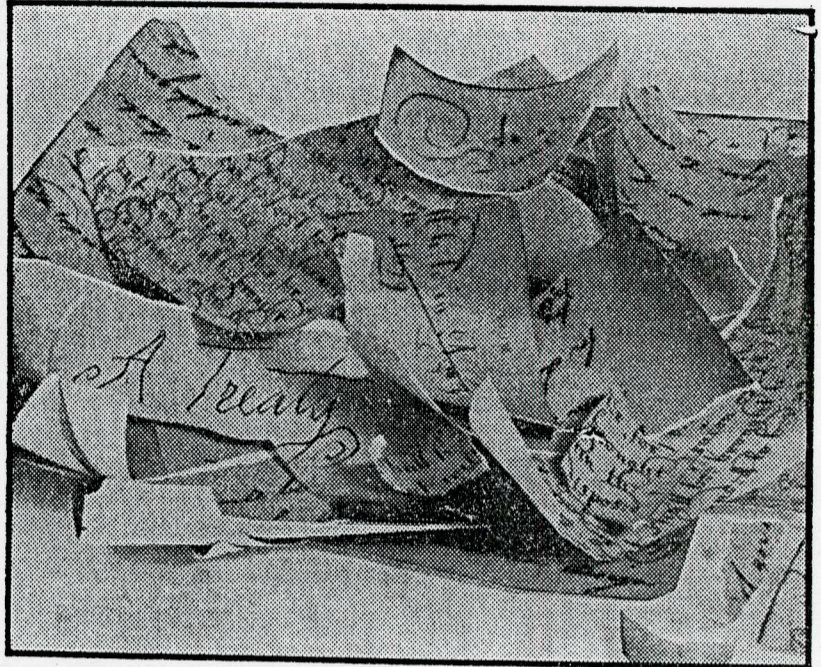


Refrain: Treachery on the Potomac



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.

Vine Deloria Jr., a lawyer and chairman of the Institute for the Development of Indian Law, is author of "We Talk, You Listen." He is a Standing Rock Sioux.

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