



# CRAZY HORSE ADVOCATE

## WINTER 2004-5



### **The Voice of the Warrior Societies**

"They told Crazy Horse they would not harm him if he would go to the Soldiers' Town and have a talk with the *wasicu* chief, but they lied. They did not take him to the chief for a talk. They took him to a little prison with iron bars on the windows, for they planned to get rid of him. And when he saw what they were doing, he turned around and took a knife out of his robe and started out against all those soldiers. Then [Indian Police] took hold of Crazy Horse and as they were struggling, a soldier ran a bayonet into Crazy Horse from one side at the back and he fell down and began to die. That night I heard mourning somewhere, and then there was more and more mourning, until it was all over the camp.

Crazy Horse was dead. He was brave and good and wise. He never wanted anything but to save his people, and he fought the *wasicus* only when they came to kill us in our own country. He was only thirty years old. They could not kill him in battle. They had to lie to him and kill him that way."

- Black Elk

# **The Black Hills are not for sale**

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



### THE INDIAN LAND CONSOLIDATION ACT: FORCING TRIBAL LANDOWNERS TO SELL THEIR LANDS

All across South Dakota Indian reservations, tribal members who are tribal landowners are receiving threatening letters from the Bureau of Indian Affairs (BIA) advising them to sell their lands or they will be acquired by the BIA and placed into trust for the tribe. This new land grabbing assault was waged by members of the 106<sup>th</sup> Republican Congress of 2000 with the passing of Senate Bill 1586, the *Indian Land Consolidation Act Amendments of 2000* (ILCA). Amendments are an attachment to the original bill known under Title 25 Chapter 24 as the *Indian Land Consolidation Act* 25 U.S.C. 2206, which was ruled 'unconstitutional' in two previous court rulings. In *Hodel v. Irving* (481 U.S. 704, decided on 18 May 1987) the US Eighth Circuit Court ruled the *Indian Land Consolidation Act* violated the Fifth Amendment of the US Constitution. The ILCA then went under a reconstruction to meet the federal guidelines with the Constitution. In the case of *Babbit v. Youpee* (519 U.S. 234, decided on 21 January 1997) the Ninth Circuit Court ruled that ILCA was still in violation of the Fifth Amendment.

The United States insists that there is a major problem with maintaining fractionated tribal lands. Reports that Indian lands cannot be managed are because of all the heirs to these tribal lands left to them by descendants of the 1887 *General Allotment Act* (24 Stat. 388) and a Congressional statute known as *Act of March 2, 1889* (481 U.S. 704, 707) which divided the Great Sioux Nation into 6 reservations and allotted each head of household 320 acres and those 18 and over 160 acres. After tribal members complied with the *Act*, the federal government bought the left-over lands (called 'surplus') and sold them to white settlers at very low prices. This *Act* opened millions of acres of lands to homesteaders. The tribal landowners to the 1889 *Act* left no wills so 'their' lands were passed to the ownership of their relatives. When these owners passed away with no will also, 'their' lands passed to their relatives, and so on down the line, splitting tribal lands into several fractions. The Lakota belief is that the Earth does not belong to man; rather man belongs to the Earth. And with this fractionation going on, it is the Great Spirit's way of telling us that everyone lives on the land and it does not belong to any individual.

The *American Indian Probate Reform Act of 2004* (AIPRA: PL 108-374; 15 USC 2201 [S. 1721]) was created because of the ILCA's violation of the US Constitution's Fifth Amendment. The intent of AIPRA is to improve provisions relating to probate of trust and restricted lands, meaning if no Will is left, the government decides what is done with the land. The *Lakota Student Alliance* interprets the AIPRA as that, "the individual landowner who owns 1 percent or a handful of sand still has rights to ownership over that handful of sand. But this bill [AIPRA] will most likely say that the BIA can cut that hand off along with the sand."

