

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

MAY 13 2009


CLERK

UNITED STATES OF AMERICA,
Plaintiff,

Case No. CR 08-50079

vs.

JOHN GRAHAM, a.k.a.
JOHN BOY PATTON, and
VINE RICHARD MARSHALL, a.k.a.
RICHARD VINE MARSHALL, a.k.a.
DICK MARSHALL,
Defendants.

DEFENDANT MARSHALL'S
TRANSCRIPT OF TAPE

NOW COMES Defendant Richard Marshall, by and through his attorney Dana L. Hanna, and hereby submits Defendant's transcript of a tape recording that has been previously admitted into evidence as Exhibit # 1 in the motions hearing held May 5th, 2009. See: Exhibit List: document # 350. The Defendant's transcript is attached hereto.

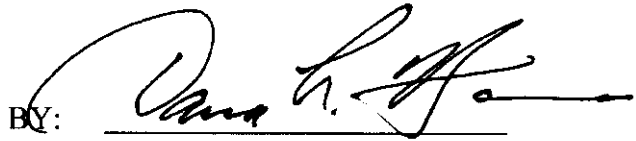
In the Defendant's transcript (which should be marked Exhibit # 5), corrections and differences between the Defendant's transcript of the tape and the Government's transcript (Exhibit # 2) are distinguished in the Defendant's transcript by bold face type.

There are numbers, bold faced and underlined, throughout the transcript. These show the time in the conversation where statements were made-e.g., 24:10 denotes that the statement was made 24 minutes and 10 seconds into the recording.

In addition, along with this corrected transcript, in a separate filing, the Defendant is filing with the Court an enhanced recording of Exhibit # 1, a compact disc of a tape-recorded conversation that took place on July 27, 2001 between defendant Richard Marshall and government witness Serle Chapman. This enhanced tape recording is exhibit # 3 in the record of the motions hearing.

Dated this 13th day of May, 2009.

VINE RICHARD MARSHALL, Defendant

BY: 

Dana L. Hanna
Attorney for Defendant Marshall
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CERTIFICATE OF SERVICE

I hereby that I have served a true and correct copy of the foregoing Defendant Marshall's Transcript of Tape on the other parties in this case by mailing the same, postage prepaid, the attorneys of record at the addresses listed below:

Marty J. Jackley, United States Attorney and
Robert Mandel, Assistant United States Attorney
515 Ninth Street, #201
Rapid City, SD 57701

John Murphy
Murphy Law Office
328 E. New York St., #1
Rapid City, SD 57701

Dated this 13th day of May, 2009.



Dana L. Hanna

This is Serle Chapman. It is Friday, 27th of July, 2001, about to visit with Dick Marshall in regard to the murder of Anna Mae Pictou Aquash at the Alex Johnson Hotel, Room 918.

SC: Good timing (inaudible)... Eh, excellent timing, how's it going buddy.

DM: All right.

SC: Good to see you again.

SC: You too.

DM: Yeah I had to **be at the** Sundance.

SC: Uh.

DM: (inaudible).

SC: (inaudible).

DM: (inaudible).

SC: **Where did you dance?**

DM: **What's that?**

SC: **Whose place?**

DM: Rick Two **Dogs**.

SC: Oh

DM: **I like going to his Sundance. Pretty strong . . . right.**

SC: Yeah. Yeah . . . (inaudible) **Wilmer's got his** going on.

DM: Yeah, I thought I'd stop in on the way, way back, way back home tonight..

SC: (inaudible).

DM: (inaudible).

SC: All I said was go the other one. (Inaudible). All three (inaudible)?

DM: So. When'd 'ya get to town?

SC: Ah, geez, ah, couple of days back.

DM: Oh, is that right?

SC: Yeah, the only contact I have for you is like through Karen Testerman remember that? That, ah, that lady, at her address. I know that she got that magazine, you know (inaudible) at her address (inaudible) . . .

DM: . . . she finally got a better address . . .there were a lot of things that she didn't get back to me. She even stole my address **book**.

SC: Oh, really?

DM: I had a falling out with her, I guess. She was worse than my parole officer, man (laughs) (inaudible). Who was calling, **where I was**, how long I was going to be there, how come I didn't come back and all that. I couldn't put up with that.

SC: I've been trying to find out where in the hell you were and then I thought. . . I remembered **Black Hawk**.

DM: Really?(inaudible) yeah, (inaudible) **Black Hawk**.

SC: Yeah, **Black Hawk**, so I thought I'd give that a try and then I thought, well, I don't wanna get into any difficulty you know, but if I called you at that place and then I talked to that lady and, that answered the phone there . . .

DM: Yeah.

SC: And she said ah, no, it'll be fine. Get some privacy in here a little bit.

DM: Is this the **book you were talking about?**

SC: Yeah, that's for you anyways.

DM: Oh, really? "**Of Earth and Elders.**"

SC: **Now**, let's try this.

DM: You know **what** , I seen this in an ad someplace (Inaudible).

SC: Oh, really?

DM: Yeah.

SC: God damn, security or what? Huh?

DM: (laughter)..

SC: Ah, shit. Yeah, that's the last one I did.

DM: Is that right?

SC: Yeah.

