

The American Indian Movement's Strategic Choices: Environmental Limitations and Organizational Outcomes

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The roots of modern Indian protest reach backward in history and forward into the future. Modern protest developed out of specific historical contingencies. For many protesters, the immediate concerns of housing shortages, police brutality, poverty, unemployment, and similar issues existed along side other issues such as identity and status within the American mosaic. Did Indians represent just another ethnic group bound to be assimilated by American society, or did Indians embody something different and far more significant – nations? As modern Indian protest escalated, the question increased in salience. Nancy Lurie explained that “Indian distinctiveness ... stressed culturally and historically” included an “emphasis on treaties rather than judicial recourse in obtaining perceived rights of Indians,” “an attitude that all other Americans are ‘immigrants,’” and that Indians as the “‘First Americans’ deserve special consideration (1972:308). In this sense, Native Americans were different than Blacks and other ethnic minority groups; they were the only ethnic group the U.S. Supreme Court had defined as “domestic dependent nations” in *Cherokee Nation v. Georgia* (1831). Just what this meant and the degree of tribal sovereignty this status conveys has continued to be a matter of political and judicial wrangling. Regardless of the Indians’ status as “domestic dependent nations,” the overall American policy was one of assimilation in which reservations were seen as a temporary necessity until Indians had gained the necessary cultural, educational, and technical levels of competence necessary to participate in American life. Central to accomplishing this end was the boarding school system.

The goal of boarding schools, such as Carlisle, Hampton, Haskell, and many others was to “kill the Indian to save the man,” as Pratt the founder of Carlisle in Pennsylvania testified in Congress. Graduates of such boarding school experiences were among the first to establish organizations composed of Indians themselves. The Society of American Indians (SAI) founded in 1911 is such an example. While the SAI largely advocated assimilationist goals, it also included some members, such as Dr. Carlos Montezuma, who criticized the Bureau of Indian Affairs and the federal government and ushered in the beginning of more independent-minded Indian leaders.

Other events such as the 1934 Indian Reorganization Act, which altered the terrain of Indian-White relations, and later World War II each served to set things in motion that would have an impact on Indian protest. The IRA by returning some limited self-government to tribes provided a proving ground for developing Indian leaders. World War II had even greater consequences. Indian participation in the military not only

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helped develop leadership skills for some participants but it also introduced many reservation residents to a world outside reservation boundaries. This was true for those Native Americans who joined the military but also for those who migrated to urban areas to work in the war industries. This growth of an urban Native American constituency, later enhanced further by the federal government's policy of relocation, would produce one of the central linchpins in Indian protest during the 1960s and 1970s.

By the 1960s Indian organizations, such as the National Congress of American Indian's (NCAI), were participating in what I will call "normal politics." That is they were involved in lobbying federal officials and attempting to produce changes via the ballot box. Seeking to achieve change through "normal politics," however, put Native Americans at a severe disadvantage. Power in "normal politics" rests on two major attributes: money and numbers. First, through financial contributions to candidates or their parties one can gain access to have one's issues heard and even positively influence political action in your favor. Second, having a numerical majority, or at least a substantial voting bloc that can act *en mass*, can help insure election of those whom you believe to be supportive of your issues. Until recently, only a very few tribes had enough economic resources to make any substantial political contributions and affect normal politics in that fashion. Today, this has changed to some degree due to more tribes having substantial gaming revenues. Also, except for some local political races, Native Americans at around one percent of the total U.S. population have never been able to influence the national political scene by delivering the votes. I argue that this political reality is one of the major reasons why other Indian organizations, the American Indian Movement included, choose a more confrontational political strategy. They grew increasingly frustrated at the pace and degree of change groups like the National Congress of American Indians (NCAI) and later the National Tribal Chairmen's Association (NTCA) were able to achieve. Younger Indians particularly were so frustrated with their older leaders that they looked on many as "uncle tomahawks" (Burnette 1974:269, Steiner 1968:257). Mel Thom, one of the original founders of the National Indian Youth Council (NIYC) explained:

We were concerned with direct action ... The younger Indians got together in the Youth Council because they didn't feel that the older leadership was aggressive enough. And we felt that Indian affairs were so bad that it was time to raise some hell (Steiner 1968:40).