The Congressional Budget Office has set a 2005 budget of \$8 million to the BIA area offices to buy these tribal fractionated lands. The Indian Land Consolidation Act is a Republican law intended for tribal members to sell their fractionated lands to the tribe, under BIA control, of course. The tribe then puts this land into trust. What is not to say that the federal government might want their money reimbursed? Tribes will not have the funds to repay and so lands become the collateral.

A few years from now, this law will eventually open tribal lands to the New Homestead Act, which is being discussed by several States, including South Dakota. Representatives of this New



# CRAZY HORSE ADVOCATE

## WINTER 2004-5

Homestead Act say that the intent is to bring people to the west because so many young people are moving out of rural communities and many townships are becoming 'ghost towns.' This is just an excuse to open lands. As it is the 2004 population of the United States is 293,027,571 and Indian lands must be opened up for settlement. And with the population of Americans on the rise, this 'fractionation' law is nothing more than political thievery at the hands of the white man.

These are times when landowners and non-landowners must fight for the lands together because if we don't, the reservation will be diminished to half of what we live on now. It is a white man's paper laws that say a person owns the land but our beliefs are the land belongs to all creatures. We must unite under Treaty laws to stop this new era of land thievery. Article 12 of the *1868 Fort Laramie Treaty* (15 Stat 635) requires three-fourths signatures of the adult males of the Great Sioux Nation to consent away lands but that will never happen. We all know that the government takes without asking and that is why we need to unify to fight for what little we have left. District elected officials need to be aware of this fractionation law and propose proper legislation to combat the sale of lands. In fact, we urge landowners and non-landowners to meet with their district councils and move up to the tribal councils to halt any more sales of our lands. Remember even if you own a teaspoon of dirt, you are a landowner.

**NOTE:** See also [www.cia.gov/cia/publications/factbook/geos/us.html](http://www.cia.gov/cia/publications/factbook/geos/us.html) for 2004 U.S. Population; [www.law.cornell.edu/uscode/html/uscode25/usc\\_sup\\_01\\_25\\_10\\_24.html](http://www.law.cornell.edu/uscode/html/uscode25/usc_sup_01_25_10_24.html) for Indian Land Consolidation Act; History of the Sioux Nation [www.thomas.loc.gov](http://www.thomas.loc.gov); Fractionated Indian Lands [www.indianlandtenure.org](http://www.indianlandtenure.org).

### THE EARTH IS RED, THE EARTH IS FOREVER

The Earth is Red, the Earth is forever. The Red Spirit needs to be reborn. Today many Lakota think like the white man. Our ancestors before us had fought and died for us because we were the unborn. Now we are here to continue that life cycle. We must listen to the teachings of our ancestor relatives for we are slowly turning our minds into something that turns against the ways of our grandfathers and grandfathers before them. Our minds are no longer natural but injected with the white man's venom and we are growing slowly away from Grandmother Earth.

I would not be telling this if it were not true. A great many Lakota have been selling their lands to the Americans. But you say "It is my land. I do with it as I may." Lakota, the Earth does not belong to us, we belong to the powers of the Earth. And while this Lakota and that Lakota sit idly by watching their relatives sell their unborn children's rights to life, the white man is getting fat off the land.

One day, all people of this Earth will be one color. I don't want to be another color. I was born a red man; a person of the Earth. I wish not to be another color other than the color of the Earth and the sun- for my skin is red. And if Grandfather wished to make me something else, he would have done so. He has made the Lakota, the defenders of Mother Earth so we must live as we must.

I stand with my ancestors as you must also. Never sell your lands. Never believe the white man's words when he tells you to sell them or they would take them away. Well let them take it by force. What will the Lakota become if they can't fight for the unborn? We would become hateful to one another, more off than what you see today. Our hearts would be swollen from greed and we

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



would never stop to say, ' this is wrong.'

The Earth is Red, the Earth is forever. On the prairie where the buffalo, deer, elk, antelope, coyote, eagle and all through the smallest creature walking, it is their home also. Man does not own the Earth. We shall never sell their homes, rather help them defend it from this enemy that is killing everything in its way.

