When she handed out leaflets at an art exhibit: For the spying on petty activities, see, e.g., FBI FD-306 informant report, received ██████, received by SA Gilbert R. Cordova, SA Martin A. Gonzales, Los Angeles, Cal., prepared Feb. 24, 1975. FBI FD-306 informant report, “Messages & Bills taken from South West Regional AIM Office, Los Angeles, Cal.,” received ██████, received by SA Martin A. Gonzales, SA Gilbert R. Cordova, Los Angeles, Cal., prepared Jan. 13, 1975; FBI report, “Anna Mae Aquash, also known as Joanna Jason,” *supra*.

CHAPTER 6

p. 117 “When I took office, there was two hundred”: “Interview with Dick Wilson,” *Shannon County News*, Feb. 1, 1974. The \$24 million helped support “a system of patronage for the 900 jobs available—on a reservation with 70 percent unemployment.” (“Pine Ridge—1976,” *Akwesasne Notes*, early spring 1976, p. 8.)

p. 117 But in the primary Means drew 150: Robert Burnette and John Koster, *The Road to Wounded Knee*, Bantam, 1974, p. 283.

p. 118 Means asked the Justice Department: “Statement of Russell Means,” Jan. 22, 1974, in WKLDOC Archives.

p. 118 . . . disturbing reports began trickling into AIM: The election fraud is documented in Memorandum from Steve Trecker, WKLDOC, “Election Suit Report,” July 1975, in WKLDOC Archives; Burnette and Koster, *supra*, p. 283; “A New Ally in the Election Suit,” WKLDOC newsletter, Aug. 6, 1974, in WKLDOC Archives; Transcript of interview of Cecilia Martin by Kevin McKiernan, Feb. 9, 1974, in WKLDOC Archives, quoting Martin saying a BIA policeman in mufti ordered her out of the tribal office while the ballots were being counted.

p. 118 “No,” the president said, “I’d still like to challenge”: Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 135.

p. 118 . . . the council, which by law had five days . . . did nothing: Letter from William G. Hoerger and Carol Schapira, WKLDOC, to supporters, Apr. 6, 1974, in WKLDOC Archives.

p. 119 Judge Bogue had made clear his views: Bogue is quoted in *U.S. v. Gilbert Clarence Young*, Feb. 8, 1973, in chambers, transcript p. 2ff; Affidavit of David N. Rockwell, May 31, 1973, in WKLDOC Archives; “Reply to Answer to Petition for Writ of Mandamus,” *Carter Camp, et al. v. Hon. Andrew Bogue, etc.*, U.S. Ct. of Appeals, 8th Cir., 73-1478 through 73-1483, July 31, 1973; Affidavit of Steven J. Trecker, Jan. 6, 1975, in WKLDOC Archives.

p. 119 . . . a group like WKLDOC that had sixty to eighty attorneys: Memorandum Opinion, *Russell Means, et al. v. Dick Wilson, etc., et al.*, U.S. Dist. Ct., W. Div. S.D., CV74-5010, Apr. 5, 1974. In all of South Dakota, WKLDOC had only seven lawyers, and all of these were either part-time or pro bono. (“Needs of the Committee,” WKLDOC newsletter, Aug. 13, 1973, p. 4, in WKLDOC Archives; Hoerger and Schapira letter, *supra*.)

p. 120 He did not claim the vote had been free and fair: John William Sayer, *Ghost Dancing the Law: The Wounded Knee Trials*, Harvard Univ. Pr., 1997, p. 202. For the text of Bogue’s decision, see *Russell Means et al. v. Dick Wilson, etc., et al.*, U.S. Dist. Ct., W. Div. S.D., CV74-5010, Apr. 5, 1974 (383 F.Supp. 378).

p. 120 . . . there had been “massive irregularities”: Quoted in Darwin Olofson, “Rights Commission: Sioux Vote Invalid,” *Omaha World Herald*, Jan. 8, 1975; Jan Sack, “New Pine Ridge Reservation Election Unlikely,” *Lincoln Journal*, Jan. 9, 1975.

p. 121 A night or two after the foot patrols began: WKLD0C Motion, *U.S. v. Russell Means and Dennis Banks*, U.S. Dist. Ct., W. Div. S.D., CR 73-5035, 73-5034, 73-5062, 73-5063, p. 58ff. Each of the encounters between WKLD0Ckers and FBI agents is discussed in the WKLD0C Motion. See also WKLD0C newsletter, Aug. 13, 1973; “Information Statement of Lake Headley & Mark Lane,” Rapid City Police Dept., Aug. 6, 1973, 4:30 p.m., in WKLD0C Archives; “Information Statement of Anthony C. Muller,” Rapid City Police Dept., Aug. 6, 1973, 4:30 p.m., in WKLD0C Archives.

p. 122 “After they had both tried to force Mr. Headley”: I have condensed this quotation slightly. (WKLD0C Motion, *supra*, p. 60.)

p. 123 “This is a trumped-up charge”: Harley Sorenson, “FBI not harassing Indians, agents say,” *Minneapolis Tribune*, Sept. 19, 1973.

p. 124 “If you don’t get that girl out of town”: Affidavit of David W. Cohoes, Aug. 15, 1973, in WKLD0C Archives.

p. 124 “Those who harbor this fugitive”: I have condensed this quotation slightly. (American Indian Movement, “All Points Bulletin,” Aug. 1973, in WKLD0C Archives.)

p. 124 The phone lines in the fraternity sometimes gave off: Mary Anne Maul, undated note, “Surveillance, Tues., 9:50 a.m.,” in WKLD0C Archives; Affidavit of Arlynn Gurwitz, Aug. 12, 1973, in WKLD0C Archives.

p. 124 “Bob Warder—that’s your job”: The voices were all male, from five to eight in number; they seemed to be having different conversations but to be all present in the same room. (Affidavit of Mary Anne Maul, May 29, 1973, in WKLD0C Archives.)

p. 124 On another night WKLD0Ckers noticed: Interview of Roger Finzel by author, via phone, Mar. 2004.

p. 125 The case went to Judge Bogue, who said: “Memorandum Decision,” *Wounded Knee Legal Defense/Offense Committee, etc., et al. v. Federal Bureau of Investigation, etc., et al.*, U.S. Dist. Ct., W. Div. S.D., CIV 73-5082, Aug. 16, 1973.)

p. 125 Dennis Banks and Russell Means were the first: An indispensable guide to the Banks-Means trial is John Sayer’s *Ghost Dancing the Law: The Wounded Knee Trials*, *supra*, from which my account draws heavily. Another very helpful summary is included in a long letter from Larry Leventhal, Esq., to Henry Wolf, Fish Creek, Wis., Aug. 22, 1976, in WKLD0C Archives. The case was *U.S. v. Dennis Banks and Russell Means*, U.S. Dist. Ct., W. Div. S.D., CR 73-5034 and 5035, CR 73-5062 and 5063.

p. 125 To the question “What should be done”: “If you think Mississippi was bad . . . visit South Dakota,” WKLD0C newsletter, v. II, n. 16, Aug. 6, 1974.

p. 126 Perhaps there had been a clerical error: Prosecutor Hurd agreed that the mistake was innocent—no doubt caused by the mass of evidence the FBI had collected.

p. 126 “I used to think the FBI was one of the greatest”: This and other quotations from Nichol are in Sayer, *supra*, p. 108ff.

p. 127 “He was a goon,” WKLDLOC’s Sand Brim: Author interview of Sand Brim, via phone, Jan. 2004.

p. 130 . . . FBI knew the tap was illegal but had decided: Other documents later came to light that discussed the contents of conversations the FBI had eavesdropped on via the wiretaps. The documents were variously written or received by Joseph Trimbach.

p. 132 . . . “the grossest kind of a fluke”: *U.S. v. Banks and Means*, *supra*, trial transcript p. 13,343–65. Some of the information about military involvement came out at other Wounded Knee trials, particularly those before Judge Warren Urbom in Lincoln, Nebraska. (Martin Garbus, “General Haig of Wounded Knee,” *The Nation*, Nov. 9, 1974, p. 454.)

p. 132 “Rifles,” he was supposedly told: *Voices From Wounded Knee*, self-published by the newspaper *Akwesasne Notes*, 1974, p. 44–5.

p. 132 All of this activity . . . had been approved secretly: Regarding Buzhardt’s involvement, marshals’ logs showed that the marshals asked the Air Force for photo reconnaissance. The request went through Buzhardt’s office. On March 3, 1973, the Pentagon obliged, and Air Force F-4 Phantom jets flew a low sortie over the village. (*Voices From Wounded Knee*, *supra*, p. 44–5.)

p. 133 . . . the Defense Department released a report: Norman Kempster, “Military Ran the Show, Restrained FBI at Wounded Knee Siege,” *Washington Star*, Dec. 1, 1975, p. A1; Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 104, 112; Matthiessen, *supra*, p. 72; Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, The New Pr., 1996, p. 213.

p. 133 “Congress could have passed and may yet pass”: Quoted in Garbus, *supra*, p. 454.

p. 133 WKLDLOC did, naming as defendants: *Agnes Lamont v. Alexander Haig*, Civ. 75-0271, U.S. Dist. Ct., D.C.; U.S. Ct. of Appeals, D.C. Cir., 75-2006 (590 F.2d 1124).

p. 134 . . . the case was transferred to Dakota anyway: In South Dakota’s federal courts, the case was first *Agnes Lamont, et al. v. Alexander Haig, et al.*, then *Gladys Bissonette, et al. v. Alexander Haig, et al.*, U.S. Dist. Ct., W. Div. S.D., 81-5048 (539 F.Supp. 552). On appeal, it was *Bissonette v. Haig*, U.S. Ct. of Appeals, 8th Cir., 84-2617 (776 F.2d 1384, 800 F.2d 812) and *Bissonette v. Haig*, U.S. Sup. Ct., 86-987 (485 U.S. 264). See also Memorandum Opinion, *Bissonette v. Haig*, U.S. Dist. Ct., W. Div. S.D., Oct. 18, 1984; and Memorandum Opinion, *Bissonette v. Haig*, U.S. Dist. Ct., W. Div. S.D., Feb. 3, 1989.

p. 136 . . . his many criminal charges—which included: Dennis Banks and Richard Erdoes, *Ojibwa Warrior: Dennis Banks and the Rise of the American Indian Movement*, Univ. of Okla. Pr., 2004, p. 220.

p. 137 . . . Mark Lane asked R. D. Hurd at a bench conference: *U.S. v. Banks*, trial transcript, p. 20,044–9. A detailed and mostly reliable account of events related to the alleged rape is Paula Giese, “Rape Cover-up in River Falls,” *North Country ANVIL*, July 1975, p. 58ff.

p. 137 “Were you arrested in Wisconsin”: This colloquy is as quoted in Banks and Erdoes, *supra*, p. 223.

p. 138 “Nichol found the behavior of the FBI”: I have condensed this quotation. (Deposition of Kenneth Tilsen, *David Price v. Viking Press*, U.S. Dist. Ct., 4th Div. Minn., Civ. 4-85-819, Feb. 27, 1987, p. 85, 181–3.)

p. 140 Hurd told reporters he thought the jury: *Minneapolis Star*, Sept. 14, 1974, p. 1.

p. 140 “To a public saturated with misconduct”: I have slightly condensed this quotation, which refers particularly to the Moves Camp affair but holds true for the trial as a whole. (Sayer, *supra*, p. 170.)

p. 140 . . . the Justice Department named R. D. Hurd: Hurd was later honored by being elevated to a judgeship by his friend Bill Janklow, South Dakota’s longtime governor. (Deposition of William Janklow, *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987, p. 478.) Hurd replaced the judge who imprisoned Russell Means for riot. “Judge Richard Braithwaite, who convicted me,” Means said, “was busted this year for shoplifting, except in his case it was called a sickness, and he is receiving treatment instead of serving time.” Reporter Kevin McKiernan said that when he requested his FBI file years later, he discovered that Hurd had asked the FBI to investigate him, and the FBI had.

p. 141 Of the 562 arrests and 185 federal indictments: Johanna Brand, *The Life and Death of Anna Mae Aquash*, James Lorimer & Company, 1993, p. 90.

p. 141 “To some extent, the prosecutions accomplished”: Sayer, *supra*, p. 228.

p. 141 “AIM’s most militant leaders and followers”: Smith and Warrior, *supra*, p. 270; Sayer, *supra*, p. 228.

p. 141 FBI Director J. Edgar Hoover had used just such: Susanna McBee, “Hoover Ordered FBI to Plant Spies, Forge Papers Against Extremists,” *Washington Post*, Mar. 8, 1974, p. A1.

CHAPTER 7

p. 143 He had also successfully sued both the nearby: Janklow’s career and character are summarized in Molly Ivins, “It’s Rarely Politics as Usual to South Dakota Governor,”

New York Times, Aug. 30, 1980, p. 6; Deposition of William Janklow, *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987.

p. 144 . . . “put American Indian Movement leaders”: Bruce Johansen and Roberto Maestas, *Wasi’chu: The Continuing Indian Wars*, Monthly Review Pr., 1979, p. 87, quoting WKLD0C mimeograph, “How South Dakota’s Dual System of Justice Works,” Rapid City, 1975.

p. 144 Wesley’s killer, Darld Schmitz, had faced ten years: Robert Burnette and John Koster, *The Road to Wounded Knee*, Bantam, 1974, p. 223.

p. 144 . . . “a jump-suited tactical squad”: The Sioux Falls Courthouse riot took place on April 30, 1974. (Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 106–7.) Judge Bottum, not incidentally, was running for reelection.

p. 145 “Janklow was standing outside the doors”: Interview of Karen Northcott by author, Minneapolis, Minn., Aug. 2003.

p. 146 . . . Bill Means, brother of Russell, received a call: Interview of Bill Means by author, St. Paul, Minn., Aug. 2003.

p. 146 On a Saturday night in January 1967: The date of the alleged rape was January 14, 1967. Most of the information about Eagle Deer’s story is contained in Case report R-67-22, *U.S. v. William Janklow*, “Statutory Rape,” BIA Rosebud Agency, Special Officer Peter P[eter] Pitchlynn, Jan. 18, 1967.

p. 150 . . . “there is insufficient evidence to support”: Letter from Assistant U.S. Attorney Ronald Clabaugh (for U.S. Attorney Harold Doyle) to Richard G. Held, FBI SAC Minneapolis, in re “William John Janklow,” Mpls 70-4483, Feb. 27, 1967.

p. 150 In 1974 AIM reconstructed much of the story: The story that Eagle Deer told in 1974 varied in a few details from the story she told in 1967. For example, in 1967 she said the hush money Janklow gave her was three dollars; in 1974 she remembered it as twenty dollars.

p. 150 Much more probably, Banks was given a copy: Banks said AIM had seen the report on the alleged rape (probably meaning the BIA report) in an interview with Louis Cook, North Country Public Radio, Canton, N.Y., early Feb. 1983 (quoted in Leonard Peltier Defense Committee newsletter, Rapid City, S.D., undated). I have also been given notes, apparently in Banks’s hand, that make clear AIM had seen the BIA report: the report’s five-character case number and several phrases were quoted verbatim from the report.

p. 151 . . . Banks also accused Janklow of drunken driving: Memorandum Decision, *In re: Disbarment of William Janklow*, Rosebud Sioux Tribal Ct., Oct. 31, 1974; “Exhibits and Affidavits in Support of Newsweek’s Motion for Summary Judgment,” *William Janklow v. Newsweek, Inc.*, U.S. Dist. Ct., S.D., Civ. 83-4023, in National Archives and Records Administration, Rocky Mountain Region, Denver.

THE UNQUIET GRAVE

p. 151 “The only way to deal with these kinds”: Affidavit of John Gridley III, May 27, 1975; “Janklow Justice,” *In These Times*, Mar. 2-8, 1983.

p. 151 . . . Attorney General Kermit Sande held: “Sande, Janklow trade verbal punches at news conference,” *Rapid City Journal*, Oct. 24, 1974, p. 3. See also, “States attorney admits removing Janklow file,” *Rapid City Journal*, Oct. 26, 1974, p. 5.

p. 152 . . . weekly newspaper . . . called a press conference: The press conference was held on October 28, 1974. The quotations that follow are from a transcript of the press conference whose recorder is not identified, on file with the author.

p. 155 “It looked like a trap to me”: Deposition of Peter Pitchlynn, *William Janklow v. Peter Pitchlynn*, U.S. Dist. Ct., S. Div. S.D., May 29, 1975, p. 27.

p. 155 . . . but the officer’s superiors ordered him: Telegraphic message, Harley D. Zephier, acting BIA area director, to Mr. Norman Beare, special officer, Oct. 30, 1974.

p. 156 . . . Janklow had prosecuted a tribal official: This claim, unlike some of the others, was backed by documents that seemed to prove the case.

p. 156 . . . “in obvious discomfort at reliving old horrors”: Memorandum Decision, *In re: Disbarment of William Janklow, supra*.

CHAPTER 8

p. 159 To this port . . . a team from WKLDLOC flew: Reliable accounts of the beating at the airport include the following (most of which are in the WKLDLOC Archives): Affidavit of Martha Copleman, Mar. 3, 1975; Affidavit of Bernard Escamilla, Mar. 2, 1975; Affidavit of Roger A. Finzel, Mar. 9, 1975; Affidavit of Eda Gordon, March 1975; interview of Eda Gordon by author, via phone, Jan. 2004; interview of Roger Finzel by author, via phone, Mar. 2004. See also FBI FD-302 report, interview of Duane Brewer by SA Edward A. Skelly Jr. and SA David F. Price, Pine Ridge, S.D., MP 70-9729, interviewed Feb. 28, 1975; FBI FD-302 report, interview of Duane Brewer by SA John E. McCarty and SA Edward A. Skelly, Pine Ridge, S.D., MP 70-9734, MP 70-9729, MP 149-467, interviewed Mar. 1, 1975; Deposition of Elizabeth Kingi, *U.S. v. Richard Wilson, Sr., et al.*, CR 75-5040, U.S. Dist. Ct., W. Div. S.D., Dec. 8, 1975; Partial transcript of jury trial, *U.S. v. Wilson, supra*, Dec. 15-18, 1975, on file with court; interviews of Eda Gordon and Duane Brewer, raw footage for *Spirit of Crazy Horse*, film by Kevin McKiernan and Michel Dubois, 1990, in Academy Film Archive, Los Angeles.

p. 163 “We will go anywhere, at any time”: The speaker was FBI agent Noel Castleman. (*Voices From Wounded Knee*, self-published by *Akwesasne Notes* newspaper, 1974, p. 225.)

p. 163 . . . but as they ran inside, all the officers ran out: This was not the first time Wilsonites had run roughshod over the jail. The previous fall, Wilson and his goons took

the jail by arms and released many of the prisoners. No one was prosecuted or arrested. (WKLDOC press release, Council Bluffs, Iowa, May 4, 1975, in WKLDOC Archives.) “The release from jail last fall of several Indians by Oglala Sioux tribal president Dick Wilson was acknowledged by [BIA Commissioner Morris] Thompson as being a problem. But he said the BIA ‘could only act within the scope of the law and refer charges on the case.’” (United Press International, “BIA Head Will Increase Pine Ridge Police Force,” *Omaha World-Herald*, Mar. 22, 1975.) Presumably the charges were referred to the U.S. attorney, who declined to prosecute.

p. 164 “We investigate violations of the federal law”: The emphases are mine; they accurately reflect both the letter and spirit of Agent Enlow’s remarks. (“FBI says we are not law enforcement agency,” *Rapid City Journal*, Mar. 11, 1975.)

p. 164 Even these did not deter goons from cruising: Finzel affidavit, *supra*.

p. 165 Forty-eight hours after the beating, the FBI got: FBI FD-302 interview of Brewer by SAs Skelly and Price, Feb. 28, 1975, *supra*.

p. 165 Years later Brewer would say he was: *Spirit of Crazy Horse*, film by McKiernan and Dubois, *supra*.

p. 165 Agents also made a tardy visit to Dick Wilson: FBI FD-302 report, interview of Richard Wilson Sr., by ASAC Philip F. Enlow and SA John E. McCarty, Pine Ridge, S.D., MP 70-9729, MP 70-9734, MP 149-167, interviewed Mar. 4, 1975. Wilson also said, “Most of my people just want to lead peaceful lives. I’m constantly trying to prevent violence. This reservation is a powder keg, and it could blow at any moment.”

p. 165 Earlier that afternoon Dick Marshall: Accounts of the events at the courthouse and during the running shootout that followed can be found in WKLDOC memorandum on the day’s events, undated, unsigned, in WKLDOC Archives; Deposition of Marei Kingi, *U.S. v. Wilson*, *supra*, Dec. 8, 1975; FBI FD-302 interview of Brewer, by SAs Skelly and Price, Feb. 28, 1975, *supra*; FBI FD-302 interview of Brewer, by SAs McCarty and Skelly, Mar. 1, 1975, *supra*; FBI FD-302 report, interview with Orlin Wayne Wilson, aka Dick Wilson, by SA John E. McCarty and SA Ronald E. Brugger, Pine Ridge, S.D., MP 70-9734, MP 70-9729, MP 149-467, Feb. 28, 1975; Russell Means and Marvin J. Wolf, *Where White Men Fear to Tread*, St. Martin’s Pr., 1995, p. 337.

p. 166 A small crowd of police and goons had: Duane Brewer told the FBI in one of his interviews that he had been tipped to the approach of the “AIM caravan.”

p. 168 “Since we have no data”: Associated Press, “Wilson denies AIM beating allegations,” *Rapid City Journal*, Feb. 28, 1975, p. 2.

p. 168 The WKLDOckers asked Judge Bogue: WKLDOC news release, Feb. 27, 1975, in WKLDOC Archives.

p. 168 Instead he offered for U.S. marshals: Finzel affidavit, *supra*.

