

With little fanfare, Whiteclay's four beer stores shut down pending Court of Appeals decision

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Bruce BonFleur changes the sign Sunday morning, April 30, 2017, at the Lakota Hope Ministry in Whiteclay, Nebraska, to read "A New Day."

WHITECLAY, Nebraska -- The doors to the four beer stores in Whiteclay stayed padlocked Sunday, "closed" signs tacked in windows.

The historic day was an uneventful one in this town.

Whiteclay has been notorious for selling about 3.5 million beers annually, mostly to Native Americans from across the South Dakota border on the Pine Ridge Indian Reservation. On Sunday, those sales came to an end — at least for now.

Save for the dozen or so people who hung around the edges of the village hoping that the stores would open one last day, the streets of this unincorporated town of 12 residents were emptier than locals ever remembered. Even the wind that often whips through the northwestern Nebraska prairie in the spring was still.

But the quiet in Whiteclay on Sunday was deceiving.

Just 20 miles away in Rushville, the nearest town to the south, the two businesses that sell liquor were seeing a jump in customers — a reality many in Rushville predicted. Most residents have opposed the closing of the Whiteclay beer stores, fearing that the problems the village faced would move to their town.

Rushville's gas station, which sells beer, saw more than four times as many customers as usual in the afternoon, and the gravel parking lot of Rushville's only liquor store was full for most of the day. Employees at the gas station and liquor store refused to comment on the increase in business.

Butch Abold, 73, of Alliance said he hopes that the Whiteclay stores reopen.

He worries about drunk drivers and people walking the narrow, winding road between the Pine Ridge Indian Reservation and Rushville.

"It's going to be a lot more dangerous," he said.

Bryan Brewer, a former Oglala Sioux tribal president who supports closing the Whiteclay stores, said shutting them down won't fix the problem. "We know that anyone with money and transportation will find a place to get alcohol," he said. "We just hope that the law enforcement in Nebraska will step up to help keep everyone safe."

Just as activists in Whiteclay declared Sunday a "new day for the Lakota people," those in Rushville were saying "this won't fix the problem, it'll only move it."

Had the four beer-only stores in Whiteclay not elected to remain closed Sunday, they would have had to lock up by midnight.

If and when the stores could reopen will depend on what happens next in the legal back-and-forth, which became especially heated last week.

Here's what happened:

The beer stores claimed a legal victory Thursday when Lancaster County District Judge Andrew Jacobsen overturned an April 19 decision by the Nebraska Liquor Control Commission to deny the stores their license renewals. In a biting seven-page ruling, Jacobsen called the commission's decision "arbitrary and unreasonable" and cited a Nebraska Supreme Court ruling that, barring dramatic change to a business, the renewal of liquor licenses should be automatic.

After Jacobsen ruled, the Nebraska Attorney General's Office filed an appeal, effectively suspending the rule until the State Court of Appeals renders a decision. That ruling may not come for weeks. The beer stores will have to remain closed as they wait.

Andy Snyder, the attorney for the beer stores, said he plans to file legal documents today in an attempt to allow the liquor stores to reopen.

He didn't respond to messages seeking comment about why the stores remained closed on Sunday.

Standing on the shoulder of the Highway 87, Ronnie Sunkawakla, 54, said that today, with the stores in Whiteclay closed, he'll get a ride to Rushville for beer. He grew up on the reservation and started drinking when he was about 8.

"Alcoholism is everywhere," he said. "You can't stop alcoholism."

Alcohol sales and possession are banned on the Pine Ridge Reservation, but alcoholism is rampant, and an estimated one out of every four children is born with fetal alcohol syndrome.

Today, counselors from treatment centers in Rapid City and Sioux Falls, South Dakota, will be in Whiteclay to talk to people about detox and connect them with services.

Sunkawakla said he thinks the Whiteclay store owners have a right to run their businesses.

“What happens on the reservation has nothing to do with these guys,” he said, adding that he’s worried about increased bootlegging on the reservation. He said he wishes efforts were focused less on alcoholism and more on drug addiction.

Brewer and Winnebago activist Frank LaMere will meet with tribal leaders on Pine Ridge today to discuss a plan to address the alcoholism.

“We know the needs,” LaMere said. “There are tough questions to be asked here and we understand that.”

Standing in front of one of the Whiteclay beer stores Sunday, Brewer and LaMere made it clear that Sunday was not a day for celebration. Not yet, at least. The fight isn’t over. No victory in the courtroom or closing of a beer store will release the grip of alcoholism on Pine Ridge.

“But every battle needs a first step,” said Sonny Skyhawk, founder and CEO of American Indians in Film and Television and a board member of Alcohol Justice, a California-based advocacy and alcohol industry watchdog organization.

“Someday we will come back here and we will celebrate,” Brewer said. Then, he said, will be the time to sing warrior songs, to count coup — touching the stores with a coup staff, a symbolic gesture traditionally seen as the ultimate act of bravery in the face of an enemy.

“It will take a generation for us to truly understand the deep wounds that we have inflicted upon the Lakota people at Whiteclay,” LaMere said. “It will take a lifetime to heal them.”

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