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**Chadrad Communications, Inc.**  
226 Bordeaux St - Chadron, NE 69337  
308-432-5545 fax 308-432-5601  
E-mail: [kcsr@chadrad.com](mailto:kcsr@chadrad.com)



## Oglala Sioux Tribe Seeks Court Injunction to Limit Beer Sales in Whiteclay

By: John Thayer Posted at: 02/22/2012 08:34 AM

LINCOLN, Neb. – (Feb. 22, 2012) – Attorney Tom White, legal counsel for the Oglala Sioux Tribe (OST), has filed an amended complaint seeking injunctive relief in the Tribe's lawsuit against the brewers, retailers and distributors of beer sold in Whiteclay, Nebraska. The amended complaint, filed Friday in Federal Court in Lincoln, requests an injunction to limit beer sales in Whiteclay.

Public comments made by Nebraska State Attorney General Jon Bruning subsequent to the original filing indicate, according to the amended complaint, that it is “not reasonable to expect that in the future the State of Nebraska will enforce its laws regulating the sale of alcohol at Whiteclay.” Speaking about the lawsuit and alcohol problems on the Pine Ridge Indian Reservation (PRIR), home to the Oglala Sioux Tribe, Bruning told the Nebraska Radio Network on February 10, 2012 that the solution is not shutting down the beer stores in Whiteclay, and that if the state shuts them down it is feared Pine Ridge residents will then travel to other areas to buy beer.

As a result, the amended complaint alleges, the OST has “no adequate remedies at law to protect its Federally granted rights under 18 U.S.C. § 1161 and to protect its sovereignty over the use and possession of alcohol and the integrity of its borders, and therefore the OST requests this Court to uphold the Federal law in this matter by granting injunctive relief against the named Defendants.”

The amended complaint further states: “The OST respectfully suggests that such relief take the form of an Order limiting the total volume of beer sold by the Defendants out of Whiteclay stores to an amount that can reasonably be consumed in accordance with the laws of the State of Nebraska and the OST. Such an order will protect the balance contemplated by Congress 18 U.S.C. § 1161 between the State of Nebraska's right to regulate alcohol within its borders and the OST's right to do the same within the Pine Ridge Indian Reservation.”

Congress, in 18 U.S.C. § 1161, prohibits the sale of alcohol in Indian country unless the sale is made in conformity with the laws of the State in which such acts occur and with an ordinance duly adopted by the tribe having jurisdiction over such area.

The original complaint, filed February 9, charges that the defendants are engaged in a common enterprise focused on assisting and participating in the illegal importation of alcohol sold at Whiteclay onto the PRIR. The sale, possession and consumption of alcohol is illegal on the PRIR, where tribal members suffer from crippling poverty and alcoholism rates.

Whiteclay, which lies less than 250 feet from the PRIR border, has fewer than a dozen residents and four retail stores licensed by the State of Nebraska to sell beer. According to the Nebraska Liquor Control Commission in 2010 these stores sold the equivalent of 4.9 million 12-ounce servings of beer—or over 13,000 cans a day. “Virtually all of this beer is sold to a population that has no legal place to drink it,” states Mark Vasina, president of Nebraskans for Peace. “Much of the beer is bootlegged onto the Pine Ridge for illegal resale.”

“The Oglala Sioux Tribe seeks compensation for all of the damages the Lakota people have suffered as a result of illegal alcohol sales,” said White, who is with White and Jorgensen Law Offices in Omaha. “The defendants have failed to make

reasonable efforts to ensure their products are distributed and sold in obedience to the laws of the State of Nebraska and the Oglala Sioux Tribe.”

Defendants named in the complaint include:

Anheuser-Busch InBev Worldwide, Inc.

SAB Miller d/b/a Miller Brewing Company

Molson Coors Brewing Company

Miller Coors, LLC

Pabst Brewing Company

Pivo, Inc. d/b/a High Plains Budweiser

Dietrich Distributing Co., Inc.

Arrowhead Distributing, Inc.

Coors Distributing of West Nebraska d/b/a Coors of West Nebraska

Jason Schwarting d/b/a Arrowhead Inn, Inc. (Whiteclay, Neb.)

Sanford Holdings, LLC d/b/a D&S Pioneer Service (Whiteclay, Neb.)

Stuart Kozal d/b/a/ Jumping Eagle Inn (Whiteclay, Neb.)

Clay Brehmer and Daniel Brehmer d/b/a State Line Liquor (Whiteclay, Neb.)

For more information or to download a copy of the original and amended complaint, visit: [www.SavePineRidge.org](http://www.SavePineRidge.org)