

MR. ALEXANDER. Miss Donahue, would you like to comment on the climate in the State from your perspective at the human relations commission with respect to what some of the factors have been?

MS. DONAHUE. You're talking about the source of the conflict and what it is?

MR. ALEXANDER. Yes, from your understanding and the work that you have done.

MS. DONAHUE. Okay. I agree with Mr. Zimiga that part of it is the difference in culture and the failure to recognize and adapt to those differences. I also see greed playing part of the role in the conflict.

MR. ALEXANDER. Could you explain that, please?

MS. DONAHUE. Historically, you know, who the land belongs to, who has rights to it is a source of conflict there.

MR. ALEXANDER. Recognizing that the Federal Government has clearly played a role in this area, and an ambiguous role over the years, certain responsibilities tend to fall on State agencies in terms of the problems that have been created.

Could you, starting with Mr. Zimiga, explain what it is your agency does and how it relates to curing, if you will, any of the fallout from these uncertainties, perhaps from the lack of understanding of Indian people or Indian peoples' lack of understanding of white people, if that may be also true.

MR. ZIMIGA. There is two goals and objectives that I set up when I assumed this position as State coordinator of Indian affairs. And within that office one of the goals was to regain tribal support for the commission. And the other one was to develop communication lines between Indian and non-Indian communities.

MR. ALEXANDER. Specifically what has been done to develop communication lines?

MR. ZIMIGA. What we have been doing is this week, for instance, was at Kadoka, we met with the sheriff there in Kadoka and with Jean Nelson who is the head of consumer affairs. And underneath that is human rights division, and so we went there to look at and to see if we could find some way and solution and maybe presenting some of these problems and maybe getting—just get some dialogue for ourselves to be educated how people think that we could best serve them. So we found that some communities were willing and some had some good discussion and misunderstandings about one another and started to, in a sense, to—for example, in Martin they were going to form a committee, human relations committee, and they wanted to have some dialogue with tribal officials. So we stopped at Pine Ridge and discussed that with the tribal chairman and with the superintendent and proceeded to go into like Fall River County surrounding just that reservation, those border towns.

MR. ALEXANDER. So you basically see yourself in an education function and a facilitating function?

MR. ZIMIGA. Yes. I think that before that, you know, many of these cases can get there, but then maybe someone files discrimination charges specifically for some area. I think maybe if we could sit down and discuss it and maybe have an understanding about one another and where we are going or how people in the community are affected by one another; I think that would be—that is a good start instead of not having communications at all.

MR. ALEXANDER. Thank you.

Mr. Janklow, last week at the State jurisdiction conference, I believe sponsored by the University of South Dakota, there seemed to be significant emphasis from yourself and quite a few other State officials and local county officials on the need to negotiate out some of the issues that could potentially be negotiated. Could you explain to us exactly what the existing State mechanisms are in terms of State negotiating committee and so on as to what statutorily this State can do in relation to negotiations with Indian tribes?

MR. JANKLOW. We basically, by our law, have two things set up in terms of intercommunication. Absent lawsuits, and lawsuits obviously is one way to communicate, but I have never met a happy loser to a friendly lawsuit yet. They all call them friendly, but they are not when they are over. As far as strictly talking and negotiating, our State has a unique—and I am sure it's unique nationwide—committee that was set up by our legislature called the State negotiating committee. It is a successor agency to what originally was known as the State Indian task force, which again was unique in America, that consisted of legislative representatives from our government, executive representatives from our government, and representatives—or the tribal president or his or her designee from the nine tribes in South Dakota.

It worked well, in my opinion, but the tribal presidents voted to ask the State to have that cease to exist and so it was terminated by legislative action. And in its place came the negotiating committee and the negotiating committee is set up by statute. It consists of appointees of the leading Republican and Democratic legislators in both the House and the Senate, appointees by the Governor which include the lieutenant governor, whoever he or she may be. The attorney general provides them legal counsel and they are the committee that negotiates on behalf of the State.

I have only—in one instance I have seen legislation come as a result of these kinds of discussions. At the request of one of the tribes, the committee was convened and there were discussions pertaining to extradition, and, as a result of the meetings, legislation was put together, drafted, and submitted to the legislature and passed unanimously in one house and with one dissenting vote in the other house, the procedural mechanisms for working out extradition problems. The tribes have not seen fit to want to carry the matter any further, which is perfectly their right. And if they want to, the mechanism, the statutory authorization is now on our statute books for doing that kind of thing.

We have had discussions with game and fish departments in the tribes that have resulted in agreements and agreements that have worked well. We have had sales tax agreements where the State collects sales tax for the tribes, if their own sales tax laws are the same as ours, and rebates the money back to the tribal governments and it's worked well.

The one other thing that we have that I am aware of in the statutes is under figures 1024 of the South Dakota Compiled Laws, we have the Joint Powers Act which allows governments and the State and its political subdivisions all the way down to the lowest level to enter into agreements. Wherever you have two or more agencies of government, each of which have the right to do something individually, our statutes authorize them to join together by contract to do it either one or the other or both together.

In 1974, I believe it was, our law was changed to include the word "Indian tribes" under the definition of public agencies with whom the State and its political subdivisions can contract. We do have some experimental contracts going on under that now. I don't know whether it's operative yet, but the social services up in the Sisseton area is going to be virtually turned over to the tribal people through a pilot project to see if that works, but that is generally the statutory mechanisms that I am aware of.

MR. ALEXANDER. Thank you.

Dr. Dahlin, could you explain what your office does, please, how it relates?

MR. DAHLIN. Well, we have several divisions within the department of public safety and, of course, the highway patrol has principal traffic law enforcement responsibility in the State. And the highway patrol, through its training program, tries to ensure the officers coming on to patrol understand, at least in part, some of the cultural differences between Indians and non-Indians in the State. We have tried, informally at least, to work with the reservations that have wanted to and with Cheyenne River and Rosebud have had a very good working relationship over the years. We also have, within the department, the division of law enforcement assistance which is the LEAA [Law Enforcement Assistance Administration] program in South Dakota. And the way that that program is structured nationally, it is the responsibility of the division and of the criminal justice commission for the State to formulate a plan, which includes planned expenditures for tribal criminal justice improvement efforts. And over the years the criminal justice commission, I think, has tried to be responsive to needs that have been identified in the planning process by the reservations for their criminal justice planning process.

MR. ALEXANDER. One of the issues that was raised this morning and again yesterday involves, in a sense, a fallout from *Olyphant* or perhaps it was an issue previously, the issue of non-Indians within the State who commit what is generally termed a "victimless crime" on a reser-

vation area within Indian country. And many different situations were outlined, some of them cooperative between local counties and Indian reservations, others not cooperative in terms of recognizing cross-deputization agreements and also in recognizing each other's tickets.

The State highway patrol, does it have a role in relation to the victimless crimes? Will it accept a referral from a tribal police source and so on? That is under your jurisdiction.

MR. DAHLIN. That's correct, but not at the present time. We have, going back to 1974 at least, the Bureau of Indian Affairs did cross-deputize all highway patrolmen, and that authority still remains in effect, although there are arguments about how extensive the authority that is conferred by that action, and we have—in effect the patrol has been recognized, I am not sure whether it's formally or informally, by both the Cheyenne River and the Rosebud Sioux Tribe when Indians are arrested. But we, up until about a year ago, did not think that we had any authority to in turn cross-deputize Indian law enforcement officials. And then about a year ago we thought possibly under the Joint Powers Act that we could enter into such an agreement, and we made some efforts in that direction, particularly with the Sisseton Tribe. But, ultimately, after consulting with the attorney general, it was his conclusion that we did not have the authority under the Joint Powers Act. And so no agreement was reached.

MR. ALEXANDER. Mr. Janklow, without going into the detail, necessarily, unless you feel it's necessary, explain what it is about the Joint Powers Act that would preclude the State agency from entering into such an agreement.

MR. JANKLOW. Well, it's got nothing to do with jurisdiction at all. If I as a citizen, forgetting any official position, or you as a citizen complained to a highway patrolman that I have been speeding, he can't arrest me. In South Dakota for misdeameanors, you can only arrest when the law enforcement officer has seen the offense committed. And as a result, a tribal—there is no way that they can accept the word of another police officer and make the arrest. A highway patrolman can't accept the word of a local deputy sheriff in that instance. So that is the first problem that you have to encounter. It's got nothing to do with jurisdiction. It's the way that our State constitution has been construed with respect to probable cause to make arrests.

The second area where there is a problem that the highway patrol does not have power to make arrests absent cross-deputization on an Indian reservation over Indians. They do over non-Indians or over white people or anyone but a tribal member or an Indian. And I don't feel that that fits within the purview of the Joint Powers Act because they don't have that authority that they can confer.

The third thing is that I think it would be suicide for State officials to try to cross-deputize when the backbone of the law enforcement function in South Dakota is carried out on a local government level. That is where those decisions ought to be made and, as you know and



I assume have heard in testimony, in Marshall County in some areas that it is being done. But to have some bureaucrat or elected official in Pierre tell a local area that they are deputizing a lot of people, you would find out what a war really is because nobody's going to accept that.

MR. ALEXANDER. Mr. Tobin, the State's attorney from Tripp-Todd Counties, testified this morning that he had some issues as to whether or not he had the authority to accept citations from tribal police officers and what he could do with them and that he had requested your view on that but as of yet had not heard. Is that an accurate representation?

MR. JANKLOW. Not to my knowledge.

MR. ALEXANDER. You have not gotten a request from Mr. Tobin?

MR. JANKLOW. Whether or not he can cross-deputize?

MR. ALEXANDER. No, whether he can accept citations from tribal police officers.

MR. JANKLOW. I have not been asked by Tobin, but the State officials or county officials can't accept them. They are not State law enforcement officers, and you run into that hearsay type problem with a misdemeanor I just told you about. I have never been asked by him, but if I was that would be my answer. He can't do it. But he has the power locally there through himself, the county commissioners, and his sheriff to cross-deputize—to make anybody a deputy, not just Indians, anybody.

MR. ALEXANDER. You don't see any issues within the current State statutes that would preclude such cross-deputization agreements?

MR. JANKLOW. Absolutely not. It exists now. I have the authority to do it. I can create agents and assistants with law enforcement power. They can locally also. I don't see the problem.

MR. ALEXANDER. Okay. Does the attorney general's office have a defined role in relation to the local State's attorneys? You indicated that it is a very strong local government State.

MR. JANKLOW. They are locally elected like I am, statewide elected. They are elected on partisan ballots in South Dakota. The vast majority of the criminal justice work in the State is done by State's attorneys. However, under the law, 1111 of the South Dakota Code, the attorney general has the right to exercise control—I can't remember the exact language. The attorney general can advise, consult, and exercise supervision over the several State's attorneys. I think that that gives the attorney general supervisory powers if he should—he or she chooses to use it over the State's attorneys.

MR. ALEXANDER. In a situation where a local State's attorney or a local sheriff's department, take them both separately, is refusing to prosecute crimes involving non-Indians exclusively within Indian country, what is your role there?

MR. JANKLOW. Okay, two things. And I have to back up to another question you asked and I will be brief.

Prior to 1974, the way we operate now is exactly like we operated for 100 years in this State until 1974. *Oliphant* did not bring any changes in South Dakota.

Prior to 1974, no Indian tribe in this State arrested anyone except tribal members or other Indian people. So nobody should get the impression that it's changed 100 years of precedent in this State. It's not done that. One.

Two, and during the whole *Oliphant* fight there were a lot of tribes in this State that didn't try to arrest non-Indian people. All right? The second thing and the key thing about *Oliphant* is that beginning way back when the *Oliphant* fight was going on, and on four occasions I have personally written letters to the chief of—or to the president or the chairman, depending on what their title is, of every Indian tribe in the State, laying out very specifically how they should treat non-Indians who break the law in their government; i.e., make a complaint to the local sheriff, the municipal authorities, or the State's attorney. I said in my letter every time, because I sent the same letter, in the event that that matter is not pursued locally they can call me or write me. I included my phone number and tell them where I can be reached 24 hours a day, 7 days a week, 365 days a year. If I am contacted and they tell me the local authorities have done nothing, I guarantee them that I will personally see to it that the case is investigated, and I will exercise my discretion as to whether or not the matter ought to be prosecuted.

On several occasions they have taken use of that, the letter that I have written. In every instance I have had the matter investigated, and because I felt there was probable cause in every instance, I have had my office from the attorney general's office pursue the prosecution. In no instance have I turned down—I reserved the right to do it, but I have not done it. In every instance I have pursued the prosecution that has been requested.

MR. ALEXANDER. It becomes a very important issue, because this morning the United States attorney for this district announced that the Department of Justice has taken the position now that victimless crimes on Indian reservations committed by non-Indians are a matter of State jurisdiction. As you may know, there has been some dispute within the Federal bureaucracy as to what their—

MR. JANKLOW. I understand, but it is my position that there is no one in the State of South Dakota, be they black, yellow, red, or white or a mixture, who is above the law and has the right to bother people, bother other people's property, or be a public menace or danger in violation of laws. And as a result, I couldn't care less what the color of their skin is or where they are at. If they are breaking the law, they are accountable to some governmental entity. So if the Feds don't pursue them we will. Our position is, with respect to white people, that if the Feds do pursue them on a reservation we still maintain the right to pursue them. We don't have that right with respect to Indian people.

MR. ALEXANDER. Miss Donahue, your agency is specifically in the business, the agency you left a short while ago, specifically in the business of dealing with complaints of discrimination; is that correct?

MS. DONAHUE. Yes.

MR. ALEXANDER. You, I understand, have prepared a statement which indicates the types of allegations that you have received and some of the statistics that you have compiled. With your permission, I would like to have this introduced into the record.

CHAIRMAN FLEMMING. Without objection it will be entered into the record at this point.

MR. ALEXANDER. In general terms, the complaint load of your agency, how did it break down in terms of complaints from Indians, women, black people, white people and so on?

MS. DONAHUE. Well, in South Dakota the two largest complaint groups are women, and they make up about 50 percent of the complaints, and the other large group is racial complaints, about 40 percent, slightly over 40 percent, and by far the largest group of them are filed by Native Americans.

MR. ALEXANDER. What areas do these tend to focus in?

MS. DONAHUE. The Native American complaints tend to focus more in public accommodations, public services. And that is any service performed by a local, county, or State government.

MR. ALEXANDER. That would include police services?

MS. DONAHUE. Yes. And housing is another large area. This is in contrast to the women who tend to file for more in the area of employment and education.

MR. ALEXANDER. What is your agency able to do? I understand you are a full EEOC referral agency; is that correct?

MS. DONAHUE. Yes.

MR. ALEXANDER. And have similar types of powers. In terms of the police complaints we have heard—and I don't know the truth of any particular allegation—a number of complaints about police practices in border towns—

MS. DONAHUE. Yes.

MR. ALEXANDER. Assuming that someone would know about your availability, what would happen to such a situation that a police officer was acting with excess force in a patterned way against Indian youth and no one else—that is the hypothetical. What happens then? What do you do?

MS. DONAHUE. They can file a complaint with the agency. It is investigated. We have two investigators or did have two investigators on the staff.

MR. ALEXANDER. For the entire State?

MS. DONAHUE. Right.

The cases take—well, at least when I left—take 2.7 months to resolve, which I believe is very low for agencies like that. And a decision of cause or no cause is rendered. And as with most other agen-

cies, most of them are no cause. We have had some relating to arrest patterns and there is one, for example, in Melette County that is being conciliated. If the conciliation attempt fails, it goes to a public hearing before the State commission on human rights. A difficulty with that kind of complaint, however, of course is the remedy that could be fashioned.

MR. ALEXANDER. What type of remedies are you limited to?

MS. DONAHUE. Well, the statute has specified remedies relating to putting people back in the position they would have been had they not been discriminated against rather than any kind of penalty by fines or something.

MR. ALEXANDER. We have heard testimony in several communities about attempts to establish human relations type commissions to work on a very local level to provide mechanisms for discussion for resolving particularized problems. Does your agency have any role in the establishment of such or technical assistance or mediation or what have you?

MS. DONAHUE. Yes.

MR. ALEXANDER. Several of them seem to be quite bogged down.

MS. DONAHUE. There are two local agencies that are operating at the present time, one in Rapid City and one in Sioux Falls. The one in Rapid City does not have full-time staff people which really, I believe, impedes its ability to operate. And they also act on complaints.

I think that most South Dakota towns, and this is my own opinion, are too small and too—where people know each other too well—for a local agency to actually handle complaints. One thing that we even ran into in Rapid City is that the members of the commission, say there were 10 or 12 or how ever many there are, they would know one of the parties well enough so that they believed that that relationship would hamper their objectivity, and this is true all over the State. And so I see that local human relations agencies can better function as liaison people in that kind of function. And we have offered and been called upon to provide technical assistance in other communities.

MR. ALEXANDER. Did your agency or does it currently have the resources sufficient to deal with any—

MS. DONAHUE. Funny you should bring that up. As I mentioned earlier, there were two investigators on the staff, the director, and two secretarial people, which does indicate that there is a very limited staff. And while the legislature and—you know, this is one of the problems that I see in human rights in South Dakota. That is that I think that the law is—after it was reviewed by the sunset committee and they decided to keep it on the books, that an area of attack is in its budget. So that the only thing that we are able to do is handle cases.

MR. ALEXANDER. Mr. Janklow, are there currently issues that are still extant, in your view, as to confusing jurisdictional Federal policies that need to be resolved?

MR. JANKLOW. I think there are several of them. I think a perfect example is the one that you cited, the U.S. attorney's present position, and which I assume has come from Washington—

MR. ALEXANDER. Yes, it has.

MR. JANKLOW. —which is in disagreement with the positions that have been taken in other areas of the country in official Interior Department memoranda that I have seen since *Olipphant*. It's that kind of thing that is driving everybody nuts in this State because they can sit back there and do that, but we're stuck with the results.

But in the civil area I can see—I think, as far as geographical boundaries or reservations are concerned, it is settled for every tribe in this State, and now I am giving you my own opinion, but I think it's settled for every tribe in this case but the Standing Rock and Cheyenne River area which would be Corson, Ziebach, and Dewey Counties. Those three areas—as a matter of fact, at the present time we have in Corson County, South Dakota, a decision from the United States Court of Appeals on the Eighth Circuit, a more recent decision from the Federal district judge for the Western Division of South Dakota, and a decision from the South Dakota Supreme Court, a unanimous decision, all three being different on whether or not that is a reservation and if so how much of it. That is the kind of thing. But those two reservations are still a problem as far as geography.

I think that the next question that you have to address yourself to, that has to be resolved in this State, is who exercises what jurisdiction within the boundaries of the reservation. Now, the criminal one has been settled as far as trial. There is a dispute going on right now as far as whether or not there is the power to arrest, so that is going to be either resolved by legislation, by negotiation, or litigation. There is no other way.

The second area you have to deal with the whole criminal area, who exercises what civil jurisdiction over who. Do the tribes, for example, have the right to regulate the commerce of all the people on the reservation, or is it just for their tribal members subjecting the others to jurisdiction under the Indian trader's law? There is just a whole realm of those kinds of problems, but I don't think we have accomplished much in the civil area. But remember, your Commission and everybody who comes to testify talks about our problem areas. There is a heck of a lot of areas in this State where we don't have problems and have never had problems. And when they creep up they work them out. You don't need an outside agent from Pierre or an agency locally or one from Washington to resolve it or a lawsuit. A lot of people's problems get solved by people on a local level on a day-to-day basis.

MR. ALEXANDER. In terms of these jurisdictional issues, for example, you mention the dispute as to whether or not tribes retain arrest powers in light of the *Olipphant* decision. Is there any negotiation going on to resolve that? You mentioned that is one of the three possibilities.

I am aware there has been some litigation in that. Is there any ongoing negotiations between your office and the Cheyenne River Sioux Tribe?

MR. JANKLOW. At the present time no, there is litigation going on between our office and the Cheyenne River Sioux Tribe.

See, it depends. All tribes aren't the same. There are some tribes who don't want it and don't try to exert it and never have over people other than their members or other Indian people. And there are other tribes. You have got to treat them like different countries or states. You can't lump all the tribes into a package of nine, and there are other tribes that take the position they exercise jurisdiction over everybody, *Oliphant* notwithstanding. And then we have got everything in between. In a couple of tribes it's not a problem.

MR. ALEXANDER. Well, the fact that you're in litigation itself does not necessarily preclude negotiations?

MR. JANKLOW. We have had negotiating sessions, if that is what you mean, but there is no formalized negotiation going on. Understand, our legislature only meets 30 days one year and 45 days the next. I am not the diety. I can't change the law or write law in South Dakota, and so, there is no agreement I could reach anyhow that would affect the law of this State. The most I could do is propose legislation to the legislature either through the negotiating committee, myself, or with other interested citizens or legislators to try and put into effect any agreement that is reached with a tribe.

If it were to be cross-deputization, and I think most tribes, all the tribes but one, would go for that kind of arrangement; that is my guess. That could be effectuated without legislative action. But it would necessarily involve the local communities being involved. It would take no change in the State law to cross-deputize everybody in this State. It could be done now under our existing law, but for the State to give jurisdiction to a tribe to try non-Indians or, on the other hand, for a tribe to give it to the State would take a lot of remedies other than negotiations.

MR. ALEXANDER. For sure. And in all the discussions between the local communities and the tribes that have gone on in the past 2 days, most of the discussion focused on cross-deputization and not transfers of jurisdiction.

MR. JANKLOW. Right. I think the key position that people take, at least the president of the Cheyenne River Sioux Tribe, which is what I reiterated to you today, nobody should be allowed to break the law and it doesn't make any sense whether it happens to be Mary Sue, myself, you, or Matthew Warbonnet on the reservation. If they break the law and they place property or people in jeopardy, they ought to be held accountable for it. And the mechanics are the only thing that ought to, have to be worked out.

MR. ALEXANDER. Art Zimiga mentioned earlier that there is a great deal of misunderstanding in his perception from being around the State amongst the general community about Indian tribes and Indian people.

In your own view, do you see Indian tribes as permanent political institutions in the State and country?

MR. JANKLOW. I see them as that, but I—with respect, I disagree with the conclusion he reached. I think when people have lived together in towns of 500 and 600 for 50 years they don't have very many stereotype problems, and if they do, they are not on the basis of color of skin, they are on the basis of what side of the tracks you may have happened to come from or what your economic status is or things of that nature. I don't think it's on the basis of color of skin. I happen to respectfully disagree with that position of his.

MR. ALEXANDER. Mr. Zimiga, do you wish to comment?

MR. ZIMIGA. I don't believe that discrimination started in 1972 or '74. I think it existed long before that. I was born on Pine Ridge Reservation. I lived off the reservation. I lived within this State. I was educated in this State and I think that the general non-Indian to understand the culture of Lakota people—he doesn't understand it. And to him, when he lives there it's foreign. But in the practice of traditional religion, which was outlawed at one time by the United States Government and then now is in practice again, people down from those areas—a lot of them consider it being barbaric and they voice their opinions in the papers. I think you can see some of those reactions that come out within local papers and some things on Indian people.

I just think presently that things can be better in the sense that through the office of human rights and those issues that people get down to, start communicating together, and you know, economically, reservations support a great percentage of the economic growth of the State of South Dakota. That without Indian people three-quarters of a million people in this State—you know how much revenue is derived from Indian people? And I just wonder within myself how we are going to sit there and say that discrimination doesn't exist within a little town or community. And I just came from Hot Springs, and a man that had been running a business there, that is a county commissioner says, "If someone comes from Pine Ridge," he said, "I wouldn't accept his check because he was from Pine Ridge because I didn't think that I could collect on that if it went bad."

Now in the same sense, I don't see the same sense of people at Pine Ridge saying, "If you have a checking account then go down to Pine Ridge," and Pine Ridge people say, "We're not going to accept your check because you are from Hot Springs." And that happens here in Rapid City.

I directed the Title I program on Pine Ridge Reservation, and I brought up people that were on school boards for meetings up here and they couldn't even cash checks in some of the places where they were staying. And I don't know what you call that, you know, is that discrimination or what is it? But to me that is what it is. So I don't agree with the attorney general at all on that point.

MR. ALEXANDER. Miss Donahue, do you have a view on what has been discussed?

MS. DONAHUE. I think the issue that has been brought up about credit and the example that Mr. Zimiga brought forward have been addressed by my office, and I think it's a difficult issue. We have considered it discrimination and therefore illegal and have conciliated cases similar to that.

MR. ALEXANDER. Okay.

At the jurisdiction conference, which both Mr. Zimiga and I remember, Dr. Dahlin was there and you, of course, were there, Mr. Janklow, there was a great deal of emphasis on solving problems locally or at the State level without the Federal Government having the necessity to come in. What changes do you see within each of your own agencies that need to be made to help you to perform your job better, if any, or changes in the current State law that would facilitate either local negotiated solutions to problems or statewide negotiation solution to problems, starting with Mr. Janklow. Are there any changes needed in State that you're cognizant of at the current time that could facilitate locally negotiated solutions to the types of problems for all that have been raised for the past several days?

MR. JANKLOW. I don't know of anything. I am not aware of anything. I think the power is generally there now. There may be agreements that are reached that would take legislative action to accomplish, but as far as the power to sit down and work them out and work out most things without legislation and implement them, I think that particular authority is available right now. I don't see any change.

Can I add one other thing though? Because I am concerned about it. I didn't say we don't have discrimination in this State, but I will tell you this. I wonder if the man from Hot Springs was asked if he would take a check on an individual from Australia because, if that check from Pine Ridge bounces, he doesn't have any better chance on going to Pine Ridge after it necessarily then he does going to Australia. And I don't know if that has to do with color of skin or where somebody happened to reside and the law enforcement jurisdiction that is attendant with that.

MR. ALEXANDER. I might mention that Chairman Whirlwind Horse from the Oglala Sioux Tribe testified yesterday and indicated that merchants from surrounding communities have regularly been appearing of late in tribal court and receiving judgments.

MR. JANKLOW. That is correct. And the most recent case that we had of murder, unfortunately, in this State—I should say a killing because there's been no conviction—the individual defendant happened to have come from within Pine Ridge. The arrest was initially made by the tribal authorities and that individual was turned over to the State authorities in Martin, being as good an example, without an agreement, but as good an example of cooperation on a local level that you have ever seen in your life. Once the injury was there and the in-



cident took place, nobody cared where the police came from. They all worked together and resolved the problem without formal agreements.

MR. ALEXANDER. Miss Donahue?

MS. DONAHUE. If I may say something on this trust that we were discussing earlier, and that is in our investigations in human rights cases we had an opportunity to talk to both sides of issues of complainants and respondents. We also received many inquiries that never became complaints and bitchings about things that were going on that would probably never reach our office if there was a level of more trust in certain areas. You know, you would try to resolve them by going to each other. And it's not every reservation town in the State but certainly some.

MR. ZIMIGA. I think one of the things that I initiated when I got into office was called a coordinating committee, was made up of various people within the State department and from the Bureau of Indian Affairs as representatives asking them to sit on there so that we could look at and maybe in some ways provide some solutions to some of the problems that may be confronting Indian people, not just on reservations but off reservations.

I see that as far as Indians affairs, I think that the Office of Indian Affairs should be increased. I see in the past that the legislature didn't see that it should be increased and the amount of workload within that office and half that time—if a grievance come to me I use to take them to the division of human rights but within those areas. So I see that, you know, more emphasis has to be given in the area of Indian affairs within this State.

MR. ALEXANDER. Dr. Dahlin?

MR. DAHLIN. A couple of comments. I guess the first thing, I am not sure that I sensed from the conference, at least the portion of it I attended, that there was necessarily a feeling that the Federal Government didn't have even a greater role to play then they had played in the past. At least personally, I guess, that would be my feeling. I think a lot of the problems of jurisdiction and other kinds of problems could be cleared up if there were clear and consistent Federal policy. And I think the attorney general's given a couple examples currently of where we have got problems. And there is no reason why, in my view, we should have to litigate for several years the question of whether or not tribal law enforcement officers can arrest non-Indians. That could be, I would think, established very clearly and quickly in a statute, whatever the policy judgment of the Congress might be.