Lakota, never sell your lands. What rights would your children' s children have? Selling land today is only living for today. Yes, you will have land to lay your tired body to rest when it is your time but where would the unborn generations lie their bodies when they must take that same journey?

Those people who work to sell our lands away. They go home and carry on like nothing ever happened. If they are not tribal members, what gives them the right to come to Lakota Country and take from us? Sure, we all live in poverty, we are poor. Those who eat three, four and five times a day have no idea what a starving Lakota must endure. Those that sit behind a tribal desk, eating his fast foods, while out in the districts, the children go without. Not by chance but by choice.

We, Lakota remain in poverty because we choose to for our love for Grandmother Earth. We don' t wanto succumb to the white man' s ways, for they are evil and their tongues are twisted up. We will starve before we sell our lands. We don' t want it any other way. Without Lakota poverty, these open prairies would be housed with hundreds of white man buildings. Our natural way of living would be non-existent. We would no longer breathe the fresh air, drink the waters of the stream, rather we would continuously dig a hole through the Earth until we find what we were told to look for by the white man.

When that happens, all thinking processes would make the Lakota into one color, one mind, like that of the Takers of the Fat people, the Wasicu.

Lakota, we must never sell our lands, rather we shall unite and fight an enemy that has made the buffalo disappear. The same enemy that has ripped down our mountains, polluted our waters, and destroyed our homes! What more do we have left but an acre of land that even the crawling insects are fighting over? We have nothing left to give but our flesh and bodies to the defense of our Grandmother Earth. We may be killed of body but our spirit is alive and the Earth is forever. Look your children in the face and tell them their children will be safe! Lakota, it is a good day to fight. I have spoken.

### **THE BLACK HILLS ARE NOT FOR SALE! Paha Sapa kin wiyopeya unkiyapi kte sni yelo!**

"The vision of Crazy Horse was to stop the encroachment of the white man through the medicine of the mole, who can come out of the ground anywhere, anyplace, anytime to fight. He may come back in ten different people, ten different ideas and become very powerful and then suddenly disappear." -Quoted from the PBS Video: Spirit of Crazy Horse, 1990.

**"There is no country that can hold the same tracks of mine and the white man's side by side." -Crazy Horse**



# CRAZY HORSE ADVOCATE

## WINTER 2004-5

### "Ska Wicasa ki he takuni Wakan yawa sni yelo!" RESERVATION HAPPENINGS

\* **Cheyenne River Sioux Tribe member Harry Charger has filed suit against the St. Joseph Indian School** for physically, mentally and emotionally abusing him from 1937 to 1943. In one incident, Charger says that when he was 8 years old, a nun hit him in the temple with a fist, which knocked him to the ground. The nun came again but he punched her. Then a priest and prefect took him to a boiler room where they kicked and hit him repeatedly and cut off his braids. Charger says that he was never given medical attention and suffered back pains since. An X-ray taken of Charger' s back reveals two broken places stemming from the abuse. The reason for the abuse, Charger says, was because he spoke Lakota and wore his hair long.

**NOTE:** See also Rapid City Journal or online: <http://www.rapidcityjournal.com/articles/2005/01/27/news/state/top/state01.txt> . and <http://www.indianz.com> . Sioux Falls Argus Leader or online: <http://www.argusleader.com> .

\* **A Manitoba Me'tis man has been chosen as chief of the Pine Creek First Nation** even though he is not an enrolled member of the band or a status Indian. However, Billy Delaronde was president of the Manitoba Me' tis Federation. According to the Canadian Indian Act, a non tribal member but Indian is eligible to run for chief. Delaronde has been known for his leadership and that is why he was voted in by the Pine Creek First Nation. Once in office, Delaronde says that he will challenge the Canadian Federal Government on Indigenous rights. He says that the federal government has been getting wealthy on Indigenous misery and says that he will refuse to pay taxes. "I will expect to be treated like First Nations People, and I believe all aboriginal people have the same rights.