THE UNQUIET GRAVE

p. 168 Clayton called a grand jury into session: WKLDOC newsletter, Apr. 1975, in WKLDOC Archives.

p. 169 Five days after Anderson started raising: The indictments are discussed in Jack Anderson, "A throwback to the Old West," *Newark Standard Ledger*, May 7, 1975; Associated Press, "Oglala Sioux President, Six Others Are Indicted," *Omaha World-Herald*, May 6, 1975, p. 34; Universal Press International, "Wilson, 6 Others Plead Innocent," *Omaha World-Herald*, May 10, 1975, p. 20; Memorandum of Law in Support of Defendants' Motion to Strike Surplusage from Indictment, *U.S. v. Wilson, supra*, undated. The others indicted were Tony Mousseaux, Chanfield Folson, and brothers Fred and Everett Brewer.

p. 169 In the year before the beating, twenty-six people: Cheryl McCall, "Life Is Cheap At Pine Ridge," *Berkeley Barb*, Apr. 11-17, 1975.

p. 170 . . . like the case of the Eagle Hawk family: WKLDOC newsletter, Apr. 1975, *supra*; Joe Fine, "Terror Drive Launched Against AIM Leaders," *Worker's Power*, Apr. 23, 1975, p. 3; WKLDOC report, "Chronological Fact Summary of Reservation Horror Stories," p. 3, in WKLDOC Archives.

p. 170 . . . federal charges against them were so light: Brief in Support of Motion to Dismiss, *U.S. v. Wilson, supra*, undated; Paul Riley, "Wilson, supporters denied dismissal motion," *Rapid City Journal*, Oct. 16, 1975, p. 2.

p. 171 But Ickes said . . . the statements "contained nothing": Memorandum in Support of the Motion of the United States to Limit Witnesses on Admissibility of Admissions, *U.S. v. Wilson, supra*, Dec. 3, 1975.

p. 171 . . . they reneged on their plea agreements: Memorandum in Opposition to the Defendant Everett Brewer's Motion to Withdraw His Plea of Nolo Contendere, *U.S. v. Wilson, supra*, Dec. 18, 1975.

p. 171 But WKLDOC could not convince either Judge Joseph Bottum: Memorandum Decision, *David Hill v. Kermit Sande et al.*, U.S. Dist. Ct., W. Div. S.D., Civ. 73-4080, Jan. 15, 1974.

p. 172 . . . (transcripts do not survive): More precisely, only a tiny sliver of a transcript survives, but it deals less with the trial proper than with the student protestors discussed elsewhere.

p. 172 . . . there were a pistol and rifle in the trunk: Roger Finzel freely admitted that on February 26 a .22 pistol, a .22 rifle, and .12-gauge shotgun shells were in the trunk of the convertible. (Partial transcript of jury trial, *U.S. v. Wilson, supra*, p. 39.)

p. 172 "That's the most ridiculous, most asinine": For this and similar discussion, see Partial transcript of jury trial, *U.S. v. Wilson, supra*, p. 2-6, 9, 27; Trial minutes, *U.S. v. Wilson, supra*, Dec. 15, 1975.

p. 172 . . . the goons were discharged from probation: It had been five months since the first plea. (Report and Order Terminating Probation Prior to Original Expiration Date, *U.S. v. Anthony Edward Mousseau*, *U.S. v. Chanfield Clark Folson*, *U.S. v. Everett Brewer*, *U.S. v. Fred Brewer*, *U.S. v. Duane James Brewer*, *U.S. v. Richard Wilson, Jr.*, U.S. Dist. Ct., W. Div. S.D., CR 75-5040, July 14, 1976.)

CHAPTER 9

p. 173 Committee staff searched the Capitol: Janklow's whereabouts were a matter of some dispute. The Associated Press said he had been excused before leaving, but the *New York Times* said he had disappeared without a word. Janklow's confirmation hearing was May 21, 1975. ("3 More Nominees of Ford in Peril," *New York Times*, May 22, 1975; Associated Press, "Janklow Walks Out on Interview for Legal Board," unlabeled newspaper clip, May 21, 1975, in file of *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987, Minnehaha Co. Courthouse, Sioux Falls, S.D.)

p. 173 The presenter was Jimmy Durham: Jimmy Durham was no relation to Doug Durham.

p. 174 "Once it becomes clear that the federal": "Janklow: state taking offensive to end armed Indian takeovers," *Huron Plainsman*, May 5, 1975.

p. 174 . . . Abourezk told his colleague Alan Cranston: Abourezk said in 2005 that although he gave Cranston his opinion on the groundlessness of the rape charge, he did not otherwise help Janklow get a new hearing with the committee. (Interview of Jim Abourezk by Jenny Rich, author's assistant, via phone, Dec. 2005.) Janklow, however, told the committee that Abourezk was strongly behind him and had intended to testify on his behalf at his rescheduled hearing but that Abourezk was unable to because of a scheduling conflict. (Hearing of the Senate Committee on Labor and Public Welfare, 94th Congress, June 11, 1975, p. 415–31.)

p. 174 "This investigation included 45 substantive": The quotations from the hearing are in Senate Labor Committee Hearing, June 11, 1975, *supra*, p. 415–31.

p. 175 . . . the full Senate confirmed Janklow: *Congressional Record*, July 8, 1975, p. 21,823.

p. 175 . . . Banks and fellow AIMer Vernon Bellecourt drove: Durham gave the date of the confrontation at his house as March 7, 1975. (WKLD0C notes, "Defense notes on testimony of Doug Durham, *U.S. v. Alvarado et al.*," May 31, 1975, Lincoln, Neb., in WKLD0C Archives.)

p. 176 "We showed Doug a 302 FBI document": I have condensed the exchange slightly. (Dennis Banks with Richard Erdoes, *Ojibwa Warrior: Dennis Banks and the Rise of*

the American Indian Movement, Univ. of Okla. Pr., 2004, p. 281). See also Nick Lamberto, "What it's like to be a spy—undercover agent tells all," *Des Moines Sunday Register*, Apr. 27, 1975, p. 3A.

p. 177 Douglass Frank Durham joined the Marine Corps: For the outline of Durham's biography, see Lamberto, "What it's like to be a spy," *supra*; "Anatomy of an Informer," *Akwasne Notes*, early summer 1975, p. 14; "Anatomy of an Informer, Part 2," *Akwasne Notes*, early winter 1975, p. 10 (both "Anatomy" articles were almost certainly based on the research of AIM's Paula Giese); Letters of Dennis Durham to author, Nov. 2003–Feb. 2004; Interview of Dennis Durham by author, Newton, Ia., Nov. 2005; Interview of Len Cavise by author, via phone, Mar. 2004; Alan Stang, "Red Indians," *American Opinion*, Sept. 1975, p. 1; "Defense notes on testimony of Doug Durham," *supra*; Dennis Cassano, "Wounded Knee informer has scandal-ridden past," *Minneapolis Star and Tribune*, Apr. 20, 1975, 1A; Associated Press, "Tells plan to spirit AIM leader to Cuba," *Des Moines Register*, first week of June 1975; WKLD0C report, "Excerpts from the 'Chicago Tapes,'" Mar. 1975, transcript, in WKLD0C Archives; Gene Raffensperger, "D.M. man tells of spying for FBI against AIM," *Des Moines Register*, ca. Mar. 14, 1975, p. 1; John Kifner, "Security Aide for Indians Says He was F.B.I. Informer," *New York Times*, March 13, 1975; John Adams, "AIM and the FBI," *Christian Century*, Apr. 2, 1975, p. 325ff; John Adams, "AIM, the Church and the FBI: The Douglass Durham Case," *Christian Century*, May 14, 1975, p. 489ff.; *Revolutionary Activities Within the United States: The American Indian Movement*, Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act, U.S. Senate, 94th Congress, Apr. 6, 1976.

p. 178 "There was no evidence of foul play": I condensed this quotation slightly.

p. 178 . . . had quarreled and he had beaten her: By one account whose reliability is hard to judge, Donna was convulsed that Doug was taking bribes from burglars and pimping a string of women from a café called the Y Not? ("Anatomy of an Informer, Part 2," *supra*.)

p. 179 . . . to have seen two different death certificates: Dennis Durham interview, *supra*. No cause of death is listed in "Donna Durham is Dead at 27," *Des Moines Register*, July 7, 1964.

p. 179 Instead he became a restaurateur: Bill Bryson gives a hilarious account of one of Durham's restaurants, the Y Not, as a grease pit with sickly ex-cons for cooks and a steel-hearted matron for a waitress in his *Neither Here Nor There: Travels in Europe* (Harper Perennial, 1999, p. 69).

p. 179 Giese was . . . credulous in matters Durham: The sources for Giese's more extravagant claims about Durham are now mostly lost.

p. 179 . . . Durham was given other covert work: Durham seems to have worked

undercover for state police in Iowa; for local police in Des Moines, Cedar Rapids, Sioux City, Omaha, and Lincoln; and possibly for federal drug and customs agencies. His freelancing was probably abetted by the Law Enforcement Intelligence Unit, a national intelligence network run by state and local police departments of dubious methods and legality.

p. 180 In 1969 he was charged with receiving stolen: “Excerpts from the ‘Chicago Tapes,’” *supra*. The fact that Durham had a “nice Italian” lawyer may have fueled the speculation that he was tied to the Mob.

p. 180 . . . indicted again, this time for extorting: *State of Iowa v. Douglas Frank Durham*, 196 N.W.2d 428, Apr. 13, 1972; Louise Swartzwalder, “Iowa Supreme Court Overturns D.M. Man’s Larceny Conviction,” *Des Moines Register*, Apr. 4, 1972, p. 6. See also Lamberto, “What it’s like to be a spy,” *supra*.

p. 180 . . . grand jury publicly chastised ten police: Various articles, *Des Moines Register*, Apr. 12–June 30, 1972, particularly Nick Lamberto, “Urges Censure for Nichols: Grand Jury’s 10-X Report Chides City,” June 21, p. 1; WKLDLOC report, “An Excerpt from the Polk County, Iowa (Des Moines) Grand Jury Report on the ‘10-X’ Police Corruption Scandal, Involving Durham,” in WKLDLOC Archives; Lamberto, “What it’s like to be a spy,” *supra*; Cassano, *supra*.

p. 182 “One minister suggested to me that Doug”: I have condensed this quotation. (Adams, *supra*.)

p. 182 He had urged . . . the kidnapping of governors: For example, Dennis Banks wrote of Durham, “On a flight over Pierre he remarked casually, ‘What we ought to do is bomb this place. We could get Janklow right from here with one good bomb.’ He always made suggestions of that kind.” Banks and Erdoes, *supra*, p. 268.

p. 183 When Congress created a Bureau of Investigation: Most of the facts about the FBI’s spying on “subversives” can be found in Ronald Kessler, *The Bureau: The Secret History of the FBI*, St. Martin’s, 2003; Richard Gid Powers, *Secrecy and Power: The Life of J. Edgar Hoover*, Free Press, 1988. Kessler’s may be the one of the most accessible accounts, but it is also one of the least documented and in many places credits the FBI with more benign intentions than the facts warrant.

p. 184 It was a model of evasion Hoover would resort to: A similar dodge of Hoover’s was to turn off all but a handful of the FBI’s wiretaps before he testified before Congress. When committee members asked how many phones the FBI had tapped, Hoover would own up to only the small number that had been left on. After his testimony, he would have all the other taps turned back on.

p. 184 Hoover gave similar files to every president: The presidents were not just passive recipients of Hoover’s information. In 1964, when Lyndon Johnson feared the Mississippi Democratic Freedom Party (the black wing of the Mississippi Democratic Party)

would upset the Democratic national convention, he asked Hoover to spy on them. Hoover did, with a team of thirty agents. Richard Nixon made many illegal demands of the FBI. Among them was digging up dirt on the sexual proclivities of critical reporters as well as whatever might help Nixon impeach Supreme Court Justice William O. Douglas. (A different impeachment interrupted Nixon's plans.)

Hoover did not restrict such services to presidents. When Senator Joe McCarthy lied that he had a list of spies inside the State Department, Hoover ordered agents to give McCarthy any information in their files that might support him. They found nothing of weight but gave McCarthy what they had. Hoover also assigned FBI speechwriters to McCarthy.

p. 185 By the end of the 1950s, the FBI had amassed 432,000: Johanna Brand, *The Life and Death of Anna Mae Aquash*, James Lorimer & Co., 1993, p. 69.

p. 185 “If you have good intelligence”: The espionage chief was George Moore, supervisor of the FBI's Racial Intelligence Section. (Brand, *supra*, p. 78, quoting testimony of Nov. 3, 1975.)

p. 186 “We must mark him now, if we have not”: The aide was William Sullivan, head of the domestic intelligence division. Quoted in Brand, *supra*, p. 72.

p. 186 Agents provocateur were sent among the Panthers: Susanna McBee, “Hoover Ordered FBI to Plant Spies, Forge Papers Against Extremists,” *Washington Post*, Mar. 8, 1974, p. A1.

p. 186 “Shootings, beatings and a high degree of unrest”: Brand, *supra*, p. 79.

p. 187 “The COINTELPRO attack on her”: Powers, *supra*, p. 459–60. Not long after Seberg killed herself, her former husband, Romain Gary (father of her dead child), killed himself in grief.

p. 187 One of the unfamous and unwhite was Geronimo Pratt: Pratt's story is very well told in Jack Olsen, *Last Man Standing: The Tragedy and Triumph of Geronimo Pratt*, Doubleday, 2000.

p. 189 “Every message I try to get through”: Adams, *supra*.

p. 190 “Vernon called a meeting”: I have condensed this quotation slightly. (Banks and Erdoes, *supra*, p. 276.) Bill Means said Durham was exposed when AIM found microfilm that Durham had mislaid in the St. Paul AIM office. Means's recollection is probably incorrect. (Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking, 1991, p. 120.) By other accounts, there was a plot to execute Durham at the Menominee takeover in January 1975, but Durham's early departure foiled the plan: “In a recorded interview, Herb Powless described the plan AIM leadership had to kill Durham, but said Durham got away from the Novitiate before the plan could be executed . . .” (Indigenous Women for Justice, “The Lies of John Graham,” indigenouswomenforjustice.org, viewed Feb. 1, 2004.)

p. 190 “One of the proofs that Durham was a provocateur”: Interview of Kevin McKiernan by author, Santa Barbara, Cal., July 2003.

p. 191 On March 13, 1975, AIM held a press conference: The FBI discussed the conference in FBI airtel from SAC, Chicago, to Director, FBI, “American Indian Movement (AIM),” Mar. 13, 1975. See also Kifner, *supra*.

p. 192 Hurd’s excuse was irrelevant: Nichol’s order to the government, issued March 21, 1974, required the prosecution to reveal any evidence that was even “arguably relevant” to whether government informers had invaded—or even merely had “contact with”—the defense apparatus, which included the legal offices in both St. Paul and Rapid City. (John M. Crewdson, “Judge Says F.B.I. Withheld Data on Indians,” *New York Times*, Apr. 5, 1975.) After Nichol issued his order, prosecutor Hurd and agent Trimbach flew to Washington and on March 28, 1974, met with Attorney General William Saxbe and FBI Director Clarence Kelley to discuss the order. After Hurd returned and went to court, he said there were no informers who met the criteria of Nichol’s order. Later Durham said that while all of this was going on, he met with three agents—his handlers Ray Williams, Doug Hoffer, and Bob Taubert—in Minneapolis to see if he would be exposed. The agents said they would not expose him to Hurd. Hurd and Clayton later denied to Nichol that they had any knowledge of Durham. (Affidavit of Kenneth E. Tilsen, *U.S. v. Bernard Bravo Escamilla*, U.S. Dist. Ct., W. Div. S.D., CR 73-5138; Letter from Larry B. Leventhal, WKLDOC, to Henry Wolf, Aug. 22, 1976, in WKLDOC Archives.)

p. 192 . . . one of his subordinates, Agent Ray Williams, said: John William Sayer, *Ghost Dancing the Law: The Wounded Knee Trials*, Harvard Univ. Pr., 1997, p. 116–9, 207–11; Brand, *supra*, p. 99; Matthiessen, *supra*, p. 123.

p. 192 “I recognize that a court may”: I have condensed this quotation slightly. (Letter from Fred J. Nichol to Kenneth E. Tilsen, re *U.S. v. Banks and Means*, Apr. 23, 1975, in WKLDOC Archives.) Nichol said he thought that the FBI had withheld the information about Durham from the prosecution, not that prosecution had the information and withheld it from the court. (Crewdson, “Judge Says,” *supra*.)

p. 193 The very week that Nichol declined to punish: Mary Jo Cook said that for seventeen months in 1973 and 1974 she supplied the FBI as many as forty reports a month on the Attica defense committee. She said, “I realized I could seriously be undermining the courtroom process in the country . . . It was as if I were a TV monitor in people’s lives.” (William Claiborne, “Attica Trial Witness Admits FBI Spy Role,” *Washington Post*, Apr. 22, 1975, A3.) For another example, Amnesty International concluded the FBI planted informers in the defense team of Black Panther Geronimo Pratt. (“FBI Misconduct in Trials of Militants,” *Encore*, Jan. 1982, p. 8.)

p. 193 The Schafers . . . immediately started badgering: Interview of Sand Brim by author, via phone, Jan. 2004; Giese, “Anatomy of an Informer,” *supra*.

p. 193 *The New York Times* exposed: John M. Crewdson, “U.S. Citizens Used by F.B.I. Abroad: Bureau Confirms Practice—Authorities Say It Does Not Violate the Law,” *New York Times*, Feb. 16, 1975, p. 1; John M. Crewdson, “F.B.I. Reportedly Harassed Radicals After Spy Program Ended,” *New York Times*, Mar. 23, 1975, p. 33. Other articles discussing the Schafers are Jack Davis, “Orleans couple: ‘extremists’ for the FBI,” *New Orleans States-Item*, Mar. 6, 1975; Crewdson, “Judge Says,” *supra*; Liberation News Service, “Uncovering the Undercovered,” *WIN*, Mar. 6 or 23, 1975; Jack L. Schwartz, “Anti-War Activists Exposed As Agents Provocateur,” *Zodiac News Service*, Washington, D.C., Feb. 23, 1975, in WKLDOC Archives. There is also a police intelligence card on Gi: “Schafer, Harry Eugene III,” b. Aug. 21, 1943, New Orleans, FBI #332 243 H, Law Enforcement Intelligence Unit card, in WKLDOC Archives.

p. 193 Their names, like Durham’s, were on the list: Gi Schafer also told the *Times* that in addition to setting up a fundraising front, he and Jill reported regularly to the FBI on the activities of WKLDOC. (Crewdson, “Judge Says,” *supra*.) Gi was with Pedro Bissonette when he was arrested after slipping out of Wounded Knee in the spring of 1973. It was almost certainly Schafer who alerted the FBI to Bissonette’s whereabouts.

p. 193 But Judge Nichol found no more cause: In addition to WKLDOC’s attempt to elicit sanctions from Judge Nichol in *U.S. v. Banks and Means*, WKLDOC tried to elicit them from Judge McManus in *U.S. v. Crow Dog, Holder and Camp*, from Judge Bogue in *U.S. v. Escamilla*, and from Judge Urbom in *U.S. v. Cooper, Fleury, Wesaw, Dodge, Alvarado, and Williams*. Apparently all of these judges reviewed the informer files of Durham and the Schafers *in camera*. The same issue came before panels of the Eighth Circuit Court of Appeals in *U.S. v. Fleury, Wesaw and Johns*; *U.S. v. Alvarado and Williams*; and *U.S. v. Crow Dog*. None of WKLDOC’s efforts bore fruit. (Affidavit of Kenneth E. Tilsen, Feb. 1976, in WKLDOC Archives; Leventhal letter, *supra*; Associated Press, “Dismissals Denied in 7 Siege Case,” *Omaha World-Herald*, June 21, 1975, p. 28.)

p. 194 On the night of Friday, April 4, 1975: The death of Jancita Eagle Deer is recounted in Paula Giese, “Secret Agent Douglass Durham and the Death of Jancita Eagle Deer,” *North Country Anvil* (Millville, Minn.), Mar./Apr. 1976, p. 2ff; “Anatomy of an Informer, Part 2,” *supra*; “South Dakota Women Killed In Accident,” *Aurora News-Register*, Apr. 10, 1975, p. 1; “Iowa Woman Killed at Aurora,” *Grand Island (Neb.) Daily Independent*, Apr. 5, 1975, p. 1; “Investigator’s Motor Vehicle Accident Report,” State of Nebraska, driver Terry L. Scott, victim Jancita Marie Sheldahl, by William G. Gage, Hamilton County deputy sheriff, Apr. 4, 1975.

p. 196 . . . forgot all about it until he showed up at her house: When Durham came

to Eagle Deer in 1974, he gave her a letter from her stepfather, Johnny Arcoren, which read, “Trust this man. Do what he tells you. He knows all about everything. . . . Indian families are depending on you.”

p. 196 In all likelihood Durham took Eagle Deer’s picture in an effort: After Durham was exposed, he said in court that he gave pictures of Indians to the FBI. (“Defense notes,” *supra*; “Informers Cloud AIM Verdicts,” *supra*.) Giese believed Durham had been casing Eagle Deer for some time. She suspected that he had a long-range scheme to get AIM to accuse Janklow of rape. But in fact in 1973, when Durham took Eagle Deer’s picture, neither he nor AIM knew about the rape, and Janklow was an unknown legal aid lawyer with no obvious political prospects.

p. 196 “About fifteen seconds after I first”: I condensed this quotation slightly. (Giese, “Secret Agent,” *supra*, p. 2–7.)

p. 197 Meanwhile, Durham revived her rape claim: It seems it was Durham who turned up the investigative report of Eagle Deer’s rape claim that helped convince Banks to bring his claim against Janklow.

p. 198 . . . in December 1975, Giese drove to Des Moines: The details of Giese’s harassment by police in Iowa can be found in Letter from Paula Giese, WKLDCC, to Claudia Morrissey, Iowa Civil Liberties Union, Dec. 15, 1975, in author’s files.

p. 198 The Sheldahls said that the FBI had questioned them: It is not clear that it was in fact the FBI that asked the Sheldahls about the address book, although both Twila Sheldahl and Jancita’s daughter, Anette Sheldahl Claus, told me so. It may have been a state investigative agency.

