

STEPHEN HENDRICKS

# PROMISED LAND

*When a ritual remembers stolen lives, it returns a stolen history*

ON JUNE 8, 1999, on the Pine Ridge Indian Reservation of South Dakota, a woman out for a run saw a flash of red amid the waist-high grass on the roadside and, stopping to investigate, found the bodies of two men in the early stages of decay. There was no doubt that they had died violently. They lay two miles south of the town of Pine Ridge, capital of the Oglala tribe of the Lakota nation, at the point where Highway 407 leaves the reservation and South Dakota for Nebraska. The bodies were on the Dakota side of the line, but just: drop a blade of grass at their resting place, and the breeze would carry it to Nebraska.

On that day, a Tuesday, Tom Poor Bear was at the hospital in Pine Ridge sorting food and bottled water for a couple hundred

families who had lost their homes to a tornado a few days before. An acquaintance told him of the bodies. As the tribe's sergeant-at-arms, a catchall post, Poor Bear was used to stray requests, so when his acquaintance said he ought to see what was going on, Poor Bear got in his car and drove past the barren government buildings, through the sole stoplight on the Connecticut-sized reservation, then two miles beyond the tumbledown federal housing to the state line.

At the border were twenty-five or thirty people, mostly civilians—the curious and the passing-by intermingled with a few tribal policemen. They were walking everywhere. Ridiculous, Poor Bear thought. Even on TV, homicide scenes were roped off

NEED HI-RES OR  
ORIGINAL ART  
THROUGHOUT



first thing, but here tracks were being trampled, physical evidence, if there was any, destroyed, false evidence—a gum wrapper dropped here, a cigarette butt there—added to the mix. And the bodies were lying under tarps. Tarps! It must have been ninety shadeless degrees on the side of the road, and the tarps were rotting the remains all the faster. The only thing that did not surprise Poor Bear was the absence of the FBI, chief investigator of major crimes in Indian Country. This much was clear: the dead were Indian. Were they otherwise, the FBI would have been there.

Twenty-four hours passed before the FBI arrived. By then Poor Bear had learned that the lumps beneath the tarps were Ronald Hard Heart and Wilson Black Elk, Jr., whom everyone called Wally—respectively his cousin and brother. He never got back to the tornado relief.

WHITECLAY, NEBRASKA, home to not two dozen people, may be the most hated town on the Plains. It is ten or so low buildings, each shy of paint and dropping plaster, most with barred windows. Commerce is two grocery stores, an auto repair shop, a bakery, and three bars that sell four million cans of beer a year worth three million dollars. The “bars” are only historically so, their name a holdover from the days of onsite drinking. Today they are cash-and-carry premises, beer only, and better than 95 percent of the cash-and-carriers are from the reservation, where it is illegal to sell, transport, or drink alcohol but where alcoholism festers in seven or eight adults in ten. Whiteclay is twenty-five miles north of the nearest non-Indian town, two miles south of the reservation capital. It is Pine Ridge’s supplier, its connection, its fix, legal profiteer off a nation’s revelries and miseries. It is steps from where the bodies of Black Elk and Hard Heart were found. It is the last place they were seen alive.

The land under and around Whiteclay was once Lakota land, as was most of western Nebraska, all of the western Dakotas, and a fair swath of eastern Wyoming and Montana, guaranteed by an 1868 treaty so long as the rivers ran and grass grew. For the *wasicu*, the white man, the rivers were stilled and the grass died in 1874, when Major General George Armstrong Custer was ordered into the Black Hills, in breach of treaty, and found gold. Envoys from Washington followed to demand the Lakotas sell their sacred Hills. “Gold is useless to you,” one of the agents warned, “and there will be fighting unless you give it up.” Under the 1868 treaty, three-fourths of the adult men had to agree to a land cession. They were starving following the Americans’ slaughter of the buffalo—and a shortchanging of treaty-guaranteed rations—but though a faction of the hungry offered to sell (at a dozen times the government’s price), the great majority followed Little Big Man, who said, “I will kill the first chief who speaks for selling the Black Hills.”