**NOTE:** See also <http://winnipeg.cbc.ca> and <http://www.owlstar.com/dailyheadlines.htm> .

\* **The extradition hearing for John Graham** in Vancouver, British Columbia, Canada, was asked to be dismissed by Graham' s attorney Terry La Liberte on mistakes of identification and the possibility of perjured witnesses that cast doubt on the case the United States has presented. La Liberte says that the US Federal Bureau of Investigations Department has released documents of at least three different descriptions of Graham, who is wanted in the U.S. for the 1975 murder of AIM activist Anna Mae Pictou-Aquash.

**NOTE:** See also John Graham Defense Committee: [www.grahamdefense.org](http://www.grahamdefense.org) . Contemporary accounts in the Rapid City Journal and Sioux Falls Argus Leader.

\* **The Oglala Sioux Tribe and the State of Nebraska have come to an agreement** which would make the Oglala Sioux Tribe Law Enforcement a first response into White Clay, Nebraska on the southern border of the Pine Ridge Indian Reservation. White Clay is infamous for it' s alcohol sales to the residents of the dry reservation. The Liquor outlets sell more than 11,000 cans of beer each day, yet Nebraska offers no solution to the alcohol problems that it provides for.

\* **The Wounded Knee Four Directions Memorial Walk** will be held on Sunday, February 27, 2005 at 9:00am. For more information contact KILI radio at 605-867-5002, leave names of

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



directional organizers with radio DJ. A meal will be served after a graveside ceremony and prayer.

\* **A Manitoba Native was killed by police in Winnipeg** during a scuffle in which the 18-year old victim was alleged to have had a screwdriver. This is the second shooting death of a Native person in Manitoba this year by the police.

**NOTE:** See also [www.indianz.com/News/2004/006312.asp](http://www.indianz.com/News/2004/006312.asp) and <http://www.cbc.ca/story/canada/national/2005/02/02/aboriginal-shooting050202.html>.

\* **On 12 January 2005, the U.S. Supreme Court ruled that federal judges are no longer bound by mandatory sentencing guidelines** but they may refer to them when they sentence federal criminals. A large majority of federal criminals are Native American and this ruling gives the Supreme Court justices, not juries, to decide what sentence for what crime to be imposed.

**NOTE:** See also *United States v. Booker* No. 04-104; 375 F.3d 508 [Decided: Jan. 12, 2005] and *United States v. Fanfan*, No. 04-105.

\* **The City of Denver, Colorado acquitted eight protesters and dropped charges on the 230 other protesters** charged in the 9 October 2004 Sons of Italy Columbus Day Parade. The eight defendants were charged with violating the city's loitering ordinance, when they stopped the parade. Protesters claim that the city is encouraging racism by allowing the Columbus Day Parade to continue. Through the eyes of Native America, Columbus represents centuries of genocide, destruction of Grandmother Earth and oppression. The protesters say that it is their duty to halt the parade because Ethnic Intimidation is illegal in Colorado.

\* **The State of Washington has introduced legislation that would, if passed, require state schools to teach Native American history.** Washington State has 29 federally recognized tribes and seven pending recognitions. The House Education Committee has yet to vote on this bill calling for the schools to offer tribal culture, history and government.

**NOTE:** See also *Corvallis Gazette-Times* or online: [www.gazettetimes.com/articles/2005/02/15/news/the\\_west/tuewst02.txt](http://www.gazettetimes.com/articles/2005/02/15/news/the_west/tuewst02.txt) and <http://www.indianz.com/News/2005/006523.asp>.

\* **Nekaneet First Nation will take over management of the Okimaw Ochi Healing Lodge, a women's prison,** in an agreement reached with the Canadian government. The healing lodge is a 28-bed minimum/medium security federal facility. The general population of Native in Ottawa is only 2.8% but Native women make up 23 percent of the prison population.

