

Patton disagrees on Indian ruling

By Dwayne Cox

U.S. Attorney Larry Patton said today he disagrees with Tuesday's state Court of Criminal Appeals ruling against state prosecution of a murder case at the Chilocco Indian School. Patton today said his staff members are researching aspects of the case to confirm their prior opinion that the state and federal government had concurrent jurisdiction over the Chilocco school.

If the research confirms Patton's stance, he said, the U.S. attorney's office will take steps to return jurisdiction to Wideman's office, possibly by assisting in a petition for rehearing before the appeals court. Patton noted that, if the appeals court ruling stands, prosecution of Grass, a juvenile, will be "terribly cumbersome" under federal law.

The appeals court overruled Wideman's argument Tuesday, ordering the state's case against Carl Matthew Grass, 16, remanded for dismissal of the first-degree murder charge against Grass.

The three-member court ruled in a unanimous opinion that Chilocco "meets the definition of a dependent Indian community and that the state of Oklahoma has no jurisdiction over crimes committed there."

Grass was charged in state court with the January 1978 beating death of a 19-year-old youth at a Chilocco dormitory. The appeals court ruling conformed to a federal order more than a year ago by U.S. District Judge

Fred Daugherty which banned state prosecution of crimes on Indian allotment lands and gave the federal government exclusive jurisdiction.

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Snag in Indian's Trial Ripped

By Covey Bean

In the wake of still another "Indian Country" ruling, legal spokesmen for two organizations Thursday urged U.S. Attorney Larry Patton to get on with a decision on whether to prosecute 16-year-old Carlton Grass in connection with a Chilocco Indian School slaying more than a year ago.

The Oklahoma Court of Criminal Appeals ruled earlier this week that the state has no jurisdiction to try Grass because the alleged offense occurred in what is legally defined as Indian Country.

The ruling left both Kay County District Attorney Joe Wideman, who had sought jurisdiction in the case, and Patton, the federal prosecutor from Oklahoma City, who appar-

ently has it now, unhappy with the situation.

The two were taken to task Thursday during a press conference at the Native American Center in Oklahoma City by Barry Benefield, a member of the center's legal staff, and Susan Work Norman, a lawyer for the Oklahoma Indian Affairs Commission, who has been involved in the Grass case.

"These public officials who stand for law and order are spending their time complaining about what the court has done instead of dealing with all these things," said Benefield. "Every day that we go on talking about this is another day he (Grass) hasn't had the opportunity to have a fair hearing." The young Chilocco student has been in jail in Newkirk

since the January 1978 slaying of a 19-year-old Indian in a dormitory at the school.

When the appellate court ruling was handed down, the state charge against Grass was ordered dismissed, leaving prosecution to federal authorities who have jurisdiction over felony offenses committed in Indian Country.

Patton was later quoted as saying he would do "everything possible" to return jurisdiction in the Grass case to the state.

"This position fails to recognize that jurisdiction over Indian Country can only be returned by consent of the tribes," the Indian lawyers noted Thursday, "and it is particularly inappropriate in light of the United States attorney's duty arising out of the trust

relationship between the federal government and Indian people and tribes."

The Indian Country ruling does leave a law enforcement loophole when an Indian commits a misdemeanor against another Indian in Indian Country. This type of case must be handled by Indian

courts, which are currently being set up by the Bureau of Indian Affairs.

However, federal authorities retain jurisdiction over felonies.

"Obviously, we're not urging prosecution," noted Benefield, "but it's the law. It's time to get on with the next step."



Tribal Police to Train At Center in Chilocco

By Brian Coyne

CHILOCCO — The Chilocco Indian School was selected Thursday as a police training center to teach basic law enforcement skills to Indian tribal police officers.

The six-week course covering 240 hours of instruction will begin June 1, said Charles Delaney, deputy director of the Bureau of Indian Affairs area office in Anadarko.

Delaney was on the Chilocco campus Thursday with Louis Papa, director of Law Enforcement Training and Consultation Services for the New York City Police Department.

Papa is under con-

tract with the Bureau of Indian Affairs to establish the training program in which the Oklahoma State Bureau of Investigation will cooperate and provide instruction, Delaney said. Papa will be at Chilocco through today.