DM: Yeah, I seen this in an ad someplace.

SC: So I wanted to give you that . . .

DM: Thanks, man, I appreciate that.

SC: . . . while I was here and . . .

DM: (inaudible).

SC: Want a drink of this stuff?

DM: What's that?

SC: Want a drink?

DM: Yeah, I'm dying of thirst. I just got off work. I **had to run here and there.**

SC: Ah, find a, something (inaudible) . . . Yeah I was gonna send it to that address, but I'm kinda glad I didn't then.

DM: Yeah, good thing you didn't. But, ah, I got news for you too. I'm moving out of this town.

SC: Oh, really?

DM: My parole officer gave me the green light to go ahead and move back down home to Pine Ridge.

SC: Oh, all right.

DM: And I just recently got married here, June 2nd.

SC: Well, I kinda found that out.

DM: Did 'ya?

SC: Yeah. Can't remember that lady's name now but, uh, Brewer, maybe?

DM: **Yeah. Yeah.** The lady's name is Frieda Brewer.

SC: **(Inaudible.)** Is she up here or down?

DM: She's from down there.

SC: No, I'm kinda glad that we got . . .

DM: . . . (inaudible) out there and (inaudible) already. Yeah, I requested to move back about 3 months ago. But what it boiled down to was that parole officer out of Winner, South Dakota, that oversees the state parolees on the Rosebud and Pine Ridge Reservations. Yeah, I her before when I was out twice on parole. Both times I messed up. They kinda had it in for me, you know.

SC: You must be anxious to get back down there?

DM: Yeah. Gotta better paying job and my wife lives down there plus I own land down there. So, I'm gonna build myself a log home on my land.

SC: I mean I tried to contact you, too, at Hope Lodge.

DM: **Yeah?**

SC: But they weren't real

DM: Cooperative, huh? Yeah. The people that work up there, the staff, are just as dysfunctional as the patients, I think. I go up there for AA meetings sometimes **and pour water for the sweats.**

SC: Uh, I said something up there, as far as I knew you, you like helped out up

there?

DM: Yeah.

SC: Boy, man, they were rude. Because I thought well maybe they don't know who you are or . . .

DM: Uh, uh.

SC: . . . something, you, know, and I said well, **he was here**, and I says well, I **knew that he helped out at ceremonies** and she said he's not here, and I went, whoa . . .

DM: Really?

SC: Yeah.

DM: Hey.

SC: A couple of times.

DM: Yeah.

SC: You, know, but, uh, . . . I wanted to check a few things out with you because since we met I spoke to a number of other people and that's why I don't wanna do this as an interview, **as part of the interview**.

DM: **Uh huh.**

SC: But you appreciate it from my point of view, writing this thing. I don't, I gotta tell it like it is. But, there, ah, may be one or two things that I don't necessarily need to include, if you see what I'm saying. And, but I need to know what, what the deal is in order to do that, so that I can figure out a way of doing it without screwing anybody over, but still telling the truth of the matter. So .

DM: Um.

SC: Um, that interview that we have already done, do you remember Sarah, you met Sarah at that time?

DM: Um, um.

SC: She's actually getting the transcripts out now so if you can give me an address before we split today and I can get it mailed on down to you.

DM: Good.

SC: And . . .

DM: And this you are gonna let me proofread . . .

SC: Oh yeah.

DM: add to or

SC: Yeah, delete or take away or whatever. So, I'll just mail it to you and then either we can meet up and you can give me it back with your changes, or just mail it back to me.

DM: Give me your address and I'll give you mine. Where's your . . .

SC: Okay.

DM: pen and Yeah, I'm pretty fortunate that the, the parole officer here in town and Joe Hawk out of Winner, guess, ah, Hawk had, ah, told, ah, my significant other, my new wife, **and** her relative, that, um, **in a roundabout way** I guess, uh, Hawk had told, uh Brian Robb, my parole officer here in town, he says, uh, I gotta let you know, he says, your client, **Richard Marshall**, he said, he's got a lot of political pull. And that's, **I got a buddy that's a state senator out of Rosebud, named Paul Valandra.**

SC: Um, um.

DM: I, at one time here, about four months back, had told him, I asked him, I said hey, I might be needing your help and he said what's going on. So I said, I got two parole officers jacking me around. I said, uh, I wanna move home and they're running me around. I said let me check things out, I said June, from June 15th I'd be out a whole year, I said. After June 15th, I said I'll contact you. Nothing happened so I just said **OK**. I didn't contact him but, uh, he and Sharon must've **did** something, he and Sharon must've **did** something cuz, uh, he told me that the, that they're not talking to you like they are supposed to. You want to go to a better paying job, you wanna be with your wife, want to move home to your own rez. He said let me know and I said ... **manage... (inaudible).**

SC: Ah.

DM: (inaudible) my buddy Paul Valandra must have mentioned

SC: I seem to remember when we were talking about it. You said something like you couldn't go down to the rez for a year or . . .

DM: June 15th it's a full year. **Another** reason I wanna get outta this town. I hate this traffic. I'm kinda like a wide open area kinda guy . . .

SC: Um.

DM: you know.