**NOTE:** See also <http://sask.cbc.ca/regional/servlet/View?filename=healing-lodge050214> and <http://www.indianz.com/News/2005/006531.asp>.

\* **Tribes in Idaho want Public Law 280 repealed.** Many of the states that had claimed shared jurisdiction with tribes have since returned authority back over to those tribes. Public Law 280 conflicts with Idaho state laws and Indian lands are under the jurisdiction of the United States Congress. The issue of PL 280 came about when state law enforcement officials wanted the law repealed without an agreement to outline police protocol since Interstate 15 runs through the Fort





# CRAZY HORSE ADVOCATE

## WINTER 2004-5

Hall Indian Reservation.

**NOTE:** See also Pocatello Idaho State Journal or:

<http://www.journalnet.com/articles/2005/02/14/news/local/news09.txt>

\* **The Makah Nation of Washington has a whale hunting tradition dating back some 1500 years** but the *Marine Mammal Protection Act of 1972* (16 U.S.C. 1361-1407; [PL 92-522]) prevents the Makah from hunting so the tribe has filed a request for federal approval. The Ninth Circuit Court of Appeals has ruled that the 1972 *Act* limits the tribe's treaty rights to hunt. The tribe had suspended the 1500 year old tradition in the 1920s because of all the commercial and industrial hunting of the gray whale, placing them near extinction.

**NOTE:** See also the Seattle Post-Intelligencer for Monday, February 14, 2005 .

### THE DECEPTION OF THE FEDERAL GOVERNMENT: AIM AND THE ANNA MAE AQUASH CASE

"I am part of this creation as you are, no more and no less than each and every one of you within the sound of my voice. I am the generation of generations before me and the generations to come. If I have gone against this Creation- no man on this Universe holds the power to punish me other than the Creator himself.

"You are continuing to control my life with your violence, materialistic needs. I do realize *your* need to survive and be part of this Creation -- but you do not understand mine.

"I have traveled through this country and I have observed your undisciplined military servants provoke those whose rights are the same as yours.

"I am not a citizen of the United States or a ward of the Federal Government, neither am I a ward of the Canadian government. I have a right to continue my cycle in this Universe undisturbed."

- Anna Mae Pictou-Aquash

[Mi' kmaq]

Let us travel back to a time in the 1970s on the Pine Ridge Indian Reservation. It was a time for a new Indian uprising. The US Government had deployed its federal forces unto the Pine Ridge Indian Reservation, home of the Oglala Lakota. The Oglala are one of the seven council fires of the Great Teton Nation, the *Oceti Sakowin* .

Now why would the federal government send its troops to an Indian reservation for battle? The American Indian Movement and those who believed in the old Lakota traditional ways.

While AIM Chapters all across the country were being infiltrated by members of the FBI and possibly the CIA, (since AIM had ' connections to communist countries' as falsely claimed by the US Government), other groups had been given a similar fate including several college student organizations all the way to the Black Panther Party. The infiltration was part of the FBI's counter

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



intelligence program (COINTELPRO) that gathered information on terrorist groups. The COINTELPRO was used as a divide and conquer tactic, which had destroyed several small autonomous college organizations and movements.

In the 1970s, AIM had been infiltrated by the FBI on several occasions but they were not aware who the informant was, it was later found that the FBI used Douglas Durham. When AIM leaders were made aware of Durham ' s activities, they had questioned him and let him go because AIM was not silent in their maneuverings. Things happen at certain times when they are not planned. We have a gathering and somehow it turns into an occupation. We go to a place to peacefully protest and it somehow becomes violent.

It didn' t matter if AIM was infiltrated and if the spiritual power felt that something should be done during a gathering, it had an unusual way of making things happen. So it was no secret that Durham was a fed, he had no evidence against AIM or traditional peoples for planning occupations or any other activities. Traditional peoples and AIM are a treaty rights movement. They work for the people of all tribes not against Indian peoples.

Now the federal government claims that AIM had killed Anna Mae Pictou-Aquash for being an FBI informant. We do not know for sure if she was or was not but here is the evidence for you to weigh.

