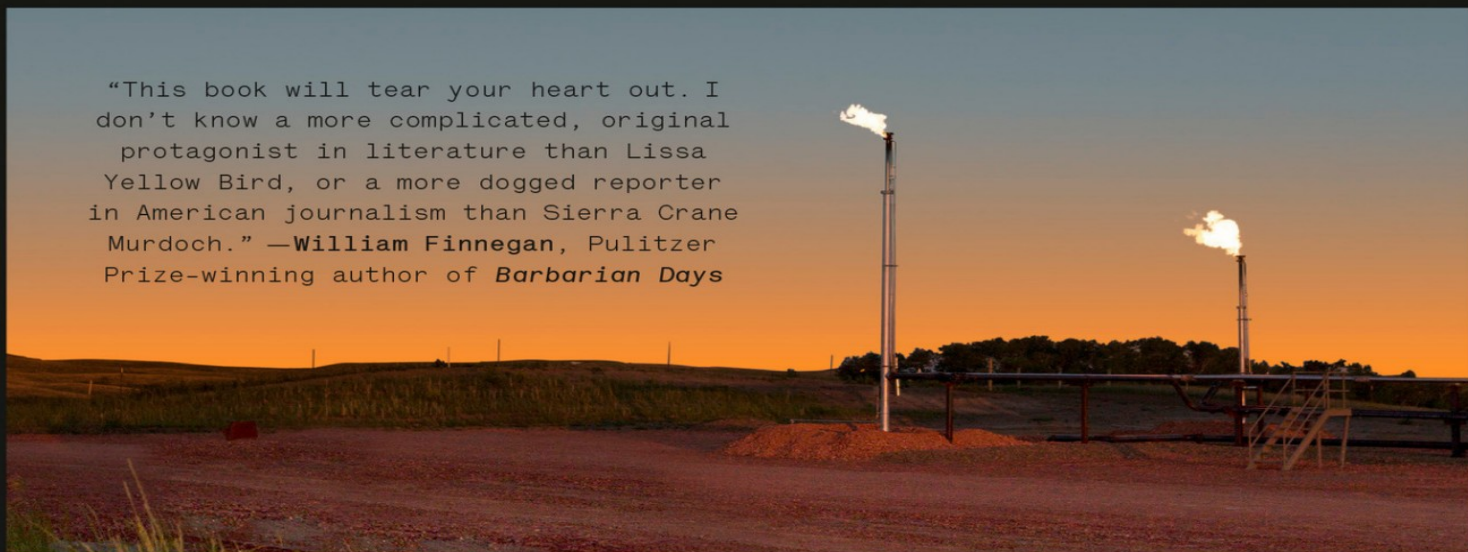


"This book will tear your heart out. I don't know a more complicated, original protagonist in literature than Lissa Yellow Bird, or a more dogged reporter in American journalism than Sierra Crane Murdoch." —William Finnegan, Pulitzer Prize-winning author of *Barbarian Days*



YELLOW BIRD

Oil, Murder, and a Woman's Search
for Justice in Indian Country

SIERRA CRANE MURDOCH



Yellow Bird

*Oil, Murder,
and a Woman's
Search for Justice
in Indian Country*

Sierra Crane Murdoch



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Every day they had to look at the land, from horizon to horizon, and every day the loss was with them; it was the dead unburied, and the mourning of the lost going on forever.

—LESLIE MARMON SILKO

*Let's say he knows we need
someone
to admire, and says a hero is a
person
who blunders into an open cave,
and that it takes courage to blunder.*

