

Archival Research Project

HS 233: Native American History
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The mid to late twentieth century rise in Native American activism and awareness surrounding the approval of the Indian Civil Rights Act, the Indian Self-Determination and Education Assistance Act, and the rise of the American Indian Movement, reflects the increased government-supported sovereignty and American racial acceptance. The *Nishnawbe News* newspaper's original run from 1971 to 1983 reflects this increase, as it became the second most distributed native-orientated paper and achieved critical acclaim from two major publishers.¹ While modern attempts to restart the paper have somewhat succeeded, the same issues that constrained the original publication, primarily funding, still impose limitations. These selected articles of the August 1975 to December 1976 publications show the themes of land rights, treaty rights, legal authority, and corruption in contemporary Native American history.

Native peoples have been fighting to control their land rights since the first treaty with a white man. "Indian Mounds being Desecrated" by Timothy Harper of Madison, Wisconsin, published by the *Nishnawbe News* in December 1975, shows this.² It is a perfect example of how white people uneducated in related fields are ill-equipped to deal with issues as serious as Indian burial grounds and historic sites. Ed Manydeeds, a Sioux Indian, filed a complaint against the Lake Barron County Historical Society for not maintaining the Indian mounds along the edge of Prairie Lake in Barron County, Wisconsin. Indian mounds are Holy grounds, often serving as burial plots, ceremonial centers, and prehistoric territory markers. This particular county is known for hundreds of burial and territorial mounds. The weeds on the mound were overgrown, and people often used it to drive off-road recreation vehicles. Mel Jensen, president of the Historical Society, admitted to receiving the letter and phone call from Ed Manydeeds but

¹ Gabe Waskiewicz, "The Beginning of Nish News," October 2013, <https://nmu.edu/nativeamericanstudies/anishinaabe-news>.

² Timothy Harper "Indian Mounds Being Desecrated" *Nishnawbe News*, 1975.

claimed the county only received control of the land last year, and the burial Mound was not under the county's care for long enough to have completed any maintenance work, Mel said by 1977 the county has plans to erect a fence and proper signage. The Mound, as an important cultural monument from pre-colonization days, is federally protected, and considering the tumultuous and racist history regarding the identification of the mound builders, worthy of special consideration. The action of white men taking native lands and not holding up their end of the agreement when the time comes is not new. The desecration of burial mounds and cultural heritage is an issue that has persisted since colonization. In 1966 the US Congress passed the National Historic Preservation Act to preserve and protect historic and sacred sites. This shows the changing cultural ideas regarding native peoples and how going forward the United States should aims to preserve and protect the sacred and historical. This is a drastic change from the destruction and assimilation policies that preceded it, as shown by the building of dams and infrastructure projects, like the Hoover Dam, and the leveling of ancient burial mounds for white land use. Destroying or not properly restoring and protecting sacred sites can cause significant damage to native people's cultural heritage.

The second article relating to the themes of treaty and land rights is called, "Treaty Lawsuit With U of M and Tribes Is Pending" by an unknown author. This article was written in the fall of 1975 and it describes how the Chippewa, Ottawa, and Potawatomi (or the Plaintiffs) on behalf of Paul J. Johnson, who is a mixed Chippewa-Ottawa, tried to confront The University of Michigan into continuing to let tribal members from Michigan have fair access to an education at the university. The University of Michigan was given the land as part of Article Sixteen of the Treaty of Fort Meigs in 1817. It stated that the tribes would give acres of land to

the university with the understanding that the school would allow and encourage the education of tribes at a college level. In the end, the court held that the state was under no obligation to fund tribal tuition assistance, and the land was given away with the native peoples of the state having gained little in educational benefits.

The treaty lawsuit shows the themes of treaty and land rights because of how these three tribes lost their land on the false promise of educational benefits from the University of Michigan. Their lack of initiative towards improving education encouraged the native people's view of how the University of Michigan was not following the terms of the Treaty of Fort Meigs and the state's lack of supplemental support.³ Relating this to other historical events, this article reflects the changing cultural ideas shown in the contemporary Indian Self-Determination and Education Assistance Act of 1972 and the Michigan Indian Tuition Waiver Program, in 1976. The case, like the Act and Program, attempted to fix the dysfunctional, patchwork system that had previously governed Native American education by pressuring the university to abide by the treaties it set with the plaintiff tribes.