On 24 February 1976 , the body of an ' unknown' woman was found north of the town of Wanblee, South Dakota on the Pine Ridge reservation. This ' routine' death investigation as it would later be called included several FBI agents, Bureau of Indian Affairs (BIA) police, South Dakota medical specialists and Indian Health Service (IHS) medical staff. IHS Dr. Stephen Shanker and Nurse Inez Hodges were at the scene where the body had been found. They examined the body and told investigators that there was fluid coming from the head area. They had also taken notice that this victim had on a very distinctive ring and bracelet. The bracelet was turned over to the FBI. So if this was a ' routine' investigation, why were so many feds and BIA police and medics at the scene?

The federal pathologist W.O. Brown, who had done questionable autopsies on several AIM and traditional Oglala victims of violent crimes was to do an autopsy of this victim. In his findings Dr. Brown ruled that the victim had died from exposure and the head contusion was the only sign of an injury. He had done no X-ray on the body. Dr. Brown had ruled that the victim had fallen down from being drunk and been exposed to weather conditions. That concluded the autopsy. Dr. Brown was advised by the FBI to cut the 'unknown' victim' s hands off for fingerprint identification. FBI was to send the hands to Washington, D.C. for analysis.

In the meanwhile, the FBI was making preparations to bury the body as quickly as they could and on March 2, the body of Anna Mae Pictou-Aquash was placed into the ground. There was no death certificate and her hands were still in the trunk of the FBI agent' s vehicle. Why was the FBI in a hurry to place the body into the ground? It wasn' t the decomposition of the body. Rather, it was a long list of allegations that Anna Mae had made toward the FBI, who had threatened to see her dead within the year.

Despite the unusually quick funeral, the American Indian Movement called for a second opinion and Dr. Garry Peterson, a pathologist from St. Paul, Minnesota did the second autopsy. His





# CRAZY HORSE ADVOCATE

## WINTER 2004-5

findings differed far from the first ruling. Dr. Peterson ruled that the victim had died of a gun shot wound to the head. She had met death by foul play.

Why would AIM order a second autopsy for Anna Mae' s body, if they had ordered her death as the government claims? Perhaps AIM was trying to expose an FBI cover-up of a crime it had committed.

It is now the year 2004 and the American Indian Movement is still being investigated by the federal government. This same government has split the leadership in several factions. COINTELPRO is still being used on Indigenous peoples of this country.

AIM was tried for Anna Mae' s murder and Arlo Looking Cloud was convicted and sentenced to life in prison. An appeal is being made on the grounds that Looking Cloud was given alcohol and drugs and was under the influence at the time of the video taped confession.

In the age when DNA testing and forensic science can play key roles in solving Anna Mae' s murder, the federal government and its false judicial tactics insists upon convicting Indians as a result of hearsay and a complete lack of evidence which placed Looking Cloud and Graham as the murderers.

The FBI during Looking Cloud' s trial put many witnesses on the stand but without a murder weapon and the accusation that AIM killed her, the witnesses had somehow ' witnessed' Looking Cloud kill Anna Mae, when in fact, none of the witnesses were around. These witnesses told the jury that they had a relationship to Anna Mae, of course, there was a lot of crying on the stand so that played part in the conviction. However, the Court was more concentrated on their testimony that AIM had ordered her death. If anyone believes in ' hearsay,' they must believe the Earth still flat. The jury of Rapid City, South Dakota convicted Looking Cloud on hearsay, not evidence. An honest court would have told the FBI to produce the murder weapon that Looking Cloud and Graham used. Forensic science and DNA testing were not used. No eye witnesses were made present to see them actually commit a crime. So if it is possible to use hearsay from witnesses as evidence, can the FBI place witnesses to the 60+ unsolved reservation murders of AIM and Traditional Oglala Lakota? No, because the evidence would show that the FBI had come to the reservation to kill traditional Indian people who stood up against the US Government. Although, the FBI released its report stating that all 60+ murders were ' solved,' it has never convicted the killers who were paid by the US Government and acknowledged by the FBI.