CHAPTER 10

p. 201 She had worked in many of the same places: Senior AIMers would later say that they told Aquash that Durham had been sent west because he was under suspicion; they wanted her to keep an eye on him. But this was probably not true. AIM had almost certainly not yet discovered Durham.

p. 201 Bellecourt ordered Bob Robideau: Bellecourt has always denied having ordered the interrogation of Aquash. Bob Robideau has accused Bellecourt of making the order on several occasions (e.g., “Silenced: The Execution of Anna Mae,” *The Fifth Estate* television program, Canadian Broadcasting Corp., aired Nov. 8, 2000; interview of Bob Robideau by author, via phone, Mar. 2006). Russell Means has said so as well: “Vernon ordered the interrogation. And if they were convinced that she was an agent, they were told by Vernon to kill her. They were satisfied she was not an informer and exonerated her.” (Transcript of press conference held by Russell Means and Robert Pictou Branscombe, Nov. 3, 1999, Denver Fed. Bldg., posted at “Annie Mae Aquash, Special Issue—November

1999,” www.indiancountrynews.com/aquashspecial.cfm, viewed Apr. 2003.) Paul DeMain has said, “That she was taken off to the mesa was also confirmed by Mark and Mickey Aquash, who were with Anna Mae and Nogeeshik when they went to Farmington. And I’ve spoken to at least two of Anna Mae’s female friends in the last couple years, who have confirmed that Anna Mae said that Leonard was part and parcel of her interrogation out on the mesa.” (Interview of Richard Two Elk, Native American Journalists Association conference, June 16, 2000, posted at www.dickshovel.com/lenanna.html, viewed Apr. 2003.) Aquash’s daughter, Denise Maloney, has written, “Keep in mind she did recant [sic: recount] to her family in ‘her own words’ an incident where a well known activist held a gun to her head during one of their so called ‘non violent’ interrogations.” (Denise Maloney, message board posting, vancouver.indymedia.org/news/2003/12/93080.php, Dec. 22, 2003, & ff. dates; see also postings of Paul DeMain at same site.) The claim that Peltier stuck a pistol in Aquash’s mouth is made by Iris Thundercloud: “Thundercloud indicates to journalist Minnie Two Shoes that immediately after the interrogation, Annie Mae tells her that Peltier had stuck a pistol in her mouth during the interrogation.” (Paul DeMain, “Aquash Murder Trial Timeline,” Justice for Anna Mae and Ray Web site, jfamr.org/trialtime.html, updated Mar. 28, 2005, viewed May 2006.) Peltier’s story about the interrogation, which I believe to be untrue, was recorded by Peter Matthiessen in *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 146. Bob Robideau, although not a witness to Peltier’s methods, also portrays the aftermath of the interrogation as genial. (Interview of Bob Robideau by author, *supra*.)

p. 202 “I was at this big party outside”: Interview of Paul DeMain by author, Hayward, Wisc., Aug. 2003. See also Deborah Kades, “Native Hero,” *Wisconsin Academy Review*, Winter 2005, p. 11; Mike Mosedale, “Bury My Heart,” *City Pages*, Feb. 16, 2000, front cover. DeMain has said of another reporter who was suspected of informing, “Richard LaCourse, Yakama, recounts having someone in AIM security put a gun next to his balls, and threatening to shoot—and he was well known amongst Native people as a straight shooter in terms of writing about events.” (Email from Paul DeMain to author, Dec. 1, 2003.) Iris Thundercloud was another AIMer accused at Gresham.

p. 203 “COINTELPRO program . . . as sophisticated as”: Paul DeMain, message board web posting, vancouver.indymedia.org/news/2003/12/93080.php, Dec. 18, 2003 & later dates.

p. 203 . . . headquarters in St. Paul, where informers said she: FBI FD-306 informant report, received ████████, received by SA Gilbert R. Cordova, SA Martin A. Gonzales, Los Angeles, Cal., prepared Feb. 19, 1975. See also Johanna Brand, *The Life and Death of Anna Mae Aquash*, James Lorimer & Company, 1993, p. 119.

p. 203 The FBI monitored Aquash on her way to Shiprock: FBI FD-36 form,

teletype, from Los Angeles (157-11208), to Director Attn: INTD, re “Takeover of Fairchild Plant, Shiprock, New Mexico, February 24, 1975,” Feb. 27, 1975; FBI FD-263 report of Stephenson, July 16, 1975, *supra*. For evidence that the FBI lost track of her afterward, see FBI memo, from SAC, Los Angeles (157-11137)(P), to Director, FBI, re “Anna Mae Aquash, aka Joanna Jason,” June 23, 1975; FBI memo, from SAC, Albuquerque (157-960), to Director, FBI, re “Anna Mae Aquash,” Sept. 9, 1975.

p. 204 After Shiprock, Aquash . . . went to the Pine Ridge: Aquash probably did not return to Los Angeles because the money stream there had been more trickle than flood.

p. 204 . . . the Royal Canadian Mounted Police had had him: Aquash’s brother-in-law was Earl Lafford, married to Mary Pictou Lafford. “Lafford said in a telephone interview last week that he was surprised when a Royal Canadian Mounted Policeman from the Antigonish Detachment told him that a year ago, and was also able to tell him about detailed movements of the Lafford family, which was under surveillance. At least one other Canadian friend of Ms. Aquash was asked about her at the same time, said Mary Lafford. Norman Zigrossi, supervisor of the South Dakota FBI office in Rapid City, declined to comment when asked whether the FBI had initiated or was aware of any surveillance for the FBI by Canadian authorities.” (Kevin McKiernan, “Indian woman’s death raises many questions,” *Minneapolis Tribune*, May 30, 1976, p. 1B.) The FBI has refused to release its files on Aquash from the FBI attaché’s office in Ottawa.

p. 204 “AQUASH had brought in funds”: “This information was never verified,” the report continued. The information was given to the FBI around January 1975. (FBI FD-263 report of Stephenson, July 16, 1975, *supra*.) For the “special” or “secret” AIM project, see FBI NITEL, from Rapid City (70-10239) Resmurs, to Director, FBI (Attn: INTD & GID), July 10, 1975, 10:45 p.m.; FBI NITEL, from Rapid City (70-10239) Resmurs, to Director, July 26, 1975, 8:21 p.m.; FBI report, “Anna Mae Aquash, also known as Joanna Jason,” Los Angeles, Cal., July 11, 1975.

p. 205 “Anna Mae left her home and her two kids”: David Weir and Lowell Bergman, “The Killing of Anna Mae Aquash,” *Rolling Stone*, Apr. 7, 1977, p. 51ff.

p. 205 “She was a quiet person when she lived”: Interview of Ellen Moves Camp by author, near Wanblee, S.D., Nov. 2003.

p. 206 To this day the FBI will not disclose whether Aquash: At the time this book was published, I continued to sue the FBI to obtain the report on Price’s interview with Aquash. The Bissonette murder has never been solved.

p. 206 At a quarter to noon on June, 26, 1975: Peter Matthiessen gives the seminal account of the shootout in *In the Spirit of Crazy Horse*, *supra*, p. 154ff.

p. 206 When Agents Ron Williams and: Williams had been David Price’s partner in the Louis Moves Camp fiasco during the Banks-Means trial.

p. 207 “It looks like these guys are going”: Williams’s precise words in his last minutes are remembered differently by various people who overheard them. His transmissions were not recorded.

p. 207 . . . a BIA police officer and an FBI agent arrived: The BIA patrol car was driven by Frank Two Bulls. A few minutes after they arrived, several more BIA and FBI men appeared on the scene. Their arrival was so swift that Indians would say the FBI incursion must have been premeditated. This was unlikely: Williams and Coler, who had to fetch arms from their trunks and who were not wearing bulletproof vests, were utterly unprepared for a firefight. Also, the town of Pine Ridge, where the BIA police were based and where several FBI men were on duty that day, was only ten minutes away from the scene of the firefight. It would not have taken them long to arrive. On the other hand, a BIA SWAT team was on maneuvers not far from the Jumping Bull land on the day of the shootout, and the FBI was massing agents in the area in response to the “secret AIM project” in Oglala.

p. 209 This was the same FBI that . . . claimed to be a mere investigative: The FBI claimed no contradiction in its words and deeds. It said that the agents who massed in such numbers and with such armament in the minutes and days after the shootout at Oglala were not enforcing the law—merely investigating a crime.

p. 210 “cold-blooded ambush”: Most of the quotations in this paragraph appear in Matthiessen, *supra*, p. 194. See also Joel Weisman, “About That ‘Ambush’ at Wounded Knee,” *Columbia Journalism Review*, September–October 1975, p. 28ff.

p. 210 “It is patently clear,” the U.S. Commission: Letter from Arthur S. Flemming, U.S. Commission on Civil rights Chairman, to U.S. Attorney General Edward Levi, July 24, 1975, which includes USCCR memo from William Muldrow, Mountain States Regional Ofc., to Shirley Hill Witt, Regional Director, July 9, 1975.

p. 210 “Sobsisters,” Janklow said: I have condensed this quotation. (“Janklow Says He Is Fed Up,” *Minot News*, June 28, 1975. See also Deposition of William Janklow, *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987, p. 392, in which Janklow denies having said “sobsisters.”)

p. 210 “The Oglalas don’t like what happened”: *Warrior: The Life of Leonard Peltier*, film by Suzie Baer, Cinnamon Productions, Westport, Conn., 1991; CBS Evening News, June 30, 1975, transcript in WKLD0C Archives.

p. 211 The manhunt for the agents’ killers spread: Details about the manhunt can be found in Matthiessen, *supra*, p. 192ff.

p. 211 . . . “full-scale military-type invasion”: Said USCCR, “They [the Oglalas] point out that little has been done to solve numerous murders on the reservation, but when two white men are killed, ‘troops’ are brought in from all over the country at a cost of

hundreds of millions of dollars.” The only hyperbole here was hundreds of millions of dollars. Flemming letter, *supra*.

p. 212 She had left the day before, June 25: She returned to Oglala on June 27 with Jean Day, Theda Nelson Clarke, and John Graham. (Paul DeMain, “Arlo Looking Cloud Trial Outline,” Jan. 30, 2004, www.indigenouswomenforjustice.org, viewed Feb. 2004.) Clarke and Graham were soon to become important in Aquash’s life.

p. 212 Aquash was not on the second list, but she was: See, e.g., FBI NITEL from Rapid City, July 10, 1975, 10:45 p.m., *supra*.

p. 212 “One day in July of ’75”: Author interview with Candy Hamilton, Oglala, S.D., Aug. 2003.

p. 213 Aquash kept a low profile through July: Aquash was discreet enough that the FBI believed she had gone or was going to Canada “in the company of Dennis James Banks.” (FBI memo, re “Anna Mae Aquash et al,” Minneapolis, Aug. 19, 1975.) The FBI asked the Royal Canadian Mounted Police for information, but what the Mounties told the Bureau, the Bureau will not say. (FBI FD-36 Airtel, from LEGAT, Ottawa (89-10) (P) RESMURS, to Director, FBI, re “Anna Mae Aquash,” date uncertain but ca. Aug. 27, 1975.)

p. 214 Crow Dog called her an informer: “Anna Mae Pictou Aquash: Timeline,” *supra*; Matthiessen, *supra*, p. 222; Brand, *supra*, p. 129.

p. 214 “She was scared of everybody”: I condensed this quotation. (Mike Anton, “Dreams of Justice: 24-year-old murder keeps Pine Ridge Reservation on edge,” Feb. 27, 2000, dickshovel.com/lenanna.html, viewed Apr. 2003.)

p. 214 A series of confrontations had preceded: The conflicting stories of the Beck-McCloskey affair can be found in WKLD DOC press release, “Leonard Crow Dog and Six Arrested on Rosebud,” Sept. 11, 1975, in WKLD DOC Archives; Kenneth Tilsen, “Fair and Equal Justice: The FBI, Wounded Knee and Politics,” *Quare: Student newspaper of the University of Minnesota Law School*, Sept. 1976, v. 3, n. 1, p. 1ff.; FBI teletype, from Rapid City (70-10488), to Bureau, re “████████ [Leonard Crow Dog]—Fugitive,” Sept. 5, 1975, 7:30 p.m.; FBI memo, from SAC, Minneapolis (70-10488)(P), to Director, FBI (Attn: FBI Laboratory, Latent Fingerprint Sec.), re “Leonard Crow Dog et al.,” Sept. 8, 1975; FBI memo, General Investigative Div., re “RESMURS,” Sept. 6, 1975 (date is obscured; could be Sept. 16 or Sept. 26); Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 166. Crow Dog was convicted of the assault on Beck and McCloskey and sentenced to five years, of which he served about two.

p. 215 He had once been convicted of menacing: Crow Dog had put the chainsaw blade to Roger Pfersick, whom Crow Dog accused of being an informer, on March 25, 1975. R. D. Hurd had prosecuted Crow Dog. (Dewing, *supra*, p. 166.)

p. 215 . . . he regularly and fiercely beat his wife Mary: “We saw the bruises on her,” WKLDLOC’s Roger Finzel said, “but we didn’t do anything. We were just locked in the time. It’s something I’ll never forgive myself for.” (Interview of Roger Finzel by author, via phone, Mar. 2004.)

p. 215 AIM’s version of their meeting: Price’s words are quoted variously in Weir and Bergman, *supra*; Matthiessen, *supra*, p. 300; WKLDLOC press release, Sept. 11, 1975, *supra*.

p. 216 “They were all over the place, dumping things”: I have condensed Aquash’s recollections. (Interview of Anna Mae Aquash by Candy Hamilton, Sept. 1975, transcript in WKLDLOC Archives.)

p. 216 “Hey, you know who you got there”: This conversation appears in Matthiessen, *supra*, p. 225; WKLDLOC press release, Sept. 11, 1975, *supra*.

p. 217 . . . “a human hair found therein”: FBI NITEL, from Rapid City (70-10239) (P) RESMURS, to Director (89-3229), Sept. 20, 1975, 9:54 p.m.; FBI FD-204 report, from William Van Roe, Minneapolis, to US Atty., Sioux Falls (Attn: Asst. US Atty. Bruce Boyd), re “Anna Mae Aquash,” field office file 4-38, Sept. 11, 1975.

p. 217 “You know what that guy said”: Matthiessen, *supra*, p. 228.

p. 218 “PICTOU put her head down on the desk”: I condensed this quotation slightly. (FBI FD-302 report, interview of Annie Mae Pictou, by B. Jeanette Morgan and Frederick Coward, Jr., Pierre, S.D., MP 70-10238, interviewed Sept. 5, 1975, transcribed Sept. 9, 1975.)

p. 218 . . . “the agent told me that I could not make my call”: I condensed this quotation slightly.

p. 219 “Price tried to get her to roll over”: Interview of John Trudell by author, via phone, Sept. 2003. Aquash told Hamilton the same thing, although not during their recorded interview. (Interview of Candy Hamilton by author, via phone, Dec. 2005.)

p. 219 “But I went before the magistrate”: For the FBI’s summary of her refusal to talk, her bail, her release, and her indictment, see FBI teletype, from Rapid City (70-10488), to Bureau, re “Leonard Crow Dog et al.,” Sept. 9, 1975; FBI NITEL, from Rapid City (70-10239) (P) RESMURS, to Director, Sept. 15, 1975, 11:15 p.m.; FBI memo from SA Olen Victor Harvey, to SAC, Pine Ridge (70-10239) (P), re “RESMURS,” Sept. 9, 1975; FBI teletype, from Rapid City (70-10488), to Director, FBI, re ██████, Sept. 10, 1975, 3:30 p.m.; Indictment, *US v. Annie Mae Pictou, aka/la Annie Mae Aquash*, U.S. Dist. Ct., Central Div. S.D., CR 75-[unnumbered], filed Sept. 17, 1975. See also FBI FD-204 report of Beininger, Nov. 17, 1975, *supra*.

p. 219 It still took four days for her friends to raise: Later, as the stories of Aquash’s easy escapes from the law were inflated, she was said to have gotten out of jail on the same day as her arrest. This was not true.

p. 219 . . . her jailmates, who had all been indicted: More precisely, they had either been indicted or arrested on more serious grounds. Dino Butler, for example, was held for killing the agents. Leonard Crow Dog, Gerald Millard, Owen Young, and Frank Running were indicted for the alleged kidnapping and torture of McCloskey and Beck. (Loose FBI page marked “TRASH,” perhaps from FBI FD-263 report of William Van Roe, Minneapolis, investigative period Sept. 3-5, 1975, re “Changed Leonard Emanuel Crow Dog et al.,” Sept. 8, 1975. See also WKLDLOC press release, Sept. 11, 1975, *supra*.)

p. 220 “These men that are in the woods”: Letter from Rebecca Julian, to Robert C. Levy, Nova Scotia Legal Aid, June 4, 1976, in WKLDLOC Archives.

p. 220 “If you could see the people”: Brand, *supra*, p. 133.

p. 220 . . . an informer named John Stewart: By some accounts, Stewart was known as Darryl Blue Legs, not Darryl Blue Lake.

p. 220 They were arrested as they stepped off the plane: Much later, FBI documents proved that an informer (certainly Stewart) had been behind the arrest of Butler and Aquash at L.A. International. (FBI FD-209 memo, from SA Gregory J. Hoeschen, SA Eugene L. Crouch, to SAC, Minneapolis, re ██████ [Nilak Butler], Sept. 12, 1975.)

p. 221 . . . Banks and Leonard Peltier were in Los Angeles: Matthiessen, *supra*, p. 223.

p. 221 “SA CORDOVA will attempt to surveil”: FBI memo, from SA Arthur H. Turner, to SAC, Pine Ridge (4-39) (P), Subject RESMURS, Sept. 12, 1975.

p. 221 . . . under the watchful eyes of informers: See, e.g., FBI FD-306 informant report, received by Gilbert R. Cordova, Los Angeles, received Oct. 23, 1975, prepared Oct. 30, 1975.

p. 221 “It has been determined that ██████”: I have condensed this report slightly. (FBI memo, from SA Gilbert R. Cordova, to SAC, Los Angeles, re ██████, Sept. 29, 1975; FBI FD-204 report of Beininger, Nov. 17, 1975, *supra*. See also FBI FD-306 informant report, received by Gilbert R. Cordova, Los Angeles, received Oct. 1, 1975, prepared Oct. 3, 1975; FBI background report, re “Anna Mae Aquash,” 4-38-97, Dec. 23, 1975; FBI FD-36 report, airtel, from Acting ADIC, Los Angeles (157-11137) (P), to Director, FBI (157-34110), subject Anna Mae Aquash, Oct. 23, 1975; FBI FD-306, informant’s report, received by SA Gilbert R. Cordova, Los Angeles, received Oct. 8, 1975, prepared Oct. 9, 1975; FBI FD-306 informant report, received by Gilbert R. Cordova, Los Angeles, received Oct. 23, 1975, prepared Oct. 30, 1975.

p. 222 They visited actor Marlon Brando, who gave: Dennis Banks and Richard Erdoes, *Ojibwa Warrior: Dennis Banks and the Rise of the American Indian Movement*, Univ. of Okla. Pr., 2004, p. 301.

p. 222 In early October, Banks, Peltier, and Aquash: Banks and Peltier probably drove the motor home part of the way back to Pine Ridge, and Aquash and an AIMer

named Dave Hill drove the motor home the rest of the way. There are conflicting accounts.

p. 222 “She doesn’t trust him because he tried”: I have condensed this quotation slightly. (FBI FD-306, informant’s report, received by SA Gilbert R. Cordova, Los Angeles, received Oct. 8, 1975, prepared Oct. 9, 1975.) “I think Riter really thought it was a good deal,” said WKLDOC attorney Bruce Ellison, who was defending others who had been arrested at Crow Dog’s and Running’s. (See Brand, *supra*, p. 134–5; Weir and Bergman, *supra*.)

p. 222 AIM fingered Dick Wilson: “Reichstag’ in Pine Ridge,” WKLDOC newsletter, date uncertain but late 1975, in WKLDOC Archives.

p. 223 “We decided that the time had come”: Matthiessen, *supra*, p. 221–2.

p. 223 By and by, friends came to Port Madison: Banks and Erdoes, *supra*, p. 303.

p. 224 . . . a judge issued a bench warrant for her arrest: FBI NITEL, from Portland (89-94) (P) RESMURS, to Director, Nov. 16, 1975, 4:24 p.m.; FBI NITEL, from Minneapolis (70-10488) (P), to Director, FBI 70-66344, Nov. 11, 1975, 9:16 p.m.

p. 224 The AIMers took the plane, correctly: Kenneth S. Stern, *Loud Hawk: The United States versus the American Indian Movement*, Univ. of Okla. Pr., 1994, p. 208ff, citing an evidentiary hearing in June 1980 in *U.S. v. Loud Hawk et al.*, U.S. Dist. Ct., Ore., 75-CR-296-RE.

p. 224 Banks would later say that the FBI had let them: Banks and Erdoes, *supra*, p. 304.

p. 224 At ten o’clock that night, they were approaching: Accounts of the encounter with Griffiths can be found in Crime report of Kenneth Griffiths, Ore. State Police, “Attempted Murder,” occurred Nov. 14, 1975, 10:05 p.m., I-80N, eastbound lanes, milepost 377, Malheur Co.; Information report, Ore. State Police, “Attempted Murder,” occurred Nov. 14, 1975, 10:05 p.m., Malheur Co., Clayton Kramer; FBI FD-302 report, interview of Kenneth Griffiths, Ore. State Patrol, by SAs Daniel S. Jacobs and R. Keith Bond, Ontario, Ore., PD 89-94, interviewed Nov. 15, 1975, transcribed Nov. 19, 1975; FBI FD-302 report, interview of Corporal Clayton Kramer, Ontario Police Dept., by SAs Daniel S. Jacobs and R. Keith Bond, Ontario, Ore., PD 89-94, interviewed Nov. 15, 1975, transcribed Nov. 19, 1975; FBI FD-302 report, interview of ██████, Ontario Police Dept., by SA Daniel S. Jacobs, Ontario, Ore., PD 89-94, interviewed Nov. 15, 1975, transcribed Nov. 19, 1975; Affidavit for Search Warrant of Clayton C. Kramer, Justice Court, Dist. of Ontario, Malheur Co., Ore., Nov. 15, 1975; Affidavit for Search Warrant of Kenneth Griffiths, Ore. State Police trooper, Justice Court, Dist. of Ontario, Malheur Co., Ore., Nov. 15, 1975; Stern, *supra*, p. 5ff. I condensed quotations from Griffiths’s report slightly.

p. 226 . . . **“was examined and found to contain”**: FBI FD-204 report from Wayne C. Barlow, Portland, to USA, Portland (Attn: AUSA Tommy Hawk), re “Anna Mae Aquash et al.,” field office file 89-94, bureau file 89-3229, Jan. 21, 1976.

p. 226 . . . **the caravanners had been quite bold**: Banks and Erdoes, *supra*, p. 303; DeMain, “Arlo Looking Cloud Trial Outline,” *supra*.

p. 226 **“Anna Mae only had one thing to tell me”**: Weir and Bergman, *supra*.

p. 227 **“I’m sure that as soon as I return”**: I have combined more than one quotation here. (McKiernan, “Indian woman’s death,” *supra*; Jerry Oppenheimer, “FBI Under Fire For Conduct in Indian’s Death,” *Washington Star*, May 24, 1976, p. A1.)

p. 227 . . . **he set her free on her own recognizance**: FBI FD-204 report from William Van Roe, Minneapolis, to USA, Sioux Falls (Attn: AUSA David R. Gienapp), re “Anna Mae Aquash,” field ofc. file 4-38, Feb. 18, 1976.)

p. 227 . . . **a furious Mehriqe issued a warrant**: FBI intel, from Minneapolis (70-10488) (P), to Director, Nov. 26, 1975, 11:07 p.m.

p. 227 . . . **“she would not run because whatever”**: Julian letter, *supra*.

p. 228 **“We were all staying in the same”**: I have condensed this quotation. (Bruce Ellison, diary entry, Nov. 25, 1975, in WKLD0C Archives.)