DM: Plus I'm tired of running into a lot of ex-cons and, uh, finding out, somehow, my phone number, calling me up and asking me why (inaudible) I kind of like to stick to myself.

SC: Um, um.

DM: (inaudible).

SC: You're better off down there than up here.

DM: Mm Hmm. Can't imagine not (inaudible)

SC: Um, um.

DM: Today's my last day of work at the Visionary Lodging .

SC: Why?

DM: I've been there over a year.

SC: If I'd had my coffee there I'd never of found you probably.

DM: **No, it's a hard place to find me... (inaudible) out to Black Hawk.**

SC: Well, I used to live in Black Hawk (inaudible)

DM: Oh, yeah. But,

SC: But since I've seen you last, um, I've been on the road nearly all the time.

DM: Um, um.

SC: Cuz I've got another book that's coming out like November...

DM: Um, um.

SC: ... and I'll be finishing that up before doing this AIM project. So I actually moved out of Black Hawk.

DM: Um, um.

SC: So I've got **no fixed abode** over here at **present** and I'm just in and out of hotels and stuff. I've got two tours to do in like four weeks time.

DM: Really?

SC: Yeah, over Washington state, Idaho, and Oregon that way up, Montana a little bit.

DM: Um, um.

SC: Just busy, this is why I needed to, and I've written stuff down here **to clarify**. When we were visiting last, we didn't talk very much about Anna Mae...

DM: Um, um.

SC: ... if you remember that. We talked about other stuff, **Montileaux** and all this shit. Well, since that time, I've talked to a few other people and this is why I don't wanna do this, like a book interview kind of deal. And I can only tell you what it is that other people have said and then you can tell me what you remember about it. Um in February I went up to Vancouver. I interviewed John Graham, who shot Anna Mae in the head...

[14:29]

SC: I was with him for a long time, went through the sequence of events **and all that**, it was Vernon who set this interview up and that's how I got to go and see him. I've discussed all this with Vernon and I know a lot of this shit that went on and all the rest of it, **and I said to him** you know, to do her justice, you know, I, I need to be finding out the full detail and then putting the scenario in as to what happened and, you know, without **shafting anybody in this process**. Anyway, to make a long story short, he told me that

when they brought her up from Denver, up to Rapid City to Thelma **and all this** , as it went down, that after they had her at Thelma's, that Arlo drove across **the** Pine Ridge and across to the Rosebud and he said they stopped at two houses on the way. The last house they stopped at was Kills's place and he said they stopped at your house on the way to Kills's house.

DM: Um.

SC: Then I talked to Arlo himself you know, Arlo's in a pretty bad way.

DM: Arlo?

SC: Looking Cloud. He was **a kid then**, they were both **kids then**. He said pretty much the same thing other than **he added that**, and how he knows this, I mean, I, I'm assuming either his memory is good or his memory is bad, one or the other. He said the same thing though, that he drove and all that, they stopped at two houses and he said words to the effect of that when **then** they stopped in your place, something about that you, or, you or Cleo weren't happy about it, you know, weren't thrilled about it, or whatever, them showing up then. Choach. You know Choach.

[16:26]

DM: Choach? Yeah, yeah, her name is, uh...Arlene... **She's a Means now**.

SC: Was it Goings?

DM: She was Arlene Goings, Arlene "Choach" Goings. Yeah, she married that Dennis Means.

SC: Yeah. Well, I visited with her about it and she was saying **that** she saw Annie Mae **in all of this sequence** and she said she was **taking** Dusty and Lena, you know **Navajo Lynn** over to Sioux City, Iowa, to Cheryl **Decora's**, Lorelei's sister's place, over there. It was at night and she stopped up at your place and that Theda, Arlo, and John Boy were there and that they had Annie Mae there, too. And she said she thought Regina Brave was there also. Now way back, I remember a conversation I had with June Little, or it may have been (**inaudible**) about stuff and he mentioned that as well, but I hadn't given that very much credibility at that stage just because of the way that **June can be**. But now these other people have said it. So I need to ask you what you remember about it, you know that, that event. **That if you remember that night or what**.

[17:42]

DM: That was 19-, what?

SC: '75 it would have been. December **thereof**. Mid or early December. Russ was on trial in Sioux Falls. Now you see why I'm not doing **this as an...**

DM: Um, um.

SC: ... interview **or anything**.

DM: Did you visit Cleo yet?

SC: Unh Unh.

DM: You should visit her.

SC: I don't know where...

DM: She lives in Manderson.

SC: Okay.

DM: And she works at, ah, the school there. She's a finance officer. But at the time I was married to her.

SC: Um, um.

DM: We were **legally** married and we lived in **the Allen housing** and, uh, I can't **remember clearly who** all came that time, but, uh, we had company I remember and Anna Mae was with them. That's the first time I ever laid eyes on Anna Mae, ever met her and, uh, I didn't really visit with her. I just visited with, uh, can't remember **who I**, there were some dudes there. It happened so damn long ago I can't remember who's who. **(Inaudible)**. But, I remember, huh, Cleo was like that. She always **fed** company. She didn't bother asking if you were hungry. When you come, she automatically cooked and started feeding people, setting places, you know, getting coffee, and huh, I think she did give Anna Mae some clothes. That's about all I can remember of that. You might want to talk to Cleo 'cause she was my wife then.