—STEPHEN DUNN

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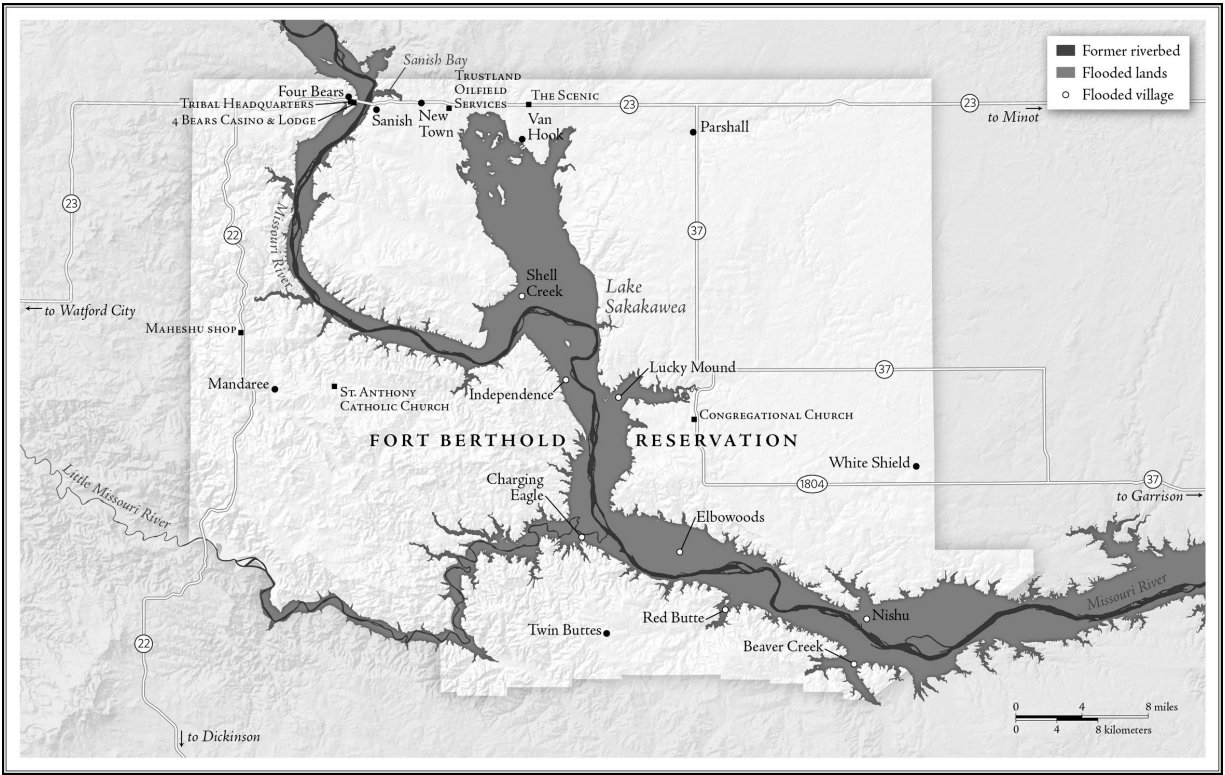
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About the Author





Prologue

Fort Berthold Indian Reservation, North Dakota

A MAN ONCE TOLD ME a story of how he dug up the bones of his relatives and held them in his hands. He is an old man now; then, he was young. He said he took the job because there were no others on the reservation and because the work was easier if a man did not think too hard about whose bones he was handling.

The reburials began in the summertime, in 1952, after the ground had thawed and the grass hung heavy with wood ticks. There were sixteen men, he said, two of them Native, and a foreman from Louisiana. The foreman did not seem to care, or perhaps he did not notice, when some of the men were careless with the bones and posed with them in various positions. The young man cared but did not say anything. He went on with his work. He placed the fragments in pine boxes, nailed the boxes shut, marked them with the names to which the bones apparently belonged.

The work lasted two summers, but the young man stayed just one and then enlisted in the Marines. His father, who had died the year before, was among the first laid in the new churchyard on the grasslands that rose from the Missouri River to the east edge of the reservation. The other families had left their villages by this time. In winter, when the river froze, the Army Corps of Engineers lifted houses onto pallets and pulled them over the ice. There would not be time to move all of the houses; nor would there be time to dig every grave. People would tell stories of heading for the bluffs, turning now and then to watch the water rise, though it did not happen quite like this. When the Garrison Dam was finished, the river came up slowly into the creases of the valley's palm, filling first the ditches and furrowed fields, and then climbing steps and spilling onto floors.

The churches were among the last structures to be moved, and it is said that the bells rang all the way to their new locations. Sunday services continued for a time, though they were poorly attended after the flood claimed the only roads on the reservation crossing the river, and after the people scattered on higher ground. One day, the young man returned to find his church emptied and the concrete grave markers grown over like stumps. People came now and then to carve their names in the church walls or to lay cigarettes and flowers on the graves of their relatives, but only at funerals did the living outnumber the dead. It would not take long for the prairie to claim the church, for wind to unhook the battens and shatter windows, and for rodents to make homes in the floors and walls. This became the nature of the reservation. A person could come home and find things taken or worn out. It was something you got used to, the inevitability of loss. The lake that rose in the river's place was a shrine to this loss, to the things that had been and could be lost. Things pried from their foundations. Swept away with wood and bones. Pressed against the dam. Buried in the silt.