CHAPTER 11

p. 229 **Russell Means . . . was preoccupied with various trials**: “Means had been declared ineligible to run in this year’s election after a Wilson challenge that he was a ‘non-resident.’ Means has spent most of the past two years facing trial in a dozen different court-rooms, and the ineligibility ruling was handed down just late enough to make protest impossible.” (“Pine Ridge—1976,” *Akwesasne Notes*, early spring 1976, p. 8.)

p. 229 . . . **“needed straightening out”**: The lieutenant was the chairman of the district that included the town of Pine Ridge, Wilson’s mainstay. (Kevin McKiernan, “The Killing of Byron DeSera,” KSJN, Minnesota Public Radio, Apr. 1 1976, tape in author’s collection; Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 254. Other sources for the killing of Byron DeSera are Transcript of Preliminary Hearing, *U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., CR 76-62M, Magistrate James H. Wilson, Feb. 20, 1976; Associated Press, “Wanblee man shot to death,” *Rapid City Journal*, Feb. 1, 1976, p. 2; Associated Press, “Wanblee group asks BIA, FBI help in expelling ‘outsiders,’” *Rapid City Journal*, Feb. 2, 1976, p. 1; United Press International, “FBI, BIA swarm Pine Ridge area looking for killer,” [“swarm” was a gross exaggeration] *St. Paul Pioneer Press*, Feb. 2, 1976, p. 3; “Man shot to death in Pine Ridge outbreak,” *Minneapolis Tribune*, Feb. 2, 1976, p. 2B; and other documents cited below.)

p. 229 “Richard Lee was in Pine Ridge”: Interview of Charlie Abourezk by author, Rapid City, S.D., Aug. 2003.

p. 230 “In those days,” Guy Dull Knife said: Interview of Guy Dull Knife by author, Potato Creek, S.D., Aug. 3, 2003.

p. 230 The goons, for all their dubious reliability: A typical account from the goons was that Dull Knife had walked out of his house, leveled what seemed to be an automatic rifle at people across the way, and opened fire. (FBI FD-302 report, interview of ██████ by SA ██████ [probably Fred Coward], MP 70-10945, interviewed Feb. 19, 1976, transcribed Feb. 26, 1976.) The goons’ accounts on other matters, for example whether they had guns (as they clearly did), are badly conflicting. (FBI FD-302 report, interview of ██████ by SAs ██████ [one of whose initials were H.Q.C.], MP 70-10944, MP 70-10950, interviewed Feb. 3, 1976, transcribed Feb. 11, 1976.)

p. 230 . . . and Dull Knife’s father: Guy Sr. was not fluent in English, so the interview was conducted through an interpreter, which might have allowed the FBI to color what he said. Also, it is clear from the FBI reports that the FBI was biased against the Dull Knifes. (FBI FD-302 report, interview of ██████ [Guy Dull Knife Sr.] by SAs ██████ [one of whom was probably George Haffner], MP 70-10944, interviewed Feb. 2, 1976, transcribed Feb. 16, 1976.) The friend who told a similar story may have been Richard Lee Lamont. (FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom was probably George Haffner], MP 70-10944, interviewed Feb. 2, 1976, transcribed Feb. 16, 1976.)

p. 231 . . . Byron DeSersa had fired no shots at all: As the FBI wrote on February 4, 1976, “This investigation has determined that several of the reported victims (excluding Byron DeSersa) participated in acts of violence themselves, including shooting incidents during that weekend.”

p. 231 . . . seized Guy’s gun and DeSersa’s too: The police said the guns were being taken to prevent further violence—AIM violence at least. The goons were allowed to keep their guns. (“This News Release Is Late ‘But’ For The Killers It Is Not Forgotten,” *Crazy Horse News*, prepared by the Oglala Communications Center, May 29, 1976, in Byron DeSersa’s FBI file.)

p. 231 . . . the BIA officers did not even walk across the street: FBI FD-302 report, interview of ██████, BIA police officer, by SAs ██████ (one of whom was probably Tom Greene), MP 70-10946, MP 70-10947, MP 70-10949, MP 70-10950, MP 70-10945, MP 70-10944, interviewed Feb. 2, 1976, transcribed Feb. 16, 1976; FBI FD-302 report, interview of ██████ by SAs ██████ (one of whom was probably Edward Diem), MP 70-10944, MP 70-10945, interviewed Feb. 2, 1976, transcribed Feb. 6, 1976.

p. 231 . . . Webster Poor Bear ventured over to the goon house: Webster Poor Bear

was from the same extended family as Myrtle Poor Bear, of perjury fame. The story of Poor Bear going to the goons' house is from the goons. (Paul Riley, "Defendant testifies in DeSersa murder trial," *Rapid City Journal*, Feb. 25, 1977, p. 3.)

p. 233 "The black car that shot us up went past": I have condensed this quotation slightly. (McKiernan, *supra*.) Other accounts of the shooting are found in FBI FD-302 report, interview of ██████ by SA ██████ [probably Fred Coward], MP 70-10945, interviewed Jan. 31, 1976, transcribed Feb. 3, 1976. See also multiple reports with the same citation: FBI FD-302 report, interview of ██████ by SA ██████ [probably George Haffner], MP 70-10945, interviewed Jan. 31, 1976, transcribed Feb. 10, 1976; FBI FD-302 report, interview of ██████ [George Bettelyoun] by SA ██████ [probably Edward Diem], MP 70-10945, interviewed Jan. 31, 1976, transcribed Feb. 5, 1976, MP 70-10945; Transcript of Preliminary Hearing, *U.S. v. Winters, supra*, p. 40.

p. 235 Dr. Alvin Armstrong concluded that DeSersa: Autopsy report of Byron DeSersa, Alvin A. Armstrong, Jr., W.O. Brown, M.D. & Associates, P.C., Scottsbluff, Neb., received Jan. 31, 1976, reported Feb. 21, 1976. See also Paul Riley, "Doctor says DeSersa shouldn't have died," *Rapid City Journal*, Feb. 24, 1977, p. 3; FBI FD-302 report, interview of ██████, BIA criminal investigator, by SA ██████ [probably Fred Coward], MP 70-10945, interviewed Feb. 2, 1976, transcribed Feb. 3, 1976; FBI FD-302 report, interview of ██████ [Dr. Alvin Armstrong], by SA ██████, OM 70-1894, interviewed Feb. 20 & Mar. 1, 1976, transcribed Mar. 2, 1976; FBI teletype, from Rapid City, 70-NEW, Feb. 1, 1976, 12:10 p.m., *supra*.

p. 236 His boss was Bill Janklow: Associated Press, "Man arrested, charged with murder in shooting death of S.D. Indian," *Minneapolis Tribune*, Feb. 3, 1976, p. 1B.

p. 236 . . . Janklow would claim him for one of his informers: Deposition of William Janklow, *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987, p. 308.

p. 236 One mole whom DeSersa mistook for a friend: The informer's name is censored in FBI documents released to me. (Handwritten FBI memo, from MPLS 70-NEW, UNSUBS: Byron DeSersa-Victim, CIR-Murder, to ASAC Rapid City, Feb. 1976; FBI memo, from SA ██████, to SAC, Richard G. Held (70-New), re "Byron DeSersa, CIR," May 3, 1973.)

p. 236 . . . "described DECIRSA [sic] as the one": FBI report, title redacted, Oct. 15, 1973, p. 66.

p. 236 DeSersa traveled to Seattle, where he wound up: FBI nitel, from Seattle (157-1948), to Acting Director, re "Disorders by American Indians in South Dakota, Extremist Matters, American Indian Activities," June 1, 1973, 6:32 p.m.

p. 236 . . . almost certainly Gi or Jill Schafer: The reason one of the informers was

almost certainly a Schafer is that the main informer apparently lived in New Orleans, whence the Schafers hailed and because the Schafers were quite familiar with DeSersa.

p. 237 . . . Chuck Richards had put a gun to the throat: In the FBI's version of Richards's threat to Amelia Lamont, a rifle-wielding Richards said, "You better get out of here, you bitch, or I'll kill you." He backed off when friends told him to leave her alone. (FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom has initials M. C. S.], MP 70-10945, MP 70-10946, MP 70-10949, MP 70-10951, interviewed Feb. 4, 1976, transcribed Feb. 11, 1976.) In AIM's version, "Richards held a gun to her throat and said if he couldn't kill her husband, he would kill her. Some of his friends dragged him away." ("This News Release Is Late," *supra*.)

p. 237 "They were still shooting," Lamont later told: McKiernan asked, just to be sure, what precisely the policeman had said. Lamont answered, "He said, 'Well, get the hell out of there.' He said, 'They're shooting at you.' " (McKiernan, *supra*.) Gerald "Buddy" Brown was the officer who had the colloquy with Lamont. Both Brown and Lamont are dead. There were reports that BIA police cars had been shot at in Wanblee that night; naturally, the cops did not return fire or investigate or arrest the shooters.

p. 238 The FBI would eventually decide that Lamont: FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom has initials J. W. G.], MP 70-10949, MP 70-10948, MP 70-10950, interviewed Feb. 4, 1976, transcribed Feb. 10, 1976. The FBI's insistence on trying to find fault with Lamont, the evidence notwithstanding, is a prime example of how agents often reported the facts of a case accurately but in such a way as to cast disfavor on people they disliked.

p. 238 ". . . it is clear that Federal officers": Letter from William H. Webster, FBI Director, to Elizabeth W. Robbins, Minneapolis, May 1, 1978, in WKLD0C Archives.

p. 239 Bettelyoun had drawn the agents' attention to: McKiernan, *supra*. The FBI's records verify that Bettelyoun described the cars and their owners for the FBI. (FBI FD-302 report, interview of ██████ [George Bettelyoun], *supra*.)

p. 239 "After the FBI left," Abourezk said: Abourezk interview, *supra*. See also FBI FD-302 report, interview of ██████ [probably Charlie Abourezk] by SA ██████, MP 70-10946, MP 70-10944, MP 70-10945, MP 70-10947, MP 70-10948, MP 70-10949, MP 70-10950, MP 70-10951, interviewed Feb. 2, 1976, transcribed Feb. 10, 1976. There is no doubt that the goons were shooting throughout the night, nor that Lonnie Bettelyoun was one of the most active shooters. For example, per one goon, "At one point in the ██████ house, ██████ he observed ██████ [Lonnie Bettelyoun] with a big handgun which was kept in a brown leather holster and strapped to ██████ [Bettelyoun's] right side, take this big revolver outside of the house while it was dark and shot it. ██████ that he did not know if ██████ [Bettelyoun] shot it at anything or if he shot it into the air." (FBI FD-302

report, interview of ██████ by SAs ██████ [one of whom was probably Fred Coward], MP 70-10945, interview date Feb. 9, 1976, transcribed Feb. 13, 1976. See also FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom was probably Fred Coward], MP 70-10945, interviewed Feb. 19, 1976, transcribed Feb. 26, 1976; FBI FD-302 report, interview of ██████ [Lonnie Bettelyoun] by SA ██████ [initials L. L. D.], MP 70-10945, interviewed Feb. 3, 1976, transcribed Feb. 5, 1976.)

p. 240 Later that night a firebomb was thrown: FBI FD-302 report, interview of ██████, BIA police officer, by SAs ██████ [one of whom was probably Tom Greene], MP 70-10946, MP 70-10947, MP 70-10949, MP 70-10950, MP 70-10945, MP 70-10944, interviewed Feb. 2, 1976, transcribed Feb. 16, 1976; FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom has initials H. Q. C.], MP 70-10944, MP 70-10947, interviewed Feb. 4, 1976, transcribed Feb. 11, 1976.

p. 241 “. . . was the captain, Skee Jacobs”: His given name was Joseph Jacobs. FBI agent Fred Coward said Captain Jacobs was one of the lawmen on the scene in Wanblee on January 31 who did nothing about the goons. (Transcript of Preliminary Hearing, *U.S. v. Winters, supra*, p. 44–5.)

p. 241 “Her brother, Ted Big Crow, was”: Ted Big Crow declined to speak with me.

p. 242 “I’ll be the first to admit”: Associated Press, “Officials admit mistakes in handling murder case,” *Rapid City Journal*, Feb. 4, 1976, p. 2.

p. 242 The mistakes, however, were the BIA’s: Associated Press, “Official denies BIA mishandled Wanblee shooting incident,” *Rapid City Journal*, Feb. 17, 1976, p. 2.

p. 242 . . . the FBI was “an investigative agency and is not”: Associated Press, “Man held without bond in shooting,” *Rapid City Journal*, Feb. 3, 1976, p. 1.

p. 242 The distinction was again lost on Oglalas: Also, the FBI was not shy about calling the law-enforcement shots in the Oglala fire: As Rolland Dewing noted, “The BIA police were ready to assault the Jumping Bull encampment and were frustrated almost to the point of physically confronting the FBI agents who stopped them.” (Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 159.)

p. 242 . . . Zigrossi, who soon retracted even his criticism: Zigrossi was offended at even having to answer the charges—a waste, he wrote, of his agents’ “investigative and administrative time which could best be put forth into the conducting of business as an investigative agency.” (FBI report, “Inquiry from U.S. Commission on Civil Rights Concerning Law Enforcement on Pine Ridge Indian Reservation, South Dakota,” Rapid City, S.D., May 27, 1976, p. 30–2.)

p. 242 “The officers who responded handled”: Associated Press, “Officials admit mistakes,” *supra*. (The officials of the headline who admitted mistakes were not of the BIA.)

p. 242 “There is nothing at the present time”: Associated Press, “Official denies BIA

mishandled,” *supra*. Sayers said he would not investigate his officers. Nor would he let citizens question them. See also “Wanblee meeting reset,” *Rapid City Journal*, Feb. 12, 1976, p. 3.

p. 243 . . . Charles Winters . . . told his uncle: Complaint for violation of USC 18, Sections 1153 and 1111, 1st Degree Murder, *U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., Feb. 2, 1976; Transcript of Preliminary Hearing, *U.S. v. Winters, supra*, p. 14 (testimony of Joseph “Skee” Jacobs); FBI FD-302 report, interview of [REDACTED] by SA [REDACTED] [probably Fred Coward], MP 70-10945, interviewed Feb. 2, 1976, transcribed Feb. 3, 1976.

p. 243 . . . he told a clutch of BIA and FBI men: FBI FD-302 report, interview of Elmer Winters, by SA [REDACTED] [probably Fred Coward], MP 70-10945, interviewed Feb. 2, 1976, transcribed Feb. 3, 1976.

p. 243 . . . “apprehended through the investigative efforts”: FBI press release, FBI Minneapolis, Feb. 2, 1976. Also, “The FBI said that Winters was arrested near Wanblee Saturday evening”—when in fact he was not arrested until Monday. (Associated Press, “Officials admit mistakes,” *supra*.)

p. 244 Agents knew (because AIMers told them on Saturday): FBI report, “Inquiry from U.S. Commission on Civil Rights,” *supra*, p. 3; FBI nitel, from Rapid City, 70-NEW, Feb. 1, 1976, *supra*.

p. 244 . . . the FBI was in no hurry to interview: Eventually, in the coming days and weeks, the FBI sought interviews with the suspects, but not in the first days after the shooting. The FBI’s field reports said Lonnie Bettelyoun was interviewed on February 2. The FBI’s report on the “Inquiry from U.S. Commission on Civil Rights” (*supra*) said February 3.

p. 244 . . . “what appears to be an indentation as a result”: FBI airtel, from SAC, Minneapolis (70-10945), to Director, FBI (Attention: FBI Laboratory), re [REDACTED] Dale Francis Janis, Charles David Winters, Byron Carl De Sersa, aka—Victim (deceased), Feb. 20, 1976.

p. 245 The FBI belatedly took their statements: FBI report, “Inquiry from U.S. Commission on Civil Rights,” *supra*, p. 3; FBI FD-302 report, interview of [REDACTED] by SAs [REDACTED] [one of whom was probably Fred Coward], MP 70-10945, interviewed Feb. 10, 1976, transcribed Feb. 17, 1976; FBI FD-302 report, interview of [REDACTED] by SAs [REDACTED] [one of whom was probably Fred Coward], MP 70-10945, interviewed Feb. 9, 1976, transcribed Feb. 13, 1976; FBI FD-302 report, interview of [REDACTED] by SA [REDACTED] [probably Fred Coward], MP 70-10945, interviewed Feb. 17, 1976, transcribed Feb. 26, 1976; FBI FD-302 report, interview of [REDACTED] by SAs [REDACTED] [one of whom was probably Fred Coward], MP 70-10945, interviewed Jan. 31, 1976, transcribed Feb. 3, 1976; FBI FD-302 report, interview of [REDACTED] by SA [REDACTED], MP 70-10945, interviewed June

3, 1976, transcribed June 8, 1976; FBI airtel, from SAC, Minneapolis (70-10945), Feb. 20, 1976, *supra*.

p. 245 The ballistics evidence eventually confirmed: Report from FBI Laboratory, to SAC, Minneapolis (70-10945), FBI file 70-67421, May 13, 1976.

p. 245 The prosecutors in turn let five months: FBI memo, Rapid City, S.D., field ofc. file 70-10945, Apr. 16, 1976; FBI memo, from ASAC, Rapid City (70-10945)(P), to SAC, Minneapolis, re “Charles David Winters, aka; et al; Byron Lee De Sersa, aka—Victim (deceased); CIR—Murder,” May 25, 1976; FBI FD-204 report of Rapid City, S.D. Ofc., 70-10945, Title “██████ [Lonnie Dean Bettelyoun et al]; Byron Lee DeSersa—Victim (deceased),” June 18, 1976; Indictment, *U.S. v. Dale Francis Catches aka Dale Francis Janis, Lonnie Dean Bettelyoun, Billy Dean Wilson*, U.S. Dist. Ct., W. Div. S.D., CR 76-5054, undated but date appears to be July 30, 1976.

p. 245 . . . only after Winters recanted his confession: When he recanted for the last time, Winters told prosecutors what AIM had suspected: he had only confessed to the murder after being threatened by Chuck Richards and Billy Wilson. To the stick of threatened violence, Richards and Wilson had added the carrot of money and lawyers to defend Winters. But after Winters confessed, none of the promised goods materialized—the bastards, he said, hadn’t even visited him. (*U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., CR 76-5027-1, various pleadings, 1976. See also Statement of Charles D. Winters to FBI, Sioux Falls, S.D., July 28, 1976; FBI notes re Charles D. Winters, file 70-10945, date uncertain; Transcript of Hearings, *U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., CR76-5027-1, Aug. 13, 1976, and Oct. 21, 1976, p. 12.)

p. 246 . . . file shows that a lawman . . . arrived at the goons’: The lawman’s statement is recorded in FBI FD-302 report, interview of ██████, interviewed Feb. 19, 1976, transcribed Feb. 20, 1976, MP 70-10945-103, MP 70-10944, MP 70-10946, MP 70-10947, MP 70-10948, MP 70-10949, MP 70-10950, MP 70-10951, MP 70-10981, MP 70-10982.

p. 246 The lawman was either the sheriff: AIMers said it was a sheriff: “On January 31, just prior to the shootings the sheriff from the county in which Wanblee is located was meeting with the goons at Rita Bettelyoun’s house.” (“This News Release Is Late,” *supra*.)

p. 246 “At no time while he was in Wanblee”: Apparently, when the lawman said he had heard of no firing in Wanblee, this included even the shooting of the Dull Knives’ house, about which everyone in Wanblee was talking. After the shooting at the goons’ house that evening died down, the lawman neither called the Pine Ridge police nor took statements himself although he was cross-deputized to enforce the law on the reservation.