[19:19]

SC: Um, um.

DM: You know. She was a solid woman.

SC: **She's from Manderson.**

DM: Manderson.

SC: If I was to tell her that you told me that I should talk to her...

DM: Yeah.

SC: ...she'd talk to me?

DM: Um, um.

SC: And, uh...

DM: Cuz she'd probably remember more than I would 'cuz I was probably hazed out cuz I was smoking too **much peji** then.

SC: Huh, huh. But that's, that's what these guys have said and like the first time when I heard it I was like, but then when they kinda repeated the same thing, you know the three people, that before they took her to Kills' house they stopped off at your **house. But** nobody in the telling of it like made out to me that you had any involvement in it.

DM: Um.

SC: It was just like they stopped there.

DM: Yeah. Yeah, we always had company and they went on.

SC: For whatever the hell reason they stopped there, they just stopped there.

DM: That's because we was ah, movement members then **and** people would always stop in, you know.

SC: Yeah. But Choach, um, part of what she said was it seemed clear to her that looking at Annie Mae, that, uh, she wasn't there willingly. That these other three had like, brought her along, and she was like, she didn't have a choice but **to** be there.

DM: Hm.

SC: Kinda how she described that...

DM: Hm.

[20:43]

SC: ... and so I don't know if you remember that particularly...

DM: **Hm.**

SC: ...or, or whether Cleo would remember **that**.

DM: I, I suggest you talk to Cleo too.

SC: And because, she actually, she said that, ah, that as she recalled it, it seemed that Annie Mae was like, you know, that her hands were tied **or** something like that, on that occasion. And Christ it's only, it's gonna be a few hours after that they took her to Kills' house.

DM: **Hm..**

SC: ... and then up to Wanblee, **where Amiotte is**, and popped her, you know.

DM: Yeah, **I myself**, I'd like to know what the hell happened to her and why they did it, cuz, that's, that's about the only time I've ever seen her in my whole career. **I remember hearing about all the strong** things I heard that she's done. I've always had a lot respect for her coming all the way from her home country of Nova Scotia to help out **down** at Wounded Knee.

SC: Yeah. When we did that last interview that was one of the things that I respected about you was that if I asked you a question, you always answered it. And, I don't know these guys real well...

DM: **Um hm.**

SC: ... you know, and we've only met a couple of times, but I trust you to tell me the way that it is...

DM: **Hm.**

SC: ... the way that it was.

DM: **Um, hm.**

SC: Now this guy, John Boy, he's just a total fucking **wreck**, you know, because he did it, and he tells me at one point he says, uh, he says I'm not gonna say I'm not...

DM: **What is John Boy's last name?**

SC: Graham

DM: Graham?

SC: He was from up there too. Canada.

DM: Oh, yeah?

SC: His hair ain't real dark, its kinda darker than mine, but it's not **like** black, more dark brown.

DM: Oh yeah?

SC: Yeah.

DM: Um. So he's a Canadian skin?

SC: Yeah.

DM: Is he?

SC: He's Southern **Tchlone**.

DM: Huh?

SC: Southern T'Chone is the nation.

DM: Um.

SC: But, that was kinda (inaudible)...

DM: **I'm gonna have some more water.**

SC: **Sure. Finish it off.**

DM: That was from that sawdust. I work with sawdust all day, man. I gotta rinse my eyes out every day. We wear safety glasses but it still gets in, you know, so I use that Bausch & Lomb eye rinse.

SC: Um, um.

DM: Cuz if I don't, it feel like mud. Yeah, so I didn't care if you had talked to Cleo. She **works at Manderson.**

SC: Uh, um. She **works** at the school.

DM: Um, **hm....** Do you know Dave Clifford?

SC: I don't know him. I know of **him**.

DM: Um, **hm**. That's his sister. Dave used to be my brother-in-law.

SC: **Um, hm**.

SC: **But** this just bothered me...

DM: **Um, hm**.

SC: ... you, know, and it wasn't something I could put in a **fax to youor**

DM: **Um, hm**.

SC: ... anything like that. In the context of what we're **doing** with this book **I need to know**, you know to get it straight.

DM: Um, **hm**.

SC: But at the same time **I need to know what like not** , you know, to drop in there...

DM: Um, **hm**.

SC: **king of thing**. These three, Theda, Arlo, and John Boy, Christ everybody knows. Shit, everywhere I go, everybody know about this. **You talk to people, right** off the bat, you know.

DM: Hum.

SC: People have got stories about it. They might not have talked about it, for however many years. But it's like when, when they know that you've talked to them and (inaudible), they know that you're not bullshittin' them and people say what it is...

DM: **Hm**.

SC: ... and I'm thinking, you know what my impression is, everybody's fuckin' sick of it, **they're sick of living with it.**

DM: Um.

SC: ... and it's like people are getting to that point now where, it's like, what the fuck are we **kept this shit quiet** for, you know, because it was nothing to do with **us**. They did it and now you've said about Annie Mae then and as I recall you said it about her when we talked last, she was a strong person. This person didn't deserve to be taken out...

DM: **Right.**

SC: ... fuckin' wasted.