The Dennis Banks case demonstrates the themes of corruption and legal authority during this period with particular viciousness. The case involves unprosecuted rape, rampant abuse of the legal system, criminalization of peaceful attempts to seek justice, and a challenging legal question about a state's right regarding interstate extradition of criminals.⁴ The instigating incident behind this case was the murder of Wesley Bad Heart Bull, and it has roots in a long history of violence against Natives in South Dakota. In order to adequately explain the context of

³ "Treaty Lawsuit With U of M and Tribes Is Pending." *Nishnawbe News*, 1975.

⁴ "Why Does Dennis Banks Seek Sanctuary In Calif." *Nishnawbe News*, 1976.

the case we will first need to discuss another case that occurred a few years earlier, the rape of Jancita Eagledeer by William Janklow. Jancita Eagledeer was a fourteen-year-old native girl from the nearby Rosebud tribe. While being driven home from a babysitting job she was assaulted at gunpoint by William Janklow. She reported the assault, but William Janklow used his position as director of legal services to block any investigation into the assault.

This is where Dennis Banks enters the situation, as he led efforts alongside the Rosebud tribal court to punish William Janklow. Although it was not binding because the tribal court had no jurisdiction over non-tribal members, it was clear William Janklow was agitated by this. Later, when Wesley was murdered an all-white court acquitted his killer, who had only been charged with second-degree manslaughter. This, naturally, upset his family, and Dennis Banks helped to organize a meeting between Wesley's mother, tribal officials, and local county officials to discuss the matter. The county leaders never arrived, and police used tear gas and billy clubs to beat those assembled outside, labeling the situation a riot. A similar incident happened at a trial where Wesley's mother was charged with inciting the riot. Dennis Banks had been accused of various crimes for his involvement in these incidents. When he went to trial, not only was he put before an all-white jury, but he ended up dismissing his lawyer, who admitted that William Janklow, having been promoted to the attorney general of South Dakota, had put pressure on him to throw the case. Facing a judicial system run by a man who was able and willing to twist it to convict him, and an atmosphere of hatred that had resulted in several murders of natives already, Dennis Banks fled to California. At the time of the article's writing, Dennis Banks was in the custody of the state of California, having been arrested by a team of 35 FBI agents. The incident's time in court is evidence of a pressing legal issue about the authority of tribal courts.

The injustice to the victim of the original crime and those that later protested is an obvious misuse of authority.

The murder of Wesley Bad Heart Bull, the activism of Dennis Banks, and the events at Wounded Knee are often discussed, but the focus is usually placed on the Wounded Knee occupation, with each story framed in how it related to the siege. This article serves as excellent context in the lead-up to the occupation because it emphasizes the specifics of the cases and how they tie into the common threads of Dennis Banks's activism. Details that add new elements to the story, such as the jury that acquitted Wesley's killer being all white, that the meeting which resulted in the "Custer Courthouse Riot" was intended to be a peaceful meeting between tribal leaders and county officials, the unpunished assault of Jancita Eagledeer, and William Janklows meddling in the courts are all usually absent from accounts. Taken together, these stories show the corruption of the courts involved and how maintaining white power structures was paramount, even when it meant excusing or engaging in violence against innocent people.

These articles from 1975-1976 only show a small view into the involved people's lives. They also reflect the historical themes of land and treaty rights, autonomous authority, corruption in native and adjacent communities, and the contemporary and continuing importance of activism for Indigenous American rights.

Bibliography

- Timothy Harper “Indian Mounds Being Desecrated” *Nishnawbe News*, 1975.
- H. Cooper “The Aborigines & A History of Indian Burial Mounds in Barron Co.,”
<http://wigenweb.org/barron/communities/burialmounds.htm>
- “Treaty Lawsuit With U of M and Tribes Is Pending.” *Nishnawbe News*, 1975.
- “Why Does Dennis Banks Seek Sanctuary In Calif.” *Nishnawbe News*, 1976.
- Waskiewicz, Gabe. “The Beginning of Nish News,” October 2013.
<https://nmu.edu/nativeamericanstudies/anishinaabe-news>.