Neither the BIA nor the FBI recorded any rounds having hit the goons' house. (FBI FD-302 interview of ██████, Feb. 19, 1976, *supra*.)

p. 246 “We just warmed up a car”: The statements of the goons can be found in FBI report, “Inquiry from U.S. Commission on Civil Rights,” *supra*, p. 5–6; FBI FD-302 report, interview of ██████ by SAs ██████ [one was probably Fred Coward], interviewed Feb. 10, 1976, transcribed Feb. 13, 1976, MP 70-10945; FBI FD-302 report, interview of ██████ by SAs ██████ [one was probably Fred Coward], interviewed Feb. 10, 1976, transcribed Feb. 17, 1976, MP 70-10945; FBI FD-302 report, interview of ██████ by SAs ██████ [one of whom was probably Fred Coward], interviewed Feb. 18, 1976, transcribed Feb. 26, 1976, MP 70-10945; Memo from ASAC, Rapid City (70-10945)(P), to SAC, Minneapolis, Subject Charles David Winters et al; Byron Lee DeSersa—victim (deceased); CIR—Murder, May 25, 1976.

p. 247 Of the two who said otherwise: The one who lied out of fear is discussed by the FBI in FBI FD-302 report, interview of ██████ by SAs ██████ [one was probably Fred Coward], interviewed Feb. 9, 1976, transcribed Feb. 13, 1976, MP 70-10945.

p. 247 . . . his presence at the festivities was never again mentioned: When the FBI's Norm Zigrossi reported on the events at Wanblee to his bosses at the Justice Department, he did not mention the lawman at all. (Memo from ASAC, Rapid City (70-10945)(P), to SAC, Minneapolis, May 25, 1976, *supra*.)

p. 247 . . . Elmer Winters struck a deal: Statement of Charles D. Winters, July 28, 1976, *supra*; FBI notes re Charles D. Winters, date uncertain, *supra*. For Winters's plea and sentencing, see Transcript of Hearings, *U.S. v. Winters*, *supra*, p. 5; FBI FD-36 form, teletype from Rapid City (70-10945)(P), to Director (70-67421)(Routine), Aug. 17, 1976; FBI FD-36 form, teletype from Rapid City (70-10945)(P), to Director (70-67421)(Routine), Jan. 12, 1977.

p. 247 R. D. Hurd was among his prosecutors: Hurd's performance in convicting Janis would seem to indicate that the prosecutors were not always in league with the goons. AIMers, however, have argued that the conviction of the minor Janis allowed prosecutors to say they had done their work—thereby giving them cover for botching the convictions of the adult goons, for whom a murder conviction would have meant much longer sentences. The FBI gave commendations to assistant U.S. attorneys Hurd and William Boyd for their work on all of the DeSersa cases. (Letter from FBI Director Clarence M. Kelley, to U.S. Attorney William F. Clayton, Feb. 8, 1977.)

p. 247 . . . but apparently Janis admitted firing: “Janis found guilty in murder case,” *Rapid City Journal*, January 12, 1977, p. 2.

p. 247 . . . Judge Bogue permitted the murderer to remain at large: FBI FD-36 form, from Rapid City, to Director, Jan. 12, 1977, *supra*.

p. 247 When Janis was finally incarcerated: “Convicted slayer sentenced Monday,” *Rapid City Journal*, May 17, 1977, p. 8; FBI report, missing cover page, RC 70-10945, undated but sometime between May 16 and May 26, 1977, p. 2.

p. 247 . . . expected that Bettelyoun and Wilson would take a plea: On January 25, 1977, agents in Rapid City wrote, “there is every indication they will enter pleas in the immediate future.” (Memo, from ASAC Rapid City, to FBI Director (Attn: Finance & Personnel), subject either missing or redacted, Jan. 25, 1977.)

p. 248 They said they had shot to kill: “I was afraid he was going to kill me,” Bettelyoun explained. (“Murder trial defendants say they ‘would do it again,’ ” *Rapid City Journal*, Mar. 2, 1977, p. 2. See also “Jury finds two innocent of killing in DeSersa case,” *Rapid City Journal*, Mar. 3, 1977, p. 2; Paul Riley, “Defendant testifies in DeSersa murder trial,” *Rapid City Journal*, Feb. 25, 1977, p. 3.)

p. 248 (The lone witness who said otherwise also claimed): This lying witness is quoted in FBI FD-302 report, interview of ██████ by SA ██████ [probably Fred Coward], interviewed Mar. 9, 1976, transcribed Mar. 11, 1976, RC 70-10945. The FBI had examined DeSersa’s car for signs of a sideswiping and found none. (FBI FD-302 report, by SAs ██████ [one was probably Fred Coward], events of Mar. 3, 1976, transcribed Mar. 10, 1976, RC 70-10945.)

p. 248 . . . the U.S. attorney supported his cry: United States’ Response to Defendant’s Motion for Reduction of Sentence, *U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., CR 76-5027-1, Jan. 17, 1977.

p. 248 . . . and Bogue lopped two years off his term: Order, *U.S. v. Charles David Winters, aka Elmer Winters*, U.S. Dist. Ct., W. Div. S.D., CR76-5027, Mar. 3, 1977. At the time, federal judges were allowed to reconsider sentences within six months of issuing them.

p. 248 Like Janis, Winters ended up serving: Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking, 1991, p. 254–5.

CHAPTER 12

p. 249 . . . the sheriff’s office . . . received a distress call: David Maruffo called the police around 11 p.m. (Defense notes, Skyhorse/Mohawk Legal Defense Fund, 1977 or 1978, in Center of Southwest Studies, record group 1: Theodore Hetzel Personal Papers, series 1.2, file 28, Fort Lewis College, Durango, Colo.)

p. 249 The deputies searched the camp’s buildings: Details about the arrests made that night and about the events of the next few days are in “Your Information Might Save Their Lives,” *Akwesasne Notes*, early spring 1976, p. 7; “Trial Update #30,” Skyhorse/Mohawk Defense Committee, undated but ca. Jan. 1978, p. 2; “Trial Update

THE UNQUIET GRAVE

#31,” Skyhorse/Mohawk Defense Committee, undated but ca. Jan. 1978, p. 1; “Judge Finds Murder Trial Humorous,” *Akwesasne Notes*, late autumn 1976, p. 8.

p. 251 So the group urged the lawyers to disband: Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 113, 609. Note, however, that Matthiessen is wrong about many of the details of the Skyhorse/Mohawk case. See also Skyhorse/Mohawk Offense/Defense Committee newsletter, Jan. 19, 1978, p. 2; Affidavit of Paula Giese, *State of California v. Paul Durant and Richard B. Mohawk*, Ventura Co. Cir. Ct., Cal., Apr. 15, 1976, p. 7.

p. 251 . . . “he had beaten an elderly Indian woman”: “Your Information Might Save Their Lives,” *supra*; Giese affidavit, *supra*. See also “Free Paul Skyhorse & Richard Mohawk,” pamphlet, 1977 or 1978, in Indians of North America: Skyhorse/Mohawk Defense Committee Collection, Special Collections Library, Univ. of Michigan; International Indian Treaty Council, “The Human Rights Case of Paul Skyhorse and Richard Mohawk,” pamphlet, in WKLD0C Archives. Robert Morgan appears not to have been at Camp 13 at the time of the murder.

p. 252 . . . Banks and Durham . . . took an afternoon to inspect the camp: Matthiessen, *supra*, p. 113.

p. 252 . . . two of the campers robbed a neighbor: On October 8, 1974, Robin Louis Black Cloud, a.k.a. David Cloud West, and Clinton Jerome Rising Sun, a.k.a. Red Sun, robbed Herrell A. Wood. They were later convicted. (Giese affidavit, *supra*, p. 3.) After Rising Sun’s conviction, he found unexpected friends. The BIA wrote Rising Sun’s judge, “It is recommended that he be turned over to the Bureau of Indian Affairs program for training in his future endeavors. Our office is willing to assist him with the following services: financial assistance while in school, to include monies for transportation, food, housing, and clothing. Upon completion of training, assistance in locating a job.” The judge agreed. Wrote one observer, “This solicitude on the part of the BIA is astonishing.” AIMers suspected Rising Sun was treated well in exchange for helping with the prosecution of Skyhorse and Mohawk. (“Your Information Might Save Their Lives,” *supra*.)

p. 252 . . . Redshirt, Broussard, and Eaglestaff did not appear to be AIM: Redshirt said at the trial of Skyhorse and Mohawk that he had not been active in AIM since about 1971. (“Trial Update #3: Major Prosecution Witness Admits Lying over 1000 Times,” Skyhorse/Mohawk Defense Committee, June 17, 1977, p. 4; see also Giese Affidavit, *supra*.)

p. 253 Durham claimed a PhD in psychology: The sanity hearing was on December 3, 1974. Durham may have been found out by AIM’s leadership by this point, but he had yet to be publicly exposed. (Giese affidavit, *supra*, p. 10; “Free Paul Skyhorse & Richard Mohawk,” *supra*. See also “Notice of Motion and Motion for Dismissal of Evidence and for Other Appropriate Sanctions Because of Governmental Misconduct; Declaration;

Memorandum of Law,” *State of California v. Paul Skyhorse and Richard Mohawk*, CR-10965, Ventura Co. Cir. Ct., Cal., Mar. 8, 1977, p. 2.)

p. 253 . . . AIMers tried to have him charged with perjury: Skyhorse and Mohawk also filed a civil rights lawsuit accusing prosecutors of conspiracy to solicit perjury against them. The lawsuit failed. (“The Skyhorse/Mohawk Trial,” pamphlet, in Center of Southwest Studies, record group 1: Theodore Hetzel Personal Papers, series 1.2, file 29, Fort Lewis College, Durango, Colo.)

p. 254 “We have spoken with Richard Erwin”: (“Judge Finds Murder Trial Humorous,” *supra*.)

p. 254 . . . “insane troublemakers,” that judge called them: This was Judge Ben Ruffner. (“Judge Finds Murder Trial Humorous,” *supra*.)

p. 255 “My acquaintances have questioned my”: I have condensed this quotation slightly. (“Your Information Might Save Their Lives,” *supra*.)

p. 255 The informer was Virginia DeLuce: Information about DeLuce can be found in Michele Toulan, “Pin-up girl leaves wartime legacy,” Mar. 11, 2004, iBerkshires.com, newmarlborough.iberkshire.com/story.php?story_id=13729, viewed Apr. 2004; Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 151; “Your Information Might Save Their Lives,” *supra*; note by Paula Giese on webpage “Navajo-Hopi Dispute Links,” www.kstrom.net/isk/maps/az/navhoplinks.html, viewed Apr. 2004; Matthiessen, *supra*, p. 112; “Dirty Trick One: Mohawk and Skyhorse,” *Akwesasne Notes*, Sept. 1977, p. 21.

p. 256 . . . she may have written a book about the Diné: The book was said to have been titled *Life Among the Navajo*, which I have never succeeded in finding.

p. 256 . . . AIMers suspected her of continuing to pay: Skyhorse/Mohawk Offense/Defense Committee newsletter, Jan. 19, 1978, p. 2.

p. 256 . . . DeLuce had driven Skyhorse and Mohawk: The rally was at the federal building. It was called to demand the release of Sarah Bad Heart Bull, and Anna Mae Aquash was probably in attendance. (“Dirty Trick One,” *supra*; Skyhorse/Mohawk Offense/Defense Committee newsletter, Jan. 19, 1978, p. 2.)

p. 257 The government disclosed DeLuce: The behind-the-scenes debate about whether DeLuce should be revealed is discussed in “Dirty Trick One,” *supra*. Neither John Dobroth, the district attorney, nor Michael Bradbury, his assistant, responded to requests to be interviewed for this book. For Dobroth in particular, it was possible I did not have his correct contact information.

p. 257 “Before this,” one of the investigators said: “Dirty Trick One,” *supra*.

p. 257 She tracked down their lawyers and offered: Marsh told Giese he did not regard the case as having any political implications. (“Your Information Might Save Their Lives,” *supra*.) Neither Kosmo nor Marsh responded to requests to be interviewed for this book.

p. 258 In the summer of 1976 the entertainment: The events surrounding the bar association performance can be found in “Judge Finds Murder Trial Humorous,” *supra*; “Free Paul Skyhorse & Richard Mohawk,” *supra*.

p. 258 The skit’s author was the lawyer: The lawyer was Stephen V. Perren.

p. 259 She had shared a cell with Holly Broussard: The witness was Norma Gonzalez. (“Judge Finds Murder Trial Humorous,” *supra*.) Gonzalez’s story about Eaglestaff’s comments was seconded at trial by another woman, Ramona Bland, who had shared a cell with Eaglestaff for three months. She said Eaglestaff confessed the murder to her and that Eaglestaff never said Skyhorse or Mohawk was present. (“Trial Update #35,” Skyhorse/Mohawk Defense Committee, undated but ca. Feb. 1978, p. 1.)

p. 259 . . . jailed three days before the matter was sorted out: “Trial Update #21,” Skyhorse/Mohawk Defense Committee, undated but ca. Nov. 1977, p. 1.

p. 259 . . . the accused were admitted to a hospital: They were admitted to the county hospital on February 23, 1977. (Article, title unknown, *Seven Days*, Apr. 11, 1977, reproduced by Natl. Council of Churches, in Center of Southwest Studies, record group 1: Theodore Hetzel Personal Papers, series 1.2, file 31, Fort Lewis College, Durango, Colo.) According to several documents, in May doctors forced the court to hospitalize both men after finding evidence of malnutrition, eye damage from multiple Macings, and possible blood-clotting in Mohawk’s head. It is possible, however, that these sources were conflating the medical evaluations of May with the hospitalization of February since the trial, after all, began in May. (See, e.g., “Free Paul Skyhorse & Richard Mohawk,” *supra*.)

p. 260 . . . behind bars longer than any pretrial defendants: “Free Paul Skyhorse & Richard Mohawk,” *supra*; untitled, undated pamphlet, Skyhorse-Mohawk Defense Committee, late 1977 or early 1978; defense notes, Skyhorse/Mohawk Legal Defense Fund, *supra*. For at least part of their trial, the defendants were isolated behind a bulletproof glass shield that ran the width of the courtroom, which made them seem rather dangerous. (Letter from Natl. Council of Churches, Div. of Church and Society, undated, in Center of Southwest Studies, record group 1: Theodore Hetzel Personal Papers, series 1.2, file 28, Fort Lewis College, Durango, Colo.)

p. 260 Carradine had a vigorous social relationship: “Your Information Might Save Their Lives,” *supra*.

p. 261 On cross-examination, defense lawyers reminded Redshirt: Redshirt’s testimony can be found at “Trial Update #2: Prosecution’s Key Witness Implicates A.I.M. Members,” Skyhorse/Mohawk Defense Committee, June 14, 1977; “Trial Update #3: Major Prosecution Witness Admits Lying over 1000 Times,” Skyhorse/Mohawk Defense Committee, June 17, 1977; “Free Paul Skyhorse & Richard Mohawk,” *supra*.

p. 262 Defense lawyers suggested that the judge’s salary: Dodson said he had no

financial interest in the continuation of the trial. (“Trial Update #4: Judge Refuses to Release Skyhorse & Mohawk Despite Agreement,” Skyhorse/Mohawk Defense Committee, June 14, 1977, p. 1; “Free Paul Skyhorse & Richard Mohawk,” *supra*; untitled, undated pamphlet, Skyhorse-Mohawk Defense Committee, late 1977 or early 1978.)

p. 262 Holly Broussard admitted to joining in: Asked if she had enjoyed herself during the assault on Aird, Broussard said she had, “otherwise I wouldn’t have done it.” Like Redshirt, she confessed or was caught in a catalog of lies.

p. 263 . . . the D.A. told her that the original knife had been lost: “Skyhorse/Mohawk Case,” typed transcription of article, *supra*; “Trial Update #4,” *supra*; “Trial Update #5,” Skyhorse/Mohawk Defense Committee, July 1, 1977. The detective who took the knife from Broussard at the crime scene was Austin Chafee, Ventura County Sheriff’s Department.

p. 263 But a lone officer followed his colleagues: Detective Roger Kerr said he saw a folded pocketknife with a black handle—Broussard’s knife—when he was at the East Valley Sheriff’s Station. Kerr also saw Broussard’s purse and bloody gloves, which also later went missing. His supervisor was Harvey Taylor. (“Trial Update #29,” Skyhorse/Mohawk Defense Committee, undated but ca. Jan. 1978, p. 2; “Trial Update #32,” Skyhorse/Mohawk Defense Committee, Jan. 27, 1978, p. 1.)

p. 263 . . . deputies said they had meant to send it to the lab: “Trial Update #11,” Skyhorse/Mohawk Defense Committee, Aug. 12, 1977, p. 1.

p. 263 . . . Carmella Fish, said prosecutors had badgered her: “Trial Update #5,” *supra*; defense notes, Skyhorse/Mohawk Legal Defense Fund, *supra*.

p. 264 . . . the investigator “mentally forced” her to say: The investigator was Cruz Reyna. “I felt his vibes that I’d best cooperate with what he [Reyna] wanted to hear,” Fish said. “I just wanted him to leave. I wanted the interview to end.” (United Press International, “Indian Trial Witness Calls Testimony ‘Forced,’” *New York Times*, July 7, 1977.) Fish was not treated kindly in court. Judge Dodson called her testimony “evasive.” He appears to have said no such thing about Broussard’s or Redshirt’s mendacious testimony. During one court recess, she did not return immediately; she had taken a walk to compose herself. The prosecutor asked Dodson to issue an order for her arrest, and he did. She returned on her own after a few minutes. (“Trial Update #5,” *supra*, p. 3.)

p. 264 Six guards were called to the stand: “Trial Update #19,” Skyhorse/Mohawk Defense Committee, undated but ca. Oct. 1977, p. 1–2; “Trial Update #21,” Skyhorse/Mohawk Defense Committee, undated but ca. Nov. 1977.

p. 264 “If you kill Skyhorse and Mohawk”: The inmate was Ronald Escobedo; he said inmates in nearby cells heard the proposition. (“Trial Update #19,” Skyhorse/Mohawk Defense Committee, undated but ca. Oct. 1977, p. 2; Richard C. Paddock, “Jail Inmate

Says Deputy Solicited Murder of Skyhorse,” *Los Angeles Times*, Oct. 19, 1977; Richard C. Paddock, “Jail Death Threat Reported by Indian,” *Los Angeles Times*, Oct. 21, 1977.)

p. 264 The prosecution rebutted by producing an inmate: The prosecution’s inmate was Robert Granger. The two supposed witnesses were inmates Roy Richards and Larry Steiner. (“Trial Update #22,” Skyhorse/Mohawk Defense Committee, Nov. 11, 1977, p. 2; defense notes, Skyhorse/Mohawk Legal Defense Fund.)

p. 264 Judge Dodson weighed the evidence and said: Dodson ruled that “all allegations of misconduct or wrongdoing on the part of any Deputy Sheriff were and are false” and “none of the inmate witnesses was credible.” Dodson scolded judges for meddling in the internal affairs of jails: “Too many Courts with no known expertise or qualification have too often made orders affecting the operation of schools, hospitals and jails. . . . It is not for judges to administer but to judge.” (“Trial Update #21,” *supra*, p. 2.) The California Supreme Court stayed Dodson’s order revoking Skyhorse’s and Mohawk’s rights. (“Trial Update #25,” Skyhorse/Mohawk Defense Committee, undated but ca. Dec. 1977, p. 1.) Months later, Skyhorse asked Dodson to restore their rights as co-counsel. Dodson denied the request. (“Trial Update #29,” Skyhorse/Mohawk Defense Committee, undated but ca. Jan. 1978, p. 1.)

On December 19, a couple of months after Dodson opined that judges should not tinker with jails, Skyhorse arrived in court with an egg-sized contusion on his forehead, with some of his hair pulled out, with his nose and brow bloodied, and with his “unbreakable” prison-issue glasses broken. He had been beaten by sheriff’s deputies in the courthouse parking garage. Dodson accepted the deputies’ story that Skyhorse, cuffed at the hands, shackled at the ankles, and further hobbled by a waist chain to which all the other restraints were linked, had “viciously attacked a sheriff’s deputy” while “he was being unhandcuffed.” Skyhorse’s story was that he had tried to lift the sagging waist chain, which was causing the handcuffs to dig into his wrists, when a deputy objected. Before Skyhorse could respond, the deputy hit him in the ribs with a blackjack and shoved him to the ground. Grabbing Skyhorse by his hair, the deputy slammed his head against the concrete several times. The sheriff’s office described Skyhorse’s injuries as “a small bump over his left eye and a scratch on the bridge of his nose.” The lawmen told Judge Dodson that Skyhorse had been X-rayed but that the tests found no broken ribs or facial bones. Skyhorse said he was never X-rayed. (“Trial Update #28,” Skyhorse/Mohawk Defense Committee, Dec. 23, 1977, p. 1.)

p. 265 . . . Frank Sexton, who testified that he had seen: “Trial Update #27,” Skyhorse/Mohawk Defense Committee, Dec. 15, 1977, p. 2–3; “Trial Update #30,” Skyhorse/Mohawk Defense Committee, undated but ca. Jan. 1978. The defense produced witnesses who had not been on benders and who had seen Skyhorse’s pants that day and

said there was no blood on them. (“Trial Update #27,” *supra*, p. 1; “Trial Update #29,” *supra*, p. 1.)

p. 265 The defense had only one important matter: The truth about Skyhorse and Mohawk’s involvement in the night’s events was probably the story (or one like it) put forward by the defense team. Namely: Skyhorse and Mohawk had been listening to music in the upstairs of one of the camp’s buildings with Amy Broken Leg. Broken Leg went downstairs and saw Marvin Redshirt crouching over the cab driver, who had been brought into the building after the beating. She came back upstairs and told Skyhorse and Mohawk about it. Afraid, Skyhorse and Mohawk went out a back way and hid in a cave while they decided what to do. They returned to camp briefly, saw blood all over the camp kitchen, and fled. (Defense notes, Skyhorse/Mohawk Legal Defense Fund, *supra*.)

p. 265 The defense put the question to a police sergeant: The sergeant was Charles Rudd. He had introduced the FBI agents to Detectives McCoy and McKinley, who also admitted that Rudd had done so. (“Trial Update #34,” Skyhorse/Mohawk Defense Committee, undated but ca. Feb. 1978, p. 4.)

p. 265 He also quashed every other attempt by the defense: Dodson once explained his abhorrence for political defenses by saying he did not want the trial to be “turned into a political circus.” (Skyhorse/Mohawk Offense/Defense Committee newsletter, Jan. 19, 1978, p. 2.)

p. 265 On May 24, 1978, the jury acquitted: “Trial Update #42,” Skyhorse/Mohawk Defense Committee, undated but ca. May 1978.

p. 266 “incompetent in the utter, utter, utter, ultimate”: Hultman made his remark to an appellate court on April 12, 1978. (Quoted in *David Price v. Viking Penguin, Inc.*, 881 F.2d 1442, U.S. Ct. of Appeals, 8th Cir., 1989.)