As an example, in our own agency I mentioned earlier that the Law Enforcement Assistance [Administration] program at the national level places the money that is available under the block grant program to tribes is administered through a State agency. The highway safety program, which is administered through the Department of Transportation at the Federal level, deals directly with tribal government. And I think this kind of inconsistency on the part of Federal agencies is difficult

for me to understand and I believe its difficult for most people in the State. So the first point I would emphasize is that I think the Federal Government has a very strong role and that, in my view, it has not fulfilled in the past in establishing clear, consistent policy that all of us at the State and local government level can operate under.

Then secondly, in terms of State authority again, I think it is important to emphasize that unless the agreements are acceptable at the local level, whether it's the local tribe or the local county or city, that an agreement that is imposed somehow from Pierre or from Washington is not likely to be very successful. And in that framework, I think probably there is, as far as South Dakota law goes, ample legal authority to reach agreements at least in the law enforcement area.

MR. ALEXANDER. Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. No questions.

CHAIRMAN FLEMMING. Mrs. Witt?

DR. WITT. Yes, please.

My question is for each of you. This Commission staff in the course of its investigation has discovered that law enforcement data relative to the Indian population is very difficult to come by, that such data are not broken down by race. What is your view on the gathering of this data and Mr. Dahlin, if you would start?

MR. DAHLIN. That is not an easy issue for me, but on balance, I think that it would be inappropriate for a highway patrolman to have to ask the race of the person that he arrests out on the highways. And as a consequence, the current version of the uniform traffic citation does not contain a place for race to be recorded. I am very sympathetic to the need for that kind of data, but I think it places the law enforcement officers in a terribly unfortunate position, because the person that is being asked the question is very likely to wonder what in the world his business is and why does he want to know it and does this reflect some kind of racist attitude that would affect his judgment toward me. So I think it aggravates a problem rather than solving it. If there is some way further along to gather that data, say at the court level, then I think that would be an appropriate place.

DR. WITT. I understand.

Is it true that the South Dakota driver's license contains that information?

MR. DAHLIN. I can't respond. I don't believe that it does, but I could be wrong about that. Yes, certainly, that is right it could. I didn't think that it did.

DR. WITT. This would be one way to do so without intimidating the driver of this hypothetical automobile would be to check the driver's license which is checked in any event, yes?

MR. DAHLIN. It would place the burden on a different State official to determine race. That is right, yes. It would make it easier for law enforcement. It might make it a little more difficult for the driving examiner, but it would make it easier for law enforcement.

DR. WITT. Self-indentification, I guess, is the term.

Mr. Zimiga, do you feel a need for such data and how would it affect anything that you're involved with?

MR. ZIMIGA. I think in a number of senses, if we look at using data for the amount of Federal funds that flow in through the State that relate to Indian people, that we could look at that within the comparison of—as far as economic areas—that as far as the Indian people are concerned, now they are participating in that economic part of the growth of the State. And I think it would be beneficial in some of these areas that—maybe like for revenue sharing—so that we know that sometimes on some of the reservations within the revenue sharing program with tax collection that maybe—at Rosebud, I think, last year they indicated that they weren't collecting the taxes because they didn't know who was an Indian. So that is—I think it would be helpful economically and for identification of tax collection purposes.

DR. WITT. Miss Donahue, I am particularly interested in the collection of data of law enforcement agencies that you would be relating to.

MS. DONAHUE. My office took a position a couple of years ago stating pretty strongly that it believed that the data should be collected at an early stage in a law enforcement, say an arrest, at the time of arrest. My reason for saying that is that it would be more accurate if taken at that time rather than later in the whole process.

Also, I address the issue because one issue that was raised, about whether or not a judge should have the race of a defendant before him or her in making a disposition of the case. And I have a copy of a letter that I did send to the secretary of public safety which you can have for your records.

DR. WITT. Do you have responses from your requests?

MS. DONAHUE. Apparently he wants to litigate it.

CHAIRMAN FLEMMING. We'll be very happy to make the letter a part of the record at this particular point.

DR. WITT. And then Mr. Janklow, would you respond to this general question?

MR. JANKLOW. You bet. I can't think of anything that is further from making sense. I am not opposed to people voluntarily giving their race to anybody if they want to. But I think we better reach the point of time in America and especially in South Dakota, what do you do if you stop somebody and give them a ticket that's one-fourth Indian and another one is three-fourths? Does your monthly statistics say one because you add the fourths? And if you've got a person that is half Indian and half white where do you carry him on the statistical point? Do you give a point five to each? I mean the whole thing is nonsense and we might as well break them down by Norwegians and Swedes and Irish then too. If we're going to do that, let's throw in the religion and let's start finding out everything about everybody. I just can't think of anything that is basically more un-American than prying into their

private life. If I want to tell you about my race is, it's my business, but I don't think the government has any business eliciting that information from people over their objection. And if you put it on a driver's license, what are you going to do with everybody that is arrested that doesn't have a driver's license or wants to throw it away? The whole thing is nonsense.

DR. WITT. Thank you.

CHAIRMAN FLEMMING. Just to follow up briefly on that particular point, Mr. Janklow, how would you relate your feelings on that to the development and implementation of an affirmative action program in the field of employment?

MR. JANKLOW. How would you relate that to an affirmative action program? I don't know that you could draw up criminal justice statistics on offenders to bridge that gap.

CHAIRMAN FLEMMING. No, I am shifting over to the area of employment and to the area of affirmative action. If you're going to develop an affirmative action program, if you're going to develop timetables and goals, it is going to be necessary for you to have some information to raise for that particular question. Would you agree on that?

MR. JANKLOW. Yes, sir, but you get that information first of all every 10 years in South Dakota with the national census, assuming some validity in the statistical gathering, but you will end up with a statistical base at least every 10 years if the Federal Government does its job right, first of all.

And second of all, when applicants apply for employment they are given the option of putting those kinds of things down if they want to, but I just don't like the idea of the Government coming through and taking that information from everybody in advance of any problem area.

CHAIRMAN FLEMMING. I would like to say on behalf of the Commission that we appreciate very much having the representatives of State government that have served as panel members coming here today and sharing with us the experiences that they have had in dealing with these very difficult issues. The kind of information that you have provided is the kind of information that we need and that we, of course, will weigh carefully in connection with the nationwide study that we're making in this area.

As you know, we will be making—we have held hearings in other parts of the country. We will have a national hearing dealing with these issues and then we will finally develop a report which will contain findings and recommendations to the President and to the Congress and you have given us some real insights as to the way that your respective units of State government approach these issues. And we are appreciative of the fact that you have provided us with these insights.

Thank you very much.

MR. BACA. Harley Zephier, Leo Cardenas.

[Messrs. Cardenas and Zephier were sworn.]

**TESTIMONY OF LEO CARDENAS, REGIONAL DIRECTOR, COMMUNITY  
RELATIONS SERVICE, U.S. DEPARTMENT OF JUSTICE; AND HARLEY ZEPHIER,  
AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS**

MR. BACA. Would you both please identify yourself for the record giving your title and business address as appropriate?

MR. CARDENAS. Leo Cardenas. I am the Regional Director of the Community Relations Service, an agency with the United States Department of Justice.

MR. BACA. Thank you. Mr. Zephier?

MR. ZEPHIER. Harvey Zephier, Aberdeen, South Dakota. Area Director for the Bureau of Indian Affairs.

MR. BACA. Mr. Zephier, if we could take care of a housekeeping matter first, I have in my hand a document entitled "Program Amount, FY 1978" by reservation. Did you give it to us with the idea that it be submitted for the record?

MR. ZEPHIER. Yes.

MR. BACA. Mr. Chairman, if it were appropriate, I would like it entered at this point.

CHAIRMAN FLEMMING. Without objection it will be entered into the record at this point.

MR. BACA. Thank you.

Mr. Cardenas, beginning with you, could you tell us something about the functions of the Community Relations Service and its place in the Justice Department?

MR. CARDENAS. The Community Relations Service operates out of the 1964 Civil Rights Act. It operates under Title X which mandates the service to assist communities to resolve disputes. It's called "Disagreements Based on Discriminatory Practices." It can operate on its own motion or it can operate at the request of citizens or local officials.

The services that it provides are held in confidence, and in fact if any of the representatives should violate those confidences they face or have the possibility of facing a fine or imprisonment.

MR. BACA. Sir, I presume that if we ask you a question which you would be prohibited from answering on that ground that you will advise us of that?

MR. CARDENAS. Yes, I will.

MR. BACA. Thank you.

Please continue.

MR. CARDENAS. The powers of the agency as mandated by Title X does not provide for any investigative powers nor does it provide for any funds to be given in providing services to communities.

There are four basic services then that the service provides: conciliation, mediation, technical assistance, and finally training. It provides this, of course, in situations of racial conflict.

In terms of the region that I represent, it's based in Denver, it includes what is commonly known as Region VIII. We, through the ser-

vice, call it the Rocky Mountain Region for obvious reasons. We cover the States of Colorado, North Dakota, South Dakota, Utah, Montana, and Wyoming.

MR. BACA. How large a staff do you have to service those States?

MR. CARDENAS. We have a staff of six professionals which includes myself and two secretaries.

MR. BACA. And are those professionals assigned by State or by subject matter or in what other way is your office organized?

MR. CARDENAS. The service or the—the regional office is actually organized currently according to the processes and the services that we provide; that is, I assign one specific representative to work on nothing but the requests that come in, the filtering of the requests. A second representative works on the assessment of those requests. And then finally we have two senior conciliators who actually provide the services. We also have a specialist in police-community relationship and finally myself, the administrator of the program.

MR. BACA. Could you give us a rough estimate of how much time and what kinds of staff have been involved in South Dakota the last several years?

MR. CARDENAS. Dating back to 1973, which was to the best of our knowledge the first time that we became involved or heavily involved in responding to crises involving Indians, out of my office we have provided approximately 35 and to as high as 45 percent of our time and staff to South Dakota alone.

MR. BACA. And were those at the invitation of State officials, tribes, or by what process did you come into this State?

MR. CARDENAS. I think reviewing over those years, we are dating back to 1973, I would venture to say that about 50 percent of those through the middle of 1976, about half of those came at the request of officials or citizens and the other half at our own motion.

MR. BACA. In other words, you saw a particular need in this State greater than the other States that you service?

MR. CARDENAS. Correct.

MR. BACA. Would you say that the reasons that caused you to make such a commitment to the State continue to exist?

MR. CARDENAS. They have diminished and just reviewing our own records, they have diminished approximately 30 percent over the last couple of years. And the reason for this is the fact that because of the nature of the racial conflict in this particular State, dating back in 1973, services that we provided were one of reaction. There were violent confrontations involving Indians and communities, so it was one of us coming in and providing services to keep the peace and to maintain the peace.

Over the last 2 years or so the type of services that we provided have changed, in my estimate dramatically. Whereas, as I mentioned, earlier we would come to prevent violence, today while it is in the same nature of the tone, whereas it would come in to work with law

enforcement on a highly tense situation, today we come in and provide training that in essence which would assure and would provide the officers with better equipment, with equipment—and I mean in terms of how to handle situations, virtually the type of reaction, you know, that we used to handle 5 years ago.

MR. BACA. I presume that kind of training is at the invitation of a particular police force?

MR. CARDENAS. Very definitely.

MR. BACA. Could you tell us some of the police forces for which you have provided that sort of training?

MR. CARDENAS. In the State of South Dakota it is the Pine Ridge Reservation.

MR. BACA. Can you tell us what kind of success the Community Relations Service had over the years that it made such a commitment to the State of South Dakota?

MR. CARDENAS. I think I could perhaps provide an example and use the Pine Ridge Reservation. Our first major assistance to South Dakota came during the Wounded Knee occupation on which we spent considerable time and resources. This was in 1973, as most of you know. Two years later at the invitation of the reservation officials or tribe officials we came in and conducted an assessment of where the police services, how they were being delivered, where they were needed. We provided a consultant who spent—who made two trips into the reservation assisted by our own staff out of the Denver office. We provided a report for the tribe.

One of the major recommendations that was made at that time was one of decentralization which has occurred over a year ago. The other one was of training. Then finally, a civilian body that would work hand in hand with the police department.

Most of these recommendations have now occurred. And in fact, just reading some recent media reports that appear in the local paper quoting local officials, indicate that the crimes, the types of crimes that were committed, say, 4, 5 years ago and the types of crimes that are being handled today are quite different. The type of response that the officers are doing are quite different, the way in which the officers respond is quite different.

I would like to think that through the efforts of the Community Relations Service, its consultants, and obviously the cooperation at the local levels, you know, that some of these changes have occurred.

MR. BACA. I am just asking more as a matter of curiosity than anything else, what service of the four that you listed were you performing at Wounded Knee during the trouble there?

MR. CARDENAS. During the trouble it was what we considered conciliation; that is, opening lines of communications, making sure that people get together and know what each other is doing.

MR. BACA. Between what elements to that conflict were you negotiating or attempting to affect in that conciliation?

MR. CARDENAS. The major conciliation that we were trying to effect at that particular time was to end the occupation of Wounded Knee because of the violence that was occurring. And needless to say which occurred, of course, in some depth.

MR. BACA. Thank you.

MR. ZEPHIER, can you tell us about the Aberdeen office of the BIA?

MR. ZEPHIER. Yes. I have administrative responsibility for the Aberdeen area which covers three States, North Dakota, South Dakota, and Nebraska. We have 13 agencies and one field office that is planned for South Dakota. We then work with the 15 tribal governments in the three States. We have about 1,450 employees in the BIA in the Aberdeen area.

MR. BACA. What kind of services do you provide?

MR. ZEPHIER. We provide all services except for health services, and these would be any community-related types of services such as social services, recreation, educational, credit, economic, business development, realty, land operations, to mention just a few of them.

MR. BACA. In those latter few, you provide assistance, actually representation?

MR. ZEPHIER. Yes, we do have staff at the agency as well as at the area in those specific program areas.

MR. BACA. Could you tell us something about how your office is organized to carry out these functions?

MR. ZEPHIER. Okay. The area office at the present time has what we call directors of the major programs, social services, trust and natural resources, tribal government, business development, employment, employment assistance, and so on.

We then in turn provide technical assistance, management assistance, and training both to the agency and tribal government.

Each agency is staffed in a likewise manner with the superintendent, administrative officers, and of course the various program chiefs or branch chiefs at their level in the same program areas.

MR. BACA. I know you answered this in part, but could you tell us again how many employees you have and the size of your budget to carry out these responsibilities?

MR. ZEPHIER. Okay. In the total area we have about 1,450 Bureau employees, and this would be the permanent positions that we have. We operate with about \$94 million budget in the total three-State area.

MR. BACA. Could you tell us how many of the 1,450 employees are Indians?

MR. ZEPHIER. Okay. We are running close to about 68 percent of these would now be Indian employees.

MR. BACA. And I presume that they are distributed among the professional and support staff?

MR. ZEPHIER. Correct.

MR. BACA. Thank you.



You have heard Mr. Cardenas talk about a change that he has noted in the climate in South Dakota—that is, the climate of tension; could you comment on that, please?

MR. ZEPHIER. Yes, I think in terms of a relationship that exists between the tribal government and of course the State itself would be parallel within the Bureau of Indian Affairs. The reason why I say this is because when a tribe is viewed in terms of the stereotyped attitudes, the prejudice, the discrimination that does go on, subtly in many instances, the BIA experiences the same type of thing.

The BIA is put in the position where many outside Federal agencies come down criticizing the BIA because they happen to have the trust responsibility for tribal entities. And in a sense you're fighting not only, I think, these kinds of issues, but you're fighting many, many attitudes in the entire process through the system that eventually channel down through the BIA, eventually hits the tribal government itself. And they feel the brunt of the whole situation.

So I think the relationship itself still remains to be improved dramatically in terms of both relationships within the State of South Dakota.

MR. BACA. Could you go into that perhaps a bit more? Mr. Cardenas said that the kind of services that he has to provide or provides now mostly is training and I presume that at least in part is because there has been an easing of tensions and less need for conciliation and for negotiation; are you finding that to be true, also?

MR. ZEPHIER. Yes, because the Bureau of Indian Affairs maintaining the trust responsibility for Indian tribal governments has been moving along the lines of Public Law 93-638 which is the Indian Self-Determination and Educational Assistance Act.

In this the BIA is mandated to work directly with tribal governments and their memberships in giving them every opportunity from a budgetary, financial, as well as staffing, point to deal with any and all resources that are coming through the BIA as well as any other Federal agency that affects the entire reservation.

MR. BACA. Mr. Cardenas, you have been here for a while. You have heard testimony,, a great deal of testimony about the concern in both the Indian and non-Indian community about law enforcement; that is, questions about jurisdiction, questions about alleged maltreatment, questions about overlapping investigative responsibilities. Could you comment for us as to the extent to which you think overlapping jurisdictions—the extent to which you think overlapping investigative responsibilities contribute to rather than relieve or ease tensions?

MR. CARDENAS. Let me address that in terms of the type of services that we can provide, and that is that I feel, and my agency feels, that we can be perhaps a greater service in this particular area, the area—the area of—call it jurisdictional or cross-deputization. We feel that we can be of service first of all because we bring third party mutual services to the area, to the local area that is. While there are some

resources in almost any area that can provide similar services that we can, what they cannot provide is neutrality, at the point that we can come in—neutrality, of course. The other one of which I am very proud of is the years of experience that we provide. For example in my own office the 38, total of 38 years of service is combined within the staff of only six persons. So consequently we can bring neutrality and experience to a local situation.

And then once given these two particular elements we can get—we are able to arrange meetings, we are able to bring resources to bear and work out agreements that people at the local level—first of all made the decision and then second, hopefully, are able to live with it.

I think we have heard earlier from Mr. Janklow and I heard earlier from Mr. Vrooman that they are within the confines of the various laws and the changing laws and the appeals in recent decisions that have occurred. There is obviously confusion on the part of some people. Where the confusion can be diminished is at the local level if people are able to sit down together involving various entities. One of the entities that was mentioned involves Sisseton which is complex by its very nature in that you're involving the reservation, you're involving a city, you're involving a county. Just by its own very nature of those types of parties involved it becomes very complex. But taking all of those three entities together and given the resources that are available to that particular community, we are beginning to work with them and have worked with them over the last year or so on a variety of issues. And they involve—one involves cross-deputization, another one involves the expenditure of funds for education, and another one involves one that we think will come to bear, and that is the creation of some kind of a commission, we call it human relations commission, but some type of body that would begin to address the relief of day-to-day activities.

Over the last 18 months we have been working with all of these people. We have not—or at least we have not seen real positive results, you know, that we could take to the bank today, but we feel that over the next months or so we are very optimistic that all of these issues will come to bear simply because over the last 18 months they have all been working towards the same goal and that is harmony within their own community, harmony to the degree that if you have on the one hand a reservation, a reservation that has received resources that are better than perhaps the city, county on the other hand has some other resources. If they bring all of those resources to bear, put them on the table, and say under these particular conditions this arrest will occur, under these particular conditions these resources will be used for education, these resources will be used for this particular issue, things will work out.

And we also heard earlier, for example, that the people at the local level know each other and consequently cannot, if given some type of a mechanism for relief, cannot judge each other if the issue happens

to be one in which the relief will have to rely on the judicial system. For example—well, we feel that through this mechanism and to us it doesn't matter whether you call it a human relations commission, a task force, as long as it's a matter of people coming together, addressing the issues, and then making the appropriate resources work.

While all of this has been going on there has been decision upon decision at various levels. At the local level they're having suits filed. There have been appeals; there has even been a decision at U.S. Supreme Court level. But the work continues on all of the time. And as long as that continues we are very optimistic, you know, that each of the day-to-day issues will eventually be resolved.

MR. BACA. Along that line, just one final question for both of you and that is you alluded to a recent Supreme Court decision. I presume you mean the *Oliphant* case?

MR. ZEPHIER. Right.

MR. CARDENAS. Yes.

MR. BACA. And I presume also that you were working on issues involving cross-deputization prior to the time that decision came down?

MR. CARDENAS. That's correct.

MR. BACA. Did you notice any change in attitude among the people you were dealing with—that is, representatives of counties, of cities, of the tribal government—as a result of that decision that changes your hopes as to whether there will be cross-deputization on a wider scale?

MR. CARDENAS. What occurs with any decision is a reevaluation of where people are and of course this immediately occurred. How it affected them, the normal apprehension of how that would, you know, how the decision would be implemented at a local level.

While all of this occurred, and in fact as far as we could see from the type of things that we were trying to work locally, you know, there was a standstill of action from the goals that we were seeking for 1 month, perhaps even 2 months. Once that was over then they proceeded to still seek the same goals; that is, working in harmony at the local level.

MR. BACA. Mr. Zephier, do you see that same result from the *Oliphant* case?

MR. ZEPHIER. What I see of course right now—and I was surprised to hear United States Attorney Vrooman mention the fact that they had received instructions down from the Department of Justice, because within our Bureau structure we have not received such memoranda at this date. And our efforts have really gone into trying to get the local people together with the tribes. Our local agency staff have been excellent in terms of making this possible. But again we can only go so far, and really, when you reach an impasse I think we have a responsibility from a Federal standpoint then to do what we can to go the other route if we don't get that cooperation. But we have made that effort at a couple of locations that you are well aware of now, and if we do not get some things directly back, I guess, from our

Washington office, we would try to go the magistrate route and handle it within the Federal court system.

But we will pursue that, I guess, prior to hearing any other policy direction that may come out of the Washington office.

MR. BACA. Thank you.

MR. CHAIRMAN, I have no further questions.

CHAIRMAN FLEMMING. Your response to questions on the part of counsel has given us a very clear picture of the role that both of your Federal agencies are playing in dealing with these issues. We appreciate your coming, appreciate your giving us this picture. It will be very helpful to us as we try to develop findings and recommendations in this area.

Thank you very much.

Counsel will call the next witnesses.

MR. ALEXANDER. Wayne Ducheneaux.

[Mr. Ducheneaux was sworn.]

#### TESTIMONY OF WAYNE DUCHENEAUX, CHAIRMAN, CHEYENNE RIVER SIOUX TRIBE

MR. ALEXANDER. Would you please identify yourself for the record, your name and the position you hold in your tribe?

MR. DUCHENEAUX. I'm Wayne Ducheneaux, and I'm chairman of the Cheyenne River Sioux Tribe.

MR. ALEXANDER. Yesterday afternoon we had some testimony from several non-Indians representing some organizational basis that stated that they thought in any circumstance that it was inappropriate for an Indian tribe to exercise jurisdiction over a non-Indian. I would like to have your views on that issue.

MR. DUCHENEAUX. In any circumstance?

MR. ALEXANDER. Any circumstance.

MR. DUCHENEAUX. Well, I disagree with that view. There is several instances where I feel that the tribe—the fact is, I think you should have jurisdiction over all of them whenever they are on reservation lands, but evidently *Olipphant* has taken care of that in some cases. But there is cases involving our land where they are leasing our land, have range permits to run on our land, where they are—could abuse the land, overstock it. They come on the reservation and want to do business on the reservation. I feel that if they want to come on the reservation and do business they ought to be able to abide by the laws of the Cheyenne River Sioux Tribe and be under the jurisdiction of the court if they don't abide by the laws.

MR. ALEXANDER. There is a number of outstanding issues with respect to jurisdiction in the civil area and arrest area. Would it be your view that the appropriate way to resolve these issues is through litigation or are there other mechanisms?

MR. DUCHENEAUX. No, sir, I feel that the appropriate way is through negotiation and have attempted to do so on a number of occasions. In fact, one of the first meetings that I attended as tribal chairman back in 1974 was out here at a hearing that Senator Abourezk called. And I stood up then in a public meeting and stressed that I was willing to sit down and negotiate jurisdictional issues with anybody that wanted to talk to me. And for awhile everyone wanted to talk to me so I went back and drafted a proposed jurisdictional agreement. And then came the *DeCoteau* decision and no one would talk to me. And I have been attempting to sit down with someone and negotiate these things ever since.

MR. ALEXANDER. A short while ago several officials from the State government testified indicating various State mechanisms for—State negotiating commissions, the Joint Powers Act, and said today and they said last week that they were willing to negotiate these issues. Has that been your experience? Have they in fact, been willing to respond when inquiries have been made to them?

MR. DUCHENEAUX. On some issues. We have a sales tax agreement with the State for collection of our sales taxes as does, I believe, Pine Ridge and Rosebud. We have an agreement on the deer and antelope seasons, and it seems to me the thing that they don't want to sit down and negotiate on is cross-deputization and jurisdiction over each other's people. And they don't want to talk about this at all.

MR. ALEXANDER. Did you have a view as to why they don't?

MR. DUCHENEAUX. I have no idea unless, I guess, they don't want an Indian arresting a white man is about the only thing I can see.

The other day—before the *Oliphant* decision—we were arresting white people who broke the law there in Eagle Butte or on the reservation and routinely taking them up to tribal court and giving them a choice, you know, you can go through tribal court or we will turn you over to the county sheriff if you so desire. And the surprising majority of them elected to go through tribal court. Since the *Oliphant* decision said that the tribal court had no jurisdiction over their—over non-Indians, the attorney general has made some statements such as that the policemen can't arrest non-Indians. But we don't hold that to be true, and we don't hold that we are powerless to try the people because our constitution gives us jurisdiction over non-Indians where they will stipulate to that jurisdiction.

Since the *Oliphant* decision we have arrested some 38 non-Indians and only 9 of them have refused to consent to the jurisdiction. The rest of them all have and it went through the tribal court.

The one case where Mr. Janklow says that we are in litigation, and I thought the case was settled, was the case of a lady speeding through town. She was stopped by the tribal police and told to appear for arraignment and she wouldn't. She sued, saying that we had no jurisdiction over her to arrest her, and Judge Bogue ruled that we did have and remanded the thing back to the tribal court to determine whether

or not she was an Indian or non-Indian. And I was glad to hear the person from the department of public safety say that it would be impossible for the State highway department to stop everybody and ask him whether or not he is an Indian or non-Indian because that is the exact same thing we say, that you cannot ask a policeman out there when someone is breaking the law to stop and determine whether or not he is an Indian or a non-Indian. The policeman has no business making an assumption of whether or not he has jurisdiction over a person if he is breaking the law. That is the court's prerogative, and since the *Wheeler* decision that says that the tribal courts are not arms of the Federal courts, I believe that the tribal court has—its first duty is to see whether or not—to determine its own jurisdiction over any particular case that comes before it.

MR. ALEXANDER. In your view, is the controversy surrounding jurisdiction and some of the fallout from that that we have heard in interviews or allegations of tribal justice systems aren't as fair necessarily or as efficient as other justice systems? Do you think that these allegations and these controversies are in fact the real issues or are there other underlying issues that don't necessarily get discussed?

MR. DUCHENEAX. I don't feel that our courts are any more incompetent or corrupt than the old JPs [justice of the peace] used to be, that the State of South Dakota had up until about a couple of years ago. They were untrained magistrates and everyone seemed to get along pretty well with them.

And our judges, I feel, are just as trained in tribal law and the protections that are given under tribal law as any—as Judge Bogue is about the Federal laws, or any South Dakota judge is to the procedures and the protections that are given under the State laws.

And I feel that it's just a case of non-Indians not wanting to have to have an Indian being able to tell them what to do. I was quite surprised to hear Mr. Janklow say that the highway patrol couldn't—the department of public safety couldn't enter into cross-deputization agreements because we have an agreement with the game, fish, and parks that specifically provides for cross-deputization. And section 6 of the agreement says:

Both parties agree that an appropriate game law enforcement officer acting as agents for each party shall be deemed agents of both parties during the above mentioned coinciding seasons, such agreement to be considered to be a cross-deputization of agents of both parties for the above described period only.

Now if the department of game, fish, and parks and the department of revenue can enter into these kinds of agreements under joint powers or any other authorizing legislation it would seem to me that another department of the State of South Dakota, which is the department of public safety, could enter into these agreements. And he says one of the reasons he don't want them to do it is because of the local officials down below not participating in it.