Political frustration, however, was not the only factor leading younger Indians to choose more confrontational, direct action tactics. Another factor was simply the tenor of the times. As the war in Vietnam wore on, some groups within the anti-war movement such as the Weather Underground became more violent. As changes sought by the traditional Black Civil Rights Movement failed to materialize, the Black Panthers and other Black Power groups emerged. It is not surprising, therefore, that the Indian youth movement would also adopt similar confrontational tactics.

Finally, there was also a conscious attempt to identify with the historical "warrior" culture. As a result of the boarding school experience, other forced attempts at

assimilation, and the alienation from traditional culture produced by the reservation-urban shift, many younger Indians were searching for an identity. By connecting with the warrior culture of the past and the great leaders of that era, many youth were able to find an identity they could be proud of possessing. Birgil Kills Straight, an AIM member on the Pine Ridge reservation, described AIM as the "warrior class of this century ... who vote with their bodies instead of their mouths"(Kills Straight 1973). All of these factors played a role in the choice of confrontational, direct action tactics by the American Indian Movement and other activists Indian organizations. The choice of confrontational, direct action tactics, however, affected both the results achieved and the consequences for those groups using such tactics. We will first turn our attention to the results achieved by AIM.

Why do protest groups make the choice to engage in confrontational tactics when they also know the use of such tactics is likely to invite substantial repression as a counter response, especially from law enforcement agencies? Gamson in his study of 53 protest groups in America offers an explanation: such tactics are effective. For instance, his study found that seventy-five percent of violence users achieved new advantages compared to 53% of protest groups who did not use such tactics (1975:79). Were the confrontational tactics used by AIM also effective? I would argue they were. In several instances when AIM protesters took over abandoned pieces of federal property, justified they argued by provisions in the Treaty of 1868, AIM or other Indian organizations were given rights to that property occupied by protesters. For instance, in 1970 AIM and other Indian protesters made several attempts to occupy Fort Lawton, an idle military installation near Seattle. Eventually, an organization representing Seattle's Indians was given title and the Daybreak Star Cultural Center was born. Also in 1970, AIM and other activists occupied a 647 acre surplus military facility near Davis, California. The site was eventually given to the Board of Trustees of Deganawida-Quetzalcoatl University, whose primary mission was to serve a Native American and Chicano constituency. Dennis Banks, one the major leaders of AIM, would later serve some time as Chancellor. Several additional examples could be cited.

Lacking significant financial resources to mount a media campaign of its own, AIM, by employing direct action tactics was able to garner substantial media attention. In a published paper, I document the media attention AIM achieved but also how it was unable to control how itself and its protest were "framed" by the media (Baylor 1996). Still, the resulting media coverage did result in a wider airing of Indian grievances to a larger swath of the American and international public than would have otherwise been the case. Although the argument can be made that much of the media's attention was not beneficial to the movement, there is no question that AIM's confrontational tactics made it know to a far wider segment of the American public than if it had not used such tactics.

There is a third and very significant way in which AIM's protests proved successful that has not received much attention. As already described, part of AIM's appeal was due to the inability of other Indian organizations using "normal politics" to achieve much success. In an effort to not loose their entire constituency and become irrelevant, many of the traditional Indian organizations such as the National Congress of American Indians, and even the National Tribal Chairman's Association became more

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aggressive and forceful in their own demands. As the government faced either dealing with AIM or the more newly aggressive traditional Indian organizations the choice became clear. As one member of the National Congress of American Indians put it, "Before now, we could exhaust every appeal to the government and then sit back and wait without any hope of anything happening. Now, we can always threaten to call in AIM as a last resort (Burnette 1974:282). The role that AIM and other activists Indians played in moving along Indian reform indirectly cannot be underestimated. It becomes the most logical explanation to understand the substantial changes that brought a greater degree of self-determination to Indian country after AIM arrived on the scene. AIM's choice to use confrontational, direction action tactics in achieving results, whether directly or indirectly, also had consequences which are just as important in understanding AIM's decline by the late 1970s.