DM: Um, **hm.**

SC: You, know. So people, I think, ah, you know they're kinda scared and, in a way, **to** talk about it, but, then again I think they wanna, it's like a cleansing almost, you know, well, shit, this is it, it's all over. And that's why I wanted to ask you...

DM: Um, **hm.**

SC: ... you know, within that context but I didn't wanna do it like we did the interview

DM: Um, **hm.**

SC: **Yeah.**

DM: Yeah, that happened so long ago. A lot of that happened so long, its kinda, I hafta admit I'm gettin' old, man I'll be 51 come September, trying to stay at fifty but I (inaudible)... goin' over the side man. It's cool though. I've been told you hit **50 and over**, you become **a**, start getting elderly **status. Yeah, it's healing up. Must have really tore it good.** I mean, **this really tore this up. I keep 'em covered so I won't get dust in there. ***

SC: Yeah.

DM: **The ones in the back are healing pretty good and dry. ***

[25:49]

* Here Richard Marshall is referring to the piercing wounds in his chest and back that he received in the Sundance ceremony that he referred to on Page 1.

- SC: Yeah... **But yeah** that would have been December 1975, so twenty, twenty-five and a half years ago.
- DM: That's a long time.
- SC: Yeah.
- DM: But, uh, like I say, you know, tell Cleo that ah, I asked her to talk to you and see if she can't remember. **We were married then.**
- SC: Uh, hm. . **But** you just, you remember this **is** the only time that you ever seen Annie Mae.
- DM: **The only time.**
- SC: When those three guys showed up with her at **your place**, which is like what Choach and them...
- DM: Um, **hm.**
- SC: ... have said. So they were telling it right. ¹ [26:33]
- DM: **(Mm.)** ² But like I say I can't remember who those guys were you know because they were youngsters, there were a lot of people in and out of my **camp**.
- SC: Um.
- DM: A lot of people come to visit me and Cleo.
- SC: Um, um.
- DM: And we were about the, like uh, one of the strongest AIM families there in Allen at the time. **A lot of** the shit went down they'd come to me and Cleo for help, you know, groceries, when they need a ride, and hauling wood for the elderly and...
- SC: **But** you reckon that Cleo gave Annie Mae some clothes or ...
- DM: I think she did.
- SC: or gave them some clothes for her or...
- DM: I don't know about that. She, she said she **was gonna give** some clothes to somebody but, it might have been Anna Mae, but, but uh, it happened so long ago, I think, you

¹ The government's transcript has "..., so they were telling it right?" It is evident in the recording, from the pause before that sentence and from the lack of a rising inflection of his voice, that this sentence is a declarative statement of a fact or, more precisely, the declarant's conclusion or belief. It is not a question.

² Here, the government's transcript has: "Yeah." It is not at all clear from the tape whether Dick Marshall said anything at all before "But like I say..." He certainly did not say "Yeah." On the tape-recording, if Marshall made any noise or audible response at all to that previous statement by Chapman, it was, at most, a barely audible "Mm".

know, I think it'd be good if you talk to her.

SC: Yeah, I will.

DM: If you go to Manderson and inquire around they tell you where she lives. She lives out in **White Horse Creek** near her folks.

SC: Does she have a phone, do you know?

DM: Ah, she might be, yeah.

SC: I, I . . .

DM: Her married name then, now, is, ah, her husband's last name, Gates, G-A-T-E-S. Cleo Gates. Cleo Clifford Gates.

SC: Yeah, I'll try **and** call her ahead of time rather than just show up.

DM: Um, um.

SC: You know, hopefully she'll remember

DM: Um, um.

SC: . . . that night.

DM: Um.

SC: You know. And from what you can remember, how did, how did, Annie Mae look? **Or is that like...?**

DM: Man, I can't remember.

SC: 'Cuz according to Choach, she said that she just kinda went in your place and she was just kinda there. You know. And she said she seemed to be, you know, like her hands were tied up .

DM: Um.

SC: Or something or other.

DM: Um.

SC: I don't think she's a bullshitter either I . . .

DM: Um, um. . . and Choach, she's kinda like a (inaudible) observer . . .

SC: Yeah. I mean there's no, there's no doubt in my mind at all, you know that it was like Arlo and John Boy who with Theda took her. **Flat out said it themselves.**

DM: Um.

SC: You know, but, from my mind what I've talked to people, they **weren't prominent** at all **in the movement. They were just kids.** You know, like twenty years **old**, but, and shit like that **they** get dragged into. Dragged into all of that. What do you, what about, what do you know of, Theda, what **did** you know about her? She seems like fuckin' . . . (inaudible). Theda is seventy years old now. Christ

DM: **To me** back then that she was a loud, boisterous woman. Like, when she was around, she wanted all the attention. **That kind of person. She lived over to Ogalala.**

SC: Um, um.

DM: **And, uh, I lived** over in Allen. I really didn't **want** to pay much attention to her. She came around, she talked so loud like she wanted everybody to know she was there at that time.

SC: Ah, ah.

DM: I really didn't care for her.

SC: Well, that's probably why they brought her to your house then, you know. She wanted, ah, wanted people to know that, hey, it's part of her show, (inaudible) she knew there'd be people at her place.