We have asked the local officials on many occasions to participate with us. They want cross-deputization, but they want it one way—where they can arrest Indians, but we cannot arrest white men. And they keep bringing up the fact that their sheriff would be liable for—or the county—or the county or the city would be liable for any—

MR. ALEXANDER. Wrongful conduct?

MR. DUCHENEAUX. Wrongful conduct, while at the same time the city is hiring people that we have terminated from our police department for various reasons. The fact is, their present officer is a guy that used to be one of the policemen on our force and had been terminated.

MR. ALEXANDER. If problems such as these are unable to be resolved at the local level and if the State apparatuses do not work in certain circumstances, do you have a view as to what the appropriate Federal role should be, either legislatively or through the Department of Justice?

MR. DUCHENEAUX. Well, first off, I don't feel that if these can be worked on a local level the Federal Government shouldn't take a hand in it, because I don't believe any solution that Congress might impose upon us is going to be liked by either the non-Indians or the Indians on the reservations. I would like to see Federal legislation. I believe that would force the States to negotiate with the tribes on a good faith basis. And I don't mean to give up anything that they feel is rightfully theirs, but to sit down and negotiate and if an agreement could be reached between the two that the agreement should go into effect.

MR. ALEXANDER. You have been involved to some extent in some of the national Indian organizations. I know you have been involved in NCAI [National Congress of American Indians] and so on. In your view is the level of cooperation or ability of cooperation distinctly different in this State than others that you are familiar with or is this a problem that is reflected throughout Indian country today?

MR. DUCHENEAUX. That is a good one. There seems to be some States that are working with the tribes in certain areas better than others. That's about all I can say. I don't think that there—there is very few of them where the criminal and civil jurisdiction of the court systems are working, that I know of. Others have had agreements like we have on fishing and hunting and things like this, but it boils down to this one place where all the trouble is.

MR. ALEXANDER. Some of the testimony earlier indicated oftentimes that tribal law enforcement systems are relatively new instrumentalities in the State. A number of people have suggested it sort of started in the 1970s. What is the situation at Cheyenne River? How long have you been running your own tribal—

MR. DUCHENEAUX. Cheyenne River Tribe has been running their own law and order system since the Indian Reorganization Act in 1935 and up until a couple of years ago has been paying the full freight for it. The Bureau does help out now.

MR. ALEXANDER. Has the tribe been involved in recent years or throughout the years in efforts towards economic development to put more Indian people into the ranching economy and other economies in the Cheyenne River?

MR. DUCHENEAUX. Yes, sir, for—again since 1935, we have had several cattle programs or one cattle program that has been ongoing ever since then and then another one that was just phased out.

MR. ALEXANDER. Does this activity of the Cheyenne River Sioux—developing and utilizing its own lands—have any impact in this controversy? Do you think land and the use of your own resources affects the conflict setting in the State?

MR. DUCHENEAUX. Very much so, sir. Back in 1956 when the tribes started what was known as the rehabilitation program, most of our lands was leased by non-Indian ranchers, and when the tribes started taking the land back to give to the Indian operators to set up their own ranching operations, some of the people threatened to take us to court. We was taking their land away from them. I know they all said their county governments were going to fold and this was their land, they used it for many years. And most of them, I think, have the idea that Indian lands are public lands and that they can pretty much dictate the use of those lands. But they are not public lands. They are private lands. And I think since about 1956 and on they have woke up to the fact and found out and now they are going out to try to get the lands in any way that they can. If they can get the State jurisdiction over them and the ability to tax them, that is the first step.

MR. ALEXANDER. So would it be accurate to state that even if the criminal jurisdiction was completely straightened out there still would be an underlying conflict based on land?

MR. DUCHENEAUX. You need only look at what the Public Law 280 states and you will see that the conflict is still there and it's still the land and the resources that is causing the conflict.

MR. ALEXANDER. And do you have a view as to what the Federal Government's role should be on a land-based conflict and how?

MR. DUCHENEAUX. On a land-based conflict?

MR. ALEXANDER. On the underlying conflict that you have just talked about, of land, what should the Department of Justice and the Department of Interior be doing? What role should they be playing here?

MR. DUCHENEAUX. Well, in those cases where they can't settle it without going to court, I believe the Department or the Federal Government ought to hold to the letter of the law and enforce, I think it's section 175 of 25 U.S.C., and act as the attorney for the tribes for their being abused, for their land and natural resources. But in a lot of cases they won't do it. The tribes have had to go out and hire their own attorneys, although they are the trustees of this land and supposedly operating it in our best interest. It's not always been the case.

MR. ALEXANDER. Thank you.

Mr. Chairman.



CHAIRMAN FLEMMING. Mr. Nunez?

MR. NUNEZ. No questions.

CHAIRMAN FLEMMING. Ms. Witt?

DR. WITT. No questions.

MR. DUCHENEAUX. I would like to say a little bit more, if I may.

CHAIRMAN FLEMMING. You certainly may. Go right ahead.

MR. DUCHENEAUX. You know, Mr. Vrooman, the United States attorney, I think more or less indicated that the tribal government is, and the courts are corrupt. And I don't agree to that at all. Our tribal code—well, where he said like I might go in and interfere in the courts. Once the case is in court our tribal code says that I am liable for punishment or any officer of the tribe is liable for punishment if they are—if they do try to interfere in there and the penalties are as severe as the law allows.

But if in some cases they are—I think we had a hell of a poor example to follow, you know, under the present government of ours which more or less parallels the United States Government. There has been a little corruption up there too, but I haven't heard anyone say we ought to give the jurisdiction to the World Court or anything like that.

The other thing is until—now, our code has been recently revised, and in our code the United States attorney has been refusing to prosecute cases, and they are not all under-\$500 cases in the burglaries, because someone busted into my house and took over \$500 worth of stuff and they refused to prosecute him, which is well and good. We have put everything in our code from murder to spitting on the sidewalk, you know, covering the full range. And at any time if they refuse to prosecute, whether it's been murder or burglary or whatever, we will prosecute.

But I feel that the Civil Rights Act that limits the penalties and fines that the tribal courts can impose and the Major Crimes Act that limits the jurisdiction that Indians have over people is a detriment to the tribal courts rather than a help. For a good many years before the Europeans and others came over here we handled our own affairs. And until we are able to handle our own affairs in all these things, our court systems aren't going to develop.

You know, you have got to give a person responsibility if you want him to build in character and the same is with the government or the court system or anything else. And I feel that if an elected judge out here in the State of South Dakota can sit and try a murder case, I don't see where our people can't. And I feel they are perfectly capable, and I feel as they get more responsibility they become more responsible. And I would like to see that changed.

And I do not agree with the Department of Justice, if they have so ruled, that the Federal Government does not have jurisdiction over non-Indians breaking the law on reservation land.

MR. ALEXANDER. Victimless crimes.

MR. DUCHENEAUX. Victimless crimes. I feel that the treaty of '68 is very specific in that case and I feel we would challenge them on that if they would try to hold that way.

Another thing that was said was that—the FBI sat up here and said that they are in danger when they go out on the reservation, and if they are in danger, it's their own fault because they are very arrogant people, and I have got another word up here I'd better cross out. But to give you an example, I will cite an incident that happened, and how if they had cooperated with the tribal police at the time they would have had their man. But there is a fellow that the FBI wanted for blowing up a van down in Kansas City, or I think that was what happened, but anyhow he was staying, I guess, down in Swift Bird on our reservation. And one day I commenced to getting calls from the Swift Bird community. They wanted to know what was going on. There were people running around in camouflage suits with M-16 rifles. Well, it turned out it was the FBI. And they were after this particular gentleman and, in fact, stood and talked to him in the doorway for about a half-hour, and he said he thought the guy lived down the road a piece. And when they left he took off.

But at that time I became very hostile and I called the FBI in Pierre and I told them that I didn't want this to happen again. And the gentleman assured me that it wouldn't, and the very next day the people from Swift Bird called again and said they were down there, and so I asked for a meeting with them and got them up there and told them that, if they ever come up in that fashion again, I will have them thrown in jail. And they said, "Well, we're FBI." I told them, "I don't know that when you're creeping around the hills with an M-16 rifle. You may be invaders from some other country," you know, or anything.

But still, whether or not I knew they were FBI or not, I felt it was as a courtesy if they didn't have to have it, they should stop in and check with our people. It would make their job easier. They would have had their man and several other men. When they have cooperated our officers have helped, and in most cases they wouldn't have the hostility that is shown to them. And the gentleman that I talked to assured me that they would do this.

Now whether they have stopped or not, I don't know. I haven't checked with the chief of police, and he is the gentleman that they check in with.

Mr. Janklow said that the problems have only been on the reservation since 1972, and I think he is talking about at the time of the *New Town* decision, but the problems have always been there. It's just that for the first time the shoe is on the other foot and they just now found out that there is problems. They have been going along their merry way thinking that there wasn't any problems out there. And he says that, "Well, things haven't changed in 100 years," but I don't fully agree with that statement. We have always maintained that we have

had jurisdiction within those boundaries. Our constitution which is supposed to have the effect of Federal law says that we have jurisdiction over those, all areas within those boundaries.

But in any case just because something goes on for 100 years doesn't necessarily make it right or the law. And Mr. Janklow being a lawyer had ought to know that.

And then to get back to the State negotiating committee. First of all I will go back to the task force on State-Indian relations. The tribes felt very comfortable with that organization. There were nine legislators and nine tribal chairman on the task force. We sat down and met on a one-to-one basis and the task force was authorized to introduce legislation into the State legislature that they felt would help the State-Indian relations.

And out of the nine proposed bills seven of them passed, and some of the legislators began to get a little worried and said, well—the thing was running out, it was a 2-year task force and we wanted it continued as such. But they said, “No, we’re going to go back and establish the commission of Indian affairs,” revamp that and make it a—somewhat along the lines of the task force. But before my time, the Indian affairs commission had sort of a bad name amongst the Indians because the commissioner was the Governor’s man, whoever he appointed, he done whatever the commission—or the Governor’s wishes and served at his pleasure. And we weren’t comfortable with the State Indian affairs commission, so we wanted the task force. But they said, “No. We have set up the State negotiating committee to meet and talk with you.” Well, on the one occasion they did meet that I know of some of these things were ironed out, but I had written a letter to Mr. Janklow requesting that they come up to Cheyenne River and sit down and negotiate the problems of cross-deputization, jurisdictional agreements, and whatnot. Of course, I didn’t know that he wasn’t the chairman of the committee; Lieutenant Governor Wollman was now Governor so nothing ever came of it. I guess he forwarded the letter to the lieutenant governor. But it just seemed to me that Mr. Janklow seems to be worried about the jurisdictional problems in the State of South Dakota. If he had wrote me a letter and said come on down, whether he was the chairman of the thing or not, I would have went down and visited with him. But he wouldn’t do so.

Okay, that is all I have to say. If there are any more questions I will be pleased to answer them.

CHAIRMAN FLEMMING. You are the windup witness and we appreciate very, very much your commenting on the points that have occurred to you as a result of listening to the hearing. And we appreciate your being here with us and we appreciate your giving us the benefit of your views growing out of your experiences.

Thank you very much.

MR. DUCHENEAUX. Thank you.

CHAIRMAN FLEMMING. I ask the hearing be in order.

At the opening session of this hearing, I stated that near the close of the hearing, persons who had not been subpoenaed would, under certain circumstances, be given the opportunity of appearing in an open session. Commissioner Freeman, in her opening statement, setting forth the rules governing this hearing, said that persons wishing to appear at the open session should be in contact with members of the Commission's staff in Room 201 up until 12 o'clock noon on Friday. She stated that such persons would be heard in the order in which they signed up. Those who have signed up have talked with staff, and I'm sure understand the rules of the game, so to speak. Each person will be given—each person will be sworn as a witness. Each person will be given 5 minutes. The 5-minute rule will be enforced by counsel rigidly, strictly, in fairness to all who are participating. When the 5 minutes is up, a sentence of reasonable length can be completed. But the complete statement, if it is a written statement, will be included in its entirety in the record of the hearing.

I understand that there are four or possibly five persons who have indicated that they desire to make a presentation under this 5-minute rule. We have got room for five, haven't we, so I'm going to suggest that all who have given that indication be called. I will ask them to come to the witness table, and we will swear all of them at the same time. Then the counsel will call them in the order in which they signed up.

MR. LEVIS. George Bartlett, Cleveland Two Crow, Ted Means, Charmaine Wisecarver, and Marvin Amiotte, please come forward.

CHAIRMAN FLEMMING. If you will read the names again to make sure the people, the other people are not in the room—

MR. LEVIS. George Bartlett, Marvin Amiotte, Cleveland Two Crow, Ted Means, Charmaine Wisecarver.

[Messrs. Bartlett and Amiotte were sworn.]

#### TESTIMONY OF GEORGE BARTLETT, CUSTER, SOUTH DAKOTA

CHAIRMAN FLEMMING. Thank you.

We are very glad to have you with us. If you will just take a seat.

Counsel will recognize the first witness. You understand the 5-minute rule?

MR. BARTLETT. Yes.

MR. AMIOTTE. Yes.

CHAIRMAN FLEMMING. When the 5 minutes is up, you can complete a sentence of reasonable length, and then if you do have a written statement or want to file a written statement we will be very, very happy to receive it and make it a part of the record.

MR. LEVIS. Mr. Bartlett, would you please state your name, address, for the record, and both of you, I would just like to indicate that any testimony which tends to defame, degrade, or incriminate will be stricken from the record, and the witness will be instructed to cease

and desist from giving such testimony. Also Mr. Bartlett, you had submitted to us a statement that you would like to make part of the record.

MR. BARTLETT. Yes, that is correct.

MR. LEVIS. Would you state your name and address please?

MR. BARTLETT. George Bartlett [inaudible], Custer, South Dakota.

MR. LEVIS. If there is no objection, I would like to submit this into the record.

CHAIRMAN FLEMMING. It is understood that will be made part of the record of the hearing. We will be very glad to listen to a 5-minute summary of it at this time.

MR. LEVIS. Go ahead.

MR. BARTLETT. Thank you very much for letting me come to talk to you.

CHAIRMAN FLEMMING. Speak into the mike.

MR. BARTLETT. I read the *Liberty and Justice for All* report. I understand that most of the people say all it was was generalities. I have submitted documents to you, presented evidence to support the report by South Dakota Advisory Committee on the U.S. Commission on Civil Rights.

What I wanted to talk about was—I want to tell you about South Dakota. I cannot walk, you know, in any town in South Dakota without being harassed, intimidated, or provoked into a fight. This includes bars, restaurants, police stations, or even on the street, you know.

I'm still alive. I'm thankful for that because in these white towns that I walk in, I cannot wear my braids. I have had a lot of hair pulled out from, you know, from people who provoke violence against me or my family. You know, my cars—every car I had is in some way damaged. It doesn't matter what it is, I have experienced prejudice, in law, in church, and just about every facet of life. That includes school, education, and when I went to school, all I heard about was First and Second Battle of Bull Run and Custer and Thomas Jefferson, our forefathers; we never heard nothing about Sitting Bull or Big Foot or Hump or Little Wolf, you know, or Washeta, Sand Creek, Wounded Knee Massacre, or Slim Buttes. I never heard anything about that.

When I went to first grade, why I never knew any English, and when I went to first grade, English, you know, they pound it into me. I try to live like a white man. I can't do it. I failed marriage. I can't drink like a white man. I can't borrow money like a white man, you know, and so that is why you are here, and I'm here. You are here because of all this violence in South Dakota, you know, injustice.

I'm a fugitive from injustice and the documents will prove what I have to say. When I went to Vietnam and I was drafted, I had to leave my loved ones. Now after Wounded Knee and all this violence, I have to leave the reservation. I'm a fugitive from injustice, like the Vietnam refugee that have to leave the country, that is what a predicament I

am in. I'm not the only one. There are a lot of Indians that leave areas where there is violence caused by FBI, highway patrol, deputy sheriff, sheriff, or chief of police. I have nobody to turn to, but this is my last hope, whatever documents and evidence that I give to you, I hope you look at it, because I'm not, you know, I expect reprisal for speaking.

MR. LEVIS. You have 1 minute.

MR. BARTLETT. That is all, thank you very much.

CHAIRMAN FLEMMING. Thank you.

MR. LEVIS. Mr. Amiotte, would you state your name and address, please?

TESTIMONY OF MARVIN AMIOTTE, ATTORNEY,  
OGLALA SIOUX TRIBE

MR. AMIOTTE. My name is Marvin Amiotte, Pine Ridge, South Dakota. I'm an attorney with the Oglala Sioux Tribe.

I would like to correct a misstatement of fact as stated by Attorney General Janklow earlier this afternoon. He referred to a recent shooting incident in which an individual was shot and killed in Interior, South Dakota, and one of the suspects of that particular shooting was a tribal member who lived on the reservation. Mr. Janklow seemed to indicate that the Oglala Sioux Tribal Police did arrest that individual and turn him over to the State authorities. This is not true. The Oglala Sioux Tribe does not have an extradition agreement with the State of South Dakota. While there have been instances wherein they have arrested individuals and turned them over to State authorities, it was not true in this particular case. The suspect in the shooting was on the reservation and did voluntarily turn himself in, in Martin, South Dakota. And there was no arrest made by the tribal police and that individual was not arrested by tribal police and turned over to State authorities. The individual voluntarily turned himself in. I would like the record clear on that particular incident.

I would also like to make a few comments on tribal courts. Tribal courts are becoming increasingly more and more sophisticated. I believe you had an individual here who was a licensed attorney out of one of the central South Dakota tribal courts.

Rosebud has a licensed attorney who is a tribal judge. Pine Ridge, we had a licensed attorney who was the special judge, also a tribal member, and he is licensed to practice in the State of South Dakota. So there are more and more—the tribal courts are becoming more and more sophisticated. In Pine Ridge in particular we have licensed attorneys from the State of South Dakota and Nebraska who come to tribal court, are licensed to practice in tribal court. They come from all the surrounding towns of Hot Springs, Rapid City, Martin, and you know, from some of the testimony I heard, the merchants seemed to give the impression that they really were not aware that this remedy was available in tribal courts. I know there are many, many non-Indian merchants from Nebraska and from the border towns around the Pine Ridge Reservation who have these licensed attorneys come in to tribal

court on collection actions, and for the most part, the tribal members represent themselves against these professional attorneys. I know there have been furniture, automobiles, trailer, mobile homes, have all been repossessed under these actions, if the action was true, and returned to the non-Indian merchants.

Those are the only comments that I have.

CHAIRMAN FLEMMING. Thank you very much. We appreciate both of you being here very, very much. I would like to suggest you read those names once again to make sure they—because we are just a little ahead of our agenda—I want to make sure they haven't come in.

MR. LEVIS. Cleveland Two Crow, Ted Means, Charmaine Wisecarver.

CHAIRMAN FLEMMING. I assume no one is in the corridors. All right. Anyone in the corridors?

We understand that one of the persons who signed up is on the way here. We recognize we are a little bit ahead of our schedule. This was scheduled to start at 4 o'clock. So we will stand in recess until she arrives, and possibly one or two of the others may also come. As soon as she arrives, the hearing will resume.

[The hearing was recessed from 3:40 p.m. to 3:55 p.m.]

CHAIRMAN FLEMMING. The hearing will resume.

MR. LEVIS. I would like to call Cleveland Two Crow, Ted Means, Charmaine Wisecarver, please.

[Ms. Wisecarver was sworn.]

#### TESTIMONY OF CHARMAINE WISECARVER, RAPID CITY, SOUTH DAKOTA

CHAIRMAN FLEMMING. Thank you. We are very happy to have you.

I assume that counsel has explained to you the procedure, the 5-minute rule and so on? Am I correct?

MS. WISECARVER. Yes.

CHAIRMAN FLEMMING. Okay.

MR. LEVIS. Would you please state your name for the record.

MS. WISECARVER. Charmaine Wisecarver, 903 Lablanc, Rapid City, South Dakota.

MR. LEVIS. You may go ahead.

MS. WISECARVER. I realize that the issues being presented at these hearings relate primarily to reservations and towns bordering reservations. As urban Indians not living on the reservations, we do not wish to detract from the importance of these hearings, as the problems presented are real and need attention. However, because the urban Indians are not organized and presently do not have a representative en-

tity, we face greater discriminatory practices and yet do not often have the opportunity to express our concerns.

I have read the report, *Liberty and Justice for All*, prepared by the State Advisory Committee on Civil Rights. I feel this report has only touched the surface of the problem of discriminatory practices of the law enforcement and individual agencies of Pennington County.

The fact that only 50 of the approximate total of 4,000 Indians residing in Rapid City testified at the hearings mentioned in the report indicates that testimony was received from a very small sampling of the total Indian population.

My greatest concern and the concern of many of my friends and relatives lies in the future of the findings of this report. These concerns we realize cannot be answered at this time and will require a great deal of debate and deliberation before a solution can be reached.

Our major concerns are as follows:

Number one, many times different advisory committees and research groups develop reports concerning the problems faced by urban Indians, for example, the American Indian Policy Review Commission's findings on the problems of urban Indians. Although these recommendations were given to State and local agencies, the advisory committees themselves lack the power to enforce the recommendations.

Number two, we are not unique in the problems we encounter and similar situations exist in other urban areas concerning Indian people.

Number three, as a result of our cultural upbringing, we are not as vocal as our fellow white and black neighbors. We have been taught to endure mental and physical pain for the sake of peace.

Number four, our educational level is not as high as our white and black neighbors, and therefore, we are not aware of the avenues available to rectify the injustices inflicted upon us.

Number five, again, as we are not an organized entity and have chosen to live as individual citizens, we do not have a representative body to assist and protect us although we are discriminated against as one group of people.

These concerns have also been expressed in the report, *Liberty and Justice for All*. We realize that we are opening up a new area of concern that has not been given adequate attention or has not been adequately dealt with in the past. Therefore, at this time we would like to request from the Civil Rights Commission assistance in helping us in our efforts to find solutions for our problems in the area of law enforcement and judicial procedures as it pertains to the urban Indian.

Thank you.

CHAIRMAN FLEMMING. Thank you very much. We appreciate your coming back. We appreciate your presenting that statement.

We will read the other two names once more.

MR. LEVIS. Cleveland Two Crow, Ted Means.

CHAIRMAN FLEMMING. This completes the hearing scheduled for this city. In closing it, I again want to express appreciation of the Commis-



sion to the State Advisory Committee for South Dakota for the work that they have done in this area, and in so doing I also want to express deep appreciation to Dr. Witt and her associates in the regional office in Denver for the assistance they gave the State Advisory Committee and the staff that have worked on this hearing, and then obviously, I want to express our deep gratitude to all of the members of the staff who have spent so many weeks conducting interviews and getting ready for what we feel has been a very profitable 2 days.

As I indicatd earlier this afternoon, the evidence that has been brought together in this way will be considered along with evidence from other hearings, evidence from the national hearing that will be held soon after the first of the year, the first of next year. Then we will evaluate all of the evidence and on the basis of that evaluation will develop findings and recommendations which we will address to the President and to the Congress.

Commissioner Freeman, do you have anything to add?

COMMISSIONER FREEMAN. No, except to join you in thanking the staff.

CHAIRMAN FLEMMING. Okay. This hearing is adjourned.

[At 4:01 p.m. the hearing was adjourned.]

*Exhibit No. 1*

[6335-01]

## SOUTH DAKOTA

## Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on July 27, 1978, at the Rushmore Plaza Civic Center, Room 103, 444 Mount Rushmore Road North, Rapid City, South Dakota. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians.

Dated at Washington, D.C., June 20, 1978.

ARTHUR S. FLEMING,  
*Chairman.*

[FR Doc. 73-17402 Filed 6-22-78; 8:45 am]

*Exhibit No. 2*CROSS DEPUTIZATION AGREEMENT

This agreement, between U.S. Department of Interior's Bureau of Indian Affairs, the Sisseton-Wahpeton Sioux Tribe and Marshall County regarding the matter of Cross Deputy Commissions, is for the purpose of establishing specific guidelines and delineating the boundaries of jurisdiction. All cross deputized officers must meet the minimum qualifications as established by the State of South Dakota. There will be no exceptions. Offenses committed within a particular jurisdiction will be responded to by the police agency that has primary police responsibility for the jurisdiction in which the offense was committed. This will not prevent a cross commissioned officer who is properly authorized from initiating police action when time and distance would be a factor in expediting the Law Enforcement function. When a cross deputized officer is working within the additional jurisdiction, he or she will be under the direction of the officer who has charge of that jurisdiction. Cross deputy commissions will not allow the enforcement of one agency's jurisdiction on a separate jurisdiction or be used to further the authority or jurisdiction of one agency to another. The permanent employer of a cross deputized officer will be responsible for the salary and mileage of an officer who must appear to testify in court as result of an arrest made under the cross commission. This reciprocal granting of police authority is agreed upon for the sole purpose of providing more effective or efficient Law Enforcement. This agreement is meant to insure that no person who has committed a crime and who would normally be subject to arrest and incarceration, is permitted immunity from such action merely because of a Law Enforcement Officers inability to act in an official capacity within that jurisdiction.

This commission will apply in those territories in which Law Enforcement Officers or agencies, within the normal course of their duties, cross jurisdictional boundaries. All arrests made under this agreement must be processed as they would under normal circumstances.

This agreement shall become binding and operative upon its approval by both governing bodies involved.

This agreement can then be terminated by either Party thereto by advising other party that they wish to terminate such agreement. Upon termination both governing bodies to return their Cross Deputization cards.

If an officer is terminated from his Department his card is to be returned to the issuing department.

This agreement shall become binding and operative for an indefinite period of time, except for violation of Law Enforcement Code of Ethics, at which time the heads of the various governmental agencies will determine whether or not the agreement shall be terminated.

1977 July 13  
Chairman, County Commissioner

Robert Olson  
Sheriff, of Marshall County

J. Kenneth Adams  
Superintendent, Sisseton Agency  
Department of the Interior  
Bureau of Indian Affairs

Ray Hute  
Chairman, Sisseton-Wahpeton  
Sioux Tribe

Adopted July 13, 1977

Other Jurisdiction

## Exhibit No. 3



February 15, 1977

Hon. Judge Remyke  
Fifth Judicial Circuit  
Court  
Sisseton, SD 57262

Dear Judge Remyke;

This is to inform you of the Tribal Court's position on the opinion that you issued regarding the Sisseton Wahpeton Housing Authority's jurisdiction.

The Tribal Court's position is that we will not honor the opinion issued by your court, as it is not binding to the Sisseton Wahpeton Sioux Tribe.

I will continue to assert jurisdiction, both civil and criminal, over this portion of trust land.

Sincerely,

*Joseph C. Senia*  
Joseph C. Senia, Chief Judge  
Sisseton Wahpeton Sioux Tribe

State of South Dakota } ss In Sequit Court  
County of Roberts }  
I, the undersigned, Clerk of the above named Court,  
do hereby certify, that the within and foregoing is  
a full, true and complete copy of the Original In-  
strument, as the same appears on file in this office.  
IN WITNESS WHEREOF, I have hereunto set my  
hand and seal at Sisseton, S. Dak. this 16  
day of May 19 77  
Clerk of Sequit Court  
By \_\_\_\_\_ Deputy



*Exhibit No. 4*

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT  
 )  
 COUNTY OF ROBERTS) FIFTH JUDICIAL CIRCUIT  
 \* \* \* \* \*

Jolene Mandan

Plaintiff,

-vs-

JUDGMENT

Tribal Police of the Sisseton-  
 Wahpeton Sioux Tribe

Defendant.