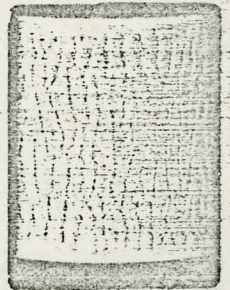
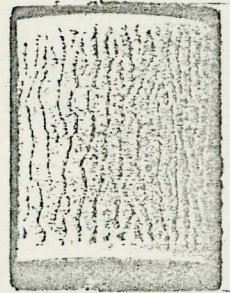
Delaney said the tribal police officers will operate in various areas of Indian lands as defined by an Oklahoma Court of Criminal Appeals ruling this week, in which Chilocco was declared "Indian country" and the state was barred from trying an Indian student charged with first-degree murder.

He said there will be 24 trainees in the June

class from four Indian agencies in the Anadarko area including Pawnee, Shawnee, Anadarko and Concho.

"Our security guards are under delegated orders from the General Services Administration (GSA) that authorizes the secretary of the interior to appoint uniformed guards in the Bureau of Indian Affairs as special police at boarding schools. They have the same base of authority as the GSA Federal Protective Service such as one notices in federal buildings and courthouses."

Two such federal police already are on duty at Chilocco and a third will be added soon.



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Creeks to assume policing duties

By Mike Ward

OKMULGEE — State lawmen have been told to keep hands off enforcing criminal violations on Indian land, leaving dotted sections of the state a virtual "no-man's-land" for policing.

But a little-known organization of Creek Indians, one of only several in the United States which has for more than a century held Indian policing power, is moving to assume enforcement duties.

The Creek Nation group, known as the Light Horse Administration, consists of 25 uniformed officers who now act only as security guards on Indian properties.

"Keeping surveillance on the tribal administration buildings in Okmulgee and on our Head Start center at Yeager northeast of Holdenville takes our time now, because we have no powers of arrest as far as the state is concerned," explained Duke Harjo, one of four supervisors.

"The State Bureau of Investigation is putting together a special academy this summer to train Indian police, and after our people go through that we will have the authority to carry guns and act as our own police on Creek Nation property which covers an eight-county area."

The Light Horse Administration was resurrected three years ago to provide security. Aided by a federal manpower grant, three additional officers are expected to be added within the next few months to guard the Creek Nation Hospital in Okemah.

Light Horse officers wear uniforms consisting of dark blue pants and light blue western-style shirts. Harjo said field officers wear five-point gold stars bearing the Creek Nation emblem, and supervisors have similarly designed, seven-point badges.

On one shoulder, the officers' uniforms bear a Creek Nation seal and on the opposite an American flag emblem is worn.

"We don't carry guns, just flashlights and we have night sticks ordered," Harjo said.

"The problem over state officials enforcing laws on Indian land is something that has been there for years," he said.

"Basically, the BIA is over the western half of the state, and considers only Indian lands in that

the eastern part of Oklahoma are posed with the same problem, but we are dealing with it independently."

Harjo said the state crime bureau has scheduled the training academy for June at Chilocco near Newkirk where participants will attend six weeks of formal police training to prepare themselves for enforcement duties.

"After people have finished the academy, it's our understanding that we will become police and have jurisdiction over Creek Nation property," he said.

"We haven't had many problems at all since we started up again about three years ago, but I imagine that if we do have to start enforcing the laws, we will be adding some more men to patrol the roads like the state officers do now."

Roots of the Light Horse Administration were set out in the 1860s in the Creek Nation Constitution, which provided for a Light Horse Brigade to police Indian lands. The brigade was to consist of several cavalry-type units which patrolled Creek territory until shortly after the turn of the century when federal and state marshals began assuming jurisdiction.

The Creek Constitution, which also set up an Indian judiciary and penal code, became inactive about 1910 when the Creek National Council stopped meeting. The four other Civilized Tribes have similar constitutions containing similar provisions, although officials said the Creeks are apparent leaders in reactivating the units.

The Light Horse Administration, headed by Stan Wells, is operated under the Division of Tribal Affairs in Okmulgee headed by Bill Fife.

Harvey Pratt, Oklahoma State Bureau of Investigation agent, said the Indian police training academy is set to begin June 1, and will include "complete law enforcement training" ranging from marksmanship and arrest procedures to state statutes and patrolling.

"We are offering the tribes an academy to teach their people how to be police officers so they can enforce the laws in Indian country," Pratt said.

Pratt said the first-ever academy will likely include about 30 participants from a half-dozen tribes, and may be run in several segments to