CHAPTER 13

p. 271 The Cadillac that killed Randy Scott: Accounts of the crash can be found in Steve Young, “Strangers’ lives entwine at crash site,” *Sioux Falls Argus Leader*, Dec. 3, 2003; Richard Meryhew, “Witness: Before crash, Janklow raced past another vehicle,” *Minneapolis Star Tribune*, Dec. 3, 2003; P. J. Huffstutter, “Tape Shown Jury Captures Janklow’s Words, Horror,” *Los Angeles Times*, Dec. 3, 2003; Jon Walker and Steve Young, “At crash scene, Janklow said blood sugar ‘fine,’” *Sioux Falls Argus Leader*, Dec. 4, 2003; Jon Walker, “Debris, dust, ‘body flying into the air,’” *Sioux Falls Argus Leader*, Dec. 3, 2003; Ben Shouse, “’95 Cadillac’s black box offers scant speed data,” *Sioux Falls Argus Leader*, Dec. 5, 2003; Denise Ross, “Accident expert calls speed estimate wrong,” *Rapid City Journal*, Dec. 2003; Jon Walker, “Janklow didn’t eat, witnesses say,” *Sioux Falls Argus Leader*, Dec. 5, 2003.

p. 272 “I was going south, going to Brandon”: David Kranz, “Janklow told cop: I wasn’t speeding,” *Sioux Falls Argus Leader*, Nov. 19, 2003; Walker, “Debris, dust, ‘body flying into the air,’ ” *supra*.

p. 273 “We feel there is a beacon in California”: I have condensed this quotation slightly. For five of the program’s seven years, ninety-three people were transported from Dakota to California for alleged crimes including forgery, burglary, theft, and indecent exposure. (Deposition of William Janklow, *William Janklow v. Viking Press and Peter Matthiessen*, S.D. Circ. Ct., 2nd Circ., Civ. 83-1385, July 13, 1987, p. 424. Discussed in the deposition is “South Dakota Exporting Suspects,” *New York Times*, Jan. 4, 1982.)

p. 274 . . . he declared that anyone found with dynamite: Later he claimed that he had not said that anyone caught with dynamite should be detonated: “What I did say is anybody caught trying to set off dynamite, it would detonate on them, and if it blew up, we would arrest what was left for possession of dynamite.” (Janklow Deposition, *supra*, p. 100.)

p. 274 . . . blacklisted at state agencies: (Janklow deposition, *supra*, p. 468; Molly Ivins, “It’s Rarely Politics as Usual to South Dakota Governor,” *New York Times*, Aug. 30, 1980, p. 6.)

p. 275 . . . and, time again, judged unfounded: Associated Press, “Supreme Court Upholds Dismissal of Damage Suit Against 3 Lawyers,” *Sioux Falls Argus Leader*, Mar. 27, 1976; Janklow deposition, *supra*, p. 35–6; Plaintiff’s Answers to Defendants’ First Set of Interrogatories and Request, *William Janklow v. Newsweek, Inc.*, U.S. Dist. Ct., S.D., Civ. 83-4023, June 14, 1983, p. 50.

p. 275 Such was the case with . . . Newsweek: The story was “Dennis Banks’s Last Stand,” *Newsweek*, Mar. 21, 1983, p. 28. The lawsuit was *William Janklow v. Newsweek, Inc.*, *supra*.

p. 275 Janklow demanded millions: *Janklow v. Viking and Matthiessen*, *supra*. Janklow sued not only Matthiessen and Viking but also bookstores that sold *Crazy Horse* in South Dakota—a blatantly frivolous claim.

p. 276 . . . he made the decisive argument: Associated Press, “S.D. governor claims he derailed Peltier pardon,” Feb. 3, 2001.

p. 276 “Had we known that pardons were for sale”: I condensed Bellecourt’s quotation slightly. Said Janklow, “I’m probably the one who’s responsible for Leonard Peltier not getting out.” (Associated Press, “S.D. governor claims,” *supra*.)

p. 276 The Native press, however, gave him a trace: Suzan Shown Harjo, “Questions from the past follow Janklow into the House,” *Indian Country Today*, Jan. 17, 2003.

p. 276 . . . I also presumed he would share them with me: Janklow had once sworn, “I have never failed to consent to anybody looking at my records as far as I know. Had Mr. Matthiessen called me or Viking Press called me, I would have been more than happy to

try to help them get the information so they wouldn't continue on the course they deliberately set on to libel me." (Janklow deposition, *supra*, p. 232. See also Continued Deposition of William Janklow, *Janklow v. Viking and Matthiessen*, Dec. 7, 1987, p. 693, 803.)

p. 276 The press secretary said Janklow would gladly: E-mails between Marshall Damgaard and author, Feb. 2003.

p. 277 . . . his alibi for the rape was deeply flawed: The FBI report about Eagle Deer's rape claim is FBI FD-263 report of John Penrod, Minneapolis, "William John Janklow; Jancita Eagle Deer—victim," Minneapolis file 70-4483, Headquarters file 7-44194, investigative period Jan. 17, 1967–Feb. 6, 1967, report issued Feb. 21, 1967. The BIA's is BIA case report R-67-22, *U.S. v. William Janklow*, "Statutory Rape," BIA Rosebud Agency, Special Officer Peter P[eter] Pitchlynn, Jan. 18, 1967.

Not incidentally, the court papers showed that Janklow was endlessly at odds with the truth on other topics. He claimed, for just a few examples, that he never said force should be used against AIM, that he never admitted that when he was a teenager he had assaulted a girl as a "preliminary to" rape, and that he never, not once, had been accused of being anti-Indian. Meanwhile, Jancita Eagle Deer was "a liar," Peter Pitchlynn was one of the "lyingest human beings who ever lived," Rosebud president Bob Burnette was such a liar that Janklow would have jailed him if he could have, and Dennis Banks could not order coffee without lying. (Janklow deposition, *supra*, p. 22, 262, 288–9).

p. 278 "You'd wait to see if he wanted to prosecute": Interview of John Penrod by author, via phone, Nov. 2003. Penrod said that had he seen contradictions in an alibi, he would have drawn attention to them in his report.

It would not surprise Indians that the FBI's investigative standards for crimes against them compared poorly with those for other crimes. Wesley Swearingen, a retired FBI agent of twenty-five years and author of the whistleblowing *FBI Secrets*, told me, "When we'd investigate bank robberies, a squad of maybe half a dozen would go immediately to the bank. Two of the agents would do nothing but dust for prints and look for fibers. Others would interview witnesses. Another would work the street outside." On the other hand, Swearingen said, "If the U.S. attorney isn't hot on prosecuting rape on a reservation, the agent could feel he's wasting his time." (Interview of Wesley Swearingen by author, via phone, Nov. 2003.)

p. 279 . . . gross, ongoing under-prosecution of reservation rapes: When Smith sifted through every criminal prosecution on one mid-sized reservation for the year 2000, she found no rape charges. A Justice Department official under Clinton once told her that there were only two U.S. attorneys nationwide who would bother to prosecute rape charges on reservations. Rape falls under federal jurisdiction only when it occurs on Indian reservations and similar federal land. Because state prosecutors deal with most rapes, federal

prosecutors view it as a less glamorous crime to prosecute: a U.S. attorney with the chance to prosecute a drug kingpin will not generally be inclined to focus on a rapist instead. “If it’s this bad today,” Smith said, “imagine what it must have been back in the ’70s.” (Interview of Andrea Smith by author, via phone, Nov. 2003.)

p. 280 . . . the FBI did not bother to re-interview: My claim is based on both the court papers and on interviews by me with Penrod and Clabaugh, and by another investigator with Kaye Lord.

p. 280 The senators who cleared Janklow had been snowed: Donald Elisburg, who reviewed the FBI’s work for the Democratic Senate committee, said in 2003 that he did not remember much about the review but that he was certain the charge was taken seriously. “But it would also be fair to say,” he allowed, “that the level of intensity of scrutiny was definitely not where it is now. It was much more, not casual, but collegial in dealing with nominations.” (Interview of Donald Elisburg by author, via phone, Nov. 2003.)

p. 281 The court ignored him: Janklow’s license to practice law was finally suspended after he was convicted of killing Randy Scott. (Terry Woster, “Janklow’s law license suspended,” *Sioux Falls Argus Leader*, Dec. 17, 2003.)

p. 283 . . . Bill Janklow might be the George Wallace: I suggested to editors that if the FBI had looked the other way when, say, a black girl accused the virulently anti-black George Wallace of rape, they would probably consider it newsworthy. The editors were not moved by my argument. Months later, when Strom Thurmond’s daughter—who was begat from Thurmond’s statutory rape of a black teenaged servant—stepped forward from half a century of silence, every newspaper that turned me down ran the Thurmond story on or near page one. I eventually published an article with the small-circulation newsletter *CounterPunch* (Dec. 16–31, 2003).

p. 283 He is wont to offer reporters to listen: Which is what Gonzalez and his lawyer Sid Flores of San Jose, California, did to me.

p. 284 “It was Governor Janklow”: Richard Meryhew, “Janklow had another close call at same intersection as deadly collision” *Minneapolis Star Tribune*, Aug. 31, 2003. Tony Aas was the deputy who stopped the white car that day. He would later say that when he first saw the car, his radar tracked it at ninety-two miles per hour and finally “locked on” at eighty-six. Aas did not give Janklow so much as a warning. At trial, the prosecution did not ask Aas or other officers why they did not ticket Janklow. See David Kranz, “Woman: Janklow nearly hit my pickup,” *Sioux Falls Argus Leader*, Nov. 5, 2003; David Kranz, “Janklow jury won’t see tickets,” *Sioux Falls Argus Leader*, Nov. 11, 2003; Steve Young, “Trent woman: No regrets ‘for telling truth,’” *Sioux Falls Argus Leader*, Dec. 4, 2003; Richard Meryhew, “Janklow’s passenger: It ‘happened in a second or two,’” *Minneapolis Star Tribune*, Dec. 4, 2003; T. R. Reid, “Janklow Jury Told of Earlier Near-Accident,” *Washington*

Post, Dec. 4, 2003, p. A03; Jon Walker, “‘You can’t imagine what this is like,’ ” *Sioux Falls Argus Leader*, Dec. 7, 2003; “The week in review,” *Sioux Falls Argus Leader*, Dec. 7, 2003; “Janklow on the witness stand,” *Sioux Falls Argus Leader*, Dec. 7, 2003; Steve Young, “Range of emotion reflected in testimony,” *Sioux Falls Argus Leader*, Dec. 7, 2003; Denise Ross, “Janklow testifies, says he has ‘probably’ run stop signs in the past,” *Rapid City Journal*, Dec. 8, 2003; Denise Ross, “Janklow jury seated in Janklow trial,” *Rapid City Journal*, Dec. 9, 2003; Denise Ross, “Aide: Janklow hadn’t eaten,” *Rapid City Journal*, Dec. 9, 2003.

p. 284 . . . validated by other reportorial discoveries: Joe Kafka, Associated Press, “Janklow has a need for speed,” *Rapid City Journal*, Aug. 19, 2003; “Janklow style has been fast,” *Sioux Falls Argus Leader*, Aug. 19, 2003; David Kranz, “Janklow has a history of accidents while driving,” *Sioux Falls Argus Leader*, Aug. 20, 2003; Corrine Olson, “Janklow reported swerving to avoid vehicles in other traffic accidents,” *Sioux Falls Argus Leader*, Aug. 21, 2003; John-John Williams IV, “Emergency lights found in Janklow car,” *Sioux Falls Argus Leader*, Aug. 21, 2003; Corrine Olson, “No evidence of 3rd vehicle,” *Sioux Falls Argus Leader*, Aug. 22, 2003; Bob von Sternberg, “Some in South Dakota think accident will end Janklow’s political career,” *Minneapolis Star Tribune*, Aug. 24, 2003; Michelle Malkin, “Janklow should go; GOP ought to say so,” *Washington Post* (weekly edition), Sept. 4, 2003, p. 7B; Associated Press, “Janklow Given Neb. Warning,” *Washington Post*, Sept. 5, 2003, p. A02; “Janklow case timeline,” *Sioux Falls Argus Leader*, Nov. 30, 2003; Jon Walker, “Reckless or confused: Janklow jury to decide,” *Sioux Falls Argus Leader*, Dec. 2, 2003; Richard Meryhew, “Witness: Before crash, Janklow raced past another vehicle,” *Minneapolis Star Tribune*, Dec. 3, 2003; P. J. Huffstutter, “An Emotional Janklow Takes Stand in Trial,” *Los Angeles Times*, Dec. 7, 2003; Doug Grow, “Doug Grow: A stunning verdict in Janklow case” *Minneapolis Star Tribune*, Dec. 9, 2003; Denise Ross, “Witnesses describe Janklow accident scene,” *Rapid City Journal*, Dec. 9, 2003; Denise Ross, “Janklow quotes,” *Rapid City Journal*, Dec. 2003; Terry Woster, “Janklow: Didn’t ask for special treatment,” *Sioux Falls Argus Leader*, July 1, 2004.

p. 284 “How many times have you been stopped”: I have condensed this exchange slightly. Continued deposition of Janklow, *supra*, p. 547–50.

p. 285 . . . they showed that state troopers had showered: The investigation examined only those stops made by the state patrol. Stops by local police were another matter, and the press could not discover their number with any precision. (Terry Woster, “Highway Patrol’s report on Janklow will remain sealed,” *Sioux Falls Argus Leader*, Dec. 12, 2003; letter, from Colonel Dan Mosteller, to Gov. M. Michael Rounds, Jan. 7, 2004; T. R. Reid, “Janklow Sentenced to 100 Days in Jail,” *Washington Post*, Jan. 23, 2004, p. A03; Terry Woster, “16 stops, no tickets,” *Sioux Falls Argus Leader*, June 30,

2004; Terry Woster, "Janklow: Didn't ask for special treatment," *Sioux Falls Argus Leader*, July 1, 2004.)

p. 285 . . . the state's attorney for Moody County: Bill Ellingson was only a part-time state's attorney (Moody County being small of population). The rest of the time he was a tax lawyer.

p. 285 Come the trial, Janklow mounted a defense: Events surrounding the trial can be found in David Kranz, "Janklow medical defense raised," *Sioux Falls Argus Leader*, Nov. 26, 2003; Kevin Dobbs, "Defense case touchy for diabetics," *Sioux Falls Argus Leader*, Dec. 3, 2003; Monica Davey, "His Jury Sees Rep. Janklow Placing Blame," *New York Times*, Dec. 3, 2003; Jon Walker, "Diabetes had effect, doctor says," *Sioux Falls Argus Leader*, Dec. 6, 2003; Monica Davey, "Rep. Janklow Says He Recalls Nothing of Fatal Car Crash," *New York Times*, Dec. 7, 2003; Denise Ross, "Janklow twice mentioned he saw stop sign," *Rapid City Journal*, Dec. 9, 2003; and other articles cited in this chapter.

p. 286 "Always," he said. But he added: "Janklow on the witness stand," *Sioux Falls Argus Leader*, Dec. 7, 2003; Richard Meryhew, "An emotional Janklow testifies in his manslaughter trial in South Dakota," *Minneapolis Star Tribune*, Dec. 7, 2003; Denise Ross, "Janklow testifies, says he has 'probably' run stop signs in the past," *Rapid City Journal*, Dec. 7, 2003; T. R. Reid, "In Testimony, Janklow Remembers Little," *Washington Post*, December 7, 2003, p. A06; Denise Ross, "Analysis: whom will jurors believe," *Rapid City Journal*, Dec. 8, 2003.

p. 287 "I felt he was honest": The jury foreman was James Mitchell. Juror Debra Garamaker, fifty, a beautician, said, "My gut reaction was he was speaking from his heart. I really felt what he had to say was what he believed and what he could remember." (Randy Furst, "Diabetes defense may have backfired for Janklow," *Minneapolis Star Tribune*, Dec. 9, 2003. See also Monica Davey, "Lawmaker Guilty of Manslaughter," *New York Times*, Dec. 9, 2003)

p. 287 Janklow's sentencing hearing followed: Details of Janklow's sentencing can be found in Denise Ross, "Janklow sentenced to 100 days in jail," *Rapid City Journal*, Jan. 23, 2004; Jon Walker, "Janklow gets jail time, fine, 3 years probation," *Sioux Falls Argus Leader*, Jan. 23, 2004; P. J. Huffstutter, "'Remorseful' Janklow Gets 100 Days in Jail," *Los Angeles Times*, Dec. 9, 2003. See also Brenda Wade Schmidt, "Drivers can face variety of charges in fatalities," *Sioux Falls Argus Leader*, Aug. 20, 2003; Peter Harriman, "Man who will decide on charges called earnest, fair," *Sioux Falls Argus Leader*, Aug. 20, 2003; Kevin Woster, "Prosecutors weigh possibilities," *Rapid City Journal*, Aug. 23, 2003; Terry Woster, "Prosecutors: Similar charges might not fit similar crashes," *Sioux Falls Argus Leader*, Aug. 24, 2003.

CHAPTER 14

p. 289 “Ladies and gentleman, on a December”: The opening statement of James McMahon can be found in *U.S. v. Fritz Arlo Looking Cloud*, U.S. Dist. Ct., S. Div. S.D., CR 03-50020, Feb. 2004, transcript, p. 2–13. I have condensed it.

p. 289 . . . she had jumped bond—had called a friend: The friends who gave Aquash a ride to Denver were Evelyn Bordeaux and her boyfriend (later husband) Ray Handboy. They arrived in Pierre about ten o’clock at night, picked up Aquash at the St. Charles Hotel, and drove all night to Denver. Bordeaux died some years ago. (Handboy’s testimony is in *U.S. v. Looking Cloud, supra*, p. 199–207.)

p. 291 “Arlo Looking Cloud didn’t kill anybody”: The opening statement of Timothy Rensch can be found in *U.S. v. Looking Cloud, supra*, p. 13–22. I have condensed it. Looking Cloud sometimes went by the name Frank Dillon.

p. 292 “And what does Arlo do, the twenty-two”: Looking Cloud, born March 25, 1951, was actually twenty-four at the time of the murder.

p. 295 . . . Joseph Trimbach, who had interrupted a Floridian: Trimbach attended the trial because he was working on a book about his FBI days, which has not yet been published.

p. 296 The prosecution called for Nathan Merrick: Merrick’s testimony is in *U.S. v. Looking Cloud, supra*, p. 31–49.

p. 296 For twenty-eight years, the government had said: For a recent example of the government’s ongoing denial: “There was no identification on the body, and the cause of death was not immediately apparent.” (Letter from A. Robert Walsh, Acting Unit Chief, for John E. Collingwood, Asst. Director, FBI Ofc. of Public & Congressional Affairs, to U.S. Sen. Tom Daschle, Jan. 27, 1998.)

p. 296 Not then, nor for the rest of the trial, would jurors: The extent of the jury’s knowledge about the handling of Aquash’s body was that the first autopsy had, in McMahon’s word, been “botched.” He said only that the coroner had first determined the cause of death to be exposure but that then the body had been exhumed and the bullet found.

p. 297 Nor did reporters bring Merrick’s revelation: AIMers accused the media of malice in their coverage of the trial, but the media’s slant was less personal. Few reporters knew enough about AIM’s history to know what they were hearing.

p. 297 . . . Merrick would say that he could not recall: Interview of Nathan Merrick by author, Macy, Neb., Nov. 2005.

p. 297 How much blood—whether microscopic: Given Merrick’s claim to have seen blood on her head, one would presume that the blood on her clothes was obvious as well. Aquash’s clothes were not sent to the lab until March 10. In the teletype accompanying the

clothes, the Rapid City office wrote, “Laboratory is requested to examine enclosed items, specifically for any evidence of blood or semen.” (FBI airtel, from ASAC Rapid City (70-11023) (P), to Director, FBI (attn: FBI Laboratory, Serology Sec.), “Unsub; Anna Mae Aquash (Deceased)—Victim, CIR—Possible manslaughter,” Mar. 10, 1976.) The serologists received the clothing on March 13, whereupon they found the blood but no semen. (Report of the FBI Laboratory, to ASAC, Rapid City (70-11023), FBI file 70-67632, Lab file PC-M6264 OJ MC, re “Unsub; Anna Mae Aquash (Deceased), Victim,” Apr. 16, 1976.) Dr. Brown, for his part, said the clothes were “soiled, but showed no other distinctive finding.” He did not say with what the clothes were soiled. (W. O. Brown, pathologist, autopsy of Anna Mae Aquash, performed Feb. 25, 1976, reported Mar. 15, 1976.)

p. 297 Donald Dealing, retired from twenty-six: Dealing’s testimony is in *U.S. v. Looking Cloud, supra*, p. 54–62.

p. 297 Whereas the Bureau held that he was the only: Dozens of FBI reports had said Dealing had been the only agent of record at the crime scene. On the stand he said, “I actually was the first agent that was present at the scene.” *First* rather suggested others followed, but Rensch did not ask Dealing about it. However, I found an FBI report, through unofficial channels, that said of the day Aquash’s body was found, “Bureau of Indian Affairs (BIA) Police along with Special Agents ██████ of the FBI, recovered the body . . .” The plurality of “Special Agents” was damning. Eventually I received a duplicate of this paper from the FBI. The “s” of “Agents” was cutely censored: “Special Agent ██████ of the FBI”. When I discussed this censorship with an FBI lawyer and an FBI censor, both referred to the “Special Agents” mentioned in the document and to the “names” of the “agents” that had been censored. But they refused to release them. Also, it appears that Donald Dealing was not one the agents whose name was censored. I say this because the FBI told me it would release the name or names of any agent whose name had already been released in connection with events at the scene. Since Dealing’s name had been released in many other documents, I conclude that his name was not one of those censored. (FBI FD-36 form, teletype from ASAC, Rapid City (70-11023), to Director, FBI, re “Unsub, Anna Mae Aquash,” May 25, 1976.)

p. 298 . . . Bill Wood, who turned out to be: Wood’s testimony is in *U.S. v. Looking Cloud, supra*, p. 80–96.

p. 299 This answer had the advantage of agreeing: Bob Ecoffey, the director of BIA police nationwide and the man who worked the case the longest, seconded the government line at trial. He was asked how he had come to work on the case. He said the FBI had invited him to get involved in the early 1980s when the FBI needed help interviewing Indian witnesses in Denver. He had gone to Denver and helped with the case, but the leads had gone nowhere. Ecoffey had stayed with the case, mostly informally and wholly without

luck until 1993, when he got a tip that broke the case open. Ecoffey was not asked at trial to explain why he said the case was broken open in 1993 when the FBI's files showed that the basics of the murder were known in 1976. (Ecoffey would not respond to my several requests to interview him.) Ecoffey's testimony is in *U.S. v. Looking Cloud, supra*, p. 408–65.