\* \* \* \* \*

The trial on the above entitled matter having come on before the Court in the Courtroom in the Courthouse in the City of Sisseton, County of Roberts and State of South Dakota, on the 24th day of November, 1976, before the Honorable Mildred Ramynke, Judge presiding, and the officers of the Court present; the Plaintiff appearing in person and by her Attorney, L.R. Gustafson of Britton, South Dakota, and the Defendants appearing by their Attorney, Creighton L. Robertson, Attorney of Sisseton, South Dakota; the Court having heard and considered all of the Plaintiff's evidence including exhibits and oral testimony and the Defendants having not presented any evidence to the Court, and the Court having heard the arguments of the respective counsels and having considered their Pre-Trial Briefs as had been requested by the Court and having entered its Findings of Fact and Conclusions of Law, which are incorporated herein by reference thereto as if the same were herein restated, and being fully apprised in the premises, it is now therefore

ORDERED, ADJUDGED AND DECREED that the Defendants and each of them be and they hereby are enjoined, restrained and estopped from exercising any criminal or civil control or jurisdiction over the Plaintiff on the property described as:

Outlot A in the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township One Hundred Twenty-six (126) North, Range Fifty-one (51), West of the 5th P.M., Roberts County, South Dakota, and Sublot 1 of St. Peters Subdivision of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of said Section Twenty-eight (28), Township One Hundred Twenty-six (126) North, Range Fifty-one (51), West of the 5th P.M., Roberts County, South Dakota.

(2)

that being the Low Rent Housing Project or any part thereof and that the said Defendants or any of them are enjoined, restrained and estopped from testifying against the Plaintiff in any Court for any charge that the Sisseton-Wahpeton Sioux Tribe has for any violation of Tribal Law on the above described property.

It is further ORDERED, ADJUDGED AND DECREED that the State of South Dakota has exclusive civil and criminal jurisdiction upon the property described as:

Outlot A in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-eight (28), Township One Hundred Twenty-six (126) North, Range Fifty-one (51), West of the 5th P.M., Roberts County, South Dakota, and Sublot 1 of St. Peters Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28), Township One Hundred Twenty-six (126) North, Range Fifty-one (51), West of the 5th P.M., Roberts County, South Dakota.

It is further ORDERED, ADJUDGED AND DECREED that no costs shall be taxed in this case.

Dated this 10th day of January, 1977, at Sisseton, South Dakota.

By the Court:

*Mildred Ramsey*  
Judge of the Circuit Court



Clerk.

*Donald Havel*  
*Carol Pederson, deputy*

State of South Dakota } ss In Circuit Court  
County of Roberts }  
I, the undersigned, Clerk of the above named Court, do hereby certify, that the within and foregoing is a full, true and complete copy of the Original Instrument, as the same appears on file in this office.  
IN WITNESS WHEREOF, I have hereunto set my hand and seal of Circuiton, S. Dak. this 10 day of Nov, 1977.  
Clerk of Circuit Courts  
By \_\_\_\_\_ Deputy

STATE OF SOUTH DAKOTA }  
COUNTY OF ROBERTS }

Filed and Recorded at 11:00 A.M.

*M. Ramsey* 1516 & 517  
*Carol Pederson*  
*Carol Pederson*

*Exhibit No. 5*FISCAL YEAR - 1978

FEDERAL FUNDS PROVIDED FOR PROVISION OF SERVICES FOR BENEFIT OF THE  
SISSETON WAHPETON SIOUX:

<u>AGENCY-PROVIDER:</u>	<u>AMOUNT:</u>
1. Sisseton Wahpeton Sioux Tribe:	\$8,755,483.
2. Sisseton Agency - Bureau of Indian Affairs, (including \$629,617. obtained from leases of Indian Lands):	2,229,292.
3. Sisseton Service Unit - Indian Health Service:	<u>5,021,640.</u>
TOTAL:	\$16,006,415.



SISSETON WAHPETON SIOUX TRIBE  
FEDERAL CONTRACT-GRANT-LOAN PROGRAMS  
Fy-1978

1. BIA CONTRACTS: (Pursuant to PL 93-638)	CONTRACT NO.	AMOUNT:
01 RESERVATION EMPLOYMENT OPPORTUNITY	#A00C14206437	\$286,000.00
02 EDUCATION PLANNING PROJECT	#A00C14206445	12,000.00
03 EMERGENCY CARE OF INDIAN CHILDREN	#A00C14206446	12,640.00
04 ADULT EDUCATION	#A00C14206441	23,000.00
05 DISTRIBUTION OF DONATED COMMODITIES	#A00C14206439	10,000.00
06 AID TO TRIBAL GOVERNMENT	#A00C14206443	20,200.00
07 JUDICIAL SERVICE PROGRAM	#A00C14206475	50,000.00
08 COOPERATIVE EXTENSION PROGRAM	#A00C14206440	21,600.00
09 LAW ENFORCEMENT SERVICE PROGRAM	#A00C14206481	131,600.00
10 COMMERCIAL ENTERPRISE DEVELOPMENT PROGRAM	#A00C14206444	7,200.00
11 HOME IMPROVEMENT PROGRAM	#A00C14206425	104,600.00
12 WORK EXPERIENCE & JOB PLACEMENT	#A00C14206438	30,000.00
13 RECREATION & CAMPING	#A00C14206442	13,000.00
14 RESERVATION PROGRAMS	#A00C14206625	33,400.00
15 UPDATING CENSUS PROGRAM	#A00C14206356	104,600.00
16 REVISION OF TRIBAL CONSTITUTION	#A00C14206569	5,000.00
17 TRAINING & TECHNICAL ASSISTANCE	#A00C14206585	6,700.00
18 TRAINING & TECHNICAL ASSISTANCE L. S. & L.	#A00C14206586	7,500.00
19 CRIMINAL JUSTICE PLANNER	#A00C14206344	22,055.00
20 LAND ACQUISITION (ended 12-20-77)	#A00G1420-7004	121,660.00
21 LAND ACQUISITION	#A00G1420-8000	136,345.00
22 JOHNSON O'MALLEY	#A00C14206687	174,372.48
23 GENERAL COUNSEL CONTRACT	#A00C14203382	10,000.00

24	RESERVATION REALTY ASSISTANCE	#A00C14206487	35,216.80
25	AGRICULTURAL DEVELOPMENT PROJECT	#A00C14206714	200,000.00
26	JUVENILE CRISIS INTERVENTION CENTER	#A00C14206719	15,120.00
27	BIG COULEE EARLY CHILDHOOD INST. SERVICE	#A00C14206722	5,280.00
	<u>TOTAL:</u>		\$1,599,089.28

2.	HEW CONTRACTS AND GRANTS:	CONTRACT NO.	AMOUNT:
01	ADMINISTRATION OF NATIVE AMERICANS (ANA)	#90-I-92 (5)	80,000.00
02	ADMINISTRATION OF NATIVE AMERICANS WINTERIZATION (ANA)	#90-I-92	31,000.00
03	PARENT, CHILD INVOLVEMENT PROGRAM	G007702973	115,000.00
04	SPECIAL CRISIS INTERVENTION PROGRAM	#80123	15,667.00
05	ALCOHOLISM PROGRAM FOR INDIANS	#5-H84-AA00508-106	146,486.00
06	FAMILY PLANNING	#241-77-0330	65,375.23
07	COMMUNITY HEALTH REPRESENTATIVE (PL 93-638)	#241-77-0148	128,000.00
08	JUVENILE HEALTH PROGRAM (PL 93-638)	#241-77-0475	11,370.00
09	TRIBAL HEALTH ADMINISTRATION & DEVELOP. (PL 93-638)	#56-A-000002-01	108,574.00
10	P.O. 3176 TRAINING GRANT FOR ALLIED TRIBAL HEALTH WORKERS (PL 93-638)		5,355.00
	<u>TOTAL:</u>		\$706,827.23

3.	DOL CONTRACTS AND GRANTS: (Indian Division):	CONTRACT NO.	AMOUNT:
01	CETA II	#99-7-045-30-106	57,985.00
02	CETA VI	"	792,708.00
03	CETA III	"	171,073.00
04	NAESP - AGRICULTURAL DEVELOPMENT	99-8-045-19-47	123,964.00
05	NAESP - ACCESS ROADS		244,244.00
	<u>TOTAL:</u>		\$1,389,974.00

4.	<u>HUD GRANTS: (From Regional Office-Office of Indian Programs)</u>		<u>AMOUNT:</u>
	01 HOUSING, URBAN, DEVELOPMENT #701		31,250.00
	02 COMMUNITY DEVELOPMENT BLOCK GRANT		<u>150,000.00</u>
	TOTAL:		\$181,250.00
5.	<u>EDA GRANTS:</u>	<u>GRANT NO.</u>	<u>AMOUNT:</u>
	01 LOCAL PUBLIC WORKS - ALCOHOL BLDG.	#05-51-26537	374,150.00
	02 LOCAL PUBLIC WORKS - VO-TECH	#05-51-00940	631,800.00
	03 SPECIAL PLANNING GRANT	#05-05-15011-06	35,000.00
	04 FARM IRRIGATION GRANT	#05-01-01782	<u>600,000.00</u>
	TOTAL		1,640,950.00
6.	<u>FEDERAL PROGRAMS CHANNELED THROUGH THE STATE OF SOUTH DAKOTA:</u>		<u>AMOUNT:</u>
	01 WOMEN, INFANT, CHILDREN		19,200.00
	02 COMMODITIES		14,000.00
	03 CHILD PLACEMENT PROGRAM TITLE XX	#4482045	77,250.00
	04 TRIBAL ELDERLY PROGRAM		<u>60,893.00</u>
	TOTAL:		\$171,343.00
7.	<u>DOA - FmHA LOAN: (PL 91-229)</u>		<u>AMOUNT:</u>
	01 FARMERS HOME ADMINISTRATION LAND ACQUISITION LOAN		3,000,000.00
8.	<u>DOT-REVENUE SHARING:</u>		<u>AMOUNT:</u>
			66,050.00

SUMMARY OF FEDERAL CONTRACT-GRANT-LOAN PROGRAMS,  
SISSETON-WAHPETON SIOUX TRIBE OF SOUTH DAKOTA IN EFFECT  
DURING FISCAL YEAR - 1978 PERIOD (As of July 21, 1978):

<u>FEDERAL OR OTHER AGENCY SOURCE:</u>	<u>NO. CONTRACTS:</u>	<u>TOTAL AMOUNT:</u>	<u>APPROXIMATE NO. OF EMPLOYEES:</u>
1. BIA:	27	\$1,599,089.	123
2. HEW (including IRS):	10	706,827.	30
3. DOL-CETA-Other: *Summer Youth Programs Not included	5	1,389,974.	171
4. HUD:	2	181,250.	2
5. EDA:	4	1,640,950.	54
6. FEDERAL FUNDS For Services THROUGH STATE OF SD:	4	171,343.	10
7. FmHA-LOAN:	1	3,000,000.	3
8. REVENUE SHARING:	<u>1</u>	<u>66,050.</u>	<u>      </u>
TOTALS:	54	\$8,755,483.	393

BUREAU OF INDIAN AFFAIRS-SISSETON AGENCY  
Fy-1978 ALLOCATIONS

<u>ACTIVITY:</u>	<u>AMOUNT:</u>
 1. <u>INDIAN EDUCATION:</u>	
1. Education - Adm. Gen.	\$ 44,290
2. School Operations	119,395.
3. College Student Assistance	180,200.
4. Special Education	3,800.
Subtotal:	\$347,685.
 2. <u>INDIAN SERVICES:</u>	
1. Service Grants	297,060
2. Service Other	125,835
3. Law Enforcement	46,675
Subtotal:	\$469,120.
 3. <u>INDIAN REAL ESTATE SERVICES:</u>	
	80,790.
Subtotal:	\$ 80,790.
 4. <u>BIA-GEN. MANAGEMENT &amp; FACILITIES, OPERATION &amp; MAINTENANCE:</u>	
1. Facilities - Gen.	4,100.
2. Facilities Operation	22,155.
3. Facilities Repair & Maintenance	22,875.
Subtotal:	\$ 49,130.
 5. <u>INDIAN ECONOMIC DEVELOPMENT &amp; EMPLOYMENT PROGRAMS:</u>	
1. Credit Operations	19,610.
2. Employment Assistance	147,515.
3. Road Maintenance	128,060.
Subtotal:	\$295,185.
 6. <u>INDIAN NATURAL RESOURCE DEVELOPMENT:</u>	
	267,660.
Subtotal:	\$267,660.

7. AGENCY ADMINISTRATION:

1. Executive Direction	46,070.
2. Administrative Services	44,035.

Subtotal: \$ 90,105.

GRAND TOTAL: \$1,599,675.

8. LEASE INCOME FROM LEASE OF INDIVIDUALLY OWNED INDIAN LANDS:  
(PAID OUT TO INDIAN LANDOWNERS)

629,617.

TOTAL FUNDS: \$2,229,292.

INDIAN HEALTH SERVICE - SISSETON SERVICE UNITFy-1978 ALLOCATIONS

1. INDIAN HOSPITAL HEALTH CARE & OUTPATIENT BUDGET:	\$ 803,500.
2. INDIAN CONTRACT HEALTH CARE BUDGET:	316,540.
3. INDIAN FIELD HEALTH SERVICES (includes construction)	<u>3,901,600.</u>
TOTAL:	\$5,021,640.

FEDERAL CONSTRUCTION FUNDS FOR PROJECTS  
IN NON-INDIAN COMMUNITIES FOR BENEFIT OF  
THE SISSETON WAHPETON SIOUX:

<u>AGENCY-PROVIDER:</u>	<u>AMOUNT:</u>
1. Bureau of Indian Affairs:	\$ 4,635,639.
2. Indian Health Services	632,111.
3. Department of Housing and Urban Development through Sisseton Wahpeton Sioux Housing Authority:	5,301,000.
4. Economic Development Administration:	<u>498,000.</u>
TOTAL:	\$11,066,750.

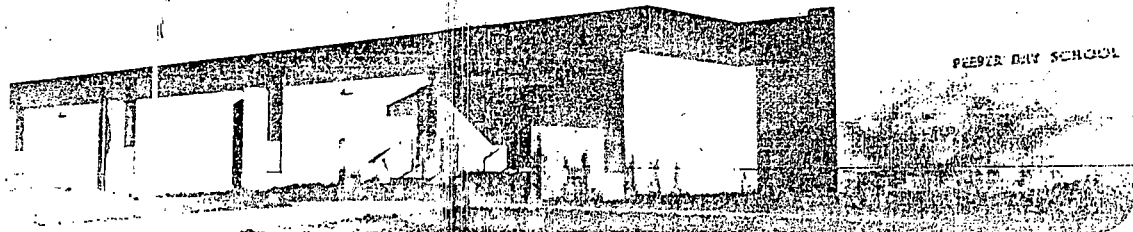


BUREAU OF INDIAN AFFAIRS CONSTRUCTION PROJECTS IN NON-INDIAN COMMUNITIES:PROJECT:AMOUNT:

1. Sisseton SD BIA-High School and Gymnasium Facilities, authorized by the Appropriation Act of June 24, 1967, PL 90-28; Project completed in summer of 1970; (facilities are owned by BIA, and presently are used and occupied by the Sisseton SD Public School District, which receives annual Indian appropriations for the operation of these facilities): \$3,422,639.

~~2. Peever SD BIA-Elementary School and~~  
 Gymnasium facilities, authorized by the Appropriation Act of June 24, 1967, PL 90-28; Project completed in summer of 1970; (facilities are owned by BIA, and presently are used and occupied by the Sisseton SD Public School District, which receives annual Indian appropriations for the operation of these facilities): \$1,635,639.

TOTAL: \$4,635,639.

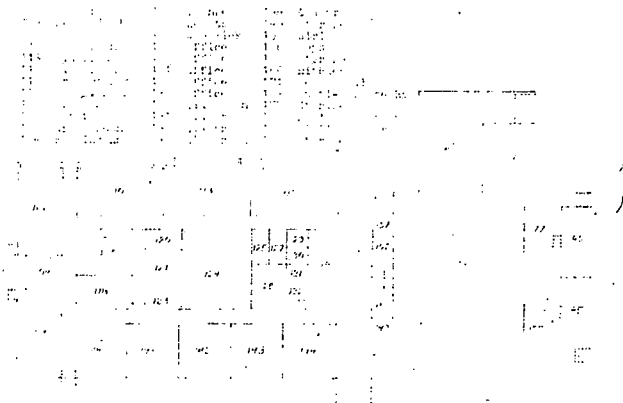


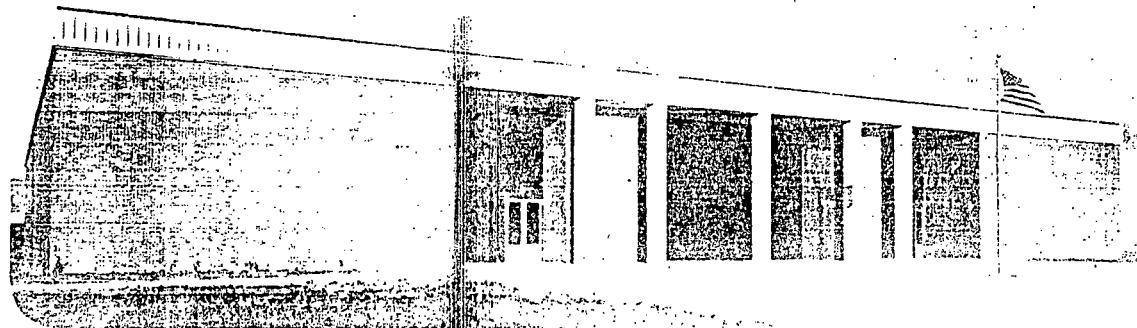
# PEEVER SCHOOL STATISTICAL DATA

Land Area .....	110,000 square feet
Building Area .....	41,940 square feet
Classrooms .....	10
Gymnasium Seating .....	450
Building Cost (includes equipment and architects fee) .....	\$1,213,000
Cost per square foot .....	\$28.92
Pupil Capacity .....	250
Construction .....	April 1969 to April 1970
General Contractor .....	Les Schull, Watertown, S. D.
Mechanical Contractor .....	Sheesley Plumbing & Heating, Mitchell, S. D.
Electrical Contractor .....	Bauer Electric, Yankton, S. D.
Inspector .....	Jim Ingram
Construction Foremen .....	William Hippen

BUREAU OF INDIAN AFFAIRS  
Branch of Plant Design and Construction  
Albuquerque, New Mexico  
Bob Dudley, Chief

## PEEVER SCHOOL

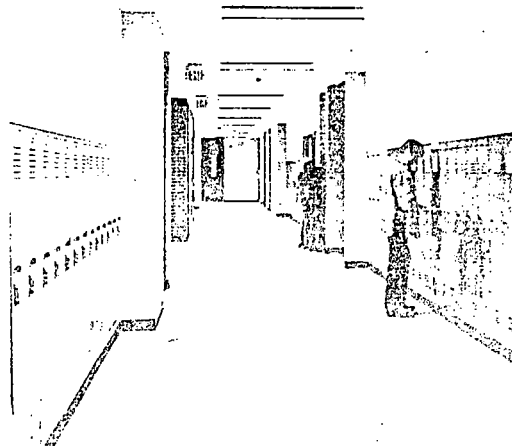




# SISSETON HIGH SCHOOL STATISTICAL DATA

Land Area	60 acres
Building Area	141,200 square feet
Classrooms	34
Gymnasium Seating	permanent 1156 bleachers 1500
Building Cost (excludes equipment and architects fee)	\$3,422,639
Cost per square foot	\$24.24
Pupil Capacity	650
Construction	October 1958 to August 1970
General Contractor	Henry T. Carlson Co., Sioux Falls, S. D.
Mechanical Contractor	Sheesley Plumbing & Heating, Mitchell, S. D.
Electrical Contractor	Bauer Electric, Yankton, S. D.
Project Architect	Neil Kelly
Inspectors	Joe Walcott George Thompson Jim Ingram James Foy
Electrical Engineer	James Foy
Construction Foreman	Bernard Reynolds
Architects and Engineers	Wendell C. Fritze, A.I.A.; Jean R. Kroeger, A.I.A.; Edward L. Griffin, A.I.A.; Milton L. Berg, P. E., Sioux Falls, S. D.

BUREAU OF INDIAN AFFAIRS  
Branch of Plant Design and Construction  
Albuquerque, New Mexico  
Bob Dudley, Chief



INDIAN HEALTH SERVICE CONSTRUCTION PROJECTS LOCATED IN NON-INDIAN COMMUNITIES:

<u>PROJECT:</u>	<u>AUTHORIZATION:</u>	<u>YEAR:</u>	<u>PROJECT DESCRIPTION:</u>	<u>AMOUNT:</u>
1. Project AB-70-990	PL 86-121	1970	Construct water supply and waste disposal facilities to serve 80 units of low-rent housing for Indians in town of Sisseton, SD:	\$204,801.
2. Project AB-71-035	PL 86-121	1971	Construct water supply and waste disposal facilities to serve 80 units of low rent housing for Indians in towns of New Effington, Peever, Summit, Veblen, and Waubay, SD:	221,310.
3. Project AB-73-060	PL 86-121	1972	Construct water supply and waste disposal facilities to serve 28 units of low-rent housing for Indians in towns of Peever, New Effington, Summit, and Veblen, SD:	<u>206,000.</u>
TOTAL:				\$632,111.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CONSTRUCTION PROJECTS GRANTED TO  
SISSETON WAHPETON SIOUX HOUSING AUTHORITY PROVIDING LOW-RENT HOUSING TO TRIBAL  
MEMBERS LOCATED IN NON-INDIAN COMMUNITIES:

<u>LOCATION:</u>	<u>NO. UNITS:</u>	<u>COST (@ \$28,500. per Unit):</u>
1. SISSETON SD (ROBERTS CO.)	83	\$2,365,500.
2. PEEVER SD (ROBERTS CO.)	22	627,000.
3. SUMMIT SD (ROBERTS CO.)	<del>14</del>	399,000.
4. NEW EFFINGTON SD (ROBERTS CO.)	18	513,000.
5. WAUBAY SD (DAY CO.)	29	826,500.
6. VEBLEN SD (MARSHALL CO.)	<u>20</u>	<u>570,000.</u>
TOTAL:	186	\$5,301,000.

EDA INDIAN CONSTRUCTION PROJECTS IN NON-INDIAN COMMUNITIES:

<u>PROJECT NO.</u>	<u>FISCAL YEAR</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT:</u>
1. 05-02-00055	1966	Construction of 30-Bed Community Hospital for City of Sisseton SD. Presently, the facility, Prairie De Coteau, is operated by a non-Indian Board of Directors, and employs one Indian:	\$180,000.
2. 05-01-00144	1967	Construction of a sewage collection system for City of Sisseton SD:	36,000.
3. 05-02-00187	1967	Construction of a sewage treatment plant for Sisseton SD:	20,000.
4. 05-02-00593	1969	Construction of improvements at local airport for City of Sisseton SD:	24,000.
5. 05-02-00584	1969	Install Interceptor and construct sewage lagoons for City of Sisseton SD:	<u>238,000.</u>
		TOTAL:	\$498,000.

## Sewer Project Grant Made To Sisseton

BY THE ASSOCIATED PRESS

More than \$300,000 was made available by the federal government Thursday for a sewer project at Sisseton.

The project will enable the city to expand and provide new jobs, Sen. George McGovern said.

The economic development administration made a \$108,000 grant and a \$130,000 loan to the Sisseton project. Another \$162,240 grant was supplied by the water pollution administration. The federal agencies said the sewer program would help the economic situation of the Sisseton reservation area.

The money, McGovern was notified, will enable Sisseton to procure a 60-acre lagoon about two and one-half miles from the city and will allow for construction of an interceptor sewer to the lagoon.

EDA said Sisseton sources have reported that commercial expansion plans as a result of the sewer program include expectation by the Sisseton Livestock Auction Company to add 15 men and for Lynch Food Corp. to put on another 30 men. Holiday service and motel corp., also was reported planning to locate at Sisseton, with a staff of 12 employees.

## Grant Approved For Sisseton Reservation

Approval of a \$24,156 grant to help spur industrial growth on the Sisseton Indian Reservation in northeastern South Dakota was announced today by the Economic Development Administration, U. S. Department of Commerce.

Sisseton in Roberts County is the applicant for Federal funds.

They will enable the applicant to convert an unpaved landing strip into an all-weather airport. It will facilitate the location of two industrial plants and the expansion of a local firm the applicant states.

The Herter Company, a sporting goods manufacturer and a subsidiary of the Herter Manufacturing Company, an assembler of electronic components, plan to establish branch plants in Sisseton and the Landsberger Creamery and Produce Company plans to expand its operations, according to the applicant.

Sisseton officials have been seeking new industry to provide year-round employment for the area's unemployed and underemployed. Most of the new jobs to be opened up as a result of the airport project will be filled from the ranks of the long-term unemployed Indians on the reservation, officials report.

The applicant is supplying \$17,600 and the Federal Aviation Agency is making a \$48,244 grant to complete the total project cost of \$84,000.

EDA was established under the Public Works and Economic Development Act to assist economically lagging areas. In addition to public works grants, the agency may provide public works and business loans and planning and technical assistance.

