

Reeves was one of America's many 'split feathers'

REEVES from page 1

Early on, social services described the family home in a report as "a small shack which is not fit to live in," and said the family was unresponsive to offers for help.

Rudolph Miller, Reeves' father, joined the U.S. Army shortly after Reeves was born and never married Randy's mother, though Miller's family supported the young son.

When Reeves was 9 months old, his mother was diagnosed with tuberculosis and sent to the Sioux Sanitarium in Rapid City, S.D., for nine months.

She returned when Randy was almost 2 years old, but by then he had already started calling his grandmother "Mom."

A little more than six months later, Grace Blackbird was arrested on an assault charge. She would not see Randy again for 22 years.

She pleaded guilty to the charge and was sentenced to six months in jail.

Blackbird recalls the details of the assault charges differently than what is reflected on the official record.

The 5-foot-2-inch woman was charged with assaulting 6-foot-tall Raymond Holbrook, a white man.

Blackbird said Holbrook was beaten by two juveniles who saw Holbrook arguing with her that night. She never touched him but pleaded guilty anyway, because she thought she would be convicted, she said.

While she was jailed, Randy continued to live with his grandparents, great-grandparents, aunt and cousins in the "small shack."

Social workers visited the Blackbird home three times before the night the children were taken

into custody.

Grace Blackbird said her parents had some houseguests that week who had just sold some land and were celebrating by drinking that night.

"My folks—they drank, but they never made a habit of it," Blackbird said.

It didn't matter to the sheriff, who had dealt with alcohol-related problems at the Blackbird house before. Citing neglect and an unsafe environment, the sheriff took all six children into protective custody pending permanent placement.

The two youngest Blackbird children, Randy, 3, and his 1-year-old cousin Phyllis, were slated for adoption while the other children, all school-age, were to be placed in foster care.

Adoption

The child welfare office wasted no time in starting the adoption process.

Five days before any court hearing, in a letter written from the Office of Child Welfare in Lincoln to the Thurston County office, a foster care worker, said:

"We are getting calls for Indian children so if they are healthy, intelligent and attractive, they likely will soon be in adoptive homes."

This was before either Randy or Phyllis Blackbird had been declared wards of the state.

In all of his initial evaluations, Randy Blackbird was described as healthy, intelligent and attractive:

"In spite of inadequate care, Randolph is healthy and well-developed for his age... (with) no signs of illness or malnutrition."

Despite the bill of clean health, all the adults in home were convicted of "depriving the children of necessary food, clothing, medicine, shelter and proper care."

Randy and Phyllis Blackbird were sent to the state home for children in Lincoln within a week, where proceedings for adoption began.

Grace Blackbird, still in prison, did not find out that her only son had been taken until her sister Rose Blackbird was sentenced to the York Women's Reformatory for neglecting the children.

When Grace Blackbird got out of

prison a month after her son was taken, she was told he would not be adopted, but would live at a state home.

When Grace Blackbird went to the Thurston County seat in Pender and tried to contact the judge or social worker involved with the case, she was told the caseworker had died and the judge retired, so no one could help her.

Though her son, Randy, was placed into an adoptive home in November 1959, Grace Blackbird said she did not learn about it until a couple of years later when the adoption was mentioned in a newspaper article.

By then the adoption was final, and Grace had no recourse.

The Reeves family

Randolph Blackbird was placed with Don and Barbara Reeves in Central City in November 1959, and on Dec. 30, 1960, he became Randolph Kirk Reeves.

The Reeves family, who are members of a Quaker community, had applied to adopt a child more than a year earlier.

Because they could have children of their own, Don Reeves said, they were not high on the list.

"We forgot about it and had another youngster of our own," Reeves said. "Then they showed up with Randy one day."

The Reeves had five children: two of their own, Randy and two more adopted children.

"Randy was accepted by our extended family and the community," Reeves said. "He was always one of our kids."

Randy Reeves' situation was unusual among American Indian adoptions, because the Reeves family provided a caring environment and presented his heritage in a positive light.

"Now we realize that everyone underestimated the trauma of taking these kids from their home," Don Reeves said. "But there is no hard evidence of this trauma in Randy's life."