Many internal constraints limit government social control agents. For instance, the judiciary limits unwarranted searches. Senate intelligence committees have some oversight of the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA). The Office of Attorney General is charged with prosecuting those in government who violate the law, etc. When such internal constraints on social control fail, external sources of accountability play a very important role in restraining illegal or excessive social control measures. The news media and public opinion are the chief agents in this effort. No democratic government can repeatedly ignore accusations by the media and the public of wrongful actions without costs to its popularity, and in extreme cases, its legitimacy. In resorting to confrontational, direct action tactics, a protest organization opens itself up to the "legitimate" application of a host of social control tactics in ways that an organization engaging in "normal politics" does not. While it is possible that government agents of social control could use all of its available tactics against organizations involved in "normal politics" as well, to do so would make it vulnerable and jeopardize its own legitimacy, thereby aiding the protest organization it is attempting to contain. The classic example of such an outcome during the period covered in this paper is the case of the "White House plumbers" breaking into the Democratic Campaign headquarters in the Watergate building which resulted in a U.S. President resigning in disgrace in order to avoid impeachment. However, once a protest organization breaks the law, social control agents are free to use a greater array of social control tactics with greater impunity (Marx 1979). This is true even if social control agents exceed their authority or power in the control tactics they use, as it is far more difficult to muster the media to create public sympathy for an organization that uses confrontational, direct action tactics verses one using "normal politics." I argue that this is what happened in the case of AIM.

AIM very quickly established a reputation as a more confrontational organization. One of its first endeavors in Minneapolis was to organize the "AIM Patrol." The patrol sought to monitor police activity for possible misconduct, including police brutality by patrolling Indian neighborhoods, monitoring police communications, and showing up at the scene of any possible arrests of Indians. Within a year or two AIM members were participating in or leading other direct action demonstrations such as occupations of federal property, including Alcatraz Island, taking over the Mayflower II, protesting atop

Mt. Rushmore, etc. In 1972 the Trail of Broken Treaties protest resulted in the eventual occupation of the Bureau of Indian Affairs building in Washington, D.C. that garnered national media coverage. This was soon followed by more than a two-month long occupation of Wounded Knee on the Pine Ridge reservation in South Dakota. In 1975, two FBI agents were killed by AIM members or their supporters in a shootout on the Pine Ridge reservation. In response to these and many additional protests and demonstrations, governmental social control agents conducted a vigorous social control campaign. Given the limitations of this paper, it is impossible to adequately detail each of the various social control tactics used by social control agents against AIM. Therefore, this paper will focus on two tactics: the use of informants and use of the law and the courts to constrain and render AIM ineffectual.

A wide variety of social control tactics were used by social control agents against AIM. These included administrative harassment, electronic wiretapping, disinformation campaigns, cooptation of movement members or potential movement members, facilitating countermovements, bad-jacketing, litigation, and informants/agent provocateurs. Each has its own particular effect in hindering ongoing social movement mobilization. Disinformation media campaigns, for instance, seek to reduce public support or sympathy for a movement or organization by sowing negative information. Cooptation seeks to deprive an organization or movement of leaders or members and thereby reduce its effectiveness and impact. Few tactics, however, are as effective as the use of litigation and the use of informants/agent provocateurs.

Litigation is among the most effective means of social control. It is an overt tactic that enjoys high public legitimacy especially against groups that have chosen confrontational tactics and breaking the law. It always achieves some social control function regardless of the outcome of specific cases. Win or lose damage is done. For instance Oberschall (1978), in referring to the 1960s social movements notes:

The government strategy appeared to be to tie leaders down in costly and time consuming legal battles which would impede their activities and put a tremendous drain on financial resources regardless of whether the government would be successful in Court (277-78).

Besides depleting financial resources, litigation also often moderates a protest organization due to fear of placing in greater jeopardy those already in custody or awaiting trial and having additional members face the same legal risks. The threat of litigation raises the participation costs to current members or new potential members (McCarthy and Zald 1977). To counter this threat, a protest organization must demonstrate that it has the ability and resources to deal with this increased risk to participants. This of course means that a protest organization must spend a great deal of time fund raising rather than engaging in protest. Even if a protest organization is successful in raising bail or obtaining the release of imprisoned members through successful trial outcomes, protest is still restricted, as conditions often mitigate against further involvement in protest activities by those individuals.