SISSETON WAHPETON SIOUX TRIBE

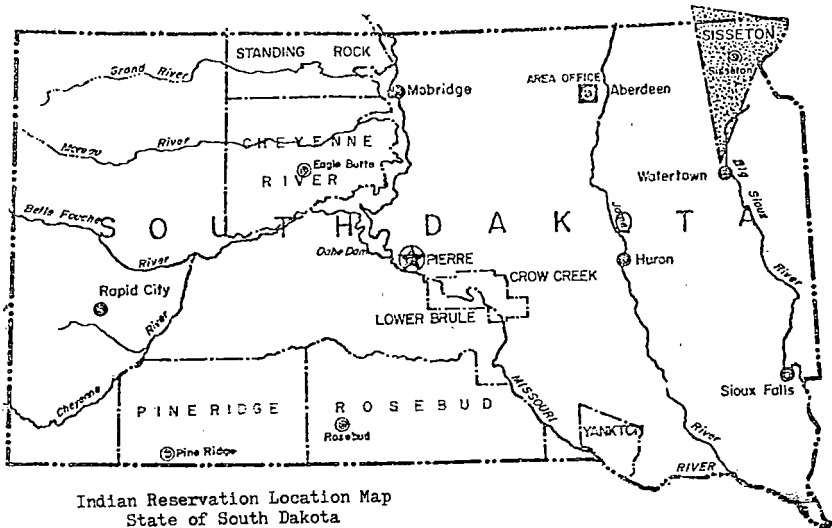
Reservation and Vicinity Maps

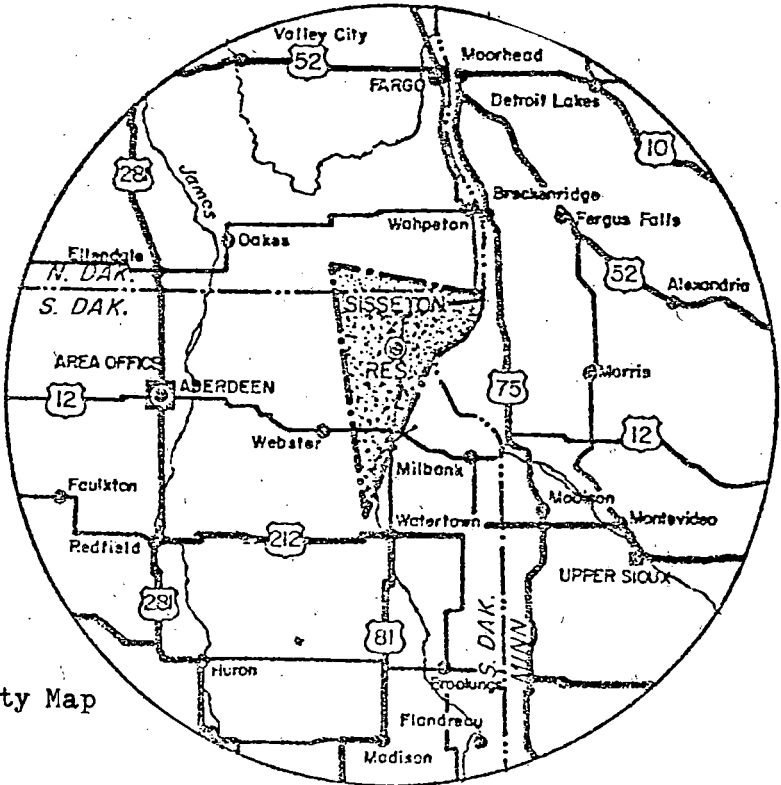
and

Land and Population Distribution

CALENDAR YEAR 1977

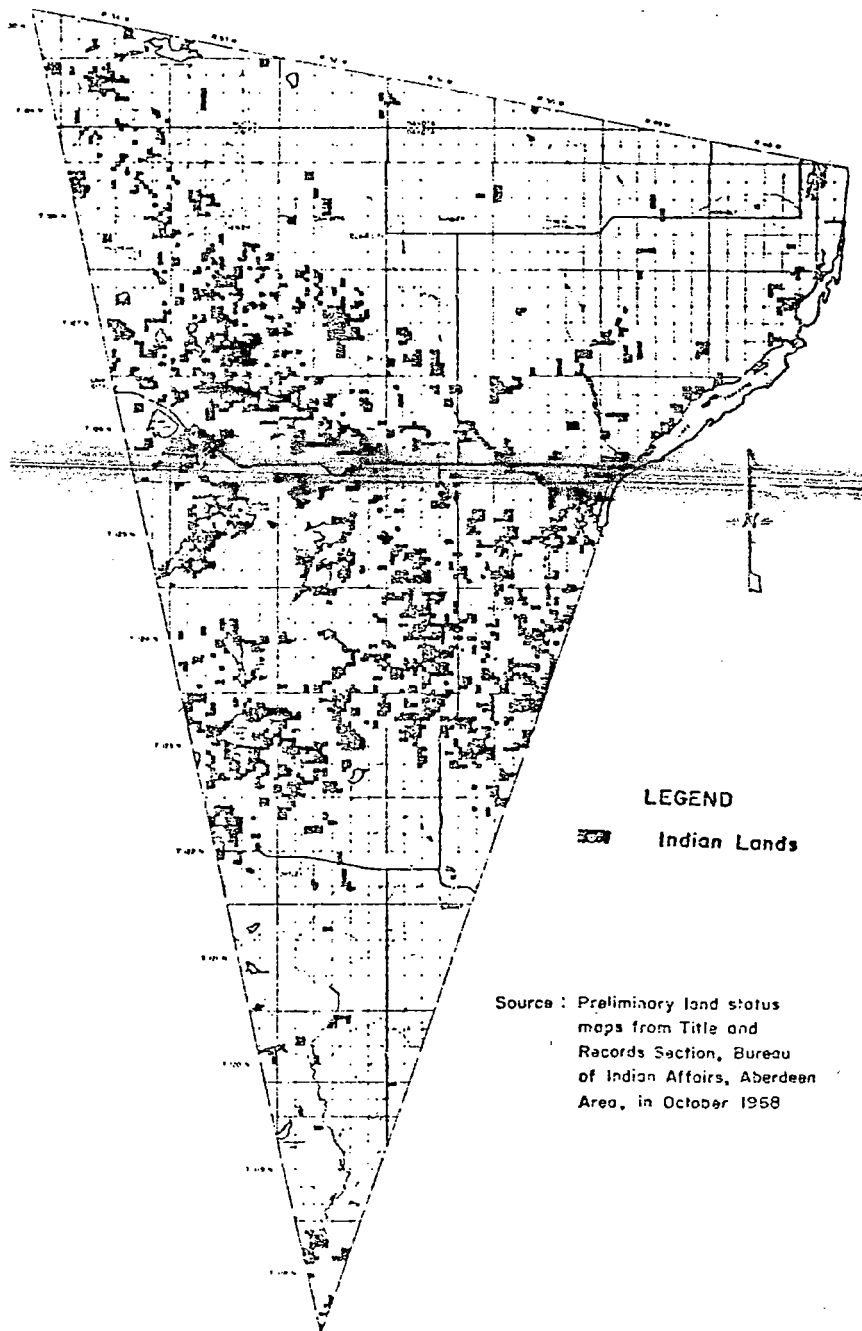






Vicinity Map

## LAND OWNERSHIP MAP



Source : Preliminary land status maps from Title and Records Section, Bureau of Indian Affairs, Aberdeen Area, in October 1958

## LAND OWNERSHIP IN ACRES - SOURCE: SOUTH DAKOTA PLANNING BUREAU

COUNTY	STATE	% STATE	FEDERAL	% FEDERAL	INDIAN	% INDIAN	PRIVATE	% PRIVATE
Codington	39,717.	8.806	2,013.	0.458	1,082.	0.228	397,948.	90.509
Day	49,290.	7.477	8,028.	1.218	9,278.	1.407	592,604.	89.897
Grant	15,435.	3.541	2,199.	0.505	600.	0.138	417,606.	95.816
Marshall	36,923.	5.030	2,812.	0.383	26,993.	3.677	667,352.	90.910
Roberts	35,241.	4.970	3,988.	0.562	65,513.	9.239	604,378.	85.229
TOTAL:	175,606.	29.824	19,040.	3.126	103,886.	14.689	2,679,888.	452.361

## Ownership and Land Use Breakdown of Trust Land on the Lake Traverse Reservation

	Tribal Ownership	Individual Ownership	Government	Total
A. Open Grazing	5,102.81	54,017.36	0	59,120.17
B. Comm. Timber	0	0	0	0
C. Non-Comm. Timber	0	4,048.82	0	4,048.82
D. Dry Farm	4,918.05	31,818.20	0	35,836.25
E. Irrigation	0	0	0	0
F. Wild Lands	186.75	4,376.30	0	4,563.05
G. Other Uses Non-Agr.	447.11	1,309.94	72	1,828.55
H. Tribal Development	985.28	0	0	985.28
I. Total	10,740.00	95,570.62	72	106,382.62

I.	BIA OPERATED	72.
II.	TRIBALLY OWNED	10,740.
III.	INDIVIDUALLY OWNED	95,570.62
IV.	TOTAL TRUST ACRES	106,382.62
V.	SOLD ALLOTMENTS	203,531.04
VI.	ORIGINAL ALLOTMENTS	309,913.66
VII.	SURPLUS LAND CEDED	608,865.66
VIII.	TOTAL RESERVATION ACRES	918,779.32

Ownership Interests in Indian Lands,  
Sisseton-Wahpeton Reservation, 1967

Number of Heirs	Percent
One	29.0
Two to ten owners	34.6
Ten to twenty owners	18.5
Twenty or more owners	17.9
Average	12.9 owners
Median	5 owners

Source: Sample drawn from BIA lessee files, Sisseton Agency

Characteristics of Indian Land Ownership Interests

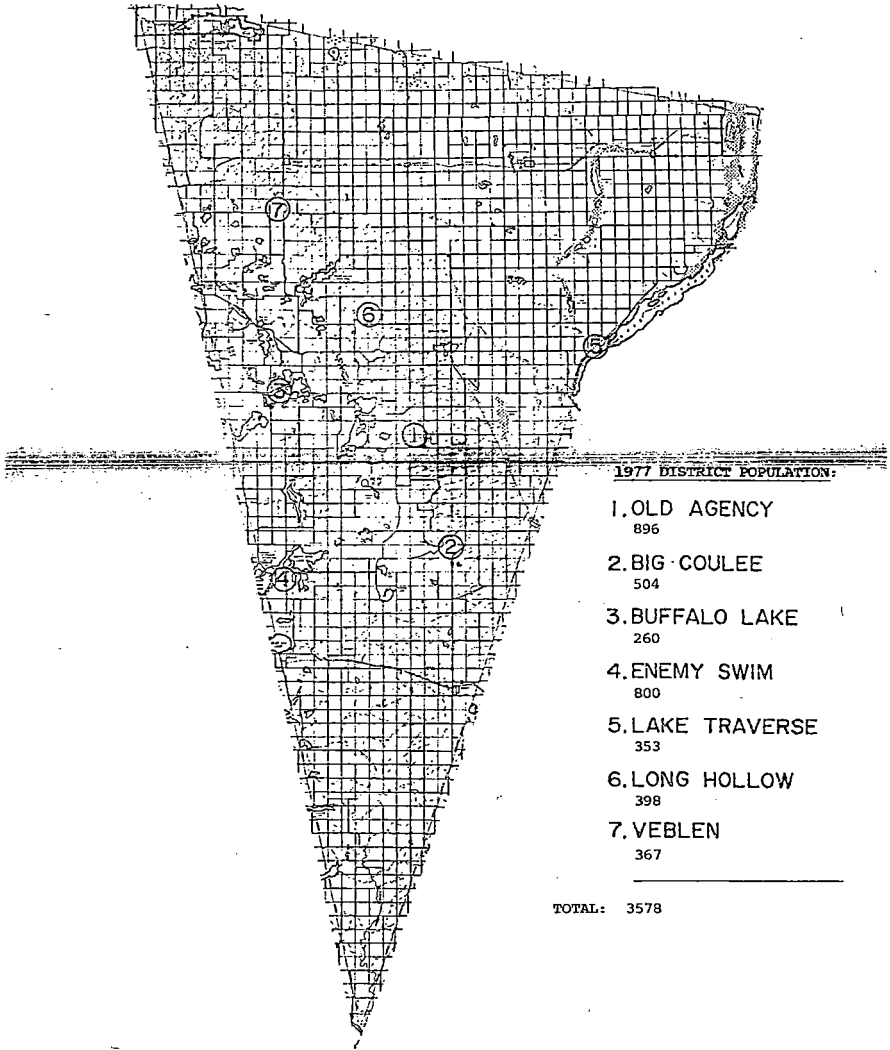
Characteristics	Resident	Non-Resident	Both Groups
Percentage of Indians owning land	36.8	33.6	34.4
Average number of tracts per individual	<del>3.21</del>	<del>8.25</del>	<del>7.82</del>
Average number of acres per individual	53.50	49.25	47.00
Average land income per Indian	\$143.67	\$62.83	\$107.63
Average land income per acre	\$ 2.69	\$ 1.28	\$ 2.29 <sup>1/</sup>

<sup>1/</sup> Updated figure for 1972 is \$2.63

Source: Sample of leases drawn from BIA files, Sisseton Agency

The average number of Indian owners per tract of land was 12.9 with some having extremely high numbers of heirs. This multiple ownership leads to problems in leasing and management of Indian trust land. The maximum number of inherited interests observed in any one tract of those sampled was 257 Indian individuals sharing the ownership of a single parcel of land. For greater detail regarding the heirship per tract, see Table 15.

Virtually all of the Indian land is leased to non-Indian farm operators, thereby contributing much less than its maximum potential to total Indian income.

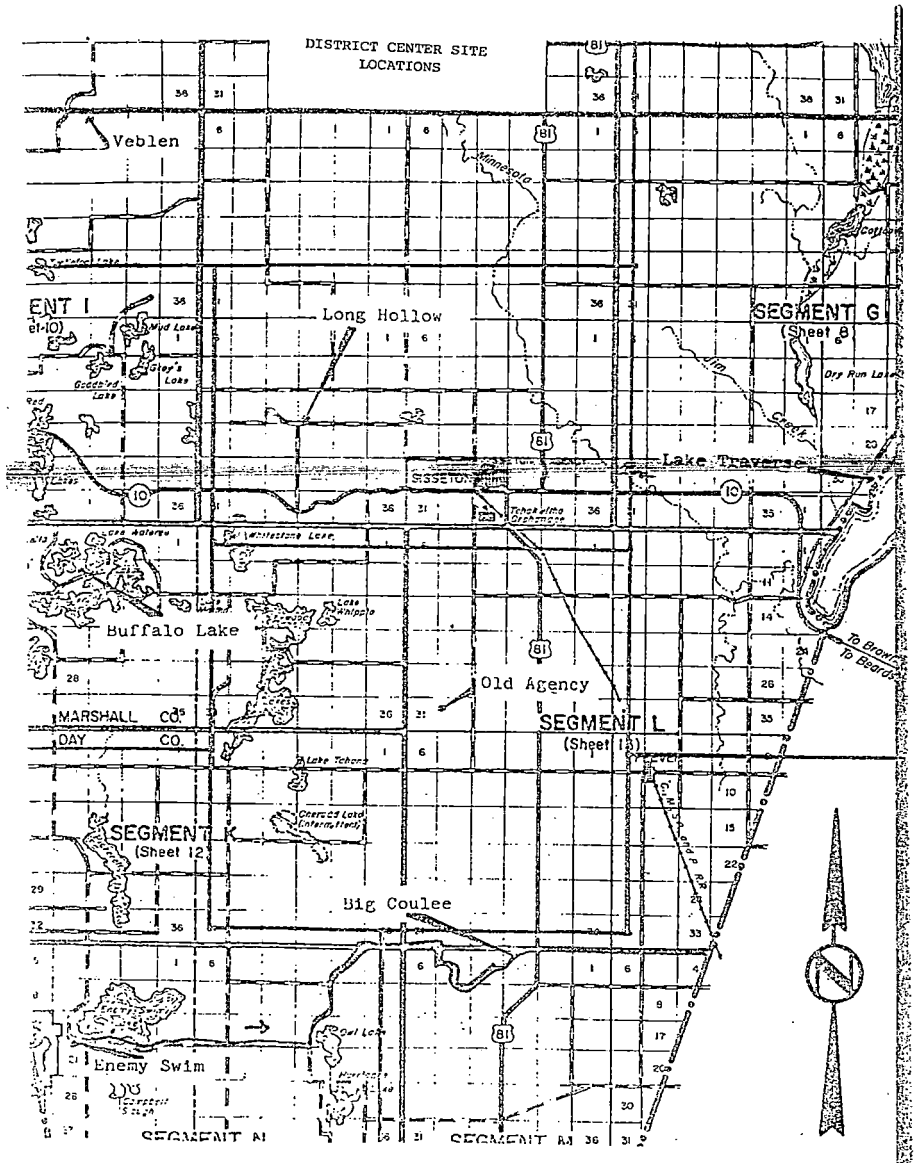


LAKE TRAVERSE INDIAN RESERVATION

The Reservation is divided into seven (7) districts, each district has the following enrollment. The enrollment of each district combined totals 3,578 tribally enrolled residents. - see below at figures indicated.

	1960-1977 under 16	1951-1959 (16-24)	1941-1950 (25-34)	1940-1931 (35-44)	1930-1911 (45-64)	1910 65 & Older
Enemy Swim	349	172	112	59	89	19
Buffalo Lake	119	35	36	24	33	13
Lake Traverse	144	61	51	30	39	28
Veblen	155	66	52	27	41	26
Big Coulee	226	91	65	50	46	25
Long Hollow	165	74	52	43	36	28
Old Agency	<u>418</u>	<u>109</u>	<u>196</u>	<u>63</u>	<u>68</u>	<u>42</u>
TOTAL	1,576	611	564	296	352	179

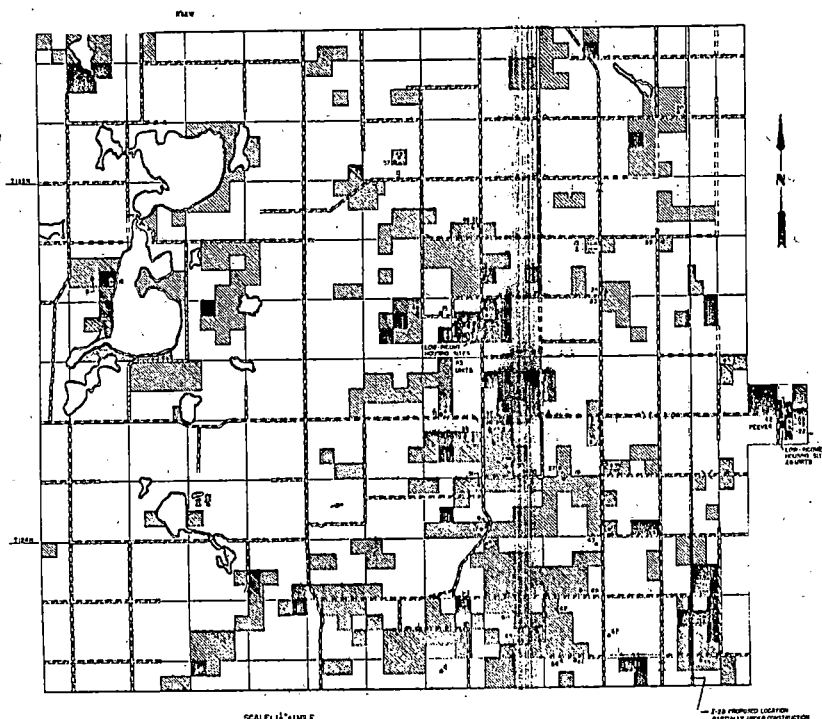
Enemy Swim	800
Buffalo Lake	260
Lake Traverse	353
Veblen	367
Big Coulee	504
Long Hollow	398
Old Agency	896
TOTAL	3,578













For the current calendar year of 1978, the Bureau of Indian Affairs in the U. S. Department of the Interior lists the population-composition of the Tribe as follows:

	Total	Male	Female
1. Total Resident Indian Population:	3,757	1,924	1,833
2. Total under 16 years of age:	1,655	835	820
3. Resident Indian Population of Working Age - 16 years & Older:	2,102	1,089	1,013
a. 16 - 24 years	641	327	314
b. 25 - 34 years	592	306	286
c. 35 - 44 years	311	160	151
d. 45 - 64 years	370	205	165
e. 65 years and over	188	91	97
4. Not in Labor Force - 16 years and over:	1,079	424	655
a. Students (16 yrs & over, including those away at school):	521	251	270
b. Men (physically or mentally disabled, retired, institutionalized)	173	173	
c. Women for whom no child care substitutes are available	137		137
d. Women, housewives, physically or mentally disabled, institutionalized.	248		248
5. Potential Labor Force (16 yrs & Over)	1,023	665	358
6. Employed:	641	372	269
a. Employed, earning \$5,000. or more a year, all jobs:	437	262	175
b. Employed earning less than \$5,000. a year, all jobs:	204	110	94
7. Not Employed:	382	293	89
a. Persons not employed actively seeking work:	176	132	44



### LEGEND

- |   |                                 |       |                         |
|---|---------------------------------|-------|-------------------------|
|  | DEAN INDIVIDUAL OWNED           | 11111 | PRIMITIVE ROAD          |
|  | TRIAL OWNED                     | 11111 | UNIMPROVED ROAD         |
|  | INCORPORATED CITY               | 11111 | GRADED AND DRAINED ROAD |
|  |                                 | 11111 | GRAVE SURFACE ROAD      |
|  |                                 | 11111 | DIA ROAD                |
|  | DISTRICT CENTER SITE            | 11111 | BITUMINOUS SURFACE ROAD |
|  | INDIVIDUALLY OWNED HOMES        |       |                         |
|  | MUTUAL SELF HELP HOME OWNERSHIP |       |                         |

[illegible]

CENSUS TRACT 2

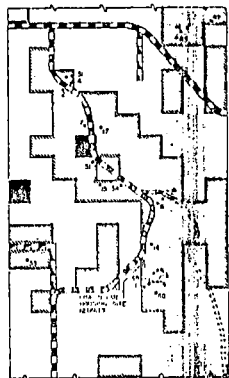
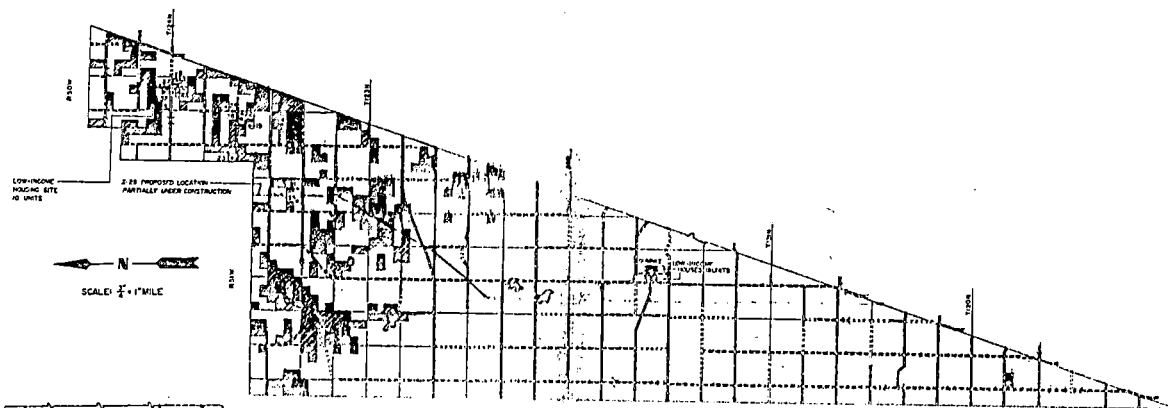
SISSETON - WAMPETON  
SIOUX TRIBE  
OF THE  
LAKE TRAVERSE  
RESERVATION

DISTRICT MAP-OLG AGENCY

NAME OF THE _____	DATE OF THE _____
-------------------	-------------------

DATE: 10-27-78

TRIDAL PLANNING



ENLARGED AREA OF AIO COULEE

CHARLES AMOS	1	MARGARET RUNDING MEYER	28
DAVE AMOS	2	VIOLET THOMPSON	47
MARCEL AMOS	4	CLARA ANN AMOS	3
MORRY AMOS	8	DOYALMA ANDERSON	51
WILLARD GHEELEY	14	BICAN THOMPSON	48
ETHEL THOMPSON	43	STELLA LAWRENCE	58
CAROL JOHNSON	27	FLORIS ALMA JOAL	53
DONALD LAWRENCE	26		
VIVIAN FLUTE	9		
JOHN FALEY JR.	8		
CLAYTON HAYES	95		
LUCIANA HENNINGER	197		
FRANCIS HORTON	10		
OLIVER HORN	18		
WATSON E. JOHNSON	21		
JANET L. JOHNSON	78		
CARL OWEN	28		
ETHEL BARNER	6		
LIZZIE CHALL	40		
ALBERT BRADY	41		
ALBERT BRADY	42		
MELINDA STODER	43		
PATSY THILLE	44		
BARBARA WALLACE	46		
MATHIE LAFRANCIS	24		
OWENS OWEN	71		
VERA LARSEN	7		
ROBERT LARSEN	23		
ELDEN LAWRENCE	25		
EDITH PHELPS	24		
FRANK LAWRENCE	27		
MOSES OWEN	35		
SHIRLEY ROBERTS (shown in WYOMING)	37		
GRACE ROBERTS (shown in SOUTHERN D.S.)	38		
NATHAN WILSON (shown in SOUTHERN D.S.)	39		

## LEGEND

- INDIAN INDIVIDUAL OWNED
- TRIBAL OWNED
- INCORPORATED CITY
- DISTRICT CENTER SITE
- INDIVIDUALLY OWNED HOMES
- MUTUAL SELF HELP HOME OWNERSHIP
- PRIMITIVE ROAD
- UNIMPROVED ROAD
- GRADED AND DRAINED ROAD
- GRAVE SURFACE ROAD
- DIA ROAD
- BITUMINOUS SURFACE ROAD

## CENSUS TRACT 0022

SISSECTON - WAHPETON  
SIOUX TRIBE  
OF THE  
LAKE TRAVERSE  
RESERVATION

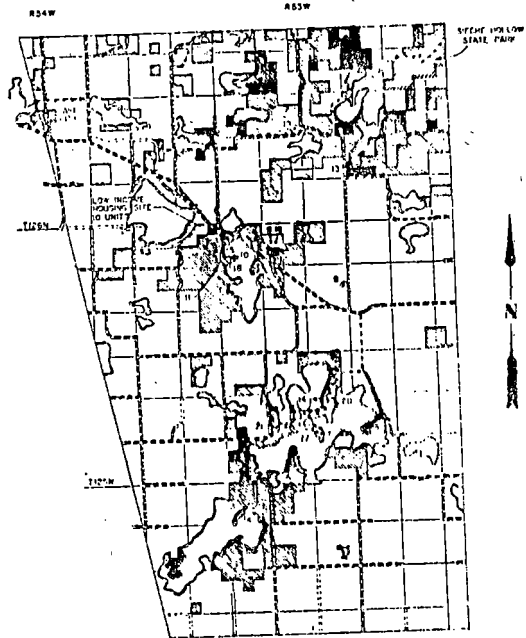
DISTRICT MAP - BIG COULEE

DESIGNED BY C.H.	APPROVED BY
DRAWN BY C.H.	DATE
DATE	DATE
TRIBAL PLANNING	6

LEGEND

- INDIAN INDIVIDUAL OWNED  
 TRIBAL OWNED  
 INCORPORATED CITY or VILLAGE  
 DISTRICT CENTER SITE  
 INDIVIDUALLY OWNED HOMES  
 MUTUAL SELF HELP HOME OWNERSHIP  
 PRIMITIVE ROAD  
 UNIMPROVED ROAD  
 GRADED AND DRAINED ROAD  
 GRAVEL SURFACE ROAD  
 BIA ROAD  
 BITUMINOUS SURFACE ROAD

PAULINE KIPP	13
VICTOR BROWN	19
FRANCIS CRAWFORD	4
CHRIS JOHNSON SR	12
CHRIS JOHNSON JR.	11
GILBERT GILL	7
FRANKA RYAN	1
HERBERT DUFFY	8
DALE CRAWFORD	3
RAY EASTMAN	6
OLYUS JOHNSON	10
FLORCE REEDER	15
ANNE LINCOLN	16
INER OWEN	18
EDNEY MARKS	17
OPAKE TITUS	20
ARLE WATNA	21
NAREN JENSEN	9
WANDA DITZELER	5
JESSE KING	14