Don Reeves said Randy Reeves had some normal teen-age problems, but nothing unusual.

The Reeveses sought counseling for him after he ran away at 14, and doctors found that Randy Reeves was "confused about his role in life."

"Somehow he (Randy) has rejected being adopted by a white family, and although he doesn't

talk too much about it, he feels different from his adoptive parents and on many occasions has rebelled against that," said Ted Kawa, a psychiatric social worker,

in a letter to the probation officer who prepared the pre-sentence report for Reeves' case.

Besides those preliminary conclusions, there has been little firm evidence of the effects of adoption on Randy Reeves' life.

He went on to attend the University of Nebraska-Lincoln for a year before dropping out of school in favor of construction work.

A common case

The adoption that took the Blackbird children was anything but unique on American Indian reservations during that time.

Approximately 90 American Indian children were taken from Thurston County between 1950 and 1960. During that time, about 2,000 people lived on both the Winnebago and Omaha Indian reservations.

Everyone living on the reservations today either knows or is related to someone who was taken by the adoptions, said Arnie Harlan, a tribal leader from Reeves' family clan.

The state suppos-

edly had jurisdiction and did what was best," Harlan said, "but it didn't work out."

By taking these children from their families at a young age, social services eliminated their support structures, which handicapped them later in life, adoption lawyer Susan Sapp said.

"Either the law didn't have strict standards for taking (these children), or the law was ignored," Sapp said.

These adoptions were common practice for a couple of reasons, Sapp said.

"There was a lot of prejudice against Indians and children being raised on reservations. The children were considered easily adoptable because they could pass for white."

Nathan Phillips, a relative of Randy Reeves, said he was taken from his family at 5 years old and placed in homes where he was beaten and emotionally abused. He was beaten for his grades, behavior—he once got beaten for coming home with a hickey—or for mentioning his birth mother.

One Thanksgiving, Phillips' foster family dressed him up as an Indian brave, he said, while they all wore suits and mocked his heritage.

In school, Phillips was constantly fighting to defend himself and was labeled a troublemaker.

"My foster families always told me my mom hated me, but that's a lie," Phillips said. "They said Indians were totally bad, heathen savages who were always drunk and completely worthless."

While at Lincoln Southeast High School, Phillips and his friends started skipping school and hanging out downtown with homeless people.

One day he met an American Indian woman and told her his Indian name. She gave him an address a few blocks away and told him to go there.

"I went there and knocked on the door, and this little head—my mom was barely 5 feet tall—looked out the window," Phillips said. "She knew me right away. When she opened the door we embraced and cried."

But the reunion was cut short the next day when police took the 16-year-old Phillips back to his adoptive home. Before long, Phillips, tired of getting hit and being unable to visit his parents, ran.

Phillips left his house on South Street and started running—soon he found himself in Nebraska City and turned south. He joined the Marine Corps in Topeka, Kan., instead of returning his abusive home in Lincoln.

After four years in the Marines, Phillips returned to Lincoln after his biological parents and brother died.

Phillips, overwhelmed by the loss of his family, his troubled upbringing and the lack of ties to his own culture, turned to crime and drinking.

For the next 14 years, he used the skills he learned in the Marines to work as a thug-for-hire. He later rediscovered his heritage and sobered up.

"This is a part of me every day," Phillips said. "I could get angry, but then I would be drunk every day and probably sitting in Randy's place."

Lasting effects

In 1978, Congress passed the Indian Child Welfare Act to stop these kind of adoptions and make sure the tribe and family have a say in the proceedings.

The law established a mechanism for tribal input in adoptions and provided that social workers must consider the American Indian culture when evaluating the child's situation.

A follow-up study in 1980 by the Colorado Indian Law Review showed that the law slowed the removal of Indian children, but did not stop it.

In 1998, a study of 200 American Indians who had been taken from their families revealed a consistent pattern of psycho-social dysfunction:

"Something on the inside is broken, and they can't form bonds with other people," said Carol Locust, the scientist who conducted the study for the University of Arizona.

Those taken before their fourth birthdays were hardest hit, she said.

Locust called these children "split feathers" because they were split from their heritage.

In all of the surveys, not one respondent said their parents had adopted the child because they wanted him or her, Locust said.