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Part of the success of litigation by social control agents stems from the generality of the laws used against those involved in protest. Oberschall (1978) cites the Federal Anti-Riot Act of 1968 and indictments on conspiracy as the two legal instruments used against the 1960s protest movements. The primary legal instruments used against AIM included the Federal Anti-Riot law and Interference with a Federal Officer during the Performance of His Duties, Title 18 U.S. Code, Section 231 (A) (3). In addition, the government applied blanket charges of Burglary, 18 USC S1153 and SDCL, S22-32-9, Larceny 19 USC S1153 and S661, and Conspiracy 18 USC S371 to most of the occupiers of Wounded Knee. This resulted in the FBI investigating some 2,200 charges concerning the Wounded Knee occupation alone. However, this extensive investigatory process resulted in only 562 arrests. From these arrests, the Government obtained 185 grand jury indictments which resulted in only fifteen convictions. Five of these convictions were on fairly minor charges of "interfering with federal officers" (Johansen and Maestas 1979:88, and Dewing 198, FBI Files, Reel 25, Vol. 25, p. 435). In spite of the lack of prosecutorial success, the FBI seemed to have achieved its desired outcome. A FBI memo summarized the expected outcome of their efforts:

It should be noted that these investigations involving militant extremists [AIM members] are of such a nature that they will be tied up in court proceedings and under the courts jurisdiction during the forthcoming summer, and it is felt, [this] will greatly contribute to inhibiting their activities (Dewing 1985, FBI Files, Reel 25 Vol. 25, p. 437).

Pat Ballanger, an AIM member from Minneapolis, described the impact of criminal litigation against AIM in this manner:

Well, first of all, the first years after that [the Wounded Knee occupation] there was the largest trials in the country, the Wounded Knee trials. And that absorbed all our energy for years. It was raising bail for those guys, getting attorneys, raising attorney's fees, developing defense committees, keeping people involved, at least knowing what was going on. Moving witnesses from one side of the country to the other side for these trials ... (Ballanger, 1988).

Another FBI memo confirms Ballanger's assessment and confirms the desired outcomes of litigation identified by Oberschall:

The movement seems to be changing and appears to be more concerned with perpetuating itself rather than conducting large, costly, violent confrontations. Confrontations keep their leaders in court and saps energy and funds (Dewing 985, FBI Files, Reel 15 Vol. 55, p. 946).

The fear of litigation and criminal sanctions had other negative outcomes. In some cases AIM members who knew they would not be granted bail, or who thought they would not receive a fair trial (especially in South Dakota) went underground or fled the U.S. For instance Dennis Banks, who faced charges from the Custer Courthouse riot,

fled to Canada. As a result, not only did some members face additional charges, such as "unlawful flight to avoid prosecution," but they also could not fully participate in organizational activities.

The use of litigation also reveals a tremendous discrepancy between protest organizations and the government. AIM had trouble raising the funds necessary to mount an initial defense for all those charged. Meanwhile the government essentially had unlimited resources for numerous appeals and counter charges. The case of Loud Hawk, et. al., highlights these discrepancies. During a period lasting twelve years, this case went before the U.S. District Court in Portland, Oregon three times. In each instance the court dismissed the charges. In each case, the U.S. Attorney appealed the dismissals, including one appeal all the way to the U.S. Supreme Court. Eventually, Dennis Banks, the only defendant the prosecution could not directly place at the scene of the crime, pleaded guilty to one count of "illegal possession of a firearm." As part of the plea bargain agreement, the government agreed to drop all charges against the other codefendants, including Bank's wife (Hamilton 1988, and Stern 1994).

The use of the judicial system as a social control tactic confronts a protest organization with a problem that lacks an effective counter-strategy. Since most protest organizations are composed of poorer, negatively privileged groups to begin with, one of the reasons they cannot use "normal politics" to achieve their desired goals, they are at a serious disadvantage. The use of financial resources to meet these legal challenges leaves few resources available for protest and organizational mobilization and maintenance. The end result is that the organization's ability to further press their concerns by applying pressure through direct action is impeded.

The second social control tactic of concern in this paper is the use of informants/agent provocateurs. The use of informants and agent provocateurs as social control tactics against protest organizations is often overlooked because of the difficulty in obtaining information about the subject. In spite of this difficulty, or perhaps because of it, Marx (1974) suggests that undercover agents can "seriously distort" the life of protest organizations. This paper argues that this was particularly true of AIM due to its choice to engage in confrontational, direct action tactics which made it particularly vulnerable to the erosion of "trust" among its members.