The government would not be refused. It loosed miners on the Hills, dispatched the cavalry to corral “hostiles” who were, as permitted by treaty, living nomadically rather than at the government-controlled, diseased, and besotted agency encampments. Custer’s suicidal charge followed at the Greasy Grass, the place school-children learn to call Little Bighorn, but the Indian victory there was Pyrrhic. So ruthless was America’s retribution that the Lakota holdouts withered in months. Not satisfied yet, Congress severed all rations in an effort to make the Lakotas cede not only the Hills but most of their remaining land as well. Children died. Liquor and bribes were plied. Even so, 90 percent of the men refused to sign. Washington declared 10 percent enough, and theft was made law in 1877. In subsequent years, more of the same would carve the “Great” Sioux Reservation into ever smaller plots.

America would in time atone, or claim it had, but atonement came cheap. “A more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history,” a federal appellate court said. The U.S. Supreme Court did not disagree, but neither did it return so much as an acre. In 1980 it ordered the Lakotas to settle for \$106 million—this, for mountains that had given \$4 billion in minerals and timber, not to speak of billions untold in tourism and real estate. Interest has since brought the judgment to almost three-quarters of a billion dollars, but the poorest of America’s poor refuse to touch it. “A used car for every Lakota,” they call it, and the math bears them out. Would the *wasicu* offer this price for Massachusetts? For Jerusalem? Would any amount be taken?

BEYOND THE ADVERB “brutally,” Tom Poor Bear could learn nothing from the FBI or the tribal police about how his brother Wally and cousin Ronald were killed, who might have done it, or why. He was even denied, for four months, Wally’s autopsy report, to which he was legally entitled. He knew only one salient fact: weeks before the murders, the owner of a Whiteclay bar had threatened Wally over a beer tab. “Pay up,” the barman allegedly said, “or I’ll get the boys to take care of it.”

Tab notwithstanding, Wally Black Elk, descendant of medi-

cine man Nicholas Black Elk of *Black Elk Speaks*, was not among the regulars who slumped against Whiteclay's walls or passed out on its sidewalks. Ron Hard Heart was. Although it is illegal in Nebraska to drink alcohol in public, to sell it to people already drunk, or to sell it on IOU, such prohibitions have meant little in Whiteclay. Neither the Sheridan County sheriff nor the Nebraska State Patrol have much cared to send officers on a fifty-mile round trip from Rushville, the county seat, for what amounts to hassling a few barkeeps or the patrons on whom they depend. Oglalas expect no more of Nebraska. It was here in Sheridan County, in 1972, that Raymond Yellow Thunder was kidnapped by sons of the local gentry, beaten, thrown in the trunk of a car, stripped from the waist down, shoved into the Legion Hall with a dance in progress, beaten again, and finally let go to die of his wounds. One of his killers served ten months, the other two years. The martyrdom of Yellow Thunder united a young movement for Indian rights that would win changes nationwide, but Oglalas say only fools believe change in Sheridan County runs deep.

Tom Poor Bear agrees. Long of mustache and mane, heavy of eyes, shoulders, and earlobes, Poor Bear's entire upper third seems pulled toward a half-century of midriff. He is neither tall nor short but by some virtue—probably the certainty with which he speaks—seems two or three inches taller than he is. When he talks of the sins of Sheridan County, it is in the manner of a priest at mass: by rote, probably bored with the number of tellings, yet with unmistakable gravity.