DM: Um.

SC: I mean, this, this is some whacked out shit to me.

DM: Um, um.

SC: Uh, doin' that to somebody.

DM: Um, um.

know. **It's fuckin; bad.**

DM: Um, um.

SC: That whole deal. Yeah, somebody else always visited like this I wanted to ask you about, that David Hill, you know, or remember him? DePalma?

DM: I can't remember David Hill, ah, that I **ever** even met him back in the day.

SC: **Guy** from Oklahoma.

DM: Um. I've heard of him.

SC: Yeah, he's fuckin' nuts too.

DM: Um.

SC: I interviewed him at least, about all sorts of shit you know, not just this. Real deceptive kind of a . . .

DM: Hm.

SC: . . . guy. You know, not to be trusted at all and ah, I kinda found out that he was right in the middle of this shit.

DM: Hm.

SC: You know, he kinda orchestrated it, what was going to happen to this girl.

DM: Um.

SC: In my mind it's just totally bad, but doing that to somebody, doing that to a woman.

DM: Um, um.

SC: Right.

DM: Yeah, you know, me and some of the **bros**, we, uh, when this started coming out again, we thought, man, you know, somebody's gotta (inaudible), somebody's gotta pay for this shit, man, you know, somebody's gotta own up to what really happened to her, you know.

SC: Um, um.

DM: As far as I'm concerned, you know, in a warrior's way, he's gotta protect the women instead of harming them, you know.

SC: I mean Christ, she's got, she had to young kids.

DM: Yeah. Um, um.

SC: You know, those girls are growin' up not knowing, you know, what the hell happened to their mother.

DM: Um, um.

SC: And then we got these guys, Clyde, Dennis, particularly **Leonard, a little bit, Dave, Hill, Kills, Ted**, fucking you know, what the hell, what gives them the right to...

DM: Um, um.

SC: . . . decide who's going to be livin' and who's gonna be dying.

DM: Um, um.

SC: You know. The Kangaroo Court they had over **there**.

DM: Um, um.

SC: It's bullshit.

DM: Um.

SC: Bruce, fucking Bruce Ellison, up to his neck in this shit. It's bad. It's fucking bad. I, um . . .

DM: Like you say, it's all **gonna come to light and I am really interested in** what the hell, **what really** went down.

SC: Um. So **but that was**, you know, I appreciate your candor

DM: Yeah.

SC: with that.

DM: Okay.

SC: See my position, I, people say this shit to me and if I don't **ask**, I'm not gonna know.

DM: Hum, um.

SC: You know, **how** to get into. See, I'm gettin' shit **from** people. **Man** you know, **like Vernon and them, you know** and, what the fuck do you know, you know, you know this, you know that, you know too much and my position is hey, I ain't never, I didn't kill . . .

DM: Um, um.

SC: . . . there's no shit to do with me.

DM: Um, um.

SC: I'm just writing a fucking book.

DM: Yeah.

SC: You know, I don't wanna be part of it, but at the same time I wanna know because, damn, there's a lot of long roads on these rezes . . .

DM: Hum, um.

SC: . . . if you know what I'm saying.

DM: um, um.

SC: **Guys are fucking nuts.**

DM: Yup.

SC: . . . some of these people, you know.. It's bad **scene** all the way around . . .

DM: Yeah.

SC: . . . to me. I mean back in that time, when was it that you heard they offed her? That they'd killed her? I know that thing we talked about was that Russ and Ted and Kills. Um, it was there at that basketball game, we talked about it there. Do you remember last time. It was just like you and Cleo out of that caravan. You went up into a wake and those guys...

DM: Mmmm.

SC: Do you remember that? That's about all we talked about.

DM: It **goes** to show where me and Cleo's hearts **were** at.

SC: Yeah, but I mean, **when** did you, like hear that they'd shot her there after that they'd brought her to your house? I mean, too her out and . . .

DM: Hum, hm.

SC: killed her. I mean, when did you hear about that? Was it **like**, soon after or . .

DM: '75. . . .**Let's see.**

SC: I mean they kill her . . .

DM: (inaudible)

SC: (inaudible) in December, obviously.

DM: I can't remember right off the bat, but we heard about it, through, uh, I felt bad, too . . .

SC: Um.

DM: **and** we went to her wake.

SC: Yeah. So you kinda heard about it between the time they did it and that wake?

DM: Yeah.

SC: That fucker. And, there's, there's a part of me, not ver much of me, but there's a part of me that feels kinda bad for Arlo and Arlo, I don't feel bad for John Boy cuz he didn't hafta shoot her in the head.

DM: I don't have faith in them fuckers...

SC: You know.

DM: ...not at all.

SC: Yeah. I mean this is the interesting, real interesting **but to** me, talking to John Boy, he can kinda tell, tell you what went down, you know, and the sequence and where they were, where they took her, and all that, but she, now it comes to like,

mention your place and shit and uh, but when he **gets to Kills'**, man, he like shits himself.

DM: Hum.

SC: 'Cuz, some, some shit went down at Kills' house.

DM: Um.

SC: And he doesn't even, he doesn't like think about it.

DM: Oh, yeah.