In a hyper-literal sense, Wood's answer may have been correct. He probably did not receive the report of December 19, 1975, from the informer that December; an FBI agent in Denver did. Wood was probably given the report a few months later. But this answer and others like it very strongly implied that Wood knew nothing about the December reports, which was untrue.

p. 299 “On December, 19, 1975”: FBI teletype, from Denver (70-4623), to Director, re “Unsub; Anna Mae Aquash, aka (Deceased),” Apr. 28, 1976, 7:02 p.m. Importantly, the FBI knew soon after Aquash disappeared from Pierre that she had gone to Denver. (Kevin McKiernan, “Indian woman's death raises many questions,” *Minneapolis Tribune*, May 30, 1976, p. 1B.)

p. 299 . . . and had been arrested over the summer: The mention of the arrest at the Crow Dog–Running raid was slightly garbled in the FBI teletype, which referred to “the group of Indians arrested in Nebraska last summer.” The Crow Dog and Running properties were near, but not in, Nebraska. The reference, however, was surely to the raid on their properties.

p. 300 “██████ source advised Anna Mae Aquash”: FBI FD-209 report, memorandum from SA William Van Roe (P), to SAC, Minneapolis, Subject ██████, Dec. 8, 1975.

p. 300 Certainly the only legal justification: The FBI claimed that if it revealed what was in this fragment, the informer's identity could be exposed and her or his life jeopardized. This was an almost certainly bogus claim. Aquash was surrounded by a great many people at the time of this informer's report, so whatever the informer reported was in all likelihood known to several people and could not be traced back to any one source.

p. 300 Yet it . . . did nothing: At least, to judge from what documents the FBI has released to me, the FBI did nothing. Conceivably the FBI is withholding documents that show it acted on this information. On the other hand, further evidence that the FBI had the case solved much earlier than admitted arose from the testimony of Troy Lynn Yellow Wood (below). Yellow Wood, according to the prosecution, was approached by law enforcement officers about Aquash's murder only two years after it occurred.

p. 300 . . . “negative results concerning any positive”: Wrote Wood in one report, “Numerous individuals who are either former associates of ANNIE MAE AQUASH or persons believed to have knowledge regarding AQUASH's death have been interviewed with negative results concerning any positive information regarding AQUASH's death.” Wood

attached about sixty pages of mostly dead ends that the FBI had pursued in Minneapolis, Los Angeles, Oklahoma, and South Dakota. (FBI FD-263 report of William B. Wood, Rapid City, investigative period Mar. 29–Aug. 23, 1976, re “Unsub; Annie Mae Aquash, aka (Deceased)—Victim,” Sept. 9, 1976. See also FBI FD-204 report from William B. Wood, Rapid City, to USA, Sioux Falls, S.D. (Attn: AUSA Bruce W. Boyd), re “Unknown Subject, Annie Mae Aquash [sic] (Deceased)—Victim,” field office file 70-11023, bureau file 70-67632, Sept. 9, 1976.)

p. 300 . . . even though he knew . . . it was accurate: No later than two months after Aquash’s body was found, the FBI concluded that the tip it had received on December 19, 1975, from the Denver source was accurate. The proof is a report from April 1976 that discusses the tip and concludes, “It, therefore, appears that the incident which occurred [REDACTED] the murder of Aquash.” The censored text, no doubt, contains an affirmation. (FBI teletype, from Denver (70-4623), to Director, re “Unsub; Anna Mae Aquash, aka (Deceased),” Apr. 29, 1976, 5:56 p.m.)

p. 301 . . . several amateurs solved the case: One amateur who did so was Robert Pictou-Branscombe, a distant cousin of Aquash who re-mortgaged his house to pay for his investigation and whose work confirmed Paul DeMain’s. Robert Pictou-Branscombe publicly fingered Clarke, Looking Cloud, and Graham in 1999; DeMain published their names the same year.

p. 301 “For years the identity of Anna Mae’s killers”: Interview of Paul DeMain by author, Hayward, Wisc., Aug. 2003.

p. 301 (Theda Clarke has escaped indictment): Although Clarke claimed Alzheimer’s, she appeared entirely lucid when I visited her in 2003. For example, she had no trouble recalling a letter I had sent her months before, she easily understood what I wanted to talk about, and she shouted me from her room with knowing vigor.

p. 302 (His file said the opposite): And Wood’s boss Norm Zigrossi said Aquash had rebuffed the FBI in its attempts to recruit her: “We would have loved to have had her as an informant,” Zigrossi said. “But she didn’t want any part of us.”

p. 302 Kamook Nichols was a casting director: Nichols’s testimony is in *U.S. v. Looking Cloud, supra*, p. 112–81.

p. 303 Permitted to speak, Nichols: Judge Piersol told jurors they were not to judge the truth or falsity of whatever Aquash had told Nichols, only Aquash’s state of mind. The instruction was more easily given than followed. Several times during the trial, when the prosecution wanted to introduce evidence that (intended or not) was damning to AIM, Piersol allowed it with the same instruction.

p. 303 . . . “and they were making her make bombs”: Candy Hamilton later told the same story. Said Hamilton, “Cheyenne Nichols, Kamook’s mother, told me before she died

that Dave Hill made Annie Mae make the bombs. He kept calling her a snitch. ‘So if we get caught, you’re gonna be the one that made them, and you’ll have to take the fall.’ ” (Interview of Candy Hamilton by author, Oglala, S.D., Aug. 2003; e-mail from Candy Hamilton to author, Nov. 2003.) Viola “Cheyenne” Nichols died in 2002.

p. 305 . . . Nichols’s sister, Bernie Lafferty, said: More precisely, Lafferty made this statement before trial, but it was not made public until after trial. (“Bernie Nichols Speaks Regarding Leonard Peltier,” Feb. 19, 2005, Justice for Anna Mae and Ray Web site, jfamr.org/didit.html, viewed Mar. 2005, citing interview by unknown source of Mar. 9, 2001.) Paul DeMain has also reported that “several people” have told him of hearing Peltier boast of killing the agents, and other people (or perhaps the same) have told him of seeing Peltier flourishing Agent Coler’s revolver as a trophy. (Paul DeMain, “Arlo Looking Cloud Trial Outline,” Jan. 30, 2004, www.indigenouswomenforjustice.org, viewed Feb. 2004.)

p. 305 The FBI wired her for sound and sent her: Prosecutor McMahon said he would call her back to the stand to discuss what was said in some of those wired conversations, but he never did. Nichols refused to be interviewed for this book.

p. 305 Forty-odd thousand dollars seemed: When Rensch asked if \$49,000 was a lot of money, Nichols said no, although it was twice her normal annual income. She also denied having witnessed crimes in her AIM days, though she had just testified to watching bombs being made. She was evasive in other respects as well.

AIM denounced Nichols as a turncoat and liar, but there was proof only of the former—if one can be called a turncoat for speaking what was probably the truth. AIMers speculated that Nichols had been brainwashed, or was selling movie rights, or was writing a book, or had been cowed into informing by having her children threatened. Few AIMers said (not aloud anyway) that Indians might be better served by hearing the truth from her (if truth she was telling) than by a continuation of the cover-up of AIM’s role in Aquash’s murder. Nichols did not help matters. In addition to her evasiveness, she refused to say publicly that the FBI had a long history of sabotaging AIM or that the government might be using her for the less than noble end of burying Peltier.

p. 306 Mathalene White Bear of El Monte: White Bear’s testimony is in *U.S. v. Looking Cloud, supra*, p. 181–90.

p. 307 After the trial, White Bear would say: Interview of Mathalene White Bear by author, El Monte, Cal., Nov. 2005.

p. 308 . . . a WKLDOC lawyer had smuggled it out: The lawyer was Beverly Axelrod, now dead.

p. 309 Twenty-nine years before Angie Janis: Janis’s testimony is in *U.S. v. Looking Cloud, supra*, p. 209–35.

p. 309 Rios owned the empty apartment: Rios has denied knowing her apartment

was used to hold Aquash. She said plenty of friends used her apartments; if some of them committed crimes there, what was that to her? (Interview of Thelma Rios by author, Rapid City, S.D., Feb. 2004.)

p. 310 . . . two or three members of the Latino rights group: The members of the Crusade for Justice alleged by multiple sources to have been at the meeting were George Pilfe and Ernesto Vigil.

p. 310 “Do you remember what was being discussed?”: Tim Rensch, fearing prejudicial information, asked for the jurors to be excused for the discussion about what the members of the Crusade said. Judge Piersol agreed, and the jurors never heard it.

p. 311 The prosecution called Candy Hamilton: Hamilton’s testimony is in *U.S. v. Looking Cloud, supra*, p. 299–326. I have supplemented her testimony with interviews from 2003 and 2005.

p. 312 Hamilton didn’t see the people in the room: Another WKLDocker, Jeanette Eagle Hawk, said she was barred from the front room that day, but she looked in briefly and saw Ellison, Rios, the Meanses, and Clyde Bellecourt. It was the only occasion she could recall in which she was ever prevented from going into a part of the house. Eagle Hawk’s testimony is in *U.S. v. Looking Cloud, supra*, p. 326–32.

p. 313 According to Bob Robideau, Bruce Ellison: Transcript of conversation between Robert Robideau and John Trudell, Dec. 3, 1994, Albuquerque, N.M.

p. 313 “Madonna Gilbert?”: Before the trial, Madonna Gilbert, now Madonna Thunder Hawk, told me that she had nothing to do with an interrogation of Aquash. “I barely even knew who Anna Mae Aquash was,” she said before changing the subject. (Interview of Madonna Thunder Hawk by author, Cheyenne River Reservation, S.D., Nov. 2003.) Peter Matthiessen wrote in *In the Spirit of Crazy Horse* that Thunder Hawk was “rather unwilling” to talk about Aquash. (Viking Press, 1991, p. 436.) When I asked Thunder Hawk about Matthiessen’s comment, she said, “When I saw that, I knew the man didn’t know anything. I put the book down right then and never read it.” But I agreed with Matthiessen’s assessment. John Trudell later said that when Arlo Looking Cloud confessed the murder to him, he (Looking Cloud) had said that when the kidnapers first arrived in Rapid City, “Lorelei Means and Madonna Thunder Hawk and Thelma Rios and John Boy and himself, between them, somebody always stayed with her, and she was kept in that house, not free to leave.”

p. 314 . . . Cleo Gates looked more like: Gates’s testimony is in *U.S. v. Looking Cloud, supra*, p. 333–43. Gates was the sister of Joe Morgan, the drinking buddy whom Arlo Looking Cloud had gone to find on the afternoon that he knocked on Troy Lynn Yellow Wood’s door. Gates’s then-husband, Dick Marshall, was the AIMer who shot Martin Montileaux in the bathroom of the Longhorn Saloon and became a cause célèbre until he belatedly confessed to the crime.

p. 315 “I didn’t think anything of it”: Author interview with Cleo Gates, Manderson, S.D., Nov. 2003.

p. 315 Troy Lynn Yellow Wood took the stand: Yellow Wood’s testimony is in *U.S. v. Looking Cloud, supra*, p. 235–92. McMahon asked whether Aquash had told Yellow Wood about Peltier’s interrogation of her in Farmington. Yellow Wood told substantially the same story that Nichols had told.

p. 315 “He said that she told him they were deciding”: I have condensed this exchange slightly.

p. 317 John Trudell had chaired AIM from: Trudell’s testimony is in *U.S. v. Looking Cloud, supra*, p. 380–408.

p. 317 . . . saying flatly, “That is Annie Mae”: Trudell said this in June 1976 at the trial of Dino Butler and Bob Robideau for the murder of the FBI agents in Oglala. (Quoted in Matthiessen, *supra*, p. 301.) Trudell has said Vernon and Clyde Bellecourt were in the car when Banks made his revelation.

In 2004, Banks claimed that it was Trudell who had told him, in a meeting with several people, that the Jane Doe was Aquash: “It was during a meeting in Los Angeles, California, that John Trudell came over to me and said, ‘Annie Mae’s body has been found.’ The news devastated me. It was only the presence of so many people that prevented me from bursting into tears. There was absolute silence in the committee room. I left in order to regain my composure.” Banks could have supported the claim by naming the other people at the meeting. He did not. (Banks and Erdoes, *Ojibwa Warrior: Dennis Banks and the Rise of the American Indian Movement*, Univ. of Okla. Pr., 2004, p. 220.) Trudell called Banks’s claim “total fucking bullshit.” (Interview of John Trudell by author, via phone, Dec. 2005.)

p. 317 “When you were speaking to him,” Rensch said: I have condensed this exchange. Rensch also asked Trudell, “If you were friends with Anna Mae, why, if Arlo said these things to you in ’88, didn’t you call the police and do something about it?” Trudell answered, “Because I told Arlo that what he said to me, he said it in confidence. And go to police? I mean no offense, but my relationship with the United States government isn’t a real good one. I have no basis to be trusting police.”

p. 318 Ecoffey did not ask how “little”: There was no sign at trial that Ecoffey or the Denver police gave Looking Cloud a breath (or other) test to see if he was drunk. Ecoffey refused to be interviewed for this book.

p. 319 . . . by summoning David Price: Price’s testimony is in *U.S. v. Looking Cloud, supra*, p. 465–9. Price refused to be interviewed for this book.

CHAPTER 15

p. 321 In 1988 a Montana ranch foreman: Clausen’s story—both of his own travails

and of his relationship with the Durham brothers—can be found in his obscure, self-published, and often entertaining book *Burning Rage: The Growing Anger Within My Country* (Sail Away Press, 2000), of which the Durham episode is a single chapter. Most of the book is a rant against liberal ills that Clausen believes are ruining America. Clausen’s main career in 2006 was promoting himself as an expert on environmental “extremists.” His veracity has frequently, and rightly, been called into doubt (e.g., Bob Ortega, “Clausen’s ‘Eco-Probes’ Draw Suspicion, But He Still Turns up on TV, in Papers,” *Wall Street Journal*, Mar. 2, 1999). I have restricted my use of his claims to those that I could corroborate with other sources, with a few exceptions that should be obvious to the reader (e.g., conversations in which only Durham and Clausen were present and so are unverifiable). Clausen refused several offers to speak with me. One of the legacies of the FBI’s refusal to shed light on its operatives is that reporters are often forced to get information about those operatives from sources like Clausen whom they would just as soon ignore.

p. 321 “You know Doug Durham?” the sheriff said: According to Clausen, the sheriff was Lee Edmisten of Madison County, and the FBI agent in Butte was Gary Lincoln.

p. 322 So well did Durham and the sheriff get along: Durham had worked on the sheriff’s election campaign. (Interview of Dennis Durham by author, Newton, Ia., Dec. 2005.)

p. 323 . . . plenty of lawmen liked crooks—their crooks: Revelations have piled up in recent years about FBI agents who got too close to the bad guys and became bad guys themselves. One of the worst examples came from Boston, where agents helped cover up murders committed by their mafia friends. See Dick Lehr and Gerard O’Neill, *Black Mass: The Irish Mob, the FBI, and a Devil’s Deal*, Public Affairs Press, 2000.

p. 323 “It was a glorified pyramid scheme”: Dennis Durham interview, *supra*.

p. 325 Durham had lowered his profile: The information on this scandal comes from Dennis Durham. (Dennis Durham interview, *supra*.)

p. 326 “No,” he wrote back. “My dad taught”: Information from Dennis is in Dennis Durham interview, *supra*; various letters from Dennis Durham to author, 2003–4.

p. 326 Policemen and FBI agents were always stopping by: Dennis said shortly before his father’s death, “I know that to this day Doug has a relationship with the FBI. In the ’80s, several times we would pull right into the FBI office, get buzzed in and greeted and go right to [Special Agent in Charge Dave] Gillis’s office. Doug would talk for hours while I got shown around. I don’t know if Doug was still on the job [for the FBI] in Dallas or not, but he could get what he wanted.”

p. 327 “Doug’s dead,” his next letter began: Durham died on February 22, 2004, at Sunrise Hospital in Las Vegas. His remains were to be shipped to his hometown of Galatia, Illinois, for burial in a family plot.

p. 328 In May 2000 the FBI compiled a report: FBI report, Minneapolis field office, "Accounting for Native American Deaths, Pine Ridge Reservation, South Dakota," May 2000.

p. 328 . . . a hearing of the U.S. Commission on Civil Rights: South Dakota Advisory Committee to the U.S. Commission on Civil Rights transcript, "Native Americans and the Administration of Justice in South Dakota," Dec. 6, 1999, Rapid City, S.D.

p. 328 USCCR eventually concluded: Technically speaking, it was not USCCR proper that concluded thus; it was the South Dakota Advisory Committee to the USCCR, which in March 2000, four months after the hearing in Rapid City, issued a report called *Native Americans in South Dakota: An Erosion of Confidence in the Justice System*. In careful but firm language, the committee damned prosecutors, police, and especially the FBI for what was at best a strong appearance of dereliction of duty.

p. 328 ("Garbage," Governor Janklow said): Terry Woster, "Janklow: Civil rights report is 'garbage,'" *Sioux Falls Argus Leader*, April 5, 2000. Janklow then commissioned a report of his own, which also found evidence that Indians were treated worse than whites by South Dakota's justice system. (Richard Braunstein and Steve Feimer, "South Dakota Criminal Justice: A Study of Racial Disparities," *South Dakota Law Review*, vol. 48, 2003, pp. 171ff.)

p. 329 . . . aside from a few "nonspecific rumors": As the FBI wrote in its May 2000 "Accounting for Native American Deaths," "The names of murder victims were not attached to the rumors and addressing the allegations could not be accomplished." Only in December 1999, "for the first time," did complainants "provide the FBI with specific information to address."

p. 329 "I am not overwhelmed": USCCR transcript, *supra*, p. 30.

p. 329 The truth, as scores of FBI documents show: FBI report, "Inquiry from U.S. Commission on Civil Rights Concerning Law Enforcement on Pine Ridge Indian Reservation, South Dakota," Rapid City, S.D., May 27, 1976, p. 13ff. The report discusses investigations since July 1, 1975. Another list (or perhaps the same) was compiled for Senator Jim Abourezk, who demanded the FBI and U.S. attorney give him a list of outstanding felonies on Pine Ridge. There were, of course, many other instances over the years in which the FBI was told of the alleged crimes. For examples of these, see Letter from Hank Adams, Director of Survival of American Indians Association, to Dennis Banks and Russell Means, May 14, 1974, in WKLDOC Archives; untitled, unsigned WKLDOC memo, Mar. 10, 1975, in WKLDOC Archives; FBI memo from SA Noel A. Castleman, to SAC Minneapolis (70-6332) (P), re "Wounded Knee Information Received from Geraldine Mae Janis," April 12, 1973, in WKLDOC Archives.

p. 330 The list was expanded and republished: Churchill and Vander Wall published

the expanded list in *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Domestic Dissent* (South End Pr., 1991), and Churchill republished the list in two more books: *Indians Are Us?: Culture and Genocide in Native North America* (Common Courage Pr., 1993) and *From a Native Son: Selected Essays on Indigenism, 1985–1996* (South End Pr., 1996). Churchill is often unreliable on facts, but his list of unsolved violent crimes was more accurate than not.

p. 330 Only after reporters learned of its existence: Reporters learned of the report by word of mouth on the thirtieth anniversary of the takeover of Wounded Knee. (Heidi Bell Gease, “FBI report responds to claims of unsolved Indian deaths,” *Rapid City Journal*, Feb. 27, 2003.) The FBI’s “Accounting” received page-six coverage in the newspapers of the Plains and no important coverage in any major media outlet.

p. 333 The FBI did and does have jurisdiction: And in any case, lack of jurisdiction often did not stop the FBI from investigating AIM, as its forays into the Skyhorse and Mohawk case and Dick Marshall’s killing of Martin Montileaux show.

p. 334 “I told Dennis, ‘We think he’s a fed’ ”: Mike Mosedale, “Bury My Heart,” *City Pages* (Minneapolis–St. Paul), Feb. 16, 2000, p. 1.

CHAPTER 16

p. 335 Bissonette wanted the occupiers: Rolland Dewing, *Wounded Knee II*, Great Plains Network/Pine Hills Pr., 1995, p. 100.

p. 335 . . . a fight over the disposition of a load of dynamite: Peter Matthiessen, *In the Spirit of Crazy Horse*, Viking Pr., 1991, p. 578. Martinez’s widow confirmed for me that he wanted to kill Banks. (Interview of Vicki Thunder Hawk by author, Porcupine, S.D., Nov. 24, 2003.) Bob Free told me, “I was offered gifts, but killing each other wouldn’t have been good publicity. So I said no thanks on this one.” (Interview of Robert Free by author, via phone, Nov., 2003.)

p. 336 . . . whether to assassinate Vernon Bellecourt: An FBI informer who went into Wounded Knee on April 21, 1973, accompanied by Byron DeSersa, “advised that an individual by the name of ██████ [almost certainly Vernon Bellecourt] who was to secure a shipment of arms and ammunition for the occupants of Wounded Knee, apparently ‘blew the gun deal’ and now ██████ and other individuals are planning to assassinate him. . . .” (FBI memo from SA ██████, to SAC, Minneapolis (70-6832)(P), re “Wounded Knee,” date uncertain but the informer was interviewed Apr. 23, 1973.)

When DeSersa was interviewed by the FBI in a Seattle hospital bed a month later, he confirmed there had been a split inside Wounded Knee and that both Vernon and Clyde Bellecourt had been accused of misusing funds. DeSersa did not admit knowledge of an assassination plot. (FBI nitel from Seattle [file numbers unclear], to Acting Director FBI

(157-15434) [numbers are very fuzzy and may be wrong], re “Disorder by American Indians in South Dakota, Extreme Matters, American Indian Activities,” June 1, 1973.)