"In 1992," he says, "there was Dennis Cross, an Indian, a street person in the border town of Gordon. He was walking around the street with a cane and was shot point-blank by a deputy sheriff of Sheridan County. The sheriff said he looked like he was carrying a gun, but Dennis—everyone knew him in Rushville and Gordon, and he was harmless—never carried a gun in his life. The deputy walked. In 1998 in the Sheridan County Jail, a man by the name of Long Soldier was found hung in his cell by his own belt. Everyone knows when you're arrested, they take every piece of property from you: your belt, your wallet, your shoes. They called that one suicide. Another man by the name of Moses Bull Bear—eyewitnesses placed a deputy sheriff going into his cell and beating him with a nightclub. The next day he was found dead. The report was that he fell down a flight of stairs. In Whiteclay, in a five-year period before Wally and Ron were murdered, there were several unattended deaths, and we think law enforcement covered those up. There was Tom Twiss,

Old Thomas Toole, Gordy Bordeaux, Don Bordeaux, Little John Means—who else? There are so many, seems like I'm forgetting one other. The coroner always says they died of natural causes, exposure and things like that. But when family members identify the bodies, they find bruise marks on their backs and stuff. Little John Means, it was found for certain he was hit on the head with a blunt object, but it was ruled there was no foul play. He was murdered, and law enforcement knows it.

"I'll tell you who I think was involved in most of them, including Wally and Ron's. There was a deputy sheriff in Valentine, Nebraska, east of Gordon, a border town for the Rosebud Reservation." He names the man. "He used to grab the street people of Valentine, put them in the back of his car, take them out and beat them, use a nightclub on them and leave them out in the country. There were several people of the Rosebud who protested. They said they'd boycott that town if they didn't get rid of that deputy sheriff. So Valentine got rid of him. And who hired him? Sheridan County. So he goes to Whiteclay, and he's beat a lot of people physically there. He puts on big black gloves, lead-lined, and hits the Lakota people. It's a known fact. There were eyewitnesses that saw him do it. When CNN did an investigation, they brought out that this deputy sheriff found Ron and Wally in some weeds that night. He told them to get up and go home. They never made it home, and he was the last one who saw them."



**Opposite: A memorial to Wilson "Wally" Black Elk, Jr., and Ronald Hard Heart decorates a trailer wall in Pine Ridge; Right: Tom Poor Bear and his son Robert.**

“The boys” referred to by the barman, the enforcers who would “take care of” Wally’s unpaid bill if he did not, were, Poor Bear says, either skinheads from Rushville, the deputy sheriff, or both. The deputy retired soon after the murders. He has previously declined to respond to reporters’ inquiries on the investigation of the Lakota deaths; his phone number and address are unlisted. My calls to Terry Robbins, Sheridan County’s longtime sheriff, went unanswered, as did a note I hand-delivered to his office. In the past, Sheriff Robbins has said the deputy retired for personal reasons, unrelated to the claims of Poor Bear. Federal law enforcement officials familiar with the case have said the man is not a suspect. Because police records in Nebraska are scrupulously hidden from the public, it is nearly impossible to prove or disprove

Patrol, but the FBI said it had this one covered. That was six years ago. The murderer or murderers are still at large.

It did not take six years for the Oglalas to feel aggrieved. Three weeks after the killings, Tom Poor Bear called a march on Whiteclay and two thousand came. It was, he says, the largest protest ever in South Dakota, and he is probably not far wrong. A rally of similar scale in, say, Denver, would draw two hundred and fifty thousand.

WHITECLAY IS DISTINGUISHED FOR having been stolen from the Lakotas not once but twice. In 1882, the bulk of the treaty land having been taken in 1877, President Chester Arthur returned a pittance, fifty square miles on the reservation’s



Poor Bear’s other charges. But where his suspicions can be corroborated, they generally are. Former tribal president John Yellow Bird Steele, for example, has said that Little John Means did suffer a head trauma from a blunt object yet was declared to have expired naturally. Steele shares Poor Bear’s belief that Means and several others were murdered.