SC: 'Cuz he gets up and walks about the fucking room.

DM: Hmmm.

SC: He like, you don't know whether he's gonna cry or whether he's like, gonna go fuckin' ballistic. It's like, you know, (inaudible), that's kind of affected him.

DM: Hm.

SC: So to my mind, whatever was said to him in that house, that made him go out and shoot her in the back of the head.

DM: Hm.

SC: Somebody said to him in that house, gave him that ultimatum, I think.

DM: Um.

SC: You know, when they pick her up in Denver, I think they already knew, **like** Clyde and them guys know that she ain't gonna be with them. But these three, him anyway, John Boy and Arlo, I don't think that they know that they gonna be killin' her

DM: Um.

SC: . . . and I think that's the point, that they know they're gonna be killin' her, because he'd just like, he **ain't a**, he ain't a natural born killer. He did. He, someone, he was put in that position.

DM: Um.

SC: “Cuz he, fuck, he’d be able to hide it. Better, you know, uh, deal with it. Better, you know, deal with it, better, I mean (inaudible) he wouldn’t tell.

DM: Um.

SC: You’re talking to him, he’s like this.

DM: Oh, yeah?

SC: You know, smokin’, his fucking hands going and all that. So I bet you when this shit comes out, who ever was in Kills’ house, that, that’s the word right there.

DM: Um, um.

SC: They just drove up there and killed her. That’s some bad shit. And I’ve been told that Clyde and David Hill were in Kills’ house. Obviously Kills was there.

DM: Um.

SC: **At his** WYKLDLOC office when they were interrogating Annie Mae and then they went to Kills’ house that afternoon.

DM: Um.

SC: Then they went on to Sioux Falls and then they come back to Kills’ house. While all this shit’s going on, during that obviously then they took her to your place, stopped off at your place, before they ended up going over to his place.

DM: Um.

SC: And that’s where it’s at.

DM: Yeah, like I say it’s **going to be** pretty interesting. I’d like know **myself...** (Inaudible).

SC: Well, if I, if I find out he was in that house, you know, . . .

DM: Um, um.

SC: Or who all else was in that house. If you hear anything . . .

DM: Um.

SC: let me know cuz I'd be interested.

DM: (inaudible).

SC: Seems at that point now where, well, me, I'm just trying, I'm just, some people I'm trying to avoid. You know. I don't want, I don't wanna talk about it.

DM: Um. Um.

SC: You know, with any of those guys. Because it's not even that they're, I don't think that they're anything. You know, it's just that I know it's the kind of thing that they do, you know, they get four or five other people to come out and they're looking for 'ya.

DM: Um, um.

SC: It's like how I think that they operate. They don't do their own

DM: What about Anna Mae's kids? Where they at now?

SC: They're up there in Canada, Nova Scotia, as far as I know. The same place as her sister.

DM: Um, um.

SC: No closure.

DM: Hum.

SC: You know, for them. Because although these names are out there, they, you know, how are they to know. You know, how they to know, unless they see somebody answer to it.

DM: Um. Um.

SC: You know. Well, my position is, it's not just them three. **Theda, Arlo and John Boy.** It's these others around here **who** put this shit in motion, I mean, but . . .

DM: Um.

SC: . . . (Inaudible) more people than I think.

DM: Um, um.

SC: And, I just, you know, as I said to you before, I don't know like, I don't even like to think about what she went through, that last 36 hours . . .

DM: Um, um.

SC: . . . of her life. That's bad. That's really bad.

DM: You know one time I read an article something about Indian, Indian Country paper, or something like that, some guy names Two Elk, something like that. Ah, three or four pages of it . . .

SC: Um, um.

DM: Did you ever talk to that guy?

SC: Ah, I didn't because I talked to Arlo and he got his information from Arlo.

DM: Um.

SC: I think Two Elk, you know, he's got kinda his own gripe?

DM: Oh yeah?

SC: Yeah, with **some** of these people. But a lot of what he said in there, is, ah, is true.

DM: Um.

SC: You know, 'cuz he got it from Arlo. And Arlo's just kind of a pitiful guy, you know.

DM: What's Arlo's last name?

SC: Looking Cloud.

DM: And he's from where?

SC: Well, he's from up here.

DM: Oh, yeah.

SC: Originally. (Inaudible) Remember Johnny Looking Cloud? His dad was kinda

real distinguished looking guy.

DM: Um.

SC: He was in a few movies and stuff. He's down from Pine Ridge.

DM: Oh yeah?

SC: But, he, they like got relatives and shit in Denver, but he was (inaudible) . . .

DM: Um.

SC: . . . but he's pitiful in that way that he drinks a lot. **He's** wrecked, he's wrecked his life.

DM: Oh, yeah.

SC: What, which I guess it would be.

DM: Um, um.

SC: You know, being involved this kind of **violence(?)** Ah, but, you know, people say that he's a fucking wino and a drug addict you know, and he's all these things...

DM: Um, um.

SC: . . . but he's got his own, his own ways of survival because he doesn't trust these guys either. You know, this is a guy, 40 odd years old or something, who, you know, he wants to get rid of it. You know, he wants, he wants, it **to be over** and I think he'd answer to it, I do, you know.