John Graham is awaiting extradition from Canada , as the second suspect into Anna Mae' s death. His extradition fate is similar to AIM leader and political prisoner Leonard Peltier. While in Canada awaiting the extradition hearing, Peltier' s case suffered a major blow when the FBI falsified an affidavit claiming that a witness had come forward and identified Peltier as the 1975 triggerman in which two FBI agents were killed in an FBI provoked shootout in Oglala. FBI agents were looking for a suspect, who had stolen a pair of cowboy boots during a bar fight. The FBI has no jurisdiction on tribal lands unless the crime warranted or violated the federal major crimes law.

Presented with the falsified affidavit, the Canadian courts ruled Peltier to be extradited to the US. During his trial it was found that the US had lied to the Canadian government with the falsified affidavit.

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



This article's intent is to show how the FBI uses deception to get its man and the continued falsifying of information to convict Indian peoples in federal courts. The federal deception against the American Indian Movement has convinced the public that AIM kills its own people. Remember AIM is a movement of several hundred tribes, now why would they want to kill those who they are helping? We may never know who killed Anna Mae but the time and place where she traveled through was a battle field between the United States and traditional Indigenous peoples.

**NOTE:** See also American Indian Movement website at [www.aimovement.org](http://www.aimovement.org). Peter Matthiessen's *In the Spirit of Crazy Horse* © 1991. Viking Penguin, a division of Penguin Books, USA. John Graham Defense at [www.grahamdefense.org](http://www.grahamdefense.org). Lakota Student Alliance at [www.geocities.com/lakotastudentalliance](http://www.geocities.com/lakotastudentalliance). Spirit of Crazy Horse. PBS Home Video © 1990. Micheal Dubios and Kevin McKierman. PBS Home Video, a production of the Public Broadcasting System.

### RESERVATION HAPPENINGS:

#### South Dakota Inmates Seek Investigation Into Their Sentences

Lakota Greetings. We are two Lakota men who were sentenced to life in prison without parole in two separate cases of first-degree manslaughter. We were sentenced by Sixth Judicial Circuit Court Judge [Ret.] Donald Heck in Martin, S.D.

Tim Caffrey was sentenced in 1981, for shooting and killing his adopted father, in the heat of passion.

I, George Blue Bird, was sentenced in 1983, for killing a man I never knew. In a drunken rage and blackout, I beat this man to death.

Tim has finished 25 years of his sentence and I have finished 22 years with mine.

Former Judge Donald Heck used a dual system of sentencing against us and this was legally wrong. This was his way of insuring that we would be punished beyond the national guidelines for first-degree manslaughter in America and saving the taxpayers in Bennett County a large amount of money if we would have taken our cases to jury trials.

We want a full investigation done between our cases and the case of Albert Lewis.

In 1998, Albert Lewis, a white man and former hospital administrator, pleaded guilty but mentally ill of first-degree manslaughter and was sentenced to 40 years in prison, with 25 years suspended. Albert killed his wife by repeatedly striking her in the head with a hammer in their Rapid City home.

He was set free after serving less than four years in the South Dakota Penitentiary at Sioux Falls on Christmas Eve 2002 after then- Gov. Bill Janklow commuted his sentence. He was released to the custody of his children in California and ordered never to return to South Dakota.

We accepted plea-bargains to first-degree manslaughter under conditions which are still questionable and were not right. We were young as we sat in the Bennett County jail and we did



# CRAZY HORSE ADVOCATE

## WINTER 2004-5

not understand the law.

We were without the support of our people and we had no money for legal representation. We had no financial resources.

We want to review (for comparison purposes) the financial resources that Albert Lewis had in terms of available money, stocks, bonds, and anything of material value.

The Bennett County jail has a long history of suicides, brutality by the police, and the psychological oppression of Lakota people who must be incarcerated in this facility.