"Violence and theft were common among the split feathers, and some of the respondents were in prison," Locust said.

Today Phillips is in Washington, D.C., working with the Native Youth Alliance to create a foster care system run by American Indians for American Indian children taken from their families.

"I want to establish a safe place for our kids to go if they can't be with their parents," Phillips said.

Ideally, the homes would be on a ranch or farm setting where children could work the land, he said.

Phillips wants American Indian children to realize all the opportunities there for them and to gain an appreciation for their heritage.

He doesn't want them to be robbed of their culture like he and Randy Reeves were.

"I don't want our children to think that prison is the only place for them to go."

Pardons Board to determine Reeves' fate

By JOSH FUNK
Senior staff writer

Randolph Reeves' best chance to live beyond Thursday lies with Nebraska's Board of Pardons.

Gov. Mike Johanns, Attorney General Don Stenberg and Secretary of State Scott Moore will meet at 1:30 p.m. today to consider Reeves' application for a pardon's hearing.

Reeves and his lawyer, Paula Hutchinson, are running out of time and avenues to stop Thursday morning's scheduled execution.

Almost 18 years after Reeves was sentenced to death for killing Janet Mesner and Victoria Lamm, Reeves' options have come down to a request for clemency and an appeal for post-conviction relief pending with the Nebraska Supreme Court.

But the Pardons Board will be a tough sell for Reeves.

Moore is the only one who has said he would vote for a hearing in which evidence could be presented.

Stenberg, a strong death-penalty supporter, has said he sees no reason to grant a hearing.

On Friday, Johanns said he had requested all the files from the Reeves case—four file boxes—to be delivered to his house so he could review them over the weekend.

The governor said he would consider the evidence in Reeves' application carefully before deciding whether to grant a hearing.

This will be Johanns' first action as a member of the Pardons Board after taking office last week.

If the Pardons Board decides to grant Reeves a hearing, which would be held Wednesday, members could vote to commute his sentence to life in prison.

"This decision is the most sober decision anyone can make," Hutchinson said. "I hope they consider it seriously."

Lamm and Mesner were both stabbed to death in a Quaker meeting home in Lincoln. Mesner, a childhood friend of Reeves', was also sexually assaulted, and Reeves was convicted of two counts of felony murder.

Last week Lancaster County District Court Judge Earl Withoff rejected a motion alleging that Reeves had been deprived of his rights under Nebraska's newly adopted equal protection clause.

Withoff said that the law, voted on in November, was not retroactive and that Reeves could not prove the discrimination with statistics alone.

Under the federal equal protection clause, the U.S. Supreme Court has held that even though statistics show a racial bias in the implementation of the death penalty, complainants must prove specific discrimination.

That means there must be evidence that a specific prosecutor or warden intentionally discriminated against the prisoner.

The court also rejected Hutchinson's claim that the electric chair constitutes cruel and unusual punishment.

"No one can deny that my client has been prejudiced (against)," she said. "We're not saying that anyone in particular is racist, but that the process

is racist."

Hutchinson said she would appeal the motion to the Nebraska Supreme Court.

Hutchinson argues that several questions in Reeves' case have not been addressed by appellate courts, but prosecutors disagree.

"You can't get any higher than the U.S. Supreme Court, and they said his sentence is just," Lancaster County Attorney Gary Lacey said.

In addition to Nebraskans Against the Death Penalty and other groups, Reeves has garnered support from some unlikely sources.

Family members of both Lamm and Mesner have lobbied state officials for clemency, though Lamm's father and brother say they support the execution.

Rallies, vigils and even billboards advocating clemency have become common across Lincoln and the state as the execution date draws near.

Omaha Tribal leaders worry that the Pardons Board may not understand Reeves' cultural background.

"The governor never makes trips up here (to the reservation)," said Arnie Harlan, tribal council member. "As far as he knows, the Omaha people are in Omaha."

Lacey, who prosecuted the case in 1980 as deputy county attorney, said all the legal questions have been answered in the case, and his sentence should be carried out.

"You ought to be able to make all reasonable arguments (in a case)," Lacey said, "but once those are made, you shouldn't be crying about it in newspapers and on TV."