The FBI has told me that it has other reports from the time of the siege that contain “a reference to certain third parties who had been identified to be murdered by certain AIM members.” The FBI will not release those reports. (Defendant FBI’s Second Preliminary Vaughn Index, *Stephen Hendricks v. FBI et al.*, U.S. Dist. Ct. Mont., Helena Div., CV 0361-H-CSO, May 19, 2005, p. 17.)

p. 336 . . . a goon foot patrol captured twelve men: *Voices From Wounded Knee*, self-published by *Akwesasne Notes* newspaper, 1974, p. 190ff.

p. 336 The government . . . sent agents and marshals: The government documents, heavily censored, do not say where or how thoroughly the government men searched.

p. 337 “Because I could not fight the white man”: I have condensed this quotation and the one in the next paragraph slightly. (Barbara Deming, *Prison Notes*, Grossman Pubs., 1966, p. 113.)

p. 337 He found what he was looking for in 1964: Accounts of Robinson’s activism can be found in Deming, *Prison Notes*, *supra*, p. 113; Barbara Deming, *We Cannot Live Without Our Lives*, Grossman Pubs., 1974; Carson Walker, Associated Press, “A follower of Martin Luther King Jr. might be buried at Wounded Knee: Slain activist had roots in civil rights movement,” Jan. 15, 2004; e-mails from Cheryl Buswell-Robinson to author, 2003–5; interviews of Cheryl Buswell-Robinson by author, via phone and in Detroit, Mich., 2003–5. The Québec-to-Guantánamo walkers resorted to boat for the last few hundred miles; Robinson did not take part in the oceanic leg.

p. 338 “And goddamn if the next day”: Interview of Cheryl Buswell-Robinson by author, Detroit, Mich., Dec. 2005.

p. 338 “While I was speaking to Clark”: I have condensed this quotation slightly. (E-mail from Hank Adams, to author and Paul DeMain, Dec. 3, 2003.)

p. 339 . . . on the front page of the *New York Times*: Ray Robinson, Cheryl Buswell-Robinson, and James Washington (the last of Cincinnati) “had intervened when Supreme Court security officers were attempting to take into custody youths who were tampering with the flag.” (Earl Caldwell, “High Court Building Stormed In Demonstration by the Poor,” *New York Times*, May 30, 1968, p. 1.)

p. 339 . . . Robinson might be an agent provocateur: Hank Adams said he thought that it was someone in either the Alianza headed by Reies Tijerina or the Crusade for Justice headed by Corky Gonzales who first suggested that Robinson was an agent provocateur. The Crusade for Justice was the same group whose members were allegedly at Troy Lynn Yellow Wood’s when Aquash was taken from Denver to Rapid City—and one of whose members, in the claim of Angie Janis at the Looking Cloud trial, suggested slitting the throats of provocateurs.

p. 339 He drove with friends to Rapid City: The friends were Janie Waller, who lived with the Robinsons on the People's Farm in Alabama; Emily Gordon; and Herschel Joiner, Gordon's boyfriend. I have not found Gordon or Joiner. Waller, as noted elsewhere, is dead.

p. 339 His hike seems to have gone poorly: As best Cheryl and others could recollect, he hiked into Wounded Knee on or about April 20.

p. 339 By at least two accounts, the deep-voiced Robinson: Cheryl Buswell-Robinson was told this story when she investigated Ray's death. I was told it by Allen Cooper, a friend of Ray's inside Wounded Knee. (Interview of Allen Cooper by author, Albuquerque, N.M., Nov. 2005.) When Robinson's hiking companions urged him to be quiet, he may have replied that the feds were nothing to be afraid of.

p. 340 Robinson was overcome and: Interview of Lenny Foster by author, via phone, Nov. 2005. Foster took part in the sweat. He remembered Robinson by skin color, not name; Robinson was the only black man in Wounded Knee at the time.

p. 340 "If he's the guy I'm thinking of": Interview of Kevin McKiernan by author, via phone, Mar. 2004. A woman who walked out of Wounded Knee on April 20, 1973, told the FBI there were two hundred Indians, eleven whites, and two blacks inside. (Walker, *supra*.) The black woman was almost certainly Robinson's friend Janie Waller; the man was almost certainly Robinson. Of the many people I have spoken to who were inside Wounded Knee at the time, Robinson and Waller were the only black people they remember.

p. 340 "He seemed to have difficulty": Two Elk's recollections can be found in Richard Two Elk, "Wounded Knee April 1973 . . . Forward Edge of Battle . . ." [ellipses in original], posted to alt.native Google newsgroup, Jan. 16, 2004; and Walker, *supra*. I have condensed some of Two Elk's quotations.

p. 341 There was much in Two Elk's account that was self-serving: Before Two Elk made his revelation, he had had a bitter falling out with AIM. His hatred of AIM's leaders, particularly Dennis Banks, was absolute. Many AIMers in turn came to hate Two Elk for testifying on behalf of the prosecution at the trial of Arlo Looking Cloud. Looking Cloud and Two Elk had grown up together, and the former confessed the murder of Aquash to the latter several times over the years. Two Elk's testimony is in *U.S. v. Fritz Arlo Looking Cloud*, U.S. Dist. Ct., S. Div. S.D., CR 03-50020, Feb. 2004, p. 347-79.

p. 341 . . . at the end of 2003 published a story about it: Stephen Hendricks, "Man Missing at Wounded Knee, 1973," *Black Hills People's News*, Dec. 12, 2003, p. 9. Paul DeMain of *News from Indian Country* was working on the story simultaneously but separately.

p. 342 "My uncle Stanley Hollow Horn": Interview of Marlette Thunder Horse by author, via phone, Nov. 2005.

p. 342 ". . . Carter Camp that took him . . . and Leonard Crow Dog": Camp

refused to speak to me about the claim (e-mails from Carter Camp to author, Mar. 2006), and Crow Dog, who has no fixed address but receives messages through his family, did not respond to my request in 2006 for an interview on the matter. I had set up an interview with Crow Dog in 2003, but he stood me up.

p. 342 In another version of Ray's last moments: This version apparently originated with Keith DeMaris, who later ran the International Indian Treaty Council and who was told the story after inquiring of friends about Robinson's death. (DeMaris told his story to Barbara Deming, a friend of the Robinsons, discussed elsewhere.) More than one person has told me off the record that Banks was Robinson's summoner. Richard Two Elk has said so to Paul DeMain (E-mail from Paul DeMain to author, Jan. 19, 2004), and Cheryl Buswell-Robinson was told the same thing when she inquired into Ray's killing in 1974.

p. 342 . . . run by Madonna Gilbert and Lorelei DeCora: Both Gilbert (now Thunder Hawk) and DeCora have declined to talk either to me or to Cheryl Buswell-Robinson about Ray's killing.

p. 343 . . . Janie Waller, hiked into Wounded Knee: By some accounts, Robinson may have been alive when Waller entered. She stayed in Wounded Knee until the stand-down two weeks later.

p. 343 "I'd patrolled with these guys, man": Cooper interview, *supra*.

p. 343 ". . . questioned me while Stan Holder": Stan Holder declined to talk to me about the matter.

p. 344 . . . "there is a young white male locked up": FBI memo from SA ██████, to SAC, Minneapolis (70-6832)(P), re "Wounded Knee," date uncertain but ca. Apr. 23, 1973. According to another informer's report, "The third individual mentioned by source was an unknown whitemale [sic] who was being held in the Wounded Knee jail. He was told by ██████ that ██████ had informed ██████ that the fellow in jail was going to be tried and shot for being a traitor." The suspected traitor was supposedly caught with a notebook and camera, apparently on April 21, 1973, but possibly on April 22, 1973; either date roughly coincides with the killing of Robinson and interrogation of Cooper. (FBI FD-204 report from ██████, Minneapolis, to USA, Sioux Falls, and to AUSA, Rapid City, field ofc. file 70-7085, Bureau file 70-58959, Sept. 15, 1973.)

p. 344 Deming made an investigation: Cheryl Buswell-Robinson told me about Deming's investigation.

p. 344 "When I heard, and I am emphasizing heard": Interviews of Sand Brim by author, via phone and in Venice, Cal., Dec. 2003, Nov. 2005.

p. 345 The Wounded Knee veterans . . . would not admit even: Another WKL-DOcker, Gail Sullivan, told me, "In 1975, I heard a story about Ray being killed and asked around, but every time I asked, the door was shut in my face. Nobody had ever seen him,

which just wasn't believable: he was tall and black and would have stood out. It left me with the unsettled feeling that someone on our side could have been responsible for his death." (Interview of Gail Sullivan by author, via phone, Dec. 2003.)

p. 346 "I don't know who you're talking about": Walker, *supra*; e-mail from Carson Walker to author, Feb. 2004.

p. 346 The letter, from Dennis Banks to an envoy: Letter from Dennis Banks to Manny Salinas, Community Relations Service, U.S. Justice Department, Oct. 17, 1974, copy in author's files. Dennis Banks and Clyde Bellecourt declined my offers to talk about this and related matters.

p. 346 This is a WKLDLOC memo: Davies's note about Robinson read, "VVAW has had two post cards in last 2 days." (WKLDLOC memo, from Jeanne Davies, to Ken Tilsen, re "Current Information Concerning the Defense Committee's File on Missing Persons," July 14, 1973, in WKLDLOC Archives.) When Cheryl Buswell-Robinson visited AIM in 1974, she was not told about this memo or the investigation it described.

p. 348 . . . in 1965, when Viola Liuzzo . . . was murdered: The FBI operative who was involved in the murder was Gary Thomas Rowe. The story is well told in Gary May, *The Informant: The FBI, the Ku Klux Klan, and the Murder of Viola Liuzzo*, Yale Univ. Pr., 2005.

p. 348 Just one example of the intelligence: The FBI has not released Ray Robinson's file, but it has released Cheryl Buswell-Robinson's. Her file includes reports of spying on Ray.

p. 348 A CIA report from 1965: The report appears to have been based wholly or mostly on surveillance by the FBI. James Bernard Wilcott, an FBI infiltrator of civil rights groups in Miami and elsewhere, briefed the CIA (or briefed the FBI, which briefed the CIA) on Robinson. (CIA document, from Deputy Chief of Personnel Security Division, to Deputy Director of Security for Personnel Security, re "Wilcott, James Bernard Jr. #109 301," Aug. 31, 1965, text at www.ajweberman.com/nodules/nodule3.htm, viewed Oct. 2003.)

p. 349 . . . agents were only too pleased to learn of his murder: Or perhaps agents feared that if they investigated the case of someone murdered on suspicion of informing for the FBI, the story of COINTELPRO might come out in open court.

p. 349 . . . other reporters asked Dennis Banks: Walker, *supra*.

p. 349 Stan Holder, the security chief: Holder's wife during Wounded Knee, Leola One Feather, said that a "close connection" of hers had told her about Robinson's killing at the hands of AIMers inside Wounded Knee. (Interview of Leola One Feather by author, Wounded Knee, S.D., Nov. 2003.)

p. 349 Nor did . . . Madonna Thunder Hawk: Thunder Hawk had, however, spoken with me on previous occasions. Our conversations came to an abrupt end when I began

asking about Ray Robinson. Among the messages she did not answer was one in which I asked if she would tell Cheryl what she knew, if anything, about Ray's last minutes.

p. 349 Of the several people allegedly involved: Russell Means and Pedro Bissonette, the other principal leaders of Wounded Knee, were not in the village when Robinson was shot. Anna Mae and Nogeeshik Aquash left Wounded Knee shortly after Robinson was killed. Whether they knew about the killing is not known.

p. 349 Camp first spoke publicly about Robinson: See Debbie Lang, "Leonard Peltier Freedom Month: The Spirit of Wounded Knee," *Revolutionary Worker*, n. 1,030, Nov. 14, 1999, posted at alt.native Google newsgroup, Nov. 24, 2003.

p. 351 They said they had an open investigation: Agent Vukelich told me too, in late 2003, that the investigation into Robinson's death was open and, therefore, the FBI could not discuss it.

p. 351 "Then they brought in this racist-ass": According to Cheryl, the assistant U.S. attorney said that looking for Ray's body would be a problem on Pine Ridge because Indians thought *everything*—his tone implied everything from toothpicks to mountains—was sacred. He rolled his eyes as he said it. The same assistant U.S. attorney told me that he suspected that authorities in 1976 had buried Aquash's body quickly not because of mischief on the part of the government but because "Indians get spooked by things like dead bodies." His tone implied Indians were feeble of mind. (He also had his facts wrong: when Aquash's body was buried, it was not in the possession of Indians but of a white mortician in Nebraska.) This assistant U.S. attorney is intimately involved in prosecuting (or not) cases that originate on Indian reservations.

CHAPTER 17

p. 353 But it is certain that in late November: Most of the events in the last weeks of Aquash's life can be found in Paul DeMain, "Annie Mae Pictou Aquash Time Line: An Investigation by News from Indian Country," www.indiancountrynews.com/aquash.cfm, viewed Apr. 2003.

p. 353 "When Madonna [Gilbert] told me": Interview of Candy Hamilton by author, Oglala, S.D., Aug. 29, 2003.

p. 354 . . . Ted Means, Web Poor Bear, and the man: I was unable to locate Ted Means or Webster Poor Bear for comment.

p. 354 . . . Russell Means, who got the story from: Means said at a press conference, "Vernon Bellecourt made the phone call to the house on Rosebud, which"—and here Means choked up—"is my brother's house—and Clyde Bellecourt took the call from Vernon and then issued the order for her death, for her murder, in 1974—in 1975. . . . One of the three that took Anna Mae to her death has told me that it was Vernon Bellecourt,

and that's why I'm coming forth." (Transcript of press conference, Russell Means and Robert Picou Branscombe, Denver Federal Bldg., Nov. 3, 1999, posted at "Annie Mae Aquash, Special Issue—November 1999," www.indiancountrynews.com/aquashspecial.cfm, viewed Apr. 2003. See also Robert Weller, Associated Press, "AIM leader says other AIM members killed woman activist," at same Web site.)

p. 354 . . . editor Paul DeMain, who got the story: "Annie Mae Picou Aquash Time Line," *supra*. DeMain has speculated that Aquash was killed not because AIMers thought she was an informer but because they feared she would become an informer. The chief fear was that she would testify that Leonard Peltier had killed one of the agents at Oglala. DeMain speculates that Aquash was also a threat because she knew many other dark secrets within AIM, perhaps including Ray Robinson's murder. Both speculations are plausible. But like the prosecutors of the Aquash murder, DeMain has shown little interest in the possibility that the FBI was involved in the conspiracy to kill Aquash.

p. 355 . . . Aquash's wallet turned up in the hands: Tilsen returned the wallet to Aquash's family. The cover letter he enclosed is Letter from Kenneth E. Tilsen to Robert C. Levy, May 17, 1976, in WKLD0C Archives. Levy wrote back that he had received the wallet and had given it one of Aquash's sisters, who was grateful to receive it. (Letter from Robert C. Levy, Nova Scotia Legal Aid, to Kenneth E. Tilsen, July 16, 1976, in WKLD0C Archives.)

p. 355 . . . "we needed someone who was not wanted": Dennis Banks with Richard Does, *Ojibwa Warrior*, Univ. of Okla. Pr., 2004, p. 303.

p. 355 . . . a canard since several other people: Indeed, FBI reports show that several of the other AIMers went into gas stations and restaurants. Also, Banks has boasted that during the time he was a fugitive, he almost never tried to hide his movements and freely frequented public places.

p. 356 "You know, we believe the FBI set us up": "Anna Mae Picou Aquash Time Line," *supra*.

p. 356 "It just didn't happen," he said: Interview of Bill Means by author, St. Paul, Minn., Aug. 2003.

p. 357 "The American Indian Movement is no more": Interview of Vernon Bellecourt by author, Minneapolis, Minn., Aug. 2003.

p. 357 I had heard that Bellecourt had been: I had heard so from more than one source. See also Interview of Richard Two Elk by members of the Native American Journalists Association, NAJA annual meeting, June 16, 2000, published at www.indiancountrynews.com/2elk1.cfm, viewed Apr. 2003.

p. 358 The Bellecourtian speaker said: Carson Walker, Associated Press, "Aquash exhumed, now going home," *Rapid City Journal*, Apr. 22, 2004. Vernon's brother Clyde "said

he often stays at Means' house when he's in South Dakota but was never present for a conversation that included orders to kill Aquash. 'Everyone in the movement knows I would not allow anything like that to take place,' he said."

p. 358 "I . . . enclose Anna Mae's billfold": Tilsen letter, May 17, 1976, *supra*.

p. 358 "You know—boy—I've never seen that": Interview of Ken Tilsen by author, Troy, Wisc., Aug. 2003.

p. 359 Peter Matthiessen told me Tilsen had lied: According to Matthiessen, Tilsen led him to believe that AIMer Richard Marshall did not kill Martin Montileaux even though Tilsen knew Marshall had killed him. (Conversation between Peter Matthiessen and author, via phone, Mar. 2006. The Marshall-Montileaux affair can be found in Matthiessen's *In the Spirit of Crazy Horse*, Viking Pr., 1991.)

p. 359 . . . he replied with insults to my intelligence: E-mails between author and Ken Tilsen, Mar. 2006.

p. 361 But he is best known for dynamiting: Hill's FBI file was released to Barry Bachrach, attorney for Leonard Peltier, on October 31, 2005 (FOIA release 989352-000), and was made available to me just as this book was going to press—too late to cite the many documents inside it. The great majority of the documents relate to the Mt. Rushmore bombing, which is file 174-927 in the FBI's Rapid City office and file 174-6240 at headquarters in Washington. In addition to the papers in Hill's file showing he was the bomber, several sources inside AIM have confirmed the same, including Bob Robideau in "I for one applaud the verdict of guilty," Justice for Anna Mae and Ray Web site, www.jfamr.org/rob.html, Feb. 13, 2004, viewed Feb. 2004. When I asked Hill in 2003 about making bombs, he said, somewhat uncomfortably, that he would prefer not to answer. See also "Bombing Case, Firearms Arrests Made by FBI," *Rapid City Journal*, July 7, 1975; Paul DeMain, "Arlo Looking Cloud Trial Outline," Jan. 30, 2004, www.indigenouswomenforjustice.org, viewed Feb. 2004.

p. 363 In 2003 I spoke with Hill: Interview of David Hill by author, via phone, Nov. 2003. Hill has no fixed address, and I have found him only once. One of the matters we discussed was the X incident. In 1991, several years after the demise of AIM and the imprisonment of Leonard Peltier, a ski-masked figure who identified himself only as X told writer Peter Matthiessen that Peltier had not killed the agents at Oglala—X had. Bob Robideau, who had watched the agents die, set up X's meeting with Matthiessen and vouched for X's tale. Matthiessen published X's claim (see his *In the Spirit of Crazy Horse*, *supra*, p. 580ff.), but it was shortly exposed for a scam: Robideau and X had merely been trying to win Peltier's liberty. When the fraud was laid bare, it hurt Peltier more than it helped him. X, it turned out, was David Hill. Whether Hill had been sincerely trying to help Peltier or trying to sabotage him is a question still debated. When I spoke with Hill in 2003, he claimed he was not X, although he most assuredly was.

p. 363 He even claimed he had met Aquash only once: In addition to the accounts of AIMers (including Hill's friend Bob Robideau) who said Hill had driven Marlon Brando's motor home back from Los Angeles to Pine Ridge with Aquash, and those who said Hill had forced Aquash to make the Columbus Day bombs, Hill's ex-wife Thelma Rios said, "I knew Anna Mae, of course. I saw her there at our old place on Milwaukee Street. But it was David Hill who took her away. . . . I saw him take her out to the car, his hand on her arm, putting on that charming act of his. But he was squeezing her arm hard. She was so scared and crying." (David Seals, "Interviews with Thelma Rios," published Jan. 10, 2004, at John Graham Defense Committee Web site, www.grahamdefense.org, interviewed occurred in late 1990s, interviews occurred in the late 1990s, viewed Jan. 2004.) John Graham has also said Hill was in Rapid City during Aquash's last hours there. ("The Lies of John Graham," indigenousandwomenforjustice.org, viewed Feb. 2004.) Another source has told me he saw Hill at Rios's house the night before the interrogation, and Paul DeMain has also reported that Hill was in Rapid City at the time, possibly relying on the same source as me. ("Annie Mae Pictou Aquash Time Line," *supra*.) Hill told me he was not in Rapid City at the time Aquash was being interrogated there.

p. 363 In 2004, Seals published excerpts: Seals, *supra*.

p. 363 . . . I asked her to explain exactly how: Interview with Thelma Rios by author, Rapid City, S.D., Feb. 2004.

p. 363 A year later I chanced into a lunch date: Interview with Norman Zigrossi by author, Knoxville, Tenn., Dec. 2005.

p. 365 Then again, maybe Zigrossi . . . only wanted me to think: Two other reporters said of Zigrossi's motivations three decades ago, "Zigrossi worried about the possibility that FBI informers played a role in Aquash's death. If so, he said, 'I'd throw an informer's ass in jail so fast he wouldn't know what hit him.' Still, the prospect was not likely to help his career. And, as the Aquash case dragged on, it became obvious that Zigrossi was not eager to plunge into the shadowy world of informers and double agents that haunts the Left and the FBI." (David Weir and Lowell Bergman, "The Killing of Anna Mae Aquash, *Rolling Stone*, Apr. 7, 1977, p. 51ff.)

p. 365 . . . Russell Means and family drove by: "People were really mad about Russ at the time," Candy Hamilton said, "but I didn't see any reason to expect them to stop. I mean, that's the crowd that never liked Annie Mae and always gave her a hard time." (Hamilton interview, *supra*.) Means said he must not have been on the reservation at the time; he must have been on trial somewhere—although no records have been produced that bear him out. (Matthiessen, *supra*, p. 262.)

p. 365 On Sunday, March 14, in a driving snow: For information about Aquash's second burial, see Kevin McKiernan, "Indian woman's death raises many questions,"

Minneapolis Tribune, May 30, 1976, p. 1B; Johanna Brand, *The Life and Death of Anna Mae Aquash*, James Lorimer & Company, 1993, p. 18, 143; Matthiessen, *supra*, p. 262.

p. 366 . . . neither he nor any of AIM's other leaders attended: "Anna Mae Pictou Aquash Time Line," *supra*.

p. 366 "I've been to Annie Mae's grave sixty, seventy": Interview of Dennis Banks by Serle Chapman, Rapid City, S.D., Sept. 1999, in e-mail from Paul DeMain to author, Jan. 7, 2004.

p. 366 "We don't want Vernon Bellecourt holding": Carson Walker, Associated Press, "Aquash exhumed, now going home," *Rapid City Journal*, Apr. 22, 2004.

p. 366 "We have complete faith that those": Denise Maloney Pictou, "A Voice for Anna Mae, Family Statement," Dec. 23, 2003, in e-mail from Catherine Martin, occasional family spokesperson, to author, Dec. 23, 2003. Maloney Pictou's many statements that she does not care about the political overtones of her mother's death and that she wants only to convict the person or persons who pulled the trigger coincide nearly exactly with the view of the FBI. (See Denise and Deborah Maloney Pictou, "A Statement from the Family of Anna Mae Pictou Aquash," in e-mail from Catherine Martin and Paul DeMain to author, Dec. 19, 2003; Denise Maloney, message board Web posting, vancouver.indymedia.org/news/2003/12/93080.php, Dec. 22, 2003 & later dates.)

POSTSCRIPT

p. 367 . . . who is believed to be Bernie Lafferty: Lafferty did not respond to requests to be interviewed for this book.