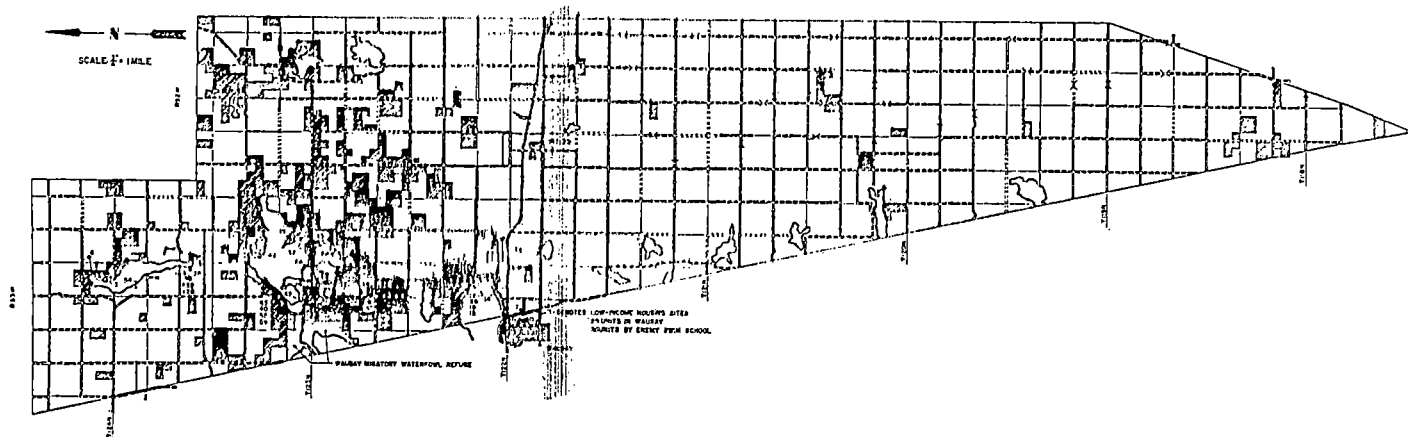
SCALE: 1/4" = 1 MILE

## CENSUS TRACT III

SISSETON - WAMPETON  
 SIOUX TRIBE  
 OF THE  
 LAKE TRAVERSE  
 RESERVATION

DISTRICT MAP - BUFFALO LAKE

REVIEWED BY: _____	APPROVED BY: _____
DATE: _____	DATE: _____
TRIBAL PLANNING	
PAGE 3	



# LEGEND

- INDIAN INDIVIDUAL OWNED
- TRIBAL OWNED
- INCORPORATED CITY

- DISTRICT CENTER SITE
- INDIVIDUALLY OWNED HOMES
- MUTUAL SELF HELP HOME OWNERSHIP

- PRIMITIVE ROAD
- UNIMPROVED ROAD
- GRADED AND DRAINED ROAD
- GRAVE SURFACE ROAD
- DIA ROAD
- BITUMINOUS SURFACE ROAD

AARON BERNARD	2	FLI WHITE	63	AUDIE WHELAN	67
HAROLD BERNARD	3	DONNA O'NEAL	36	MARVIN PETERSON	4
ED BERNARD	12	ED BERNARD	20P	JOHN BERNARD	43
ELMAN EAGLE	16	JOHN ELL	19	ELDA HILTON	5
ELM EAGLE	15	JERRY SHEPHERD	56	EVANGELINE OLGAHAWK	70
WESLEY ELL	20	CHUCK BARNHART	13		
		SAM BARNHART	67	DAN CAMPBELL	9P
VERA CLOD	11	CALVIN BARNHART	47	MARVIN HAYES	22
JOHN HORNBY	18			RELMAN HORNBY	28
VIOLET O'HAN	66	CHARLOTTE DAVIS	14	DELONIA HORNBY	30P
SHAWN REEBLE	28	LUCILLE BARNHART	17	SAM LONCOY	34P
BARBARA HELLAND	24	WALLACE EAGLE SR.	17	JOHN HELLAND	11
ALBERT HELLAND	107	JOHN ELL	10P	JOHN HELLAND	27
AL OWENS	33	JOHN HORNBY	24P	JOHN OWEN	37
JOHN OWEN	40			JOHN OWEN	38
JOHN HORNBY	42	JOHN ROBERTSON	45P		
JOHN HORNBY	44	JOHN ROBERTSON	1213	VALERIE ROBERTSON	48
JOHN HORNBY	48	JOHN WELSH	67P	JOHN ROBERTSON	59
JOHN HORNBY	54	JOHN WELSH	65	JOHN ROBERTSON	60
JOHN HORNBY	55	JOHN WELSH	68	JOHN ROBERTSON	61
JOHN HORNBY	57	JOHN WELSH	68	JOHN ROBERTSON	62
		JOHN WELSH	68	JOHN ROBERTSON	63

NOTES: HOMES LOCATED IN WINDY, SEAS

CENSUS TRACT 302

SISSETON - WINDY TRIBE  
OF THE  
LAKE TRAVERSE  
RESERVATION

DISTRICT MAP - CHERRY SWIN

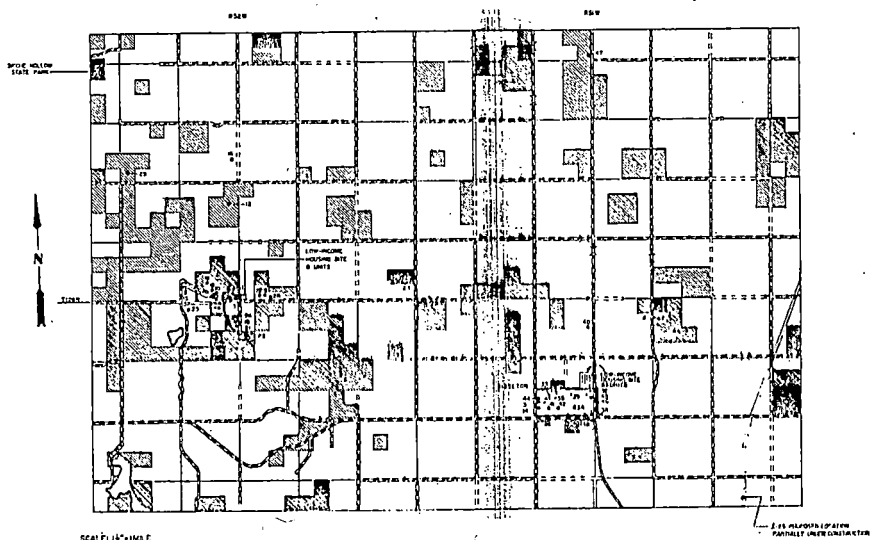
NAME OF TRIBE  
DATE

APPROVED BY  
DATE

TRIBAL PLANNING







SHEET NO. 7





SCALE: 1/4" = 1 MILE

### LEGEND

-  INDIAN INDIVIDUAL OWNED
-  TRIBAL OWNED
-  INCORPORATED CITY
-  DISTRICT CENTER SITE
-  INDIVIDUALLY OWNED HOMES
-  MUTUAL SELF HELP HOME OWNERSHIP

- |      |                         |
|------|-------------------------|
| XXXX | PRIMITIVE ROAD          |
| XXXX | UNIMPROVED ROAD         |
| XXXX | GRADED AND DRAINED ROAD |
| XXXX | GRAVE SURFACE ROAD      |
| XXXX | B/A ROAD                |
| XXXX | BITUMINOUS SURFACE ROAD |

- [illegible]

CENSUS TRACT IX

SISSETON - WAHPETON  
SIOUX TRIBE  
OF THE  
LAKE TRAVERSE  
RESERVATION

DISTRICT MAP - LONG HOLLOW

MAILED BY 67

DATE NOV 27 1964

APPROVED BY \_\_\_\_\_

\_\_\_\_\_

TRIBAL PLANNING

4





*Exhibit No. 6*

No exhibit; misnumbering.

*Exhibit No. 7*ORDINANCE 77-2  
HUMAN RELATIONS COMMISSION

## 1. Commission created.

There is hereby created for the City of Kadoka a human relations commission to be known as the Kadoka Human Relations Commission (referred to throughout this Ordinance as commission)

## 2. Membership; qualifications; compensation.

The commission shall be composed of six (6) members, four (4) members will be legal residents of the city who shall serve without pay, and shall be appointed pursuant to section three of this article. Minority races shall be represented to the extent of not less than the percent of population such group reflected in the most recent census of the city, and in addition, one member of the City Council appointed by the Council shall be a voting member. The mayor shall serve as an ex officio member.

## 3. Appointment; terms of members.

The mayor, with the approval of the common council shall appoint each member of the commission for a term of three (3) years provided that upon organization of the commission two (2) members shall be appointed for a three (3) year term, two (2) members for a two (2) year term, and two (2) members for a one year term. Thereafter appointment shall be made as they expire for the full term of three (3) years.

(a) All terms of office shall expire on July 1.

(b) The mayor shall submit to the common council the names of all appointees at least two (2) weeks in advance of any appointment.

## 4. Filling of Vacancy.

In case of any vacancy in membership of the commission due to death, resignation, or otherwise, a successor shall be appointed pursuant to the requirements of section two (2) and section three (3) of this article to fill the unexpired portion of the term of the member he replaces. If a member of the commission fails to attend three(3) consecutive meetings, his seat on the commission shall be termed vacant.

## 5. Purposes and powers.

The commission shall investigate any and all discriminatory practices based on sex, race, color, creed, religion, ancestry, or national origin with respect to employment, labor union membership, housing accommodations, or public services, and to effectuate the foregoing purposes the commission shall have the following powers:

(a) The commission may act to disseminate information, to engage in and cooperate with programs of research and education, to cooperate with persons or groups interested in similar objectives, to conduct public meetings.

## 6. Organization

The commission shall, at its first organizational meeting and at each first meeting in July of subsequent years, elect from its membership the officers it may deem necessary. The officers thus elected will appoint from among the membership of the commission subcommittees as they deem necessary and proper. Each subcommittee shall organize and appoint what officers it deems necessary, including a secretary within its membership.

## 7. Meetings

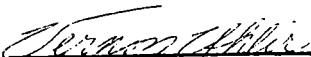
The commission shall meet at least quarterly at a regular time and place to be set by the commission.

## 8. Authorization to accept contributions and grants.

The commission is hereby authorized to accept contributions and grants to carry out its work. Any contributions and grants so received shall be subject to the administrative control established by the city finance officer.

## 9. Reports to council.

The commission shall make a report to the city council on or before January 1, 1978 and every six (6) months thereafter, and at such other times as the council may direct.

  
Vernon Uhler, Mayor

Attest: Nancy Hemmingson  
Finance Officer

1st reading March 8, 1977  
2nd reading  
Published

Vote of Council  
Conlee - Absent  
Dirks - Aye  
Hart - Aye  
Parks - Aye  
Reed - Absent  
Stevens Aye-

*Exhibit No. 8*

Office of  
 STATES ATTORNEY  
 Bennett County  
 MARTIN, SOUTH DAKOTA  
 57551

July 24, 1978

Mr. Harold Larson  
 Member Bennett County  
 Board of Commissioners  
 Martin, South Dakota  
 57551

U. S. Commission on Civil Rights  
 1121 Vermont Avenue, NW  
 Washington, D. C. 20425

Mr. Larson and Commissioners:

I was asked to write this letter to provide information to Mr. Larson and to the Commission with regard to the current status of the proposed Human Relations Commission to be established for the Martin, South Dakota Area.

Pursuant to the request, I provide the following information:

As an adjunct to the Wounded Knee Memorial Pow Wow, a meeting was held in Martin, South Dakota, on the 27th day of February, 1978, between representatives of the Bennett County Sheriff's office, the Bennett County State's Attorney's office, the Martin City Council and the Bennett County Commissioners, and local American Indians and representatives from the Wounded Knee Memorial Pow Wow. The meeting had been arranged by one Robert Yellow Bird and the purpose of the meeting appears to have been three-fold: First, to protest the incarceration of Ronald Two Bulls who was serving a one-year sentence in the Bennett County jail at that time. Secondly, to air grievances by members of the local Indian community with regard to the regulations regarding visiting hours at the Bennett County jail; and third, to request the organization of a bi-racial Human Relations Commission which the local members of the Indian community could to and have a local forum to air complaints which they had about any number of things.

As a result of the meeting, representatives of the sheriff's office and the State's Attorney's office met with a selected group of Indian individuals from the local Indian community to discuss the revision of the visiting hours at the jail and to discuss the tentative organization and layout of a Human Relations Commission.

Larson/Human Relations  
Page 2

A meeting was had a few days after the initial meeting in the State's Attorney's office in Martin with the sheriff and the State's Attorney present representing the local non-Indian community and several individuals, among them Bob Yellow Bird, Alice Flye, Charles Bettelyoun, Baptist DuBray, Albert Trimble, and a couple other individuals representing the local Indian community.

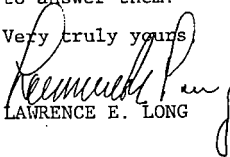
A tentative composition of the bi-racial commission was discussed, the composition being seven members representing the non-Indian community and seven members representing local Indian community. It was generally agreed that since the City of Rapid City had by City Ordinance adopted and created a Human Relations Commission and the City of Kadoka had adopted a similar ordinance creating a Human Relations Commission that the State's Attorney would contact these communities and obtain copies of the same and make them available to both side so that these ordinances could be examined and hopefully used as a framework upon which to submit a similar Human Relations Commission proposal to the Martin City Council.

Another meeting was to have been scheduled after those materials had arrived and further discussions were to have been had at that time. A further meeting has not yet been had. Mr. Yellow Bird was to have picked those materials up from my office; however, due to some complicating circumstances Mr. Yellow Bird has never picked up those materials. However, Mr. Baptist DuBray, a few weeks ago, called on my office and picked up copies and has had them since that time.

I have had no other contacts regarding the Human Relations Commission except for a phone call which I received a few weeks ago from Mrs. Alice Flye requesting that a further organizational meeting be had sometime after the 10th of July between myself and Mr. Baptist DuBray, Charles Bettelyoun, Alice Flye, and Emma Bettelyoun, representing the Indian community. I intend to schedule that meeting as soon as I return from my vacation, which will be the first part of August.

It appears to me that there is a substantial degree of interest from the Indian community in organizing some type of Human Relations Commission and the City Council representatives that I have discussed the matter with seems to be generally favorably inclined with regard to considering such an ordinance. So far as the State's Attorney's office is concerned, that is as much progress as I am aware of. I hope this letter will answer your questions regarding the current status of the development of the Human Relations Commission for the Martin, South Dakota area. If there are other questions, I will certainly be available to answer them.

Very truly yours

  
LAWRENCE E. LONG

*Exhibit No. 9*

## S T A T E M E N T

My name is Raleigh E. Barker; I am now living in Gordon, Nebr.

Our family began dealing with the Oglala Sioux on the Pine Ridge Reservation and we resided there until retirement in 1968.

I have been asked about transfers of ownership of land from the Oglalas to the white purchasers.

In the period before 1907 the occupants of tracts were given "Trust Patents" to their allotments. Originally, 640 acres to the head of the family, 320 acres to the wife and 160 acres to each child in the family. The area of land became exhausted before all children were allotted and the later children were listed as "unallotted." The trust patent specified the title was in the "United States of America in trust for (named allottee)" Also was included a provision that the trust patent would mature into a "fee simple patent" in 25 years.

Within two years after the issuance of the trust patents, some allottees made application for the fee simple patent, submitting "proof of competency" to care for their own business. If approved, such merchantable title was issued. These tracts were immediately offered for sale. Over 90% were sold; thus whites came into the Reservation as land owners. The Indian may have sold his home tract but he was not without a place for his home; he would move to his wife's allotment.

In 1918 some one in Washington conceived the idea that all Indians of 50% or less of Indian blood were competent. Fee simple patents were issued to all, without application. To my knowledge only five individuals refused to accept the patents and their land was returned to trust status.

Continued on page 2.

Statement Page 2

Before expiration of the 25 years period on the trust patents (1931) economic conditions justified cancellation of that provision and many tracts remain in trust status.

In cases of extreme need, the office accepted applications for "supervised sales" of allotments. These tracts were sold by the office under sealed bids, provided the highest bid exceeded the appraised value of the land, determined by a representative of the government. The proceeds were placed "in trust" and disbursed to relieve the emergency, with the balance usually paid out in monthly payments.

Thus it was my experience that tracts were placed on the market, offered for sale and the seller received the going market price at the time of the sale.

Many economic factors influence market price. To my knowledge many purchasers who had bought the land could not make a living during the 1930s. They, in turn, tried to sell, but no buyers. The government came to their assistance by appraising "sub-marginal" tracts and owners who had paid \$15, \$20 or \$25 per acre gladly accepted the appraised price of \$4, \$5 or \$6 per acre and surrendered the land to the submarginal program. These submarginal tracts are now under control of the Oglala Sioux Tribe. Others who had obtained Land Bank or Land Bank Commissioner loans could not make payments and abandoned the land to the lender. Others could not pay taxes and those tracts were claimed by the County. A few, through help from relatives or public assistance, who held on until after 1939, were rewarded. Rains came, crops were good, prices revived and the persistent few now have satisfactory homes. This is also true of many of the Oglalas.

In all of my observations I know of only one Indian who failed to get market price for his land. He liked race horses; he traded a quarter of inherited land (not his home) for two race horses. ---Later the purchaser lost the tract for taxes.

State of Nebraska  
County of Sheridan  
Signed and sworn to before me  
this 26th day of July, 1978.

REX L. STRONG  
GENERAL NOTARY  
State of Nebraska  
MY Comm. Expires  
OCTOBER 15, 1983

Notary Public

*Exhibit No. 10*

This exhibit was not received in time for publication



*Exhibit No. 11*













*Exhibit No. 12*

This exhibit is on file at the U.S.  
Commission on Civil Rights.

*Exhibit No. 13*

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
STANDING ROCK AGENCY  
FORT YATES, NORTH DAKOTA 58538

IN REPLY REFER TO:

May 16, 1979

Marvin Schwartz  
Office of General Counsel  
U. S. Commission on Civil Rights  
Washington, D. C. 20425

Dear Mr. Schwartz,

The period of January 1, 1977 to December 31, 1977 we  
had the following crimes.

Homicide	4
Rape	9
Assaults	30
Burglary	185
Larceny	132
Motor vehicle theft	24

January 1, 1978 to March 31, 1978.

Rape	4
Assault	1
Burglary	29
Larceny	20

We estimate that the United States Attorney declines about  
15% of the cases which are presented to him.

*Henry J. Gaston, Jr.*  
Henry J. Gaston, Jr.  
Agency Special Officer



*Exhibit No. 13a*

United States Department of the Interior  
 BUREAU OF INDIAN AFFAIRS  
 ABERDEEN AREA OFFICE  
 115 FOURTH AVENUE S.E.  
 ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:  
 Law Enforcement Services

JUN 8 1979

Mr. Marvin Schwartz  
 Office of General Council  
 U.S. Commission of Civil Rights  
 1121 Jermont Avenue N.W.  
 Washington, D.C. 20425

Dear Mr. Schwartz:

As you requested, the following information is a tabulation of offenses committed by non-Indian persons on each reservation in the Aberdeen Area since the Oliphant Decision as of November 28, 1978:

Cheyenne River	30
Crow Creek	32
Flandreau	5
Fort Berthold	30
Fort Totten	0
Lower Brule	2
Rosebud - warning tickets only	
Pine Ridge	2
Sisseton	1
Standing Rock	100
Turtle Mountain	0
Winnebago	1
Yankton - no response	

We are sorry for our delay in obtaining this information. If we can be of any further assistance, please contact us.

Sincerely,

ACTING Area Director



*Save Energy and You Serve America!*

*Exhibit No. 14*

## UNITED STATES DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

392 Federal Building, U. S. Courthouse  
110 South Fourth Street  
Minneapolis, Minnesota 55401

July 5, 1977

Honorable David V. Vrooman  
United States Attorney  
Federal Building  
Sioux Falls, South Dakota 57102

Dear Dave:

Per your telephone call to me today, I am submitting the following revised prosecutive guidelines to you for your approval:

**CRIMES UNDER THE JURISDICTION  
OF THE FEDERAL BUREAU OF  
INVESTIGATION (FBI) IN INDIAN  
COUNTRY IN THE STATE OF SOUTH DAKOTA:**

**1. Murder:**

In each and every instance where FBI Agents receive complaints of an indicated murder, immediate investigation will be instituted.

**2. Manslaughter:**

In all instances where information is received regarding the death of an individual indicating the possibility of voluntary or involuntary manslaughter, initial investigation will be conducted by the FBI to determine if, in fact, it is a matter within our jurisdiction.

In both of these matters listed above, where there is an unattended death and no apparent information or indication that this death is attributable to a murder or possible manslaughter, no investigation will be conducted by the FBI. It will be the responsibility of local law enforcement to insure an autopsy is performed on these individuals if same deemed necessary.

**3. Rape:**

When a rape complaint is received, the FBI will interview the victim to determine if, in fact, the complaint is legitimate.



1776-1976  
JUL 6/77

In addition, it will be immediately established whether or not the victim would testify against her assailant and if she will submit to physical examination at the Public Health Service Hospital. In all instances where the report of rape involves a common-law or actual marriage relationship between raper and victim, no investigation will be conducted by the FBI. Whenever it is appropriate, the victim will be requested to submit to a polygraph examination.

4. Assault with Intent to Commit Rape:

Upon receipt of assault to commit rape complaint, the victim will be interviewed and results of interview will dictate if the complaint is legitimate or worthy of further investigation.

5. Incest:

Upon receipt of incest complaint, the FBI will immediately institute investigation and bring the matter to a logical conclusion.

6. Arson:

Upon receipt of a complaint regarding a violation of this type, preliminary investigation will be instituted to determine if, in fact, there is indication of an actual arson. No investigation will be conducted regarding the arson of any automobile. This should not be confused with destruction of Federal property or Federal automobiles.

7. Carnal Knowledge:

Same guidelines as set out in Item #3 (Rape).

8. Assault with a Dangerous Weapon:

Upon receipt of an assault complaint wherein a weapon is involved, the FBI will immediately institute an investigation when there was more than a minor injury or a firearm was discharged and there was obvious intent to inflict great bodily harm. The FBI will not investigate minor assault complaints where no weapon was utilized and no bodily harm inflicted or bodily harm insufficient to require medical treatment. In all assault cases pictures of the victim will be taken wherever possible.

#### 9. Assault Resulting in Serious Bodily Injury:

Upon receipt of an assault complaint involving serious bodily injury, the victim will be interviewed to establish if victim is willing to testify against assailant. In addition, it will be determined whether or not extensive medical treatment was necessary. If victim is willing to testify and medical treatment necessary, complete investigation by the FBI will be conducted.

#### 10. Burglary:

The FBI will institute investigation regarding all burglary complaints received which involve a loss of property over \$500. If the victim of a burglary is a non-Indian and no information indicating the suspects of the burglary are Indians, no investigation is to be instituted by the FBI. These matters should be handled by the local law enforcement agency. In the event their investigation determines an Indian is involved, the FBI should then institute a burglary investigation. Burglaries covered by the Assimilative Crimes Act shall be handled on a case-to-case basis. In addition, burglaries committed with intent to perpetrate felonies, other than larcenies, will also be handled on an individual basis.

#### 11. Larceny:

Same guidelines as set out in Item #10 (Burglary).

No investigation will be conducted by the FBI in burglary or larceny cases where the victim and the subjects are blood relatives unless specific intent on the part of the subjects to permanently deprive the victim of the stolen property can be established.

#### 12. Robbery:

Upon receipt of a robbery complaint, the FBI will institute investigation. In the past, the FBI has received numerous complaints regarding minor strong, arm-type robberies. In these instances, if personal property taken is minimal and the circumstances are not aggravated, no investigation will be instituted by the FBI.

#### 13. Assault with the Intent to Kill:

Mere threats to kill without the apparent present ability to carry out the threat along without a physical act manifesting intent to carry out the threat will not be investigated. Only cases where the threat is coupled with the present ability to carry out the threat and there is a physical act manifesting the intent to carry out the act will be investigated.

#### 14. Kidnapping:

Upon receipt of a kidnapping complaint, the FBI will immediately institute investigation and bring the matter to a logical conclusion.

CK DLU 7/4/77

GENERAL CRIMES UNDER THE  
JURISDICTION OF THE FBI  
THROUGHOUT THE STATE OF  
SOUTH DAKOTA

1. Thefts from Interstate Shipment:

No investigation will be conducted if the loss does not exceed \$750 in value in unknown subject cases.

2. Interstate Transportation of Stolen Motor Vehicle or Aircraft:

Departmental prosecutive guidelines will be completely observed and cases not falling within these standards for prosecution will be immediately presented to your office prior to any investigation being conducted.

3. Bank Frauds, Cases of Embezzlement, Abstraction, Purloining or Willful Misapplication by Bank Employees:

No investigation will be instigated in known subject cases unless the following exist: (1) the amount taken must be more than \$500 or (2) a total of \$500 must have been taken as a result of a series of thefts forming a pattern of activity. In no known subject cases the aforementioned dollar amount will be \$1,000.

4. Theft of Government Property:

Investigation will be instigated in thefts of property exceeding \$500 in value.

5. Crimes on Government Reservations other than Indian:

Investigation will be instigated in thefts of property and vandalism exceeding \$500 in value.

The same guidelines pertaining to our investigation of crimes in Indian country set forth above will apply to all Government reservations where we have jurisdiction.

6. Interstate Transportation of Stolen Property:

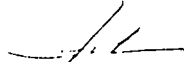
In check-type matters investigation will be instigated where there have been at least five checks passed in South Dakota and the total amount of money involved exceeds \$1,500.

We agreed these guidelines are in every instance subject to exception due to unusual or aggravated circumstances. Whenever these guidelines are invoked by the FBI in South Dakota, your office will be furnished with an appropriate communication for your record to assist you in handling any related inquiries concerning the course of action we took.

The proposed letter to the Tribal Chairmen and Tribal and BIA law enforcement agencies on reservations covered by the FBI in South Dakota that I enclosed with my initial letter to you dated June 29, 1977, will be accordingly revised before it is disseminated to them.

Thank you again for your prompt and enthusiastic assistance on this, Dave.

Sincerely yours,



JOHN E. OTTO  
Special Agent in Charge

*Exhibit No. 14a*

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to  
File No.*

392 Federal Building, U. S. Courthouse  
110 South Fourth Street  
Minneapolis, Minnesota 55401

August 8, 1978

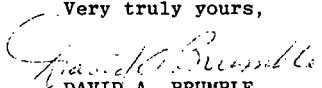
Mr. Paul Alexander  
Office of the General Counsel  
U. S. Commission on Civil Rights  
1121 Vermont Avenue, Northwest  
Washington, D. C. 20425

Dear Mr. Alexander:

I certainly appreciated the opportunity to testify before the Commission on August 4, 1978, at Rapid City, South Dakota. Upon conclusion of that hearing, you requested that I advise you the priority assigned to Crimes on Government Reservations or in Indian country under the FBI's Resource Management and Allocation Program. During my testimony, I indicated that the personal crimes on the Indian Reservations involving crimes of violence were Priority II matters. You pointed out that in your contact with FBI Headquarters in Washington, D. C., the Crimes on Indian Reservations were in Priority III. Please be advised that Crimes on Government Reservations or in Indian country are considered a Priority III investigative matter by the Federal Bureau of Investigation. I would like to reiterate my statement during my testimony that within the Minneapolis Division these crimes are considered a Priority I category crime.

Please be advised that the Commission's request for a profile on the minority employees assigned within the Minneapolis Division will be addressed by a separate communication which will be forthcoming from FBI Headquarters in Washington, D. C.

Very truly yours,

  
DAVID A. BRUMBLE  
Special Agent in Charge

*Exhibit No. 15*

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

August 29, 1978

Mr. Arthur S. Flemming  
Chairman, U.S. Commission on Civil Rights  
1121 Vermont Avenue, Northwest  
Washington, D. C. 20425

Dear Mr. Flemming:

I have been advised that during hearings recently held in Rapid City, South Dakota, your agency requested the minority profile of all FBI employees assigned within our Minneapolis Division.

Regarding the minority breakdown of our Minneapolis Office, I regret to advise that it is incumbent upon the FBI to follow the policy of not divulging information concerning the staffing of individual field offices in order to preserve the security of our investigations and the safety of our personnel. Based on our experience, we believe that public dissemination of specific information concerning the complement and composition of individual field offices would provide information which could be used to the advantage of criminal and certain foreign intelligence organizations. This could lead to the identification of our Special Agents, compromise their activities, and reach a point of endangering their safety as well as the safety of their families. For instance, at any given time a number of our Special Agents, minority and nonminority, are serving in undercover capacities. The possibility of those desiring to thwart such Agents or detecting the undercover Agent is greatly increased if details as to staffing are publicized. It is possible, however, to provide information concerning minority data for the entire FBI work force.

The following data on our Special Agent and support work force is current as of August 28, 1978:





Mr. Arthur S. Flemming

Special Agents

Females	139	Asian Americans	39
Blacks	172	Total Minorities	398
Hispanics	171	Total Agents	7920
American Indians	16		

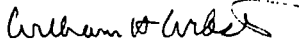
Support Personnel

Females	7507	Asian Americans	97
Blacks	2628	Total Minorities	3031
Hispanics	290	Total Support	
American Indians	16	Personnel	11,472

You may be interested to know that I visited the Minneapolis Field Office on August 23rd and at that time reemphasized the importance of our affirmative action program.

I hope that the foregoing will be of some assistance to you.

Sincerely yours,



William H. Webster  
Director

*Exhibit No. 15a*

*United States Department of Justice*

**UNITED STATES ATTORNEY**

**DISTRICT OF SOUTH DAKOTA**

**SIOUX FALLS, SOUTH DAKOTA 57102**

July 31, 1978

Mr. Paul Alexander  
Assistant General Counsel  
U. S. Commission on Civil Rights  
Washington, D. C. 20425

Dear Mr. Alexander:

Please find enclosed the letters which I received from the Public Health Service showing the extent of the drug problem on certain South Dakota reservations.

These you may remember were to be included in the committee records.

Sincerely,

David V. Vrooman  
United States Attorney

DVV:lsm  
Encl.