The jail at the time of our incarcerations was notorious for breaking Lakota people down to accept plea-bargains for their crimes. We had to deal with bad food on a daily basis. Our phone calls, mail, and visits were censored. Discrimination by the law enforcement officials and the jailers were two things that we learned to accept if we were to survive through these harsh conditions.

We respectfully ask the South Dakota Equal Justice Commission to look at why we were sentenced to much longer prison terms. We believe that a thorough investigation of our sentencing will prove many points of interest that will help us in our long journey to freedom.

This investigation will be time consuming but it will help to make changes in the way we were sentenced to life in prison without parole for first-degree manslaughter. We want the South Dakota Equal Justice Commission to fully understand that we were sentenced to life in prison without parole because we are Lakota, while Albert Lewis received a much lighter prison term because he is a white man.

The SDEJC, in its authority, has every right to correct the cruel and unusual circumstances that were perpetrated against us. We look forward to it. We welcome it with the strongest compassion for human justice in the history of South Dakota .

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If you can help these Lakotas in their time of need write to SD Governor Mike Rounds asking him to support Blue Bird/Caffrey' s request for investigation into sentencing guidelines. Also request Gov. Rounds release Blue Bird and Caffrey from custody of South Dakota State Penitentiary.

Contact Governor Mike Rounds

Office of the Governor. 500 E. Capitol Ave. Pierre , SD 57501 . Phone 605-773-3212.

Email Gov. Rounds at <http://www.state.sd.us/governor/Main/forms/RequestForms.asp> .

South Dakota Equal Justice Commission [SDEJC]

Tracey Fischer, Executive Director. 605-347-2193. Email: [tfischer@rapidnet.com](mailto:tfischer@rapidnet.com) .

# CRAZY HORSE ADVOCATE

## WINTER 2004-5



### NATIVE AMERICAN HISTORY: THE WAY IT WAS

In 1722, the Cartledge brothers, who were white, killed Saanteenee, a member of the Susquehannock [Conestoga] tribe of the Five Nations. The brothers were brought before the Five Nations Council for their punishment- expecting a death sentence. However, the Council ruled that "One life, on this occasion, is enough to be lost." The brothers were let go. By 1763, seven men, five women and eight children remained of the entire tribe. On 4 December 1763, a group of Presbyterians attacked the Susquehannock village and killed six. Two weeks later, the remaining Susquehannock were placed in the Lancaster County [ Pennsylvania ] jail for their protection; however, more than 50 Presbyterians rode through the town and broke down the jail doors and slaughtered the remaining Susquehannock tribe.

**NOTE:** Information taken from Helen Jackson' s: A Century of Dishonor. © 1993 Indian Head Books. Rupp' s History of Lancaster County. [pg. 304305] and also; Where Are The Susquehannock?: <http://www.brokenclaw.com/native/susquehannock.html>.



### WORDS OF THE WISE:

"They told Crazy Horse they would not harm him if he would go to the Soldiers' Town and have a talk with the *wasicu* chief, but they lied. They did not take him to the chief for a talk. They took him to a little prison with iron bars on the windows, for they planned to get rid of him. And when he saw what they were doing, he turned around and took a knife out of his robe and started out against all those soldiers. Then [Indian Police]. took hold of Crazy Horse and as they were struggling, a soldier ran a bayonet into Crazy Horse from one side at the back and he fell down and began to die.

That night I heard mourning somewhere, and then there was more and more mourning, until it was all over the camp.

Crazy Horse was dead. He was brave and good and wise. He never wanted anything but to save his people, and he fought the *wasicus* only when they came to kill us in our own country. He was only thirty years old. They could not kill him in battle. They had to lie to him and kill him that way."

-Black Elk



# **CRAZY HORSE ADVOCATE**

## **WINTER 2004-5**

**SKA WICASA KI HE TAKUNI WAKAN YAWA SNI YELO**

**-TASUNKA WITKO**