PART I

Boom

The Brightest Yellow Bird

LISSA YELLOW BIRD CANNOT EXPLAIN why she went looking for Kristopher Clarke. The first time I asked her the question, she paused as if I had caught her by surprise, and then she said, “I guess I never really thought about it before.” For someone so insatiably curious about the world, she is remarkably uncurious about herself. She is less interested in why she has done something than in the fact of having done it. Once, she asked me in reply if the answer even mattered. People tended to wonder all kinds of things about her: Why did she have five children with five different men? Why had she become an addict and then a drug dealer when she was capable of anything else?

Lissa stands five feet and four inches tall, moonfaced and strong-shouldered, a belly protruding over hard, slender legs. Her teeth are white and perfectly straight. Her hair is lush and dark. She has a long nose, full lips, and brows that arch like crescents above her eyes. When I met Lissa, she was forty-six years old and looked about her age—though, given the manner in which she lives, one might expect her to look older. She has a habit of going days without sleep, of sleeping upright in chairs. She rarely cooks, subsisting largely on avocados, tuna, croissants, mangoes, and candied nuts, and smokes like a fish takes water into its gills. She often loses things, particularly her lighters. One night, I watched as Lissa searched for one, nearly gutting her kitchen, until she gave up, bent over the countertop, and lit her cigarette with the toaster.

She is a member of the Mandan, Hidatsa, and Arikara Nation, an assembly of “Three Affiliated Tribes” who once farmed the bottomlands of the Missouri River and now call a patch of upland prairie in western North Dakota their home. The Fort Berthold Indian Reservation is three times the area of Los Angeles. The tribe has more than sixteen thousand members. Like a majority of these members, Lissa has not lived on Fort Berthold in some time, but she keeps in her possession an official document establishing her tribal citizenship:

Arikara Blood Quantum: 23/64

Mandan Blood Quantum: 1/4

Hidatsa Blood Quantum: 3/16

Sioux (Standing Rock) Blood Quantum: 1/8

Total Quantum This Tribe: 51/64

Total Quantum All Tribes: 59/64

“What’s the other 5/64ths?” I once asked.

“I don’t know,” Lissa replied, “but somebody fucked up.”

It was a joke. As far as she knew, at least two fathers of her children were white, and if anyone had fucked up her blood quantum, Lissa thought, it was the United States government. The fractions were controversial and arbitrary, assigned to her great-grandparents in the 1930s by the Bureau of Indian Affairs to determine how many individuals belonged to the tribe and how much federal assistance the tribe thus deserved. One could be a whole Indian, a fraction of an Indian, or no Indian. The idea was that a person’s Indian-ness could be defined solely by race. It was the Bureau’s way of applying order to the mess it had made, though to Lissa the fractions had always seemed superficial. In reality, she believed, there was no clear order to her life. She had worked as a prison guard, bartender, stripper, sex worker, advocate in tribal court, carpenter, bondsman, laundry attendant, and welder. She studied corrections and law enforcement at the University of North Dakota, where she graduated from the criminal justice program, though rather than working for the police, she spent much of her adult life

evading them. She was arrested six times, charged twice for possessing meth “with intent to deliver,” and given two concurrent prison sentences—ten and five years—two years of which she served. When Kristopher Clarke went missing in 2012, Lissa was on parole. Her interest in his disappearance may have seemed misplaced were it not for the fact that it made as much sense as every other random interest she had taken in her lifetime.

Lissa was born on June 13, 1968, to Irene* Yellow Bird and Leroy Chase, both members of the MHA Nation. Leroy had joined the Air Force and was not present for her birth, nor was he present for the rest of her life except on a rare phone call. Irene’s mother, Madeleine, was Catholic and, since Irene was twenty-one and unmarried, arranged for a relative to take Lissa. The arrangement lasted seven months before Irene, swayed by the new radicalism of the era, decided she would not be shamed into giving up her daughter and asked for Lissa back.

It was her mother whom Lissa would later blame for the patternlessness of her life—her mother’s ambition, to be exact. After they reunited, Irene dedicated herself to academic pursuits. They left North Dakota for California, where Irene enrolled again in school, then returned to North Dakota, then left for Wisconsin, where Irene pursued another degree before returning, again, to North Dakota, where she served for a while as the only Native American professor in the state. The longest Lissa and her mother remained anywhere was three years, when they lived in Bismarck, a few hours south of the reservation. They moved to the city in 1972, when Lissa was four years old, into an apartment with a single bedroom where Lissa kept a pet fish. One day, the fish died, and Irene flushed it down the toilet. Lissa could not forgive her mother for this. It seemed unfair to her that something living, which she had loved, should end up in the sewer. Her sensitivity exasperated Irene, who supposed her daughter had wanