The Battle of Whiteclay

An abridged excerpt from the upcoming nonfiction book, *A Cold Night in Gordon: Life and Death Among the Nebraskans and the Lakota*

By Stew Magnuson

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They gathered under the blistering July sun to march on the town of Whiteclay, Nebraska.

Population 22.

Unincorporated.

Two thousand Oglala Sioux. Women, children, the elderly. Some were pushing baby carriages. Old men walked with canes. A few were riding horses. Others were American Indian Movement activists—AIM members, middle-aged men and women—wearing T-shirts commemorating their glory days. Some were angry young men hoping for a fight. Reporters and TV crews tagged along, wondering if there would be any violence again.

They stood at the beginning of a two-mile stretch of highway in South Dakota that led south to the nearby Nebraska border. Ahead of the marchers, Route 87 passed through Whiteclay, a blink-and-you'll-miss-it-town, and continued into the farmland and ranches of Sheridan County, Nebraska. The road passed over the Pine Ridge that gave the reservation its name, until it ended 28 miles later, just west of Rushville, another Nebraska border town. But they wouldn't be marching that far. Their destination was Whiteclay—a town of two restaurants, one pawnshop, two grocery stores and four off-sale beer stores. Combined, the four merchants sold 4 million cans of beer per year to customers from the reservation where alcohol was prohibited.

After an hour of speeches, the marchers assembled outside Billy Mills Hall—a multi-purpose community building that had seen better days—while the asphalt soaked up the sun's heat, sending the excess energy up in shimmering waves. They unfurled the red and white Oglala Pine Ridge tribal flag and raised their protest signs.

Justice For Hard Heart

Remember Crazy Horse

Metcalf Lakota Killer!

After a spiritual leader led them in prayer, they turned south and began to walk.

They could hear the Nebraska State Patrol helicopter thumping two miles ahead, circling Whiteclay like a red-tailed hawk. Below, 109 state patrolmen, dressed from head-to-toe in black, began to mobilize. Reservation police there to reinforce the Nebraskans picked up their riot shields and batons, then marched in military formation to the state line.

Everyone feared the angry young men. The leaders pleaded that morning in Billy Mills Hall for a peaceful, prayerful march. One week before, the same angry young men

ran into the ramshackle town of twenty or so buildings, set a grocery store on fire, stole a fire truck, and relocated the "Welcome to Nebraska" sign to the other end of town where they thought it belonged. They were fueled by righteous anger, hopelessness, and the rare opportunity to add some excitement to the soul-crushing boredom on "the rez." This week, the state patrol was determined not to let that happen again.

"Walk slowly for the elders," a leader called through a bullhorn as they started the slow procession.

Out front, one-time AIM leader Russell Means led the march. He wore two ponytails braided past his shoulders and a black T-shirt with a picture of a round Wile E. Coyote cartoon bomb with its fuse lit, ready to explode, the words Talk is Cheap written underneath. He had a long, striking face and wore dark sunglasses. He looked like a damn movie star. Hell, he was a damn movie star. Or a movie actor, at least.

Walking alongside Means was the portly Clyde Bellecourt; his gray hair tied back in a ponytail. Next to him, the gaunt, bespectacled Dennis Banks. Both he and Bellecourt were longtime AIM activists from the Ojibwa nation in Minnesota.

Twenty-seven years ago, Banks, Means and brothers Clyde and Vernon Bellecourt were angry young men themselves when they led a march into nearby Gordon, Nebraska, to protest the death of Lakota ranch worker Raymond Yellow Thunder at the hands of four white men. They were little-known leaders from a little-known organization then, but after Gordon, everyone on the reservation knew their names. The movement would go on to lead an occupation of Wounded Knee village for 71 days. The legendary leaders hadn't worked together in two decades, but now they were marching into Sheridan County again to demand justice for two more Indian deaths.

On the other side of Means, Tom Poor Bear strode down the highway wearing a black moustache, a black vest and a white T-shirt commemorating the occupation. He'd shorn his ponytail off, a traditional custom when mourning. His half-brother, Wilson "Wally" Black Elk, Jr., and cousin Ronnie Hard Heart had been found murdered on the South Dakota side of the border in a ditch a few yards from Whiteclay. Poor Bear was a 16-year-old high school student in 1972 when he heard Means, Bellecourt and Banks speak in Gordon. The next day he quit school and devoted his life to the cause. After the murders, he called the Minnesota-based AIM leaders to help him demand justice. He didn't call Means, though. He just showed up. And then a riot broke out.

A woman reporting for an Omaha newspaper sidled up to Means to ask him what it was like working with director Oliver Stone in the movie Natural Born Killers.

"It was a great time," he said, smiling as he chatted about his Hollywood experiences.

Means didn't trust "the white media," but he was glad they were there. Without the cameras, the state patrol would probably beat the crap out of them, he thought.

The confrontation ahead would be the latest story in the shared 130-year history of two peoples, the Oglala Lakota of Pine Ridge and the whites of the Sheridan County border towns. The prejudice, fear and misunderstanding, like Highway 87, run both ways.

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On top of the soil, mingled among the dry summer grass in the ditches where the marchers pass by, lay thousands of aluminum cans. Budweiser, Miller, Coors, lager, lite beers, and malt liquor. Some are covered by the weeds; others lie glistening in the sun. In

the middle of the night, drinkers toss the cans out their car windows. They hit the pavement and roll around in the cool air until the front wheel of a second car smashes them flatter than fry bread. And there they sit for weeks until sheer physics—wind, rain, gravity—budges them over to the shoulder. Some of the cans make it into the ditch; there until the mower makes his monthly pass and shreds them into twisted, jagged pieces. Dark amber bottles find their way into the ditch, too. Some shatter on the asphalt, the paper label holding the fragments together until rotting away, scattering the glass chunks like rocks in a stream.

Underneath the grass lies the litter of 120 years. Dig beneath the cans, and dark amber 40-ounce bottles appear, some still wrapped in their decaying brown paper bags; deeper still, the pull tabs from steel cans, rusting away. Next come the pints of fortified wine—Mad Dog 40/40, Muscatel—sold for decades by a legendary Whiteclay bootlegger from her back window. Several feet down, back when the road was gravel and curvy, the drinkers tossed clear glass whiskey flasks from their horse-drawn wagons. For as long as the Oglala have been here, Nebraska merchants across the border have sold alcohol to the dry reservation.

Whiteclay sits in a section of Sheridan County called the Extension. And that's what it once was, an extension of the reservation. The Oglala's first agent, Dr. Valentine McGillycuddy, asked Washington shortly after the tribe arrived in 1878 for a strip of land south of the town of Pine Ridge to act as a buffer between nefarious whiskey sellers and the Oglala. Since 1834, a federal law prohibited sales of alcohol to Indians, but that never prevented bootleggers from making an illegal buck. A "whiskey ranch" set up shop just over the Nebraska state line, close enough for the devout Episcopalian agent to hear the men whooping it up on warm summer nights. In 1882, President Chester A. Arthur granted McGillycuddy's wish and signed an executive order creating a ten-mile long, five-mile deep buffer zone. A clause was inserted later in the Treaty of 1889 stating that the land could only be returned to Nebraska through an executive order and with the consultation of the tribe.

Ever since the settlers arrived in 1885 and established Sheridan County, the Extension bothered the whites like a burr in their boots. All that good land sitting there undeveloped! By 1904, John Brennan had replaced McGillycuddy as the Oglala's agent. His burr in the boot was William H. Westover, a politically connected circuit judge who had been agitating for the return of the land for years. Brennan waged a constant war with Sheridan County bootleggers to keep booze out of the hands of his charges. He accused Westover and the county's law enforcement of doing little to enforce Indian prohibition, but in truth, neither he, nor anyone else, would ever stop the flow of booze into Pine Ridge. Hopelessness, poverty, grief — they fueled a demand that would never slacken. Brennan had even caught the wagon driver who hauled mail to the reservation from Rushville smuggling whiskey.

For weeks, Brennan and the tribe's elders had been hearing reports that Washington was contemplating returning the Extension to Nebraska. He sent several telegrams to Bureau of Indian Affairs Commissioner William Jones asking if it was true. He told Jones the tribe would be willing to pay for the land with money from its trust account. His entreaties were met with silence.

Back in Washington, Jones, at the urging of an influential Nebraska congressman, Moses P. Kinkaid, walked into a private meeting with President Teddy Roosevelt. What kind of deal was made behind closed doors has been lost to history, but when Jones left

the Oval office, he had an executive order in hand returning the Extension to Nebraska.

A few days later, one of the tribe's policemen barged into Brennan's office. Settlers were swarming over the Extension staking claims. Brennan was shocked. He galloped the two miles down to see for himself. By the time he arrived, white traders licensed to do business on the reservation had abandoned their stores and grabbed the prime land.

Not only had the Oglala not been consulted, as the treaty demanded, Washington hadn't even bothered to inform Brennan. He was apparently the only white man on the prairie who didn't know in advance that the Extension had been lost.

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The marchers stopped a few hundred yards outside the town where the bodies of Black Elk and Hard Heart were found. The victims' families walked down into the tall grass among the thistles and grasshoppers to pray. The state patrol helicopter thumped overhead as those remaining on the road eyed the line of men dressed in black riot gear.

The elders didn't want any trouble. President Bill Clinton was due to arrive within four days. He would be the first sitting president to visit an Indian reservation in 63 years.

On KILI radio the previous day, Bellecourt told listeners that AIM didn't want any violence in Whiteclay. They wanted the president to come and see the poverty for himself and to hear their grievances. Bellecourt had organized a security team of AIM members to make sure the angry young men didn't get out of hand as they had last week. He and Poor Bear had already met with the state patrol and other Nebraska officials to assure them they were going to pray at a designated spot north of the police line, make some speeches, and return to the reservation. Nobody wanted to scare Clinton away, he insisted.

Except Russell Means.

Means and the other AIM leaders had been butting heads for the past 30 years. Earlier in 1999, the organization's website proclaimed him an ex-member. He was an avowed Libertarian and didn't give a damn if the "sleaze of all sleazes," as he called Clinton, came to Pine Ridge. He also didn't care how many cans of beer Whiteclay sold to the reservation per year. He didn't want to see the four package stores shut down. It was everyone's right to drink if they wanted. But Roosevelt's actions broke a treaty, Means believed. Whiteclay was Oglala land, and it should be returned.

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The sun was already cooking the troopers inside their riot gear when their captains ordered them to put on their gas masks. German shepherds panted in the waist-high grass. Four snipers deployed on four rooftops aimed their scopes on the mounted protesters, ready to take out a horse or shoot a car wheel if they tried to bust through the lines.

The head of the state patrol, Col. Tom Nesbitt, stood behind the sweaty men monitoring the situation. The short, but muscular Nebraskan had two undercover officers marching with the crowd gathering intelligence. Already things weren't going as planned. Despite Bellecourt's promises, speeches broadcast over KILI radio from Billy Mills Hall that morning indicated that some would bust through the police line in an act of civil disobedience. The undercover officers were radioing in a report of teens picking up rocks and carrying fireworks. Some intended to splinter off and attack the town from the west.

One of his lieutenants ordered the bulk of the troopers to the dirt road that skirted the west side of town, leaving mostly Pine Ridge officers on the highway.

As the marchers approached, only yellow police tape separated the two sides.

"This is the Nebraska State Patrol," a voice droned through a bullhorn from inside Whiteclay. "You are welcome to this portion of Nebraska. You may not cross the yellow-taped line. If you cross the line, you will be in violation of Nebraska statutes and enforcement action will be taken."

The tinny bullhorn crackled again. "This is the Nebraska State Patrol..."

Fifty yards in front of the line, Tom Poor Bear told the crowd to stop. This was as far as they were supposed to go. He knew this was a dangerous situation. He didn't want anyone to get hurt.

"What are you doing?" Means shouted at him loud enough for everyone to hear. "Let them through! Never negotiate away their rights!"

And with that the Oglala let out the war whoops of their ancestors and surged toward the police line.

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Few Nebraska citizens outside of Sheridan County knew about Whiteclay before the grocery store got torched the week before. But the hamlet had been there, for nearly 100 years, doing business with the Oglala, sending its tax receipts to Lincoln, out of sight, out of mind.

The winner of the 1904 Extension land grab was the reservation trader and homesteader William Jacobs. He grabbed two of the best sites for his daughters. Caroline, his eldest, was given the section directly south of Pine Ridge bisected by the dusty road to Rushville. His daughter Sarah took the land directly east, and he grabbed a couple of sections for himself between them. Judge Westover's constant agitation for the Extension's return paid off handsomely. He claimed 320 acres along its southern edge and later sold the parcel for $2,000.

In 1906, Caroline Jacobs married Tom Dewing, and they settled on a farm on her claim a few miles over the state line. They were both good Presbyterians and uninterested in opening up a whiskey ranch. After seven years, Caroline applied for a patent on her claim, and the land became hers to do with as she pleased. Tom began subdividing plots along the west and east sides of the road. Merchants in the new town of Dewing snapped them up for anywhere from $400 to $1,000.

The Dewings made a killing.

The original town of Whiteclay sat on White Clay Creek two and a half miles southwest. It was never much, just a few houses, a church, a graveyard, and a post office. The first Whiteclay became a ghost town as the residents flocked to the prime piece of real estate. If the merchants went belly up, Caroline would sometimes reacquire the plot and resell it to the next merchant. Caroline donated a plot for a new post office to the federal government, but she was most displeased when the Washington bureaucrats refused to change the post office's official name to Dewing. Whether she liked it or not, the Whiteclay name stuck.

Businesses of all kinds thrived in Whiteclay. Ranchers who didn't want to make the long trip to Rushville bought their goods there. And when the Indians had some change in their pockets, and the means to make the trip, they hitched up their teams and

did their business in the town as well. The prices for basic goods were often lower over the state line.

While the all-night, rowdy whiskey ranches Brennan feared never materialized, the hamlet became a primary source of alcohol for Pine Ridge. It wasn't long before two saloons opened their doors. Their legal customers were the nearby white ranchers and farmers. But plenty of booze went out these establishments' back doors to the bootleggers. Vanilla extract and white shellac became popular items in the general stores. The trick was to filter the alcohol-laced liquids into a cup with a few slices of bread on top. What was left in the bottom was diluted with soda pop. It had enough of a kick to get a chronic alcoholic through the day. After Prohibition, moonshiners in a valley south of the Extension set up a still. When the wind blew from the south, the locals could smell the mash wafting across the cornfields. Many Extension farmers made extra money by taking wagonloads of produce up to the agency to sell, so the bootleggers hid the moonshine in an egg cart and made the rounds.

In 1953, the paradigm changed.

The United States government ended the federal law prohibiting alcohol sales to Indians. Individual states and municipalities were still free to keep such laws on the books, but one-by-one, their ordinances, including Nebraska's and Sheridan County's, were dropped. The Oglala Tribal Council immediately voted 13-12 to lift the alcohol ban on the reservation. Twenty applications for liquor licenses arrived within days at the council's door. The tribal government had the authority to lift the ban, but pressure mounted for the matter to be put to a referendum. Two months later, the voters rejected alcohol sales 665-484.

Kelly's Cove and the Jumping Eagle Inn soon became infamous as the two rowdiest dives in Nebraska. Fights. Hollering. Hell raisin'. Bottles smashed on the highway. Puking in the weeds. Deadly car crashes on the curvy, two-mile road between Pine Ridge and Whiteclay. The occasional pop of a gun shot in the air. The residents hoped it was in the air, anyway.

By the 1950s, a new generation of Whiteclay merchants, many with young baby-boomer children, began taking over non-alcohol related businesses. The town always had a thriving legitimate grocery business, and when automobiles began plying the roads, nearly every store featured a gas pump out front. At various times, it had a bowling alley, a pool hall, coin laundry and a regional vending machine company, along with many Oglala residents who found housing there.

The white and Oglala kids grew up and played together, and once a year, a carnival came to town and set up on an empty field on the north end of town. A down and dirty rodeo was also an annual event. It attracted riders from the reservation and Sheridan County alike. It was so low budget, the organizers couldn't afford proper fencing and the bulls would sometimes escape the "arena," causing spectators to jump up on their car hoods to escape trampling before the ornery beasts headed down Main Street.

But the county sheriffs were 25 miles away, and once the sun went down, Whiteclay turned into the Wild West. One crackdown in 1956 resulted in 26 arrests in a 48-hour period. All were for drunk driving or public intoxication. The sheriffs, however, didn't write a single citation to the drinking establishments.

Relative peace and tranquility arrived in 1962 in the form of Jim Talbot. The Nebraska Legislature allocated funds for three deputy sheriffs, one in Whiteclay and two in Pender next to the Omaha/Winnebago reservations in eastern Nebraska. The man for

the job was a local boy, Talbot, who was born and raised on a nearby farm, had run a filling station in Whiteclay, and knew just about everybody on both sides of the border. One of his aunts and two of his uncles had married Oglala, so he had cousins all over Pine Ridge. He and his young family lived in town, and it was his job to keep the peace 24 hours a day. He broke up fights, sent drunks home, and made sure no one passed out in a snow bank when it was cold.

The Liquor Control Commission in Lincoln then approved licenses for two additional Whiteclay beer sellers. Now, there were four. But in 1974, the Nebraska legislature cut off funding for Talbot and his Pender counterparts. The four liquor licenses, however, remained.

The county finally shut down the rowdy bars, but allowed to-go sales. The drinking was now done outside. Fights, robberies, burglaries occurred regularly. Once every few winters, someone would pass out in the cold and die of exposure.

Whiteclay soon became the Little Skid Row on the Prairie.

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Deanna Clarke took one look at Whiteclay and decided she'd never agree to live there. No way, she thought as she sat in her car with her three young boys. Her husband Vic, who was considering buying one of the two grocery stores, had walked across the road to check out the potential competition.

By 1992, the town was a dump. Abandoned, unpainted stores lined the streets. The owner of the vending machine business had died, and his properties had fallen into ruins. A brick house on the south end of town was a red, empty shell. The dangerous, curvy highway from Pine Ridge had been straightened out, but on the Nebraska side, this was the end of the road. The last place to be plowed in the winter. The last place road crews fixed potholes. Crushed beer cans littered the parking lots. Street people, as rough looking as the buildings' facades, eyed Deanna's car while her three young boys sat nervously in the backseat.

The Clarkes had driven up from Brush, Colorado, to look into buying Randy's Market; Donna and Randy Thies' grocery store. They'd run the business for 39 years, but were ready to retire. It was a Sunday, and Vic didn't know the store would be closed and the Thieses gone for the day.

The street people were circling her car, checking out the blonde, white woman and her fair-haired, pre-teens. Finally, a man tapped on the window.

"You think you could spare 50 cents?"

She fished around in her purse for some change, handed some coins to the man and a few of his buddies, then rolled up the window.

Vic had a dream to be his own boss. He'd been a grocery man all his life, working for Safeway, moving from town to town as frequently as a military family. He'd heard about Randy's being for sale, and he couldn't wait to drive up and see it for himself. He popped out of the Jack and Jill across the street all fired up. Vic was a short, but hard-charging man, ambitious, with a Type-A personality, and he knew the grocery business. By the time he jumped back in the car, he'd made up his mind.

"If we can get even half the foot traffic as the Jack and Jill, we could make a go of it."

Deanna didn't think she'd ever agree.

She didn't have a problem living near Pine Ridge. She'd grown up near the Cheyenne River Reservation in South Dakota. Her father was a teacher in a day school there, and her mother the cook. Her uncle had married a Yankton-Yanktoni tribe member, so she had first cousins who were Lakota.

She just didn't like the look of the place.

It was a dirty, small town.

At Vic's insistence, they drove back to Whiteclay a few weeks later to meet Randy and Donna. The Thieses were a throwback to the small town merchants of yesteryear whose homes and businesses were in the same building. Deanna loved the two-story residence found through the doors of the small grocery store. Randy and Donna told them they'd raised seven children there, and she began to believe that moving to Whiteclay might work.

The Clarkes bought Randy's Market, changed the name to VJ's, and settled into life at Whiteclay.

One day, Deanna looked out her back window and spotted Ronnie Hard Heart playing baseball with her boys. As the kids practiced pitching, Ronnie squatted down to catch, but he was so drunk he kept falling over or missing the ball entirely. The boys were ticked off, but Deanna, had to laugh.

Whiteclay attracted a steady group of street people, and Hard Heart was one of the regulars. Every day, men and women wandered down from the reservation, and panhandled from customers, trying to pool their money to buy beer and cigarettes. Sharing remained a part of Lakota culture, and when the street people spotted relatives, they would hit them up for some small change or a can of beer. The street people didn't account for the 4 million cans of beer sold every year. They were lucky to scrounge up a can or two of malt liquor a day. The real money was made by selling cases that were hauled back north hidden in car trunks. The amount of beer that went north was staggering considering the official population of the reservation, only 18,000, although some said the number living there was higher. But then, Whiteclay beer was only the closest source of alcohol. Hard liquor was readily available in Rushville, Gordon, and Chadron. Swett and Martin, South Dakota, on the eastern side, sold carloads of cases at a time as well.

For most of the 1990s, Hard Heart was a fixture in Whiteclay. The slight man with no meat on his bones was the son of a medicine man, Edward Hard Heart. When Ronnie was young he wanted to follow in his father's footsteps, but when he passed away suddenly, Ronnie lost direction. He was baptized into the Mormon Church when he was twelve years old, and went to Idaho to attend a Mormon school and live with foster parents, but he grew homesick and returned to Pine Ridge when he was 13. He joined the Job Corps program, which sent him to Montana, but he once again began to miss Pine Ridge and hitchhiked back. He never graduated from high school and started getting into trouble with the law, twice serving two-year stints in prison.

Whiteclay became Ronnie's world. He lived in abandoned houses and once took up residence in a dried out well. All the storeowners liked him. When Deanna saw Ronnie playing catch in the backyard, she wasn't worried at all. He was harmless.

Mildred Reeves at the H & M Mini Store knew him best, though. Her husband Howard had passed away, and she was running the small grocery and beer store by herself with a few Oglala employees. Ronnie would do odd jobs for her without asking for money. He called her "Mom."

Because of his size, she thought the bigger guys took advantage of him. The bullies would make him go inside the stores to beg for change or force him to sell stolen goods. Arguments and fights were a common occurrence among the Whiteclay regulars, and Ronnie was on the receiving end of more than a few beatings. Later in the day, he'd be spotted with the same men who whipped him, sharing a beer and a cigarette.

No one was sure why Wilson "Wally" Black Elk began hanging around Whiteclay the summer of 1999. He graduated from Pine Ridge High School and went to work as an itinerant mason, traveling from job to job until he became a tribal policeman in the 1980s. He quit that and moved to Montana where he married and started a family. He spent about seven years in Montana until the marriage ended, returning to South Dakota to work construction jobs when he could find them. He often stayed at Tom Poor Bear's house where he babysat his nephews to help out. The term "half-brother" was meaningless to the two men. The same mother raised them under the same roof. They were simply brothers.

One day, Wally discovered the Body of Christ Church. He'd always been a spiritual man, living on the straight and narrow, going on an occasional Whiteclay bender while pursuing an aimless life. For months, the church was all he talked about, almost to the annoyance of those around him. And maybe that was what first brought him to Whiteclay. Maybe he was there to save souls on behalf of the church. Whatever the reason, someone, somewhere in Whiteclay gave him a beer, and the town sucked him in like Niobrara River quicksand.

One day in early June, Wally and Ronnie stumbled in front of Ronnie's sister's car as she was driving through Whiteclay. They were both so drunk, they didn't even recognize her.

On Saturday night, June 6, 1999, a vicious summer storm swept over the town, and Mildred let Ronnie and a few other street people stay in the H & M store until it passed. He said "thanks Mom," and walked out into the night. "Mom" never saw her right hand man again.

A few days later, in the ditch along the unadopted road, where thousands of empty, shredded beer cans, Muscatel bottles and whiskey flasks lay beneath the surface, among the tall, summer grass, Ronnie and Wally's bodies were found.

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The vicious storm that had pounded Whiteclay also spawned a deadly tornado that cut through the village of Oglala on the west side of the reservation. Poor Bear was unloading donations for the storm's victims when he heard about the two bodies.

Poor Bear was the sergeant-at-arms for the tribal government, so he dropped what he was doing and drove to the state line to check out the situation. As he pulled up on the shoulder and looked down into the ditch, he was shocked to see 20 to 30 people poking around. None of them had any business being there, except the tribal investigators who hadn't even bothered to put any tape around the now corrupted crime scene. The bodies lay under blue tarps, so he didn't know the victims were his kin.

Later that afternoon, the police asked him to go to the hospital and identify Wally's body. At first, he couldn't believe corpse in front of him was his brother. The denial turned to grief, the grief to anger.

He made a call to Minneapolis. Poor Bear had been a proud member of AIM his

whole adult life. After the Wounded Knee occupation, he served as one of Means' bodyguards, but Poor Bear was among many in the movement who'd had enough of the mercurial leader's camera-hungry ways. Some said Means had gone "Hollywood" because he'd starred alongside Daniel Day-Lewis in the hit movie Last of the Mohicans. Despite these accusations, Means lived part-time in Porcupine, the heart of the so-called traditional side of the reservation, about as far from Beverly Hills as one could go in America.

Poor Bear wanted to organize a March for Justice for Ronnie and Wally. He called Banks. He called Clyde and Vernon Bellecourt. He never called Means, though. But the activist/actor showed up anyway.

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June 26, 1999

The seats were full at Billy Mills Hall, the multi-purpose gymnasium named after the legendary Lakota Olympic gold medallist. Twenty-seven years ago in the same building, Means, Banks and the Bellecourts had rallied their followers to march against the town of Gordon.

Banks whipped up the crowd.

"We're up against people who think it's OK to kill Indian people. They think it's OK because they'll get away with it....We'll go after these people who killed these people. And when we find them, we're going to get justice...I believe we're looking at some hate crimes and I think the members of the Klan are involved. AIM is going to start something."

"We came in '72 and said we were sick and tired of the abuse. Now, again, we have to rise up and say we're sick and tired of this treatment, of this abuse! STAND UP IF YOU'RE SICK AND TIRED OF THIS ABUSE!"

The crowd jumped out of their wooden bench seats and roared.

They hadn't invited Means, but he was still their best orator. He evoked the name of Raymond Yellow Thunder. He told the audience, filled with teens and some adults too young to remember, how AIM marched into Gordon to demand justice.

"The Oglala people stood up and said 'that's enough,' and took over Gordon for two days...I was here in 1972 to stop this stuff so my grandchildren wouldn't have to go through it! All those people we taught a lesson to in 1972, they've all died or retired. So we've got a whole new generation of racists growing up!"

On a cold February night, four white men beat Yellow Thunder, stripped him from the waist down, shoved him into the back of a car trunk, then tossed him half-naked into the American Legion Hall during a dance. Eight days later, he was found dead in the back of an old truck. AIM, little known outside Minneapolis and a few major cities, marched into Gordon to protest the death. The incident brought the movement to the reservation for the first time. A dirty war between the militant organization, the FBI, federal marshals and the corrupt tribal government followed. The occupation of Wounded Knee, the execution-style killing of two FBI agents, then the mysterious death of AIM activist Anna Mae Pictou-Aquash, and finally, the imprisonment of Leonard Peltier were the ugly results.

Now, two more Indians were dead, if not in, then very close to a Sheridan County border town. AIM leaders blamed nefarious white people and repeated the rumors that

had been flying around during the past week. White supremacists. A corrupt deputy sheriff. Or an evil beer store owner.

Back in Whiteclay, two state patrolmen were monitoring the fiery speeches on KILI radio. Sitting in the next car was Sheriff Terry Robbins, known to all as "Homer." He was the epitome of the country sheriff. Potbelly, thick arms, sideburns and moustache topped off with a cowboy hat. He'd grown up on a farm in nearby Bennett County, South Dakota, parts of which still belonged to the tribe. The vitriol coming from up north saddened him. Only two weeks ago, after the tornado ripped through the village of Oglala, he and two deputies, including Randy Metcalf, had volunteered their time to help the tribal police cope with the disaster. They pulled two shifts, worked throughout the night, helping with traffic control, taking missing persons reports. Now, Metcalf was being accused of murder, and Sheridan County law enforcement of racism. That's the way it went in his line of work. You were a hero one day and a heel the next.

Banks, Means and Poor Bear didn't know Hard Heart was one of Sheriff Robbins' best informants in Whiteclay. Because of his police record and chronic alcoholism, Homer couldn't use him as a witness in a trial, but the information he provided usually checked out. Ronnie would approach his cruiser alone, pretending to panhandle while feeding him information, and Homer would fork over some small bills to keep up appearances.

Did someone suspect that Ronnie was an informant? It was a possible motive for the crime and a theory AIM leaders wouldn't want to hear or believe.

The patrolmen parked next to Sheriff Robbins were receiving intelligence from the reservation that some of the vehicles contained guns and some out-of-state youths were there looking to cause trouble. An Emergency Service Team, the gentler, kinder new euphemism for what was once known as SWAT (Special Weapons and Tactics), had been cobbled together from about 20 panhandle State Patrol officers and were stationed south of town along with a Rushville Volunteer Fire Department truck. Even with the team in place, the state patrol was woefully understaffed. Twenty men wouldn't be enough. Robbins and the patrolmen knocked on residents' doors to "strongly recommend" that they evacuate.

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It had already been a trying week for Deanna Clarke.

First, her father-in-law had been diagnosed with colon cancer, then she received bad news from her doctor. She had breast cancer. She was working up front in the store, trying to keep her mind off all the bad news, oblivious to the gathering storm two miles north. Vic had been telling her all week that the march wouldn't amount to anything.

"Don't worry about it," he kept saying over and over. He was so unconcerned that he'd left that morning with the boys for a baseball tournament in Gordon.

Suddenly, Homer came in and recommended she close up the store and leave town.

Immediately.

"I cannot guarantee your safety," he said in his country drawl.

She sent the employees home and ran back into the house. She frantically looked around; could only think to throw some family pictures in a suitcase. The Clarkes kept a house in Rushville so the boys had a place to stay during winter. She took her dog,

Peewee, jumped in the car and headed south.

But Gary Brehmer stayed. A lifelong resident, he owned a car repair business two doors down. He and his two teenage sons weren't going anywhere. Homer wouldn't guarantee him that the law could protect his property. His boys and his guns could, though! Brehmer was an avid hunter and had plenty of firearms around. They locked themselves behind the shop doors, surrounded by a tall, chain-link fence and grabbed a camcorder. His son Danny put in a tape and let it roll.

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Down from the reservation came one thousand marchers. Some came in pickups. Some on horseback. Some came pushing baby carriages. They crossed the state line, and walked to the south end of town to the Jumping Eagle Inn. Some strode past the businesses with their fists in the air. One man shouted "burn it down," but no one took him seriously. Kids ran alongside the marchers.

They stopped in street in front of Mike Coomes' Pioneer package store and began to sing, accompanied by a thunderous drum. The wind swept brown prairie dust into their faces as the chant grew in intensity.

They turned back north, where a flatbed truck and a public address system waited. The AIM leaders weren't done making speeches.

Banks started. "We're going to take that 'Welcome to Nebraska' sign and move it two or three miles south!"

He said it several times, but no one took him too seriously. Besides, they weren't going to move until Means had his say.

"We're here today to tell Nebraska, all the way to the governor, that this is our land!" Means shouted.

"TEAR THAT SIGN DOWN!"

When Means said it, it happened.

The time for speech making, singing, and praying was over. A dozen young men attacked the sign, pushing the wooden poles back and forth until they snapped. As soon as the sign came down, Banks, Bellecourt and Means—the angry men who'd once staged an armed occupation of Wounded Knee—turned their tails and headed north.

The young men hoisted the sign over their heads, parading it through town as rocks and bottles flew at the buildings, smashing against sidings. They dumped the sign in front of Sheriff Robbins and the two patrolmen, who sat uneasily in their cruisers. The rioters spat on it and gave the cops the finger, launching a few bottles their way for good measure. The Emergency Services Team, standing by south of town, continued to "stand by."

Seeing that there would be no interference from law enforcement, a mix of drunken Whiteclay street people, outside agitators, and angry young men from Pine Ridge set out to see how far they could go. The cherubic, cartoon kids on the Jack and Jill sign smiled down on them as the mayhem began.

They went after Mildred's Reeve's H & M mini store first, but a couple of her Oglala employees stood in front, blocking their way.

Meanwhile, Gary Brehmer watched it all from his auto repair shop with his boys wondering if he should go fetch his handgun. The garage was behind a chain-link fence topped with barbed wire, so there was a buffer. "Don't go out there," he told his boys as

rocks hit the side of his building. “You might be able to whip a couple of them, but you can’t whip ‘em all.”

The rioters tried to bust into the package stores, but the heavy grilling covering their windows and steel doors withstood their best kicks. One chunky teenager in a black shirt tried to kick in the Jack and Jill’s door, but it wouldn’t give.

VJ’s Market had flimsy doors, though, and no Oglala employees around to throw their bodies in front of the mob. A couple boys busted down the door, opening up a flood of looters. Inside, they began to grab the most valuable item available: cigarette cartons. Less valuable goods flew through the smashed window. Watermelons and soda pop cans exploded on the street. The looters took out their lighters and began to torch the place, including the plastic cash register. The black, acrid smoke sent the invaders scurrying out.

The troopers called in the rest of the Emergency Service Team and requested assistance from the Pine Ridge police. A half dozen cruisers began inching their way up the road, meeting a barrage of unopened soda pop cans.

A muscular man in a white sleeveless shirt stood alone in the middle of the highway screaming. “YOU GUYS PULL YOUR FUCKING GUNS OUT. AND I’LL GO HOME AND GET MINE. USE YOUR FUCKING GUNS! COME ON!”

But Robbins and the troopers refused to take the bait. The rioters fell back and Brehmer and his boys walked over to assess the damage at Vic’s. They looked inside the window and saw the cash register smoldering, at first glance the damage didn’t look so bad. He told his boys to go grab some water. By that time, the cruisers had pulled up next to VJ’s. Brehmer asked Robbins for a fire extinguisher, but Homer declined to step out of the car. Leaving the cruiser would only aggravate the situation, he believed.

“The fire department should have been here, Homer!” Brehmer shouted. “You fucking guys look real good sitting in your cars!”

The antiquated fire truck finally arrived, sirens blaring, and its diesel engine roaring like an old tractor. The mob was within firing range, though. A fusillade of rocks and bottles greeted the firefighters. The volunteers stepped out under the withering projectiles, made a move to unravel their hose, then abandoned the truck, running to the south of town behind the troopers’ retreating squad cars.

Unfortunately, they left the keys in the ignition.

As black smoke spiraled out of the grocery store, one rioter jumped up into the fire truck cab, and drove it north.

In Rushville, Deanna received a call from an acquaintance who’d been listening to the whole mess on his police scanner. VJ’s was on fire. Deanna freaked out. She didn’t know what that meant. Was it completely gone? He wasn’t sure. She envisioned her entire home burned to ashes.

The patrolmen made a line along the north edge of town. The rioters formed their own line, taunting them, daring them to come over. The troopers still weren’t biting. They knew any such move would just create more trouble.

The cavalry arrived in the form of the Tribal Police who inserted themselves between the two sides just as a Good Samaritan from the reservation returned the fire truck. The volunteers put out the flames, which hadn’t engulfed the building as Deanna imagined.

Chief Oliver Red Cloud, the great, great grandson of the Oglala’s legendary chief, arrived with a former councilman, Milo Yellow Hair. They put themselves in front of the rioters and asked them to return north.

But first, six representatives asked to parlay with Sheriff Robbins. They met him on the pavement in the middle of the road.

"You tell Governor Johanns to meet us here next week, or we'll be back to finish the job!"

As promised, AIM members, including the Bellecourts, Banks and Means, returned one week later. But instead of the governor, 109 troopers stood in a line to greet them.

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One week later, the angry young men slammed against the line of plastic shields. Spitting. Cursing.

"Get out! You're on our land!"

"Let's take Whiteclay NOW!"

The 30 tribal police on the west end of the line received the most abuse. Gobs of spit trickled down their shields. A plastic water bottle flew over their heads landing harmlessly behind.

Allen Shepard, an Ojibwa activist, was the first to walk through the line in an act of civil disobedience. Next came Russell Means who strode through with his head held high, parting the plastic shields like a swimmer doing the breaststroke.

Poor Bear was next. He was pissed off at Means, the man he called a friend 20 years ago. People could have gotten hurt when Means told the angry young men to "never negotiate away their rights" encouraging them to charge the police line. Women and children were there. But now that the civil disobedience had started, he couldn't watch while the cops carted the others away. He stepped through and a trooper applied the cuffs.

Frank LaMere went next. He was a Winnebago from Sioux City, Nebraska. For several years he'd been trying to get his home state to do something about Whiteclay. Now LaMere found himself being placed in cuffs. It was a day he would not let lawmakers in Lincoln forget.

Tom's brother Webster Poor Bear, former tribal president John Yellow Bird-Steele and three others joined Means, Shepard, and LaMere. Patrolmen loaded them into the bus, cuffing their hands, taking Polaroids for future identification. Shepard smiled for the camera.

Still, the angry young men pushed and shoved. Others wanted to cross the line to stand up for their rights to assemble, but Clyde Bellecourt told them to calm down.

The protesters continued to chide the Tribal Police for assisting the Nebraska State Patrol. One middle-aged man in a black T-shirt took it upon himself to be their chief tormentor.

"What's wrong with you? You live on the fucking rez! These people are keeping us down! Turn around and walk with us. Come over to this side. Come on. Come and pray with us."

As the bus driver drove down the Highway 87 with his load of passive resistors, Bellecourt, Banks and Red Cloud were already negotiating their release. They were escorted through the line where Col. Nesbitt agreed to release the prisoners on their own recognizance with a $250 bond, but only if the demonstrators returned to Pine Ridge. After Bellecourt announced the deal, the angry young men and women were no less angry. Many hung around to see if the State Patrol would honor their end of the deal.

Red Cloud borrowed the state patrol's bullhorn and asked that everyone move back from the line. Some obeyed the hereditary chief, but others didn't. Bellecourt borrowed the loudspeaker next.

"We keep our agreements; they break their agreements. Let's not be like the white people."

The angry young men and women walked back up the highway carrying their protest signs limply in their hands.

They knew deep in their hearts that not a damn thing would change.

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Back at Billy Mills Hall, Means took the microphone again.

He promised to hold an all-Indian grand jury to look into human rights and the judicial systems in the towns of Gordon, Whiteclay, and Rapid City. He said he would build schools and a health clinic.

"We will continue building these institutions until we are a free people. And this kind of genocide stops."

He stopped to let the crowd applaud.

"If things don't change for us, then we have to change. Understand the process of decolonization. All I'm saying is we are no longer going to accept what we have and we are no longer going to accept people like Clinton. Now I was told by one of the staunchest AIM grandmothers that we have that her grandchildren wanted to see Clinton when he comes. And I said WHAT? That man cheated on his wife! That's the kind of role model we want for our grandchildren? What do we want that sleaze on our reservation for? You know what he's here for. To hold his arm around an Indian and say 'Look! I love the poorest people on earth. I want to do right by them.' And then he goes down in history as a lover of Indians. FOR WHAT? Does that change anything here? No. He should be confronted. He should be told he should start respecting women. Too many men on this reservation don't respect women, so we bring this sleaze of all sleazes here? As a role model...

"We have two choices in life, we can be happy or we can be unhappy. If we choose happiness, then that means we're going to start decolonizing ourselves, and we're going to start acting like our heritage as Oglala, as Lakota...and we will change our FUTURE!"

The audience filed out of Billy Mills Hall into the late afternoon heat. It was a powerful speech.

But not a damn thing changed.

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Four days later, President Clinton and his entourage swooped into the Pine Ridge airport in helicopters; pulsing rotary blades echoing the thumping drums.

Singers greeted the entourage with an honoring song. Clinton was the first sitting president to visit a reservation since Franklin D. Roosevelt made a brief stop at a Cherokee reservation in North Carolina 63 years ago. And FDR was on vacation at the time.

One hundred tribal chairmen from across the nation and the South Dakota

congressional delegation arrived for the momentous occasion. Outside the rez, the nation's economy was on the tail end of an eight-year upward spiral. Inside the Pine Ridge border, it was the same old, same old. Grinding poverty. Not enough housing. Virtually no jobs or prospects for jobs. Teenage suicide rates triple that of the rest of the country. Diabetes rates through the roof. Alcoholism. Meth. Gangs.

The president flew in to tout his "New Markets Initiative." It was a four-day tour of America's most impoverished areas, chosen by race, starting with the reliable Appalachians, the poster children of white, rural poverty. Then came Pine Ridge, which would be followed by a Hispanic neighborhood in Phoenix and the predominantly black South Central Los Angeles. Statistically, Pine Ridge had the dubious distinction of being the worst of the worst.

Banks, Means and the other AIM firebrands were nowhere to be found; even they didn't want to scare off the president and mar this historic day. Seven thousand crowded into a courtyard outside the high school to hear the president's speech.

Not that there wasn't any dissent. The Taco John's franchise changed their sign to read, "Forked Tongue Special $2.00." Someone hung a "Free Leonard Peltier" banner along the motorcade route.

Clinton spoke. He talked of opportunities to develop wind and solar power on the reservation. Fiber optic lines could bring hi-tech jobs. "For over two years our country has had an unemployment rate below 5 percent. But here on the reservation the unemployment rate is nearly 75 percent.

"That is wrong. We have to do something to change it and do it now...

"Good people are living in Indian country and they deserve a chance to go to work.

"This is not about charity. This is an investment ... the new workers of tomorrow are the unemployed of today, the new consumer markets of tomorrow are here today. There is business to be done...

"There's opportunity to work, and if you work, we will work with you."

The president and his entourage climbed back in their helicopters and flew away. It was an exciting day. A great speech.

But not a damn thing changed.

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Poor Bear set up a teepee near the spot where Ronnie and Wally were found and called it Camp Justice. He said he would march on Whiteclay every Saturday until Gov. Mike Johanns answered him. But as the weeks passed by, dwindling numbers joined him, and the State Patrol sent dwindling numbers of officers. Soon, the Walks for Justice ended.

Poor Bear kept the victims' memory alive by marching on the first Saturday of June every year. In 2001, Gov. Johanns traveled to Pine Ridge to hold a summit with tribal leaders to discuss Whiteclay. The idea of cross-deputizing tribal police so they could patrol the town and issue tickets was discussed. It would take four more years of negotiations before that happened.

Vic Clarke reopened VJ's by the end of the summer of 1999. It wasn't long before his regular customers returned, and his business began to thrive as never before. After the riot, a rumor had swept the reservation that the store was attacked because the Clarkes

were white supremacists. For Deanna, who'd grown up on a reservation, the false stories were particularly hurtful. Other storeowners claimed the mob targeted VJ's because Vic aggressively called the county sheriffs whenever the street people created trouble. In fact, the other stores' doors were either blocked by sympathetic protesters, or they wouldn't budge. VJ's offered the path of least resistance.

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On the reservation, the jobs Clinton spoke of are nowhere to be found. The hi-tech jobs brought about by better telecommunications the president envisioned did go to Indian country. Bangalore. New Delhi. Bombay. Wrong kind of Indians.

At his home in the country on the northeast corner of the reservation, four and a half years after the marches, Tom Poor Bear sits at his kitchen table and pulls out a letter from his attorney. An Omaha-based lawyer helped him file a civil rights lawsuit against Col. Nesbitt and Sheriff Robbins, accusing them of depriving him of his rights to free speech, assembly, association and the free exercise of his Lakota religious practices when they arrested him for crossing the police line. The lawsuit also sought the enforcement of the 1882 Executive Order, which declared the Extension a buffer zone to protect the Oglala from alcohol sales. It accused the Nebraska Liquor Control Commission of failing to enforce the law.

Poor Bear still hadn't paid his $100 fine for failing to obey a lawful order. He was angrier than ever at Means for copping a plea, paying his fine, and leaving the others to continue the fight.

The letter from his attorney informed him that the lawsuit had been dismissed. The attorney suggested an appeal, but said he could no longer represent him pro bono.

Some marched in 1999 to demand the end of Whiteclay beer sales; some marched to get the Extension back. For Poor Bear, it was always about Ronnie and Wally. He has organized a march every summer to demand justice. They're always peaceful. Col. Nesbitt and the Nebraska attorney general attended together in 2003 (without the 100 plus troopers).

Poor Bear says the FBI showed him Wally's autopsy report. He claims Wally died from dozens of puncture wounds. Only people with hate in their hearts could carry out such a crime, he says. People who hate Indians. The case is still open, but the victims' families rarely hear from the FBI anymore.

Ask folks in Sheridan County and Whiteclay, and they'll say Indians were the killers. Ask folks in Pine Ridge, and they'll say racist whites were responsible. These are the attitudes of peoples who want to believe the worst of each other.

"I'm going to keep marching every year," Poor Bear vows. "As long as I'm alive, I won't stop demanding justice."

Sources and notes.

Information on the July 3, 1999 march from: author's observations, photos, audiotapes and notes. Nebraska State Patrol reports, file E99-5424-21213; state patrol videotape in author's possession. Also, *Lincoln Journal Star*, July 4, 1999, *Omaha World-Herald*, July 4, 1999. Interviews with Tom Poor Bear, Clyde and Vernon Bellecourt, Russell Means, Col. Tom Nesbitt.

Information on June 26, 1999 riot from: Brehmer video tape in author's possession; NSP

reports in file E99-5424-21213; interviews with above AIM leaders, Vic and Deanna Clarke, Mildred Reeves, Mary Eckholt, Sheriff Terry Robbins, *Lincoln Journal Star* photographer William Lauer, unnamed beer store owner, unnamed former grocery store owner. Hard Heart and Black Elk background from interviews with Poor Bear, Loren Black Elk, Carol Hard Heart, Sharon Hard Heart, Owen Warrior, former Whiteclay deliveryman Pat Phillips. *Omaha World-Herald* and *Lincoln Journal Star*, June 27, 1999. Note: Means in interview with author denies exhorting crowd to tear down sign. Several witnesses refute this assertion.

Whiteclay historical background from: letters sent to BIA from Pine Ridge, RG508, Vol. 34, 12/15/1903 to 9/17/1904. Kinkaid and Jones' role detailed in *Omaha Daily Bee*, Jan. 30, 1904; alcohol votes in *Sheridan County Star*, Oct. 8, 1953; Dewing obituary, *Sheridan County News Star*, April 4, 1974; interviews with Margaret Talbot, Carrie Reeves;Sheridan County assessor records.

Clinton visit compiled from: White House transcript of speech; *Los Angeles Times*, July 8, 1999; *New York Times*, July 8, 1999; *Lincoln Journal Star*, July 8, 1999; *Sheridan County Star*, July 14, 1999; *Wall Street Journal*, July 8, 1999. Taco John's photo in *Bennett County Booster*, July 14, 1999.

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About the Author

"The Battle of Whiteclay" is an abbreviated version of three chapters from my forthcoming book, *A Cold Night in Gordon*, a narrative nonfiction work about the shared histories of the Oglala Lakota of the Pine Ridge Reservation in South Dakota and the mostly white settler communities of Sheridan County, Nebraska. While the history is regional, I believe it has universal themes of how fear, misunderstanding and ignorance can poison two communities. Ultimately, I hope the book will serve as a bridge between the two peoples.

"After 10 years living and reporting in Asia, I found myself back in Nebraska wondering if there was anything in my home country to spark my interest as a journalist. I picked up the *Omaha World-Herald* one morning and read about a riot in the town of Whiteclay, Nebraska. Two men had been found murdered in a ditch near a hamlet that sold millions of cans per year to the dry Pine Ridge Reservation. A protest turned violent. The marchers were promising to return the next week and the State Patrol vowing to stop them. Coincidentally, President Clinton was due to arrive four days later. I convinced the *Christian Science Monitor* to let me cover the second march, and off I went. Three years later, between coasts and jobs, I was back in Nebraska with free time to delve into the topic further. I discovered there was a broader, untold story here about two communities, the Oglala and the Nebraskans, and their sometimes uneasy 130-year history."

Stew Magnuson is a Washington, D.C.-based journalist and native of Omaha, Nebraska. He has worked as a reporter for the *Cambodia Daily*, the *Asahi Shimbun*, Kyodo News Service, *Space News*, *Education Daily* and currently serves as senior editor at *National Defense Magazine*. He is the author of *The Song of Sarin*, a fictional account of the deadly 1995 subway gas attack in Tokyo.