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

March 27, 1978

Re: Rosebud Indian Hospital  
Rosebud, South Dakota 57570

Re: Rosebud

Mr. Ed Driving Hawk  
President  
Rosebud Sioux Tribe  
Rosebud, South Dakota 57570

Dear Mr. Driving Hawk:

According to available statistics concerning Drug Abuse in Fiscal Year 1977, the following number of cases are being released per your request as of this date:

44 Cases of attempted suicide result of drug overdose.

20 Cases of attempted suicide resulted from drug overdose complicated by use of alcohol.

2 Cases involving self-inflicted gunshot result of drug overdose - both fatal.

In this reporting period we have had no fatalities involving drug overdose at this facility.

All cases involved with drug overdose were treated and released.

Sincerely yours,

*Sylvester C. Brings*  
Sylvester C. Brings  
Hospital Administrator

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE  
Public Health Service

*[Handwritten initials and a circled 'S' are visible to the right of the header.]*

April 27, 1978

Mr. David V. Vrooman  
United States Attorney  
District of South Dakota  
Sioux Falls, South Dakota 57102

Dear Mr. Vrooman: RE: Abuse in using hard drugs on reservations

We do not have records that are specific to your request.

Our records indicate that during fiscal year 1977, we recorded 40 drug related attempted suicides of which 18 were alcohol related. There were also 9 accidental drug overdoses reported. It is apparently difficult to correlate suicide attempts through hard drug overdoses. Our records also indicate 6 alcohol related firearms accidents during FY77.

We do not have a program at the present time that indicates the use of hard drugs by members of this tribe. There are no local tribal ordinances barring use and/or sale of drugs on this reservation. This is not to say hard drugs are totally absent from the scene. We are reasonably sure it is present on this reservation and that the incident rate of use is climbing, but we have no statistical data to reinforce this assumption.

Sincerely,

*[Handwritten signature of Robert C. Demery]*

Robert C. Demery  
Service Unit Director (Acting)

cc: Rice C. Leach, M. D.  
Director  
Aberdeen Area Indian Health Service



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Service Unit Director  
PHS Indian Hospital  
Pine Ridge, South Dakota 57770

4-25-78

In reply refer to:

Mr. David V. Vrooman  
United States Attorney  
District of South Dakota  
Sioux Falls, S.D. 57102

Dear Mr. Vrooman:

Thank you for your interest in the drug problem on the Pine Ridge Reservation. During the fiscal year of 1977, there were 31 hospital admissions for drug over-doses. Four of these were associated with alcohol intoxication as well. The out-patient figures are questionable, however, our records show that 26 additional patients were seen in the Emergency Room for drug over-doses and two of these were associated with alcohol intoxication. There were no gun shot wounds associated with a drug over-dose during the fiscal year 1977.

June, 1977, there were two break-ins to the Pharmacy and the first one Phenobarbital and aspirin with Codeine were stolen and the second break-in about 100 vials of Librium injectable plus assorted pills and tablets plus a vial of Anectine plus several vials of Valium injectable were stolen. Most of these drugs were found later; however, some remain to be missing.

I believe that the use and abuse of drugs on the Pine Ridge Reservation is a significant problem. I also believe, however, that socio-economic problems of the Reservation contribute greatly to this problem. We certainly appreciate your interest and are looking forward to hearing from you again.

*Petra Warren mcl*

Petra Warren, M.D.  
Acting Service Unit Director  
Pine Ridge IHS Hospital

FW:emb

RECEIVED

MAY 2 1978

UNITED STATES ATTORNEY  
SIOUX FALLS, S.D.



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

Service Unit Director  
 PHS Indian Hospital  
 Sisseton, South Dakota 57102

Refer to:

May 25, 1978

Mr. David V. Vrooman  
 U.S. Attorney  
 District of South Dakota  
 Sioux Falls, South Dakota 57102

Dear Mr. Vrooman:

As you have requested, I would like to add our generalized statistics of the Sisseton Indian Health Service Unit in Sisseton, South Dakota. Our reservation does not approach the size of Rosebud Reservation, your index, concerning the abuse of hard drugs on the reservation.

In Sisseton, we see approximately one overdose of medications per month and perhaps one half to three quarters of this number are complicated with alcohol. Self-inflicted gun shot wounds are not frequent either related or unrelated to the use of drugs or medications. If we see one case per year, that would more than represent our case load of this latter problem. Overdose and overusage of alcohol, a drug in and of itself, continues to be the leading cause of medical problems as well as social problems on our reservation here.

If there is any further information which we can supply, please do not hesitate to request it.

Yours sincerely,

*Bertrand S. Duncan, M.D.*  
 Bertrand S. Duncan, M.D.  
 Clinical Director

**RECEIVED**

MAY 30 1978

UNITED STATES ATTORNEY  
 SIOUX FALLS, S.D.

*Exhibit No. 16*

DONOHUE AND DONOHUE  
LAWYERS  
101 SOUTH MAIN SUITE 118 MEZZANINE  
SIOUX FALLS, SOUTH DAKOTA 57102  
TELEPHONE 605/884-1818

FARNELL J. DONOHUE  
MARY SUE DONOHUE

TESTIMONY BEFORE U.S. COMMISSION ON  
CIVIL RIGHTS  
RAPID CITY, SOUTH DAKOTA  
JULY 28, 1978  
BY: MARY SUE DONOHUE

I am Mary Sue Donohue, former Director of the South Dakota Division of Human Rights. What I have to say to you today, are results of some discrimination complaints filed with the Division, and other observations. The focus of your inquiry, I understand, is Indian, non-Indian relations in areas bordering reservations.

Let me give you a bit of background of the agency so that you can understand the cases in better perspective. The law under which the Division operates, prohibits discrimination in employment, houses, education, public accommodations, public services, and labor union membership. Bases covered are: race, sex, religion, and national origin. The Division handles about 140-150 cases per year, plus hundreds of inquiries. About 40% of those cases charge race discrimination, and most, by far, are filed by Native American complainants. Complaints by Native Americans tend to be in the areas of housing, public services, public accommodations, and employment. This is in contrast to complaints filed by females, the other large complainant class, which are more often in employment, employment benefits, and education.

**DONOHUE AND DONOHUE**

LAWYERS

101 SOUTH MAIN SUITE 118 MEZZANINE  
SIOUX FALLS, SOUTH DAKOTA 57108  
TELEPHONE 805/884-1818FARNELL J. DONOHUE  
MARY SUE DONOHUE

Few of the complaints filed, about 10-15%, reach the public hearing stage. At this level, the State Commission of Human Rights, holds administrative hearings to determine discrimination. As with most similiar agencies, 2/3 to 3/4 of the complaints filed, result in a finding of no cause to believe discrimination exists.

Selected cases that the Division has handled within the last year, are attached. It appears that the most likely areas for problems are in law enforcement and in health care facilities. Another case that may be of interest to you, is a complaint filed by one of the Commissioners against the Rapid City Police Department alleging discrimination in hiring and other employment practices on the bases of both race and sex. This is still being investigated. Because there are few cases, not many concrete conclusions may be drawn.

The purpose of the Division and Commission on Human Rights is to work at the elimination of discrimination. The budgetary constraints under which the Division has operated has limited efforts to handling cases and some public education. Brochures have been prepared for employers and educators covering discrimination on all bases.

A specific effort to develop a rapport with the Indian community in border towns, was productive. Efforts were made by Division staff to develop



**DONOHUE AND DONOHUE**  
**LAWYERS**  
 101 SOUTH MAIN SUITE 118 MEZZANINE  
 SIOUX FALLS, SOUTH DAKOTA 57108  
 TELEPHONE 605/584-1818

**FARNELL J. DONOHUE**  
**MARY SUZ DONOHUE**

contacts in White River, Yankton, and Martin.

I have always considered the role of the agency to be a balancer in the individual cases. And another important function is a change agent. So while the agency was to carefully and objectively gather information and evidence on individual cases, it was to be a leader and catalyst for opportunities for minorities and women. This aspect was exercised by the discrimination of information, drop in visits on large employers and school systems, and by the individual members of the Commission on Human Rights filing complaints.

It may also enhance your understanding to share some problems encountered in handling these cases. The problems were articulated by the two investigators for the Division. There were allegations with little or no documentation. Examples would be small-time landlord renting patterns or charges of being watched more closely than Whites in stores. This was sometimes compounded by difference of opinion as to a pattern of discrimination by a respondent. Inaccuracy of statistical data makes work force figures difficult to ascertain. There were many occasions when an individual Native American would contact the office and a complaint would be drafted but never signed or followed through, though efforts were made to secure contact.

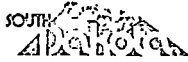
Do you have any questions?

## SELECTED CASES FILED BY

## NATIVE AMERICANS

JULY 1, 1977 to JULY 1, 1978

<u>AREA</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>
EDUCATION White River	Unequal treatment in discipline	NC
PUBLIC SERVICES Pierre	Selective arrest - nontraffic	NC
HOUSING Winner	Failure to rent	NC
PUBLIC SERVICES Pierre	Arrest patterns - traffic point system discrimination Unequal treatment, issuance of permits	NC
EMPLOYMENT Pierre	Failure to hire	NC
HOUSING Aberdeen	Refusal to renew lease	NC
EMPLOYMENT Lead	Discharge	C - hearing in Sept.
PUBLIC SERVICES Millet County	Arrest patterns, unequal treatment after arrest; unequal treatment for intoxication.	C - being conciliated
PUBLIC SERVICES Martin	Refusal by hospital to treat and discouraging patronage of Native Americans	C - set for hearing
PUBLIC SERVICES Martin	Same allegations as above, different complainant.	C - set for hearing
PUBLIC SERVICES Martin	Unequal treatment of Indians in jail	C - conciliated
PUBLIC ACCOMODATIONS Rapid City	Unequal treatment at hospital and discouraging patronage	Under investigation

*Exhibit No. 17*

# Department of Commerce & Consumer Affairs

DIVISION OF HUMAN RIGHTS

State Capitol, Pierre, South Dakota 57501

Phone 605/224-3892

October 21, 1976

Dr. Don Dahlin, Secretary  
Department of Public Safety  
Public Safety Building  
Pierre, South Dakota 57501

As we discussed here Monday, I believe any decision to eliminate the racial identification box on the Uniform Traffic Ticket form should be reconsidered. In my judgement, the reasons for retaining the racial identification outweigh those eliminating it.

I am aware that the Rapid City Human Relations Commission feels its use may give rise to a complaint of discrimination. To the best of my knowledge, however, the notation on race would not violate any civil rights law. This judgement is based on the fact that race and sex are recorded by an officer after an arrest is made. This is comparable to an employment situation. Race and sex should not necessarily be indicated on pre-employment applications, but may and should be included on data sheets completed upon employment.

Additionally, if the data is systematically gathered, it may be necessary to prove or disprove other complaints of discrimination. The data, of course, would hopefully be more accurate if gathered at the time of the arrest than secured at a later time from other sources.

It has been claimed that for a judge to have the race of a defendant before him would be inappropriate before the defendant appears. ~~If~~ this is perceived as a problem, perhaps that racial identification could be blocked out or scrambled on the form that reaches the bench. The information on the race and sex of arrestees in South Dakota should be available and very useful for social scientists; provided again that it is effectively and systematically gathered.

I suggest that you use the classifications; Black, Hispanic, Asian, American Indian or White. Perhaps this can be an incentive to systematically gathering this kind of information that you do collect.

*12/*

MARY SUE DONOHUE, Director  
Division of Human Rights

cc: Captain Cullen With  
Chief Rae Neal  
John J. Chisholm

*Exhibit No. 18*

PROGRAMMED AMOUNTS - SOUTH DAKOTA  
 FY 1978 - OCT. 1, 1977 TO JUNE 30, 1978  
 BY RESERVATION

	TOTAL	Cheyenne River	Flandreau Santee Sioux	Pine Ridge	Rosebud
Indian Education	16,844.1	2,755.4	46.8	6,038.6	2,263.0
Johnston O'Malley	1,191.5	67.9	10.7	308.0	498.8
Social Service Grants	5,351.2	719.9		1,648.0	1,494.2
Social Services - Other	650.0	110.0		165.8	151.0
Tribal Gov't, Courts, Youth Work Learn, Ag. Ext., Housing, Law Enforcement	3,482.9	534.6	58.7	1,137.7	667.3
Contract Admin. & Support, Credit, Direct Employment	3,100.7	464.1	25.4	877.8	701.9
Road Maintenance	1,020.1	258.5	3.8	279.8	162.8
Agriculture, Water Resources, Minerals & Mining	4,404.7	1,324.7		1,567.0	952.1
Trust Responsibility & Svs.	820.1	152.6		223.2	207.4
Gen. Mgmt. & Fac. O&M	4,847.2	898.0		1,899.0	592.4
Administration	1,004.1	122.7	45.0	391.7	118.5
Education Title Programs	2,415.0	382.9		1,133.0	236.2
Road Construction	2,403.0	216.0		1,536.0	576.0
Highway Safety Program	92.4	7.0		48.0	37.4

PROGRAMMED AMOUNTS - SOUTH DAKOTA  
 FY 1978 - OCT. 1, 1977 TO JUNE 30, 1978  
 BY RESERVATION (Continued)

Yankton	Sisseton	Crow Creek	Lower Brule	Pierre Ind. Learning Ctr.	Flandreau School	USTS*
818.9	398.4	1,324.2	437.8	542.0	2,219.0	
83.6	174.4	34.2	4.5	9.4		
376.2	648.4	264.9	199.6			
50.4	82.7	52.7	37.4			
156.6	378.2	281.4	250.7			17.7
169.1	340.7	184.3	138.3			199.1
10.0	128.1	72.8	104.3			
88.8	309.5	162.6				
49.6	86.3	40.5	60.5			
2.8	112.3	202.0	249.3	200.0	691.4	
85.8	90.1	68.6	81.7			
99.7	34.5	147.7	158.4	46.0	176.6	
	5.0	70.0				

\*United Sioux Tribes of South Dakota

OBLIGATIONS INCURRED - SOUTH DAKOTA  
FY 1977 - OCT. 1, 1976 THROUGH SEPT. 30, 1977  
BY RESERVATION  
DOLLAR AMOUNTS TO NEAREST HUNDREDS

	TOTAL	Cheyenne River	Flandreau Santee Sioux	Pine Ridge	Rosebud
Indian Education	16,220.7	2,519.6	36.2	5,668.1	2,498.0 <sup>1</sup>
Johnson O'Malley	1,445.4	116.6	15.6	162.3	680.3
Social Service Grants	6,443.4	809.8	.1	2,062.7	1,790.4
Social Service - Other	528.3	87.7		114.3	113.3
Tribal Gov't, Courts, Youth Work Learn, Ag. Ext., Housing, Law Enforcement	5,233.6	500.0	50.4	1,309.6	641.7 <sup>3</sup>
Contract Admin. & Support	2,406.5	337.6	38.1	674.9	575.6 <sup>11</sup>
IBDP, Credit, Direct Emplmt.	1,391.0	189.8	1.5	414.6	255.3
Road Maintenance	1,008.6	208.3	3.9	248.6	256.3 <sup>13</sup>
Agriculture, Water Resources, Mineral & Mining	1,435.4	248.4 <sup>15</sup>		448.0 <sup>16</sup>	422.4 <sup>17</sup>
Trust Responsibility & Svcs.	868.4	179.9 <sup>20</sup>		214.5 <sup>21</sup>	203.7 <sup>22</sup>
Gen. Mgmt. & Fac. O. & M.	4,624.3	918.2 <sup>25</sup>		1,781.1 <sup>26</sup>	599.9 <sup>27</sup>
Administration	640.2	107.6	37.1	133.0	104.5
Education Title Programs	882.1	1.8		230.0	63.3
Road Construction	5,233.5	1,356.7		2,036.0	1,287.2
Drought Emergency	5,071.0			1,070.4	2,200.0
Indian Loan Guarantee Fund	52.1				15.1
Highway Safety Program	3.5			3.5	
*United Sioux Tribes of South Dakota					

OBLIGATIONS INCURRED -- SOUTH DAKOTA  
 FY 1977 - OCT. 1, 1976 THROUGH SEPT. 30, 1977  
 BY RESERVATION  
 DOLLAR AMOUNTS TO NEAREST HUNDREDS (continued)

Yankton	Sisseton	Crow Creek	Lower Brule	Pierre Ind. Learning Ctr.	Flandreau School	USTSD*
817.3	584.0 <sup>2/</sup>	940.8	477.7	608.0	1,916.9	154.1
58.0	341.0	43.3	24.0	4.3		
642.3	623.1	274.6	240.4			
40.3	83.6	54.3	34.8			
844.8 <sup>4/</sup>	1,119.1 <sup>5/</sup>	259.1 <sup>6/</sup>	491.1 <sup>7/</sup>			17.8
89.3	210.5 <sup>10/</sup>	181.0	42.5	227.6 <sup>8/</sup>		29.4 <sup>9/</sup>
97.8	104.3	65.9	62.8			199.0
	125.7 <sup>14/</sup>	61.6	104.2			
40.5	70.7	71.8 <sup>14/</sup>	133.6 <sup>19/</sup>			
42.5 <sup>23/</sup>	104.1 <sup>21/</sup>	67.1	25.6			31.0
3.7 <sup>28/</sup>	78.4	165.5 <sup>29/</sup>	206.7	210.1	660.7	
62.4	55.7	58.0	81.9			
	18.9	214.4	146.1		207.6	
3.6	442.1	107.9				
		1,700.6	100.0			
14.2	12.7	9.2	9			

OBLIGATIONS INCURRED - SOUTH DAKOTA  
 FY 1976 - JULY 1, 1975 THROUGH JUNE 30, 1976  
 BY RESERVATION  
 DOLLAR AMOUNTS TO NEAREST HUNDREDS

	TOTAL	Cheyenne River	Flandreau Santee Sioux	Pine Ridge	Rosebud
Indian Education	15,201.5	2,420.0		5,643.0	2,312.1
Johnson O'Malley	1,456.9 <sup>2/</sup>	72.5		122.4	622.8
Social Service Grants	5,243.5	728.5		1,552.0	1,641.6
Social Services - Other	493.9	85.4		107.2	116.6
Tribal Gov't, Housing & Law Enforcement	2,961.1	323.5 <sup>3/</sup>	51.8	1,070.3 <sup>4/</sup>	518.3 <sup>5/</sup>
Commercial Dev. & Emplmt. Assist. & Credit & IBDP	1,178.3	178.0	4.2	222.1	309.8
Road Maintenance	832.0	245.1		242.8	112.1
Agriculture, Water Resources, Minerals & Mining	975.3	198.9		249.3	287.3
Trust Responsibility & Svs.	646.4	124.1 <sup>10/</sup>		199.2 <sup>11/</sup>	132.2 <sup>12/</sup>
Gen.Mgmt.& Fac. Operation	3,704.2	722.3		1,432.8	476.8
Administration	594.8	102.6	5.7	124.4	100.5
Contract Support - Ele. 74	770.8	62.0	7.8	109.5	135.6
Education Title Program	2,471.8	298.0		1,272.7	264.5
Road Construction	4,824.8	1,314.0		1,958.6	890.3
Indian Loan Guarantee	52.7				10.6
Highway Safety Program	64.1			34.1	30.0
Job Opportunities Program	100.3			57.0	
*United Sioux Tribes of South Dakota					



OBLIGATIONS INCURRED - SOUTH DAKOTA  
 FY 1976 - JULY 1, 1975 THROUGH JUNE 30, 1976  
 BY RESERVATION  
 DOLLAR AMOUNTS TO NEAREST HUNDREDS (continued)

Yankton	Sisseton	Crow Creek	Lower Brule	Pierre Ind. Learning Ctr.	Flandreau School	USTSD*
781.3 <sup>1</sup>	479.4	897.7	433.2	452.1	1,782.7	
45.8	579.4					14.0
262.3	662.2	205.1	191.8			
41.3	65.7	52.7	25.0			
168.9 <sup>6</sup>	400.8 <sup>7</sup>	233.0 <sup>8</sup>	176.7 <sup>9</sup>			17.8
36.1	114.3	76.1	37.7			200.0
	71.1	62.2	98.7			
38.6	46.9	52.8	101.5			
42.5	78.3	53.7 <sup>12</sup>	16.4			
2.5	64.5	155.2	180.7	168.7	500.7	
61.7	90.4	42.5	67.0			
19.1	127.1	63.6	79.0	65.3		101.8
142.8	15.0	171.6	93.9	24.0	189.3	
270.3	238.9	100.0	52.7			
5.9	12.1	10.4	13.7			
		43.3				

*Exhibit No. 19*

REPORT TO THE US COMMISSION ON CIVIL RIGHTS  
CONCERNING LAW ENFORCEMENT AND CIVIL IMPROPRIETIES  
IN THE STATE OF SOUTH DAKOTA

## TABLE OF CONTENTS

Introduction .....	1
General Law Enforcement .....	2
FBI .....	2
BIA and State Police .....	3
Incidents Involving Vigilantes .....	4
Murder and Manslaughter .....	5
Attorney General Janklow .....	7
The Sioux Falls Courthouse Riot .....	8
General Discrimination and Animosity .....	9
Harassment by Local Business .....	9
Harassment by Local Populace .....	10
Conclusion .....	11
Signatures and Notarization .....	12
Additional Informants .....	13 **

\*\* This information is considered classified except to members of the Commission and to responsible delegates. Therefore, it is placed at the back of the report for easier detachment.

## INTRODUCTION

Within the past few years, there has emerged within the State of South Dakota large scale improprieties on the parts of State Government, Law Enforcement System and certain civilian groups towards the Native American population residing in the state. Efforts by Indian leaders and concerned citizens to correct flagrant abuses of police power and delegated police power have been met with, at the very least, inaction and apathy by local and state officials, as well as the general populace. To many Native Americans, South Dakota is a police state with shades of dictatorial rule. "Equal Justice Under Law" has questionable recognition when applied to the Native American. Recognizing the right of free speech, as guaranteed in the U.S. Bill of Rights, we now take this opportunity to report to the Commission and to the public incidents of questionable legality and moral ethics which have occurred in this state within the last few years. We believe it is safe to say that any backlash or intimidations incurred by the writers will be as a direct result to the testimony contained herein.

\* GENERAL LAW ENFORCEMENT \*

Improprieties by FBI

After the occupation of Wounded Knee, there has existed on the Pine Ridge reservation a "reign of terror" imposed by the presence of the FBI.

The most recent questionable action on the part of the FBI concerns the extradition of Leonard Peltier from Canada. Peltier is charged with the murders of two FBI agents stationed on the reservation, a situation where logical analysis would reveal that Peltier could not have possibly have carried out this action by himself. Peltier fled to Canada, and was later extradited on testimony given by Myrtle Poor Bear. After the extradition, Ms. Poor Bear admitted that her testimony was false, and was given initially under pressure from the FBI. Myrtle Poor Bear was then allegedly "threatened by the FBI."

In January of 1976, Byron Desersa was shot to death at Wanbli. A family of Pine Ridge "goons" was implicated in the shooting. The BIA Police simply ordered the Winters out of town. The FBI was notified, but the Bureau allegedly did nothing except drive around the area. Winters were later picked up in Martin by the Martin Police Department.

### Improprieties by BIA and State Police

The BIA and State Police seem to make a habit of search and seizure without due cause and/or without a warrant.

On May 01, 1975, during the second occupation of the Wagner Pork Plant, Mr. George Bartlett was driving through town when he came to a roadblock set up by BIA and State Police. Mr. Bartlett and his passengers were ordered out of the car, and it was searched by the police. The police then asked Mr. Bartlett to open the trunk, and he asked them in turn if they had a warrant. The officer replied that they didn't need a warrant. Mr. Bartlett then informed the officer that he did not have a key to the trunk, so he was told to get back in the car and follow the trooper to the National Guard Armory. He was placed in a Division of Criminal Investigation (DCI) car, and they drove to his house to get the key. When Mr. Bartlett opened the trunk, it was searched by the police with no regard for personal property. His personal property was placed on the ground, and his Marine Corps uniform was dumped into the dirt from a seabag. Officers Jensen and Huber were there and helped search the trunk. Mr. Bartlett was then told to go home because a curfew was in effect. He was specifically told to "go home and park the car or be killed." The State Trooper who followed Mr. Bartlett home is quoted as saying; "You'd better head straight home, because I'm going to be right behind you like stink on shit."

Another incident of search and seizure without a warrant occurred near Mission, SD, in July of 1976. A letter which Mr. Bartlett sent to Mr. George Keller of the Bureau of Indian Affairs in Rosebud reads as follows:

"Mr. George Keller: April 6, 1977  
I am writing this letter to you at the advice of my lawyer. This letter is also to complain about an incident which took place in July 1976. The incident took place on the corner of hwy. 18 and the corner of main st. Mission, S.D. A police officer by the name of War Bonnet stops my car and asks for my drivers license so I gave it to him. He sees my Winchester rifle on the floor of my car he asked for it so I gave it to him. He sat in his car for some time calling on his radio. He comes back to my car and ordered me and my passengers out of the car and stand to one side which we did he then searched my car and did not find anything in the front or back seat. He orders me to open my trunk which I did. War Bonnet searches my trunk and finds my case of beer which I just bought and did not yet open. Then War Bonnet confiscated my beer and told me that I could pick up my rifle at the Police Station in Rosebud which I did. But Mr. War Bonnet did not return my case of unopened beer, A clear violation of my constitutional right preferably the 4th amendment. War Bonnet illegally searched and seized without a warrant. What did he do with that case of beer? Can I get it back? He never gave me no receipt for that case of beer.....  
Sincerely ..(signed) George Bartlett"

#### INCIDENTS INVOLVING VIGILANTES

From previous study, the Commission is well aware of the existence of the "Charles Mix County Civil Defense Squad." It is our personal belief that publicizing this group of domestic terrorists will only lead to more altercations once "Washington leaves town." Considering the air of distrust and general hate for the Indian population in Charles Mix County, we believe it is almost getting to the point where it is necessary to bring in Federal troops for protection from these so called "CD Squads."

After the second occupation of the Wagner Pork Plant, an incident involving Mr. Bartlett and these vigilantes occurred in Wagner. A quotation from a letter from Mr. Bartlett reads as follows:

"Dear Mr Land November 18 1977  
.....I was living in Wagner in 1975 when  
I observed the existence of vigilantes in the  
Wagner Marty area. I can remember one evening  
as I and my family was coming into Wagner from  
a visit at Marty. I noticed a lot of cars and  
campers in the parking lot of Buches food mark-  
et. We thought we would stop in and get some meat  
and bread. My wife went to the door, it was  
closed. Then the guy in the camper next to me  
rolled down his window and told me that Buches  
was closed and that a meeting was going on.  
At this point I noticed guns on the racks in the  
pickups. I knew what was going on it was a  
meeting of this vigilante group. This incident  
took place after the second take over of the  
Wagner Pork Plant. I also remember the day of  
the take over.....the mayor of Wagner  
declared Martial Law.....Where does it  
say in the US Constitution that a mayor can  
declare Martial Law?.....Kola .. L.J."

## Murder and Manslaughter

According to the Advisory Commissions report, the percentage of arrests for murder within the State was 50% Native American. Though we do not know the statistic, to us it seems ironic that Native Americans also seem to have the highest rate of unsolved murders within the State. Now considering that 50% of those arrested for murder were Indian, and in light of all the unsolved murders, it would appear that a great majority of Indians spend all their time killing each other and non-Indians. This obviously



cannot be true. Considering the State legal system, and the general atmosphere within the State, any Indian is going to think twice before killing a non-Indian. And cultural and socio-economic factors alone cannot account for the high rate of murders within the Indian population both on and off the reservations.