DM: Um, um.

SC: If they don't kill him first. And, who knows whether they will or they won't.

DM: Um, um.

SC: I don't know. Some people have a lot of shit to hide and I think they will do most anything to hide it.

DM: Um, um.

SC: Cuz **they've made their career** out of it) you know. It's sad, it's sad man. That's **why** I wanted to ask you about it.

DM: Okay.

SC: And I appreciate you coming down and visiting with me.

DM: Yeah I always wondered what happened to 'ya, you know, and, uh, uh, I've been livin' with that Maria Holy Eagle, but like I said, now I couldn't jive with her man, all together she, she's really into herself.

SC: Um.

DM: She just had an article in the Indian Country Journal paper about herself saying she was a spiritual person and she didn't tell me jack shit about these spirits of hers and I lived with her. In this town we have a lot of these, a lot of these Indian people in town who wanna be shaman, (inaudible) saying spirits are dead. Either that, what I've seen it's all for show, or personal greed or money, that's it.

SC: Well, there's a lot of that around.

DM: (inaudible) I just had a good Sundance at Rick Two Dogs, it was powerful (inaudible)

SC: (inaudible)

SC: Yeah, Rick's a good (inaudible). Rick's kind of like **Wilmer**, you know, real traditional people.

DM: Oh, yeah.

SC: Then there's all these other kids, you know, who are, who might lead in Sundances and stuff. I went to one of them and I, I had a friend who was dancing, she asked me to go and like record it so I went. Man, I couldn't believe the shit going on in there, too.

DM: Um.

SC: Lots of non-Indians and . . .

DM: Um, um.

SC: . . . Boy, kinda like a circus, you know, I was thinking . . . (inaudible)

DM: Yeah.

SC: You know, but with side shows and stuff going on, you know, there was a guy, a non-Indian guy, you know, he was like taking **flesh offering off** people. It was like, like at a fair or something you know, just . . .

DM: Um, um.

SC: It was just bad.

DM: Um, um. Well, I'm gonna hit the road, man, 'cuz I'm gonna go back to my apartment, and head for Pine Ridge and **my parole officer give me**. I got my last meeting with him on Monday, 4:30. And he says I can move any time after that, so I tell him, well, I can't come back Sunday night, can I come back Monday (inaudible) 'cuz I gotta bring back the trailer, bring my stuff back, so.

SC: Well, if you get down to **Wilmer's** place, ah, give **him** a message for me. **He** wanted me to go down there on the 29th.

DM: You said he gave **him** a message for me too, and I never, did tell me that.

SC: Yeah, well **last fall**. You know when we visited, he said . . .

DM: Yeah.

SC: 'tell him to call me.' So I gave him your number.

DM: Um, um. Yeah, he never did call.

SC: Or that number I had, which was (inaudible) yeah.

SC: That woman's place, um, I don't know whether he did.

DM: (inaudible)

SC: But if you see him, man, can you tell him that I can't be there on the 29th.

DM: The 29th of this month?

SC: Yeah. I gotta go to Seattle.

DM: Ok. Today's what, the 27th?

SC: Yeah, it's like Sunday.

DM: Oh, all right. **Cause I'll be going through** there tomorrow.

SC: Okay. Ah, if you see you him and . . .

DM: All right.

SC: tell him that, that would be, that would be cool 'cuz then I ain't got no other way of getting a message to him.

DM: All right. I'll do that.

SC: And I'll try and hook up with Cleo . . .

DM: Um, um.

SC: see what she can remember.

DM: Um, um.

SC: Then I'll be back around here, uh, end of August. So I'll give you call then.

DM: K. Then, ah,

SC: See what's going on. And I'll, by that time

DM: You'll have a rough draft . . .

SC: Yeah.

DM: together.

SC: Yeah. It's just gonna be, it'll be like my questions and your . . .

DM: What other magazines did you send me?

SC: I sent you those AIM magazines that we get, those, ones with, uh, Fern, you know, Fern **Matthias** that lady . . .

DM: Hum.

SC: . . . lady, she like had a flag upside down.

DM: Um, no I didn't see that one.

SC: Ah, I sent you that one. I sent you that one with, ah, Peltier on the front and I sent you another one that I had stuff **about mascots** in it.

DM: Do you have anymore copies left?

SC: Yeah.

DM: Well, send them to this address (inaudible)

SC: 'Cuz I remember the last thing you said to me was if you can give **Wilmer** a message for me and I saw him right after that. I gave him that message.

DM: Um, um.

SC: And then he said if you got that magazine, send me that magazine.

DM: Um, um.

SC: So, I gave him the message and I sent you the magazines some time after that.

DM: **I didn't get it.**

SC: It wasn't right away.

DM: She's probably got them then but didn't give them to me.

SC: Well, I'm glad we

DM: Yeah.

SC: I didn't send that book.

DM: Yeah. (Inaudible) was there, so I probably (inaudible).

SC: All right. I'll do that.

DM: Um, um.

SC: We'll do that and I'll give you a call when I get back.

DM: Okay, man. Well, I gotta ride. All right.

SC: I'll walk you down.

DM: All right. **Been a long day man since last time I worked out there.**

End.