

Old Indian Refrain: Treachery

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on the Potomac

By Les Whitten

WASHINGTON — At about 8:45 Wednesday morning, Jan. 31, I received a telephone call at home from Hank Adams, a young Indian leader who had taken part in the occupation of the Bureau of Indian Affairs building last November.

When the Indians all but razed the building and departed with tons of documents and other stolen material, Adams stayed behind in Washington to continue to talk with the Federal Government.

He was beginning to have success. The Indians were giving up some of the stolen materials, and Adams, as evidence of good faith, was passing it on to the F.B.I. He was satisfied he could put major stashes of the documents into Federal hands within a few weeks, and in late January had advised B.I.A. officials that the return of documents was "in the process of happening."

Because I had written a series of columns about the contents of some of the other stolen papers, Adams notified me of the arrival of the cartons.

The 8:45 A.M. call from Adams was disappointing. He said the material was not newsworthy, but was important to have in the B.I.A. files where all tribes could consult it. I offered to help him transport the cartons. He told me he had a ride.

I skipped breakfast and hurried over to Adams' apartment house. There, the person who was going to give him a ride had not showed up, and we decided to use my car. He called his contact at the B.I.A. and said he was "on the way." The three cartons were

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marked with the name of an F.B.I. agent to whom Adams had earlier returned some of the stolen material. Adams knew the B.I.A., after receiving the cartons, would probably call in the F.B.I. or send them to the F.B.I. for examination.

Just as we were about to load the cartons into my car, a flood of F.B.I. men descended on us. I produced pen and paper to make notes. These were snatched from my hands and replaced with a set of handcuffs.

The arrest was made on the basis of information furnished by the "Indian" whom Adams had expected to chauffeur him and the papers to the B.I.A. that morning. The "Indian" turned out to be an undercover Washington policeman. The F.B.I. agent to whom the boxes were addressed made a complaint.

We were driven to an F.B.I. office downtown where my notes were returned. I was fingerprinted and photographed, although throughout, with the single exception of the notes episode, the agents treated me courteously.

Finally, I was taken before a Federal Magistrates Court. After being released on my personal recognizance, I left the custody of the marshals to brood on how a 44-year-old reporter came to be facing 10 years in prison and a \$10,000 fine for trying to report the news.

The charge against me is that I "did unlawfully receive, conceal and detain three cardboard boxes of Government documents, books and records, with intent to convert the said property and records to (my) own use or gain."

As it happened, this particular group of documents included old legal opinions, land records and, ironically, a volume of the U.S. Code. These were of no "use or gain" to me as news or anything else.

But if I had been getting them "with intent to convert them to (my) own



use," what would the use have been? It would have been to chronicle this nation's shameful betrayal of its native Indian people.

Such a "use" of Government documents—stolen or not—has been protected by the Constitution and has been respected until recently by those responsible for upholding it. Now all that is changing.

The Government is asserting ownership of documents—and the contents of documents—in a systematic effort to hide its dealings from the people. The only reason to arrest a reporter with documents is to keep the information away from the public, because a reporter has no use for the documents except for his stories.

My arrest signals a new step in the Government's ownership of the news, of the information in official documents. It is chilling to think that the Administration had this utter contempt for the Constitution and for reporters who try to tell the public about the frequent failings of government.

Yet even more chilling is the fact that so few in the press itself (but, God, how welcome those few are) have spoken up about my arrest. If the press will not defend itself, can there be any hope at all?



By Vine Deloria Jr.

WASHINGTON—Last week agents of the Federal Bureau of Investigation arrested Hank Adams, an Indian activist, and Les Whitten, a reporter, as they were loading cartons of Government documents into Whitten's car to return them to the Bureau of Indian Affairs. The records had been part of the Government documents taken by the Indian participants in the Trail of Broken Treaties protest in November of last year. The arrest of Adams deserves more than casual attention by the people of America because it illustrates too eloquently the established practice of the Federal Government in dealing with Indian leaders.

Adams was not an original participant in the protest of last November. He came to Washington to finish a book that he was writing. As the protest gained momentum and Federal marshals began to threaten the Indians occupying the Bureau of Indian Affairs headquarters, Adams came forward and offered his services as mediator for the activists in hopes of preventing bloodshed and violence. For three days he patiently negotiated with the White House Task Force established to work with the Indian protesters. Adams was well on the way to finding a solution to the problems of the occupation which plagued hotter heads among the Administration and the protesters.

When everyone headed home, thanks

in part to the generous travel money provided by the Nixon Administration, Adams felt a keen responsibility to the Indian tribal governments and offered the use of his services to both the protesters and the Government to achieve the return of the documents taken as a ransom to insure unmo- lested travel homeward by the protesters. For nearly a month, Hank Adams called, begged and pleaded with the scattered groups of Indians to return the records that are of vital importance to the tribes. For his concern he was vilified by the elected tribal officials and cursed by White House assistants. Yet within the month Hank Adams had won the confidence of the protesters so that slowly but surely the documents were being returned.

Last week, as he was returning the first major shipment of records to the Bureau of Indian Affairs, Hank Adams was arrested. The F.B.I. agent who had already accepted two shipments from Hank swore in the affidavit supporting the warrant for Hank's arrest that Adams intended to use the records for his own personal use. Everyone in Indian country, assistants at the White House, and agent Dennis Hyton knew that Hank was merely acting as a conduit for return of the stolen materials and records.

It is an old story to American Indians. Osceola the Seminole war chief could not be defeated in combat so the United States Army arranged to capture him during a truce and as Osceola stood under a white flag he was taken prisoner and died from the wounds inflicted by his captors. Crazy Horse, undefeated Sioux war chief and the greatest man the Sioux Nation ever produced, was enticed to surrender at Fort Robinson, Neb., and

arrangements were made to assassinate him. He died shortly after his surrender, bayoneted in the back as his arms were held by two American soldiers. Sitting Bull, noted Sioux holy man, was assassinated during an arrest by Federal police. Satank, extraordinary Kiowa leader, was killed by soldiers while on his way to an Army prison. It's an old, old story for American Indians.

And now Adams, the only person trying to obey the law, the only person sensitive enough to care that the records were returned, is charged with possession of stolen Government documents. Stolen documents! Hank Adams is the only person concerned with returning the documents. Not the White House, not the Interior Department, and not the elected tribal leaders. No one else cares.

Arrest the man. But arrest him for the crime of responsible citizenship of which he is surely guilty. Or for the crime of humanity in which he has surely participated. There must be a thousand crimes of which he is guilty—sensitivity, intelligence, concern, thoughtfulness, integrity.

We are so few in a nation of strangers and our crimes are so monstrous. Hospitality, congeniality, friendliness and trust. And we are without a champion to plead our case. The practice of treachery is not needed, for our only weapon and our only defense is our simple humanity. Treachery can never conquer that.

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