Some of the unsolved murders that have occurred in the last few years are as follows:

Larry Leavitt, Hot Springs, April 1978, no witnesses.  
 Alfred Gunhammer, Custer, March 1974.  
 Marvin Drapeau, Marty, May or June 1977.  
 Jan Cita Eagle Deer, found in Neb, April 1975.  
 Hobart Horse, Sharps Corner, Nov 1977.  
 Peter Bisonette, Pine Ridge, Oct 1973.  
 Clarence Cross, Batesland, June 1973.  
 Verlyn Dale Bad Heart Bull, Allen, Neb, Feb 1974.  
 Edith Eagle Hawk, Sharps Corner, Mar 21 1975.  
 Linda Eagle Hawk, Sharps Corner, Mar 21, 1975.  
 Earl Jarvis, Sharps Corner, Mar 21 1975.  
 Albert Coomis, Sharps Corner, Mar 21 1975.  
 Larry Arpan, Wagner, Dec 1974.  
 Orville Red Lightning Jr., Greenwood, Jan 1975.  
 Larry Standy, Chamberlain, Nov 1976.

In addition to unsolved murders, Mr. Bartlett relates that there have been Indian murders where the accused successfully pleads self defense, but with questionable grounds. Two of these are:

Wesely Bad Heart Bull, killed in Buffalo Gap, January of 1973. Sonny Wheeler and Darrell Schmitz claimed self defense. They are walking free today.

Norman Little Brave was killed in Norris around 1968. Baxter Berry claimed self defense. He is walking free.

### Attorney General Janklow

The actions of Attorney General William Janklow toward the Native American population are a disgrace to the U.S. Constitution.

While running for Attorney General in 1974, Janklow's major contention point was to get rid of AIM and other activists. He is quoted as saying that he would "put AIM in jail or under it."

There evolved an incident during this campaign concerning Janklow and a girl named Jan Cita Eagle Deer. Ms. Eagle Deer testified on television that Janklow had raped her while he was working for Legal Services on Rosebud sometime ago. Not too long after her television appearance, Ms. Eagle Deer was found dead in Nebraska. Evidence indicates that she was killed in South Dakota and hauled across the border into Nebraska. Her murder is still unsolved. (Greg Zephier of Wagner and KELO TV of Sioux Falls were at the scene).

In his most recent campaign for governor, (1978), Janklow made repeated use of pictures and videotapes of Courthouse Riots in an effort to convince the populace that AIM or any other Indian were no match for South Dakota Police Power and organization. This kind of campaign was most degrading to the Indian person, AIM or otherwise. Janklow gave the impression that before his election to Attorney General, that the Indians were all a pack of wild animals who had finally been whipped in subjection through his efforts. This is certainly not in accordance with the American System of Government. If a politician in any other state were to run a campaign "against" any other ethnic group

he would certainly not get away with it. Why is this allowed to happen in South Dakota? Where is all the opposition? Are they afraid of possible "consequences?"

#### The Sioux Falls Courthouse Riot

The Sioux Falls Courthouse Riot took place on April 30, 1974, after the trial of Russel Means, David Hill and Dewey Dubray. In a conversation with Mr. Bartlett, he related what he saw that day: "Before the Court proceeded, the news media was forced out of the hall by State Police in riot gear. Only 20 male adults from South Dakota were allowed in the courtroom. I saw women bystanders hit in the head and back by riot police after the Judge ordered the courtroom cleared. I also saw State Police on the roof armed with rifles."

\* GENERAL DISCRIMINATION AND ANIMOSITY \*  
TOWARDS NATIVE AMERICANS

The general feeling of ingrained hate toward the Indian can be seen in all facets of life here in South Dakota. In spite of the U.S. Bill of Rights, the U.S. Constitution, The State Constitution, EEO programs, and ad infinitum, it seems as though just being Indian is an automatic qualification for second rate citizenship in the eyes of many non-Indian residents of this State. We have witnessed on many occasions acts of intended provocation and plain simple discourtesies directed toward Native-Americans in theatres, restaurants, bars, sports events and "on the street." Government programs simply cannot modify deeply ingrained animosity.

Harassment by Local Businesses

Sometime last winter, Mr. Bartlett took his car to [deleted] to have the headlights replaced. He had supervised the work on previous occasions at this same establishment, however, circumstances dictated otherwise at this time. When Mr. Bartlett picked up his car, he noticed several indentations on the windshield, mostly on the drivers side, which were not there when the car was initially brought in for repair. The mechanic told Mr. Bartlett that they were rock holes. Mr. Bartlett then

spoke to the manager, and he stated that he did not believe that his mechanics would "do such things." We have examined these indentations, and are of the opinion that they are not rock holes, since they were not there initially, and since rocks seldom form a consistent pattern on a windshield. While neither of us are experts in ballistics, we have never seen a BB make that type of hole in a windshield, either.

#### Harassment by Local Populace

During the Fall of 1977 and the Spring of 1978, a red Mustang, License number CU 3666 has been following Mr. Bartlett home and around town. This same driver also allegedly engages in exhibition and reckless driving in Mr. Bartlett's presence, and sometimes in the presence of the police, and nothing is done about it. At this time, Mr. Bartlett is not experiencing any more trouble with the driver of this car, in regards to following him home.

## CONCLUSION

While recognizing that no government of man is divine, we believe that the incidents related in this report illustrate the philosophy of the Governmental and Law Enforcement Systems within the State of South Dakota, with respect to the Native American Resident.

We expect reprisals not only from the government, but from the general populace as well.

Though we recognize the Commissions efforts , we feel that any recommendations made will be of questionable endurance on the part of the State Government.

It is hoped on our part that the Commission can prove to us and to the Native American Residents of the State of South Dakota that this is still a government "of the people, by the people and for the people."

SIGNATURES AND NOTARIZATION

\_\_\_\_\_  
Date

\_\_\_\_\_  
George Bartlett  
Custer, South Dakota  
Member, Cheyenne River Sioux Tribe

\_\_\_\_\_  
Mark Land  
Hill City, South Dakota  
Advisor and Associate

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

seal

The letter attached to this exhibit is on file at the U.S. Commission on Civil Rights.



## INDEX

## A

- Affirmative action
  - FBI recruitment, 201-204
  - race data as necessary for programs, 228
  - subcontract requirement, 38-39
- Agencies, State, *See* political relations between Indians and State agencies
- Agriculture
  - cattle ranch programs, 240
  - expansion of farming operations plans, 42
  - training program, 43
- AIM, *See* American Indian Movement
- Alcoholic beverages
  - alcoholism problem on reservations, 43
  - intoxication violations
    - handling of, 118-119
    - jurisdiction conflicts, 68
    - sale on reservations, 13, 17
- American Indian Movement (AIM), 10, 37
  - FBI harassment of, 109-110
- American Indian Policy Review Commission, 166, 248
- Assimilative Crimes Act, 67, 184
- Attorneys, *See* Courts, jurisdiction of

## B

- Badlands National Monument, 84
- Bell, Griffin, U.S. Attorney General, 188, 199
- Bennett County, S.D., 95-96
  - checkerboard jurisdiction, 112, 114-115
  - complaints against police handling, 118
  - county and tribal police relations, 116-117
  - perceived discrimination in
    - business relations, 96-98
    - law enforcement, 98-100, 117-118
- BIA, *See* Bureau of Indian Affairs
- Bicultural programs, *See also* Education accomplishments, 58-60, 64
- Big Bend Dam, 51
- Bogue, Andrew W., judge, U.S. District Court of the Seventh Judicial Circuit, 189, 237
- Brule County, S.D.
  - law enforcement, 71-72
- Budgets
  - Oglala Sioux Tribe, 81
  - Rosebud Sioux Tribe, 152
  - Sisseton-Wahpeton Sioux Tribe, 30-31, 35
- Buffalo County, S.D., cross-deputization program, 69-70
- Bureau of Indian Affairs
  - activities, overview, 232
  - assistance in Indian land acquisition, 132
  - FBI, relationship with
    - crimes investigation, 26-28, 79-80, 171-173, 179-183
    - delegation of responsibility from, 195-197, 207-209
  - law enforcement
    - activities, overview, 18, 170-171
    - burglary cases, 185
    - officers' training in, 69, 171, 183
  - liability insurance for police officers, 161
  - police services contracted to Oglala Sioux Tribe, 86-87
  - problems of, 233
- Business relations with non-Indian communities
  - Chamberlain, 55
  - extension of credit, 82, 103, 107-108, 142-143
  - Kadoka, 81-84
  - Martin, 96-98, 101-104, 107-108
  - perceived discrimination, 96-98, 223-224
  - problem of debt collection, 82-84, 103, 224
  - Sisseton, 29-33, 43-47
  - Winner, 142-143, 153-154
- Busing to schools, 54

Buy Indian Act, 35

## C

Cardenas, Leo, Director, Region VIII, Community Relations Services, Dept. of Justice, 146-147

Cattle, *See* Agriculture

CETA (Comprehensive Employment and Training Act), 152, 153

Chamberlain, S.D.,

business relations with Indian community, 55

public school district, bicultural programs in, 58, 63-64

Checkerboard jurisdiction, *See also* Cross-deputization program

Bennett County, 112, 114-117

Cheyenne River Reservation dispute, 124-125, 127-128

citizen's arrest procedure, role of, 22, 70, 85, 86, 114-115, 158-159, 169-170

Federal jurisdiction as solution to, 178-179

problems arising from, 19, 22-23, 176-178

Roberts County, 20-26, 177

Shannon County, 115, 127

Todd County, 169

Tripp County, 157-161

Washabaugh County, 114-116

Cheyenne River Reservation, 196, 221

acquisition of land owned by non-Indians, 131-133

exterior boundaries, jurisdiction dispute, 124-125, 127-128

land ownership by non-Indians, 132

Cheyenne River Sioux Tribe, 215, 216, 222

economic development, 240

law enforcement systems, 239

Citizen's arrest, *See* Checkerboard jurisdiction

Civil Rights Act, 241

Civiletti, Benjamin R., Deputy Attorney General, 188

Commercial development, *See* Economic development

Commission on Civil Rights, U.S.

description and functions, 1-2

hearing procedures, 2-5, 149-150

urban Indians representation at hearings, 247-248

Community programs, *See also* Human relations commissions

bicultural programs, 58-60, 64

coordination efforts, 87, 213-214

Community Relations Service (CRS), 37, 146, 147

activities, overview, 229-230

law enforcement jurisdictional conflicts, 233-235

Pine Ridge Reservation police force, training of, 231

Contracts

contracting for Federal services, 62

Federal contracts, 35

subcontracts, affirmative action requirement of, 38-39

Corps of Engineers, Army, 49, 51-52

Corson County, S.D., 221

Courts, jurisdiction of

alcoholic intoxication, 68

burglary cases, 185

commercial transactions, 74-76

conflicts, 66-68, 73

jurisdiction on reservations, 221

suggestions for resolution of, 225-226, 239

debt collection, 82-84, 224

Federal courts

apprehension of suspects, policy for, 200-201

cases, backlog of, 184

declination rate, 186-187

drug enforcement, 196, 210

guidelines to determine jurisdiction, 176, 185-186, 196

jurisdiction, specific, 184, 188-189

relationship with local courts, 189

relationship with State courts, 187

Federal policy changes, effect of, 212, 220-221

Fourth circuit court assignment to Crow Creek Reservation, 72

individual as Indian or non-In-

dian, criteria for determining, 75, 89

major crimes in Indian jurisdictions, 156, 162

*Oliphant*, effect of, 21-22, 84, 156-157, 160, 188, 189, 218

overview, 1950s, 162, 163

property value limitations, effect of, 176, 241

State courts, 84-85, 217-218

    relationship with Federal courts, 187

    relationship with tribal courts, 73, 79

traffic violations, 66-68

tribal courts, 84-85, 130, 155, 166, 168, 186, 221-222

    access to non-Indians, 88-89, 224

    Indian attitude toward, 66, 236-239, 242-243

    non-Indian attitude toward, 125, 127-131, 133-134

    penalties limitations upgrading, proposal for, 188

    preferential treatment for suspects, 196-197

    quality of, 79, 185, 238, 241, 246-247

    relationship with State courts, 73, 79

types of courts on reservations, 66

victimless crimes, 156-157; 188-189, 215-218, 241-242

Credit extension, *See* Business relations with non-Indian communities

Cross-deputization program, *See also* Checkerboard jurisdiction

    Buffalo County, 69-70

    constable designation as alternative to deputy status, 164, 166

    game law enforcement, 237, 238

    Indian attitude towards, 71

    Marshall County, 19-20

    objections to, 20-26, 129, 237-238

*Oliphant*, effect of, 235-236

    procedure of, 18-19, 28

    sales tax collection, 237

    sheriff, liability for deputies, 85, 158, 161-164, 177

State sanction for, 217, 222

training in, 166-167

Tripp County consideration of, 157

Crow Creek Reservation, police force jurisdiction, 69-71

    size and composition, 68-69

Crow Creek Tribe, 196

    background, 49-51

    education, 53

CRS, *See* Community Relations Service

Cunningham, John E., U.S. Congressman, Washington State, 14, 17

## D

Dakota Indian Foundation, 60-61

Dakota Mental Health Center, 54-55, 58-60, 64

Dam construction, impact on reservations, 51, 53

Daws Act, 9

Days, III, Drew S., Assistant Attorney General of the Civil Rights Division, 150

Debt collection, *See* Business relations with non-Indian communities

Department of, *See* names of specific departments

Discrimination complaints

    business relations with non-Indian communities, 96-98, 142-143, 223-224

    data breakdown by groups, 219

    health care, 52-53

    housing, 140-142, 144-146

    law enforcement, 56, 98-100, 117-118

    social relations between Indians and non-Indians, 222-223, 245-248

    treaties perceived as vehicles for inverse discrimination, 130-131

DOT, *See* Transportation, Department of

Drug enforcement, 196, 210

Drug Enforcement Agency, 210

## E

- Economic development, *See also* Employment  
 agricultural operations, 42-43  
 cattle ranch programs, 240  
 contracting for Federal services, 62  
 Federal contracts, 35  
 industrial development, problems, 33-35, 40, 43-45  
 land ownership, 41-42, 164-165  
 subcontracts, employment opportunities and problems, 38-39  
 tribal budgets and income, 30-31, 35, 81, 152
- Economic Development Administration, 33-34
- Education  
 bicultural program, Chamberlain school district, 58, 63-64  
 busing, 54  
 student performance, 53-54
- Employment  
 BIA Indian employees, 232  
 employment in non-Indian communities, 40-41  
 FBI affirmative action recruitment, 201-204  
 off-reservation jobs problems, 39  
 race data for affirmative action program, 228  
 unemployment rates, 39, 152-153  
 welfare as disincentive to work, 41
- Extradition agreements, 71, 73, 78, 89, 162, 246

## F

- Fair Housing Act, 150
- Farming, *See* Agriculture
- Federal Bureau of Investigation (FBI)  
 BIA relationship with  
   crimes investigation, 26-28, 79-80, 171-173, 179-183  
   delegation of responsibility to, 195-197, 207-209  
 case information release, effect on public image, 197

- categories of crimes, 189-190, 209-210
- harassment of AIM, 109-110
- hostility from Pine Ridge Reservation, 190-191
- investigative practices  
   Indian perceived hostility of, 109-110, 191-193, 242  
   modifications for cultural differences, 193-195, 204-206
- local political pressures, freedom from, 196-197
- procedures for lodging complaints against, 206-207
- recruitment, affirmative action in, 201-204
- response times to occurrences on reservations, 199-200
- responsibilities, 205-206
- staff reduction, Rapid City, 122, 175, 182, 190
- tort liability, 197-198
- transfers within, 200
- tribal police, relationship with  
   crimes investigation, 121-123, 173  
   delegation of responsibility to, 174-175, 195-197, 207-209  
   notification prior to investigation, 192-193  
   training programs, 176
- Federal courts, *See* Courts, jurisdiction of
- Federal Tort Claims Act, 198
- Fort Randall Dam, 51
- Fort Thompson, S.D., 49-50, 52-53
- Freedom of Information Act, 197

## H

- Health care  
   community health representatives' duties, 139  
   hospital facilities, 52-53  
   mental health services, 54-55, 59-60, 64  
   perceived discrimination, 52-53
- Hospitals, *See* Health care
- Housing, 36-37  
   perceived discrimination, 140-142, 144-146

- Rosebud Sioux housing project, 140-142
- substandard sanitary facilities, 140-142, 144-145, 149-152
- Housing and Community Development Program, HUD, 141, 151-152, 154
- Housing and Urban Development, Department of
  - Housing and Community Development Program, Winner, S.D., 141, 151-152, 154
  - obligation to investigate FHA violations, 150
  - Rosebud Sioux housing project, 140-142
- HUD, *See* Housing and Urban Development, Department of
- Hughes County, S.D., law enforcement procedures, 70
- Human relations commissions,
  - Kadoka commission, 92-95
  - Martin commission, approval for, 105-107
  - problems of, 220
  - Rapid City commission, 220
  - Sisseton commission plan, 37-38
  - Winner Indian Council grievance committee, 146-147
  - Winner commission, failure to form, 147-149
- Human Rights, State Division of, 219-220

## I

- Indian Civil Rights Act, 188
- Indian preference law, 38
- Indian Reorganization Act, 10, 239
- Indian Self-Determination and Educational Assistance Act, 35, 233
- Indian tribes, *See* Sioux Indian Tribes
- Industrial development
  - industrial park, 33-35, 43-45
  - problems, 40
- Interior, Department of the, 221
  - relationship with Justice Dept., 198-199
  - trust responsibility of, 198, 199

- victimless crimes, 188
- Interstate Congress for Equal Rights and Responsibilities, 124-126, 135

## J

- Jackson County, S.D.
  - cross-deputization program, 85
  - jurisdictions within, 84, 113
  - Sioux opposition to merger with Washabaugh County, 92, 94
- Janklow, William, State attorney general, 159-160, 162, 189, 237, 238, 242-243, 246
- Johnson-O'Malley Act, 58, 63
- Joint Powers Act, 215, 216
- Juries, Indian membership of, 76-78, 90-92, 167
- Jurisdiction of courts over non-Indians, *See* Courts, jurisdiction of
- Justice, Department of *See also* Community Relations Service
  - guidelines to determine jurisdiction, 186
  - litigating responsibility of, 198, 199
  - Office of Professional Responsibility, 207
  - relationship with Interior Dept., 198-199
  - task force report on Indian affairs, 175, 187
  - victimless crimes, 188-189

## K

- Kadoka, S.D.
  - business relations with Indian community, 81-84
  - human relations commission, 92-95

## L

- Lake Traverse Reservation, 19
- Land ownership
  - as source of conflict between Indians and non-Indians, 213, 240
- Rosebud Sioux Tribes, 164-165

- Sisseton-Wahpeton Sioux Tribe, 41-42
- Language  
 English not obstacle in court cases, 196  
 native language usage in law enforcement, 123, 174
- Law enforcement, *See also* Checkerboard jurisdiction; Cross-deputization program  
 alcohol intoxication violations, 68, 118-119  
 Brule County, 71-72  
 citations from tribal police, inability of State to accept, 216-217  
 complaint procedure, 118  
 crime data breakdown by groups, 184  
 data not broken down by race, 226-228  
 decentralization of police force, 119-120  
 extradition, 71, 73, 78, 89, 162, 246  
 handling of major crimes in Indian jurisdictions, 26-28, 79-80, 121-123, 171-175, 179-183  
 Hughes County, 70  
 jurisdictional conflicts, CRS assistance in solving, 233-235  
 native language usage, 123, 174  
 perceived discrimination, 56, 98-100, 117-118  
 petition for improved jail treatment, 104-105  
 police review board, 120  
 tort liability of police officers, 197-198  
 training of officers, 69, 111-114, 172-173, 176  
 tribal systems, improvement of, 215  
 typical crimes, 72-73
- Law Enforcement Assistance Administration, 215, 225
- Laws, *See* Legislation
- Legislation  
 Assimilative Crimes Act, 67, 184  
 Buy Indian Act, 35  
 Civil Rights Act, 241  
 Daws Act, 9  
 Fair Housing Act, 150  
 Federal Tort Claims Act, 198  
 Freedom of Information Act, 197  
 Indian Civil Rights Act, 188  
 Indian Reorganization Act, 10, 239  
 Indian Self-Determination and Educational Assistance Act, 35, 233  
 Johnson-O'Malley Act, 58, 63  
 Joint Powers Act, 215, 216  
 Major Crimes Act, 186, 241  
 Meeds bill, 61-63  
 Privacy Act of 1974, 197  
 Wheeler and Howard Act, 50
- Liability, *See* Cross-deputization program; Law enforcement
- Liberty and Justice for All*, 6, 245, 248
- Lindley, John Frank, founder of Dakota Indian Foundation, 60-61
- Litigation, *See also* *Oliphant* decision  
*Little Thunder* decision, 91, 155, 156  
*Lone Wolf v. Hitchcock*, 130, 131  
*Newtown* decision, 242  
*Rosebud v. Kneip*, 130  
*U.S. v. Dodge*, 188  
*U.S. v. McBrattney*, 156  
*Wheeler* decision, 238  
*Little Thunder* decision, 91, 155, 156  
 Livestock, *See* Agriculture  
*Lone Wolf v. Hitchcock*, 130, 131  
 Lower Brule Reservation, 51, 196  
 Lower Brule Tribe, 53
- M
- Major Crimes Act, 186, 241  
 Marshall County, S.D., cross-deputization program, 19-20  
 Martin, S.D.  
   business relations with Indian community, 96-98, 101-104, 107-108  
   human relations commission, 105-107  
 Meeds bill, effect on Indian programs, 61-63  
 Mental health services, *See* Health care

Mondale, Walter F., Vice President,  
15, 16

## N

National Association of Counties  
(NACO), 165-166

National Congress of American In-  
dians, 10

*Newtown* decision, 242

## O

Office of Professional Responsibility,  
207

Oglala Sioux Tribe, *See also* Pine  
Ridge Reservation

annual budget, 81

membership, 81

opposition to Jackson and Washa-  
baugh Counties merger, 92,  
94

tribal police force, 86-87, 110-111

*Oliphant* decision

difficulties arising from, 65-66, 76

dissenting opinion, 189

effects of

cross-deputization program, 235-  
236

frequency of law violations, 86

jurisdiction of courts, 21-23, 84,

156-157, 160, 188, 189, 218

## P

Pine Ridge Reservation, 196, 202-  
203, 212, 213, 223, 237

FBI hostility toward, 109-110,  
190-191

decentralization of police force,  
119-120, 231

decline of violence on, 89-90, 108,  
175

quality of tribal court, 246

sale of alcohol on, 13

Plea bargaining as alternative to  
jury trial, 77-78, 167-168

Police relations, *See* Law enforce-  
ment

Political relations between Indians  
and State agencies

cooperation, 215, 236-237

improvement, suggestions for,  
224-225

State Indian task force, 56-57,  
214, 243

State negotiating committee, 57,  
214, 243

Privacy Act of 1974, 197

Public Health Service, 210

Publications

*Liberty and Justice for All*, 6, 245,  
248

## R

Race relations, *See* Business rela-  
tions with non-Indian com-  
munities; Health care; Hous-  
ing; Human relations com-  
missions; Law Enforcement;  
Political relations between In-  
dians and State agencies; So-  
cial relations between Indians  
and non-Indians

Rapid City, S.D., human relations  
commission, 220

Reservations, *See* Cheyenne River  
Reservation; Crow Creek Res-  
ervation; Lake Traverse Res-  
ervation; Lower Brule Reser-  
vation; Pine Ridge Reserva-  
tion; Rosebud Reservation;  
Sisseton-Wahpeton Sioux Res-  
ervation; Standing Rock Res-  
ervation; Wounded Knee Res-  
ervation

Ramyke, Mildred, circuit court  
judge, 26

Roberts County, S.D., checkerboard  
jurisdiction in, 20-26, 177

Rosebud Reservation, 196, 227, 237  
boundaries after diminishment,  
154-155, 212

land ownership, 164-165

Rosebud Sioux Tribe, 215, 216

annual budget, 152

housing project for, 140-142

quality of tribal court, 246

unemployment, 152-153

*Rosebud v. Kneip*, 130

## S

- Schools, *See* Education
- Shannon County, S.D.  
checkerboard jurisdiction, 115, 127  
fire department fund-raising incident, 135-137
- Sisseton, S.D.  
annual budget, 32  
business relations with Indian community, 29-33, 43-47  
human relations commission, 37-38  
Indians, employment of, 40-41  
industrial park development, 33-35  
low-income housing project, 36-37
- Sisseton-Wahpeton Sioux Reservation, 196, 212
- Sisseton-Wahpeton Sioux Tribe, 216  
agricultural operations, 42-43  
annual budget, 30-31, 35  
industrial park development, 33-35  
land ownership, 41-42  
organizational background, 35-36  
unemployment, 39-40
- Sioux Indian Tribes, *See also* Cheyenne River Sioux Tribe; Crow Creek Tribe; Lower Brule Tribe; Oglala Sioux Tribe; Rosebud Sioux Tribe; Sisseton-Wahpeton Sioux Tribe  
historical background, 8-10  
legal problems of, 11  
urban Indians, special problems of, 247-248
- Social relations between Indians and non-Indians  
community communications efforts, 213-214  
cultural differences, effects of, 211-213  
Federal programs as enhancing segregation, 100-101, 109  
perceived discrimination, 222-223, 245-248  
race identification for solving problems, 137
- South Dakotans for Civil Liberties, *See* Interstate Congress for Equal Rights and Responsi-

## bilities

- Sovereignty of Indian nations. *See* Courts, jurisdiction of
- Standing Rock Reservation, 196, 212, 221
- State agencies, *See* Political relations between Indians and State agencies
- State courts, *See* Courts, jurisdiction of
- Statement  
Background, Mary Ellen McEldowney, Vice Chairperson, South Dakota Advisory Committee to the U.S. Commission on Civil Rights, 7-11  
opening and concluding statements, Chairman Arthur S. Flemming, 1-2, 248-249  
rules, Commissioner Frankie M. Freeman, 2-5, 149-150  
welcoming, Stanford Adelstein, member, South Dakota Advisory Committee to the U.S. Commission on Civil Rights, 5-7
- State of South Dakota Department of Public Safety, 215
- Subcontracts, *See* Contracts

## T

- Taxes, collection agreements, 227, 237
- Todd County, S.D., *See also* Tripp County  
Indian land ownership in, 165  
unorganized county status, 154-156
- Tort liability, *See* Cross-deputization program; Law enforcement
- Traffic violations, jurisdiction conflicts, 66-68
- Training program, agriculture, 43
- Treaties  
as perceived vehicles for inverse discrimination, 130-131  
dilution of, 13-17, 51
- Tribal courts, *See* Courts, jurisdiction of
- Tribal police, *See* Law enforcement
- Tri-County Protective Association, *See* Interstate Congress for



# Equal Rights and Responsibilities

Tripp County, S.D.  
 checkerboard jurisdiction, 157-161,  
 168-169  
 cross-deputization program, con-  
 sideration of, 157  
 Indian land ownership in, 165

## U

Unemployment *See* Employment  
 United Sioux Tribes, 10  
 University of South Dakota, 214  
 Urban Indians, special problems of,  
 247-248  
*U.S. v. Dodge*, 188  
*U.S. v. McBrattney*, 156

## V

Victimless crimes, *See* Courts, juris-  
 diction of

## W

Washabaugh County, S.D.,  
 jurisdictions within, 84  
 law enforcement procedures, 114-  
 116  
 merger with Jackson County,  
 Sioux opposition to, 92, 94  
 Webster, William H., Director of the  
 FBI, 202, 204  
 Welfare, as disincentive to work, 41  
 Wheeler and Howard Act, 50  
*Wheeler* decision, 238  
 Winner, S.D.  
   business relations with Indian  
   community, 142-143, 153-154  
   human relations commission, fail-  
   ure to form, 147-149  
   Indian Council grievance commit-  
   tee, 146-147  
 Wounded Knee Reservation, 16, 125,  
 188, 191, 231-232

ST. MARY'S UNIVERSITY LIBRARY



3 3525 30005 2765

DOCUMENTS  
COLLECTION

SEP 20 1974

C. MARY'S UNIVERSITY LIBRARY  
D B15 A