To Poor Bear’s charges of corruption in Sheridan County, the FBI issued a terse reply: police in Nebraska were not involved in the murder of Black Elk and Hard Heart. There was no explanation given. Indeed, the FBI said its agents had barely spoken to Sheridan County or state police—no matter that Black Elk and Hard Heart had been in Whiteclay just before their deaths, that Black Elk was allegedly threatened there, that their corpses nearly straddled the border, and that they were probably killed elsewhere (perhaps in Nebraska) since a brutal yet soundless double-murder would have been quite a feat where they were found, yards from the homes, businesses, and nightly beer traffic of Whiteclay. Even then-Governor Mike Johanns, a Republican not known for excessive charity to Indians, offered the aid of the Nebraska State

southern line, to protect the Oglalas from whiskey traders who had set up there. Congress, in a rare act, made Arthur’s executive order law: so long as the Whiteclay Extension “may be needed for the use and protection of the Indians,” it was theirs. This status endured until 1904, when Theodore Roosevelt stole the Extension back. Roosevelt did not find, as law required, that the Oglalas no longer needed the land. Nor, though required, did he seek Congress’s approval. He merely ordered the land taken. These trespasses may seem trifling in the crude annals of American thievery, but while courts have blessed land theft by broken treaty (so long as Congress ratified the breaking), they have generally rejected theft by broken statute. In theory, a court could find the Oglalas were owed relief for Whiteclay. That would probably mean mere coins, but it might, with outcry enough, mean land. If so, it would be the first time since 1970, when Blue Lake was restored to Taos Pueblo, that the government returned promised land of any size to an Indian nation. To return is not, however, to make whole. For after a century of estrangement from the land, the Oglalas, even with restored

title, would be missing one hundred years of work with the Extension, a pragmatic tie that, in traditional Lakota culture, has spiritual implications.

Popular belief has it that Indians hold all land holy—a simplification that obscures more than it reveals. Traditional Lakotas will tell you that land may be generally worthy of respect, but not all of it is holy. Rather, specific places become holy. They achieve sanctity, often through means beyond human control, though rarely independent of human interaction. “It’s not,” Lakota elder and scholar Vine Deloria, Jr., says, “like we designated a place and said, ‘This is going to be sacred.’ It came out of a lot of experience. The idea is not to pretend to own it, not to exploit it, but to respect it. Trying to get people to see that that’s a dimension of religion is really difficult.”

For the benefit of non-Indians, Deloria separates holy lands into four overlapping classes. In one are places where a secular

in a river yield a certain fish. To such places Lakotas would return year after year—for use and ritual. Almost always the purpose of the latter was to keep the place healthy for “all our relations”: people, plants, and animals, even rocks and air, all of which depended on the renewing ceremonies.

Taken together, the creed of the Lakotas requires not a general reverence for land (though that is a near-certain outgrowth of it) but a particular attentiveness to place, which is to say specific responsibilities to specific locations that must be executed as long as rivers run and grass grows. This is not “nature appreciation.” It is work. It may be enjoyable, even playful, but it is work all the same. Life depends on it.

On the Whiteclay Extension, white ownership has prevented the doing of such work for a hundred years, and in that time both the fruits yielded by the land and the work the land requires have changed. Today the land gives the Oglalas not fish and berries

## Today the land gives the Oglalas not fish and berries but drunkenness and corpses. It teaches a lesson about what happens when a people are robbed of their home and the rituals that once tied them to it.

but important event happened—a battle, say—and the passage of time has proved the event of vital importance: “Abraham Lincoln properly noted that we cannot hallow the battlefield at Gettysburg because others, the men who fought there, had already consecrated it by giving ‘that last full measure of devotion.’” In a second class are landforms touched by sacred forces, like the ovular plateau surrounding the Black Hills that the Lakotas call the Racetrack. Here the Creator is said to have held a race between the two-leggeds and four-leggeds; the two-leggeds won, and ever after the four-leggeds have yielded the Lakotas their flesh. In a third class are “places of overwhelming holiness where higher powers, on their own initiative, have revealed themselves to human beings.” Thus did Gray Horn Butte, which the Americans call Devil’s Tower, become holy when White Buffalo Calf Woman gave the Lakotas the sacred pipe there.

