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May 9, 1973

MEMORANDUM

TO: Jerry T. Verkler, Staff Director
FROM: Gerald R. Gereau, Professional Staff Member
RE: Major Issues at Wounded Knee

Three separate and conflicting sets of issues underlie the takeover of Wounded Knee on February 27, by members and supporters of the American Indian Movement (AIM) and the Ogala Sioux Civil Rights Organization (OSCRO).

Issues proclaimed by the AIM and OSCRO leadership, the Ogala Sioux Tribal Council, and the Nixon Administration all become working points in continuing negotiations during the volatile Indian crisis. These were, in the order they emerged:

AIM-OSCRO ISSUES

1. TREATY COMMITMENTS: The Senate Foreign Relations Committee must investigate the nature and possible violations of the 371 treaties between the federal government and Indian tribes in order to determine whether the U. S. government has failed to live up to the terms of the treaties.
2. ADMINISTRATION PROBE: A Senate committee must probe the Bureau of Indian Affairs and the Interior Department regarding their handling of Ogala Sioux tribal affairs and those of other Indian tribes, with special scrutiny toward the Nixon administration's handling of Indian affairs, to pull administration policy and practice in line with treaty obligations.
3. QUEST OF TRIBAL PRESIDENT: Utilizing recent alleged grounds for the impeachment of the tribal president,

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Richard A. Wilson, the Interior Department must order the removal of Wilson and the holding of a new tribal election.

4. REFORM OF TRIBAL CONSTITUTION: on the premise that the current tribal constitution formed in 1935 is inadequate to meet the political, social and economic needs of tribal members in the 1970s, the Interior Department must order a tribal constitutional convention to rewrite the Tribal constitution in line with the 1868 Treaty of Fort Laramie.

5. REDRESS OF TRIBAL GRIEVANCES: Alleged discrepancies in the execution of land leasing, welfare assistance, landowners' rights-of-way on their own land, and forced sales of individual land make necessary widespread reforms on policy and practice on the part of the BIA and the Interior Department.

6. OUSTER OF SUPERINTENDENT AND AREA DIRECTOR: claiming that the failures of the BIA and Interior can be laid squarely at the feet of Pine Ridge Agency Superintendent, Stanly Lyman, and BIA Area Director, Wynnann Babby, these two men must be removed for mal-administration.

TRIBAL COUNCIL ISSUES

1. SOVEREIGNTY OF OGALA LAND: No "Independent Ogala Nation" can legally be declared from portions of tribal trust land already enjoying sovereign status under the legally constituted authority of the Ogala Sioux Nation. The seizure of 40 acres of tribal land at Wounded Knee constitutes an illegal seizure of tribal lands, and can legally be met with armed tribal forces.

2. ILLEGAL SUSPENSION OF TRIBAL AUTHORITY: Seizure of all existing authorities by the Justice Department and de facto suspension of all tribal and BIA authorities and business by the U. S. Justice Department constitute an illegal and dangerous usurpation of tribal sovereignty and elected tribal government, and a threat to all existing Indian and non-Indian local governments.

3. WHO SPEAKS FOR THE TRIBE: Non-Ogala AIM members and supporters have no legitimate right and no proper responsibility to air grievances or common problems faced by Ogala tribal members. A legal, constitutionally elected tribal

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government, both responsive and responsible to its' tribal members, has that right and duty.

4. **INVASION BY NON-RESIDENTS:** Under existing tribal rights, the multitudes of non-Ogala activists, liberal churchmen, federal marshalls, FBI agents and employees of the Interior Department, together with members of the worldwide and national media have no exclusive right of free access on the reservation without the consent of tribal authorities. Tribal authority includes the right to govern entry and exit on tribal land, and the right to expel "undesirables!"

NIXON ADMINISTRATION ISSUES

1. **HALTING OF INDIAN MILITANCY:** Indian militants comprise a "revolutionary Indian element" involved in symbolic actions arising from attempts to redress the bloody Indian past. They are not representative of the Indian population at large, are criminally oriented, and must be stopped by criminal prosecution-before they create more havoc throughout Indian America.

2. **LEGITIMATE INDIAN LEADERSHIP:** The Nixon administration is intent on dealing only with elected Indian leaders on Indian reservations and elected Indian leaders of non-reservation-groups and associations. The administration currently contends it cannot contract with or serve any but such constituted groups.

3. **QUELLING DOMESTIC DISORDERS:** The Justice Department, not the Interior Department, is the proper agency to handle domestic disorders occurring within any minority in the nation. Infractions of public law require responses from law enforcement officials, not policy-makers from any other department in government. The Justice Department further has the right to pursue prosecution of offenders any where within the external borders of the United States.

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