The general importance of informants to social control agents has been documented by the General Accounting Office. For instance one GAO study found that the FBI used informants in 83% of its domestic intelligence cases sampled (U.S. Congress, Senate Select Committee to Study Governmental Operations, 1976:13). As a way of keeping tabs on protest organizations activities and plans, no better social control method exist. The benefits, however, do not stop there. Informants offer social control agents a means of directly influencing a protest organization. Whether it is the mere presence of an informant that makes an organization appear stronger than it actually is, or by voting on agendas, or being asked or raising questions, covert operators alter the environment in some way from the situation that would have existed had they not been present. In some cases, informants directly seek to influence organizational outcomes or choices, at which

point they more accurately become “agent provocateurs.” The importance of informants, and I would argue agent provocateurs, in AIM is documented again and again in FBI documents regarding AIM. For instance, one FBI report (1975) states, “The key to the successful investigation of AIM is substantial, live, quality informant coverage of its leaders and activities. In the past, this technique proved to be highly effective” (Dewing 1985, FBI Files Reel 25 Vol. 28, p. 947). Other reports or memos from FBI Headquarters encourage local offices to develop informants in “violence prone” organizations such as AIM. “The importance of developing informants within violent Indian groups such as AIM has been stressed in the field . . . and continued efforts to develop informants . . . are continuing” (Dewing 1985, FBI Files Reel 19 Vol. 1, p. 384-385). This paper argues that the discovery of informants within AIM had an extremely corrosive effect in the organization, eventually contributing to perhaps the saddest event in AIM’s history – the murder of AIM member Anna Mae Aquash in 1976 by other AIM members.

The first informant to surface within AIM was during the BIA occupation in 1972. Eventually, several other informants would surface including the high profile case of Douglas Durham, who rose to be Dennis Bank’s personal bodyguard and privy to defense team tactics during the Wounded Knee trials. The revelation that someone, as high in the organization as Durham, was an informant reverberated within AIM. One AIM member described his impact:

I can’t think of any one person who did more damage to AIM than Doug Durham. The kind of pressure the feds were putting on the leadership after Wounded Knee was already causing problems. Some people were beginning to unwrap, Russ and Dennis were continuously tied up in trials, so there wasn’t a lot they could do about it. Durham just absolutely destroyed trust inside the organization when he turned out to be a pig ... especially when it turned out there were others as well. Nobody could be sure how far it went ... You could say that a lot of the spirit went out of the movement around what Durham did ... a whole lot of that early feeling, the openness of AIM disappeared. It got to be small groups who already knew each other real well, who couldn’t give up the resistance, but who were thinking more in terms of survival than anything else. That’s what AIM was by 1975 (Churchill and Vander Wall 1988:232-33).

The trust that was violated upon the disclosure of Durham and other informants in AIM nearly ended the ability of the organization to organize collective protests. The fact that AIM was a relatively loosely connected web of local chapters made trust in the national leadership, absolutely necessary for united action and mutual support. With trust destroyed, it became every chapter for itself.

In an organization that employed “normal politics,” the impact of such disclosure of informants is expected to have fewer negative consequences because the risk to individual participants is less to begin with. For an organization like AIM which engaged in confrontational, direct action tactics that frequently violated the law, the possibility of an insider who might present evidence or testify against you at trial dramatically raised

the participation cost of being involved. Indeed, it is frequently at trials that informants are revealed or individuals come to be suspected of being informants. Marx (1974) found that 60% of informers are exposed during court appearances, when their charges are dropped or released without bail, but other similarly charged participants are not (425). The suspicion this creates again acts to discourage trust between members even if the released member is not an informant. How does one prove they are not an informant? This spiraling of consequences can get out of control which is what appears to have happened in the case of Anna Mae Aquash.

