

Jury Acquits Suspect In '75 AIM-Related Slaying At Wounded Knee

BY DAVE KOLPACK
Associated Press Writer

RAPID CITY — A federal jury Thursday found a man not guilty of murder in a killing on South Dakota's Pine Ridge Indian Reservation 34 years ago, during the height of the militant American Indian Movement.

Richard Marshall was accused of providing the gun that was used to kill American Indian Movement activist Annie Mae Aquash in December 1975.

Jurors deliberated for less than two hours Thursday before reaching the verdict on the seventh day of the trial. Marshall hugged his attorney when the verdict was read, and cheering erupted in the courtroom. Marshall nodded and smiled at jurors as they departed.

One of Marshall's relatives, Owen Marshall, said afterward he thought it was a fair trial.

"I think it was the right decision, the right verdict," said Owen Marshall, whose father is a cousin of Richard Marshall. "This is justice. I feel bad for Annie Mae's fam-

ily as well. They deserve justice as well, but not by sending the wrong man to prison."

Denise Maloney, Aquash's daughter, attended most of the trial but left quickly after Thursday's verdict. She did not return a phone message seeking comment.

A weary-looking lead prosecutor, Bob Mandel, referred all questions to Mark Salter, spokesman for the U.S. attorney's office in South Dakota.

"Our office has always understood the challenges prosecuting a 35-year-old murder case, but we have not accepted that as a reason to avoid presenting the case to a jury," Salter said.

Aquash, a member of the Mi'kmaq Tribe of Nova Scotia, participated in the AIM's 1973 armed occupation of the Pine Ridge village of Wounded Knee, a two-month siege that included several gunbattles with federal officers.

Prosecutors believe AIM leaders later ordered Aquash killed because they thought she was a government informant. Federal investigators have denied Aquash was a snitch.

Marshall was found not guilty of first-degree murder. He would have faced a sentence of life in prison if convicted. Instead, he was taken from the courthouse to the county jail to be released.

During the trial that began April 14, the government's key witness described Marshall as an enforcer for a leader of AIM, a group that clashed with tribal and federal agents in the 1970s. Arlo Looking Cloud, who is serving a life sentence for his role in Aquash's death, testified that Marshall provided the murder weapon and John Graham pulled the trigger.

Looking Cloud also acknowledged years of drug and alcohol abuse and lying to authorities. Dana Hanna, Marshall's attorney, said Looking Cloud's testimony was not credible.

A message seeking comment was left with Hanna on Thursday afternoon.

Graham, who is from Canada's Yukon territory and belongs to the Southern Tutchone tribe, awaits trial in state court. Federal charges were dropped after federal courts

concluded the U.S. did not have jurisdiction because he does not belong to an American Indian tribe.

South Dakota Attorney General Marty Jackley said Thursday that the case against Graham has been in a "bit of a lull" while Marshall's fate was decided, but he expects Graham to be tried in July.

"The John Graham case in state court is a different case with different charges and dynamics," Jackley said when asked if the Marshall verdict gave him pause. "We're hoping we can try and provide some closure for Annie Mae's family."

Graham faces one count of felony murder in relation to kidnapping, one count of felony murder in relation to rape and one count of premeditated murder in Aquash's slaying. Another AIM member, Thelma Rios, is charged in state court with one count of felony murder in relation to kidnapping and one count of premeditated murder. She's expected to be tried with Graham.

"We're moving forward with both cases," Jackley said.

MIDWEST DIGEST

Contract Awarded For Wells In S.D.

SIoux FALLS (AP) — The board of the Lewis & Clark Regional Water System has awarded a \$5.8 million contract for drilling and equipping wells southwest of Vermillion.

The board says the low bid from Yankton-based Well Construction was below the engineer's \$6.9 million estimate.

The contract includes drilling and equipping five new wells along the Missouri River and equipping six others. When complete, the wells will provide capacity equivalent to 28 million gallons of water a day.

The Lewis & Clark water project is designed to pipe water from wells near Vermillion to towns in southeast South Dakota, northwest Iowa and southwest Minnesota. Water is expected to be delivered to the project's first 10 customers by 2012.

Student Gets Probation In Hazing Case

LINCOLN, Neb. (AP) — Another University of Nebraska-Lincoln student has been sentenced to probation in a fraternity hazing case.

Jeffery Mailet of Hinsdale, Ill., was ordered Thursday to serve 18 months' probation. He previously pleaded no contest to hazing in Lancaster County Court.

The 22-year-old Mailet is among nine Sigma Chi members charged last year after a UNL police investigation. The fraternity has since been suspended on the UNL campus for four years.

Police have said fraternity members forced pledges to drink vodka and Tabasco sauce until they vomited. One student also reported being sexually assaulted by a stripper, but prosecutors say they don't have enough evidence to bring charges.

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