These first three classes, with their analogs in American Judeo-Christian consciousness (Gettysburg and Ground Zero, the Red Sea and Jericho, Sinai and Carmel) are easy for non-Indians to understand (if not always accept) as holy. Not so Deloria’s fourth class: places where the land repeatedly teaches or gives to people and where people must respond in kind. Such lands are neither historical nor mythical but contemporary and practical. They might nurture medicinal herbs, store minerals for paints. A meadow might attract a treasured ungulate, a bend

but drunkenness and corpses. It teaches a lesson (not just to the Oglalas but to any who care to see) about what happens when a people are robbed of their home and the rituals that once tied them to it. Traditional Lakotas say that when you forget where and how you belong in the world, you forget who you are. You lose your identity. This loss is the new yield of Whiteclay, and addressing it brings new responsibilities—duties radically different from, but no less vital than, the duties that ensured the survival of the Lakotas and all their relations a century ago.

OF THE TWO THOUSAND who marched from Pine Ridge to Whiteclay in June 1999, only a fragment took part in the riot. It was after the two-mile walk, after the prayers and speeches in Whiteclay, after most of the crowd had returned to Pine Ridge that a few score who remained smashed into a grocery store and looted it. By all accounts, Poor Bear was not to blame. But he apologized to his people (though not to the store owner, whom he accused of longstanding racism) and said he would march again, peacefully, the next weekend, and each thereafter until the murders were solved. In Lincoln, Governor Johanns ordered a hundred state patrolmen and sheriff’s deputies to garrison the town. The next Saturday six hundred Indians were met at the border by helmeted troopers who stood shoulder to shoulder behind breastplates and riot shields. Snipers kneeled on

Whiteclay's roofs and a police helicopter flew overhead. Authorities had stretched a band of tape across the road, as if everyone had stumbled onto a grand opening, except that the congregants were ordered not to break the tape. Nine men, including Poor Bear, disobeyed and were arrested. Negotiations ensued; a deal was struck. The nine were released on their own recognizance in return for leading the rest of the marchers back to Pine Ridge.

The next weekend Poor Bear returned, and the next, and the next, each time with fewer marchers. There was no more violence. Between marches, Poor Bear lived in a tipi on the spot where Wally and Ron were found—Camp Justice, he called it. His watch over the place was a small revival of the old responsibilities. In the past it had been clear that to forget the lessons of a locale meant the difference between life and death. (Are the mushrooms poisonous or not? Does the water hole dry up in late summer or early fall?) Not so today. The Whiteclay Extension had yielded corpse on corpse, but each was forgotten before the next appeared. Camp Justice was Poor Bear's refusal to forget. It was at once a declaration that more bodies would not be accepted and a call to his people—and to those who were not his people—to learn the lesson the land was teaching. So through summer and winter Poor Bear camped. He was joined by his children, a brother, and from time to time other supporters, the lot of whom marched each week with what people they could gather. The marches lasted until 2001, Camp Justice until 2002. Each June since then, camp and march have reappeared with the prairie heat.

There remained, when most everything else had dissipated, the indictments for the nine who had crossed the police line on the second Whiteclay march. These inched through state court until an agreement was reached: one of the accused would stand trial, charges against the rest would be dropped. Poor Bear stood. Representing himself, he said he did not recognize the authority of the police or the courts of Nebraska. They were on Lakota land, and he would make no plea. He was heard politely, convicted perfunctorily, and fined a hundred dollars. In place of an appeal, he brought a civil rights claim in July 2003. He accused Nebraska of not investigating murders in Whiteclay, of violating his First Amendment freedoms of assembly and speech, and—the claim that had lain dormant for ninety-nine years—of illegally possessing the Whiteclay Extension. His case was strong in principle, but the lawyering was less than able (he had retained counsel by this time) and the claim was dismissed with little ado. His defeat, however, does not bar others from bringing a similar, perhaps better-argued suit.