Aquash, a committed activist and AIM member, became active in AIM during the BIA occupation in 1972 and then went to Wounded Knee in 1973. Her commitment and dedication led to her taking on more active roles within the organization. At the same time suspicion that she might be an informer seems to have been encouraged by Doug Durham and John Stewart (a.k.a. Daryl Blue Legs) who were later discovered to have been informers themselves. Suspicion was further increased by the FBI, which on several occasions either arrested her or brought her in for questioning, but never charged her when other individuals she had been with were held (Hamilton 1989). Following the 1975 killing of two FBI agents on the Pine Ridge reservation, tensions within the organization increased. Some members expected that other members might cave under federal pressure or that an inside informant would name names. Aquash came under extreme suspicion due to some of the reasons just identified. In March 2003 two former members of AIM, Fritz Arlo Looking Cloud and John Graham were indicted for her murder. Looking Cloud has been tried and found guilty (Walker 2004). Graham's trial has not yet begun. Determination of whether these men acted alone or whether they were ordered to eliminate Aquash by someone higher in the AIM leadership is still debated. Regardless of the answer to this question, this case demonstrates the severe negative consequences the use of informants can create inside a protest organization.

It has been argued that AIM's choice of confrontational, direct action tactics made strategic sense and was instrumental in directly and indirectly achieving a number of positive outcomes. Yet, it has also been argued that such tactics place any individual and organization using them at greater risk from social control agents. The fracturing of AIM as an organization and the murder of Anna Mae Aquash demonstrate the vulnerability created in part by using such tactics. In conclusion, this paper would also suggest that there is no easy solution to the dilemma protest organizations face regarding the use of confrontational tactics given their effectiveness, but also their accompanying greater risks.

Works Cited

- Ballanger, Pat. Phone interview with author. Tape and transcript in author's files, March 1988.
- Baylor, Timothy. "Media Framing of Movement Protest: The Case of American Indian Protest." *The Social Science Journal* 33.3 (1996): 241-255.
- Burnette, Robert and John Koster. *The Road to Wounded Knee*. New York: Bantam Books, 1974.
- Churchill, Ward and Jim Vander Wall. *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement*. Boston, Massachusetts: South End Press, 1988.
- Dewing, Roland. *The FBI Files on the American Indian Movement* (microfilm). University Publications of America, 1985.
- Gamson, William A. *The Strategy of Social Protest*. Homewood, Illinois: Dorsey Press, 1975.
- Hamilton, Candy. Letters of correspondence in author's files, 1988 and 1989.
- Johansen, Bruce and Roberto Maestas. *Wasi'chu: The Continuing Indian Wars*. New York: Monthly Review Press, 1993.
- Kills Straight, Birgil. *AIM, What is it?* 27 September 1993. Retrieved 11/01/2007. <<http://dickshovel.com/AIMdeclara.html>>.
- Levine, Stuart and Nancy Lurie, eds. *The American Indian Today*. Baltimore, MD: Penguin, 1972.
- Marx, Gary T. "External Efforts to Damage or Facilitate Social Movements: Some Patterns, Explanations, Outcomes, and Complications." *The Dynamics of Social Movements*. Ed. Mayer N. Zald & John D. McCarthy. Cambridge, Massachusetts: Winthrop Publishers, 1979.
- "Thoughts on a Neglected Category of Social Movement Participant: The Agent Provocateur and the Informant," *American Journal of Sociology* 80 (September 1974): 402-442.
- McCarthy, John D., and Mayer N. Zald. "Resource Mobilization in Social Movements: A Partial Theory." *American Journal of Sociology* 82 (May 1977): 1212-41.

- Oberschall, Anthony. "The Decline of the 1960s Social Movements." *Research in Social Movements, Conflicts and Change*. Ed. L. Kriesberg. Vol. 3: 257-289. Greenwich: JAI Press, 1978.
- Steiner, Stan. *The New Indians*. New York: Harper & Row Publishers, 1968.
- Stern, Kenneth S. *Loud Hawk: The United States Verses the American Indian Movement*. Norman, Oklahoma: University of Oklahoma Press, 1994.
- U.S. Congress, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. *Final Report – Book II: Intelligence Activities and the Rights of Americans*. 94th Congress, 2nd Session, Washington, D.C." U.S. Government Printing Office, 1976.
- Walker, Carson. "Jury Convicts Looking Cloud in 1975 Murder." Retrieved 11/01/07 <<http://dickshovel.com/guilty.html>>.