If he had done nothing more than resurrect this long-suppressed demand for another generation, he could probably



claim, even in failure, accomplishment enough. But he has also responded to the demands of the land in a manner consonant with his culture, and there is also this: “Since we called attention to Whiteclay, no more bodies have turned up there.” He will sigh when he says it, indicating it is not enough, but almost always he will add, “And that’s something.”

THIS SUMMER, POOR BEAR SAYS, and the next, and the next, he will retrieve from his garage the two tipis that make up Camp Justice, load them onto a flatbed truck, and cart them the eighty miles from his home to the spot where Wally and Ron were found. It is pastureland, covered in knee-high buffalo grass broken only by the rare cottonwood grove along a dry creekbed. Likely as not, he will find the field littered with the leavings of those who travel from Pine Ridge to Whiteclay for beer, and he, along with the family and friends who help him set up camp, will spend the first minutes picking Marlboro butts and Budweiser empties from the site. The grass will have grown up over the humble concrete monument to Wally and Ron, and the group will clear that too and offer a prayer over the monument.

There, two miles south of Pine Ridge, a couple hundred yards north of Whiteclay, mere steps from the bootlegger's alley that is Highway 407, they will erect the tipis. It will be quick work, the raising of poles and securing of canvas, and when it is done the workers will gather for another quiet prayer and remembrance of Wally and Ron. Afterward they will eat and rest. Later, they will drive the two miles back to Pine Ridge, where a crowd, probably small, will have gathered with a few handwritten signs demanding justice for Wally and Ron. The group will pray, then march back to Whiteclay at an elder's pace. Arrived, they will bow their heads and offer still more prayers before adjourning and walking the one hundred yards to Camp Justice for venison and Velveeta and Diet Pepsi and anything else people have brought—a feast

**Above: Ben Black Elk near the monument for his brother and cousin; Opposite: Charles "Chaz" Little Bear, part of the Camp Justice movement; Previous page: Whiteclay, Nebraska.**

marking both the end of the ceremonies just observed and the beginning of the vigil at Camp Justice. With the food will come harsh talk about the leaders, Oglala and wasicu, who allow Whiteclay to exist—but also jokes, for laughter is the seditious substance of choice in Indian Country. Eventually those who have died in Sheridan County will be remembered, one for fixing a carburetor everyone else had given up on, another for an unstoppable hook shot, another for his way with children. When the visitors have driven away and conversation has failed and night fallen, the campers will retire to badly worn camp pads and fall asleep to the hum of beer-runners' balding radials. Next morning they will wake stiff, grateful for the strong coffee that someone has brewed over a hissing camp stove that threatens to fail but does not. The day will bring much the same as the one before, less the march on Whiteclay, as will the following day. Their vigil will last a week, maybe two or three, before the camp is retired. Next summer they will begin again.

What began as protest has become rite, a ceremony performed in obligation to the dead, the living, and unborn. It is work, a duty, and its doers believe life depends on it. In seeing it through, Tom Poor Bear has given the problems of the lost Extension a care that is both specific to current troubles and, in the tradition of his elders, unswerving. With repetition, his vigil has become ritual and he has, perhaps, brought a measure of holiness to a place that has gone without it for five score years. 🐾



## Four Poems

BY J. D. WHITNEY

### Cousin Mosquito:

I apologize  
for interrupting  
your  
    dinner  
with death.

### Cousin Bullfrog:

What you say  
at night  
    looking  
for love—  
    I  
tried it  
& it didn't  
work.

### Cousin Loon:

We think you  
sad  
    but  
what do  
we know.

### Cousin Vulture:

Wait.  
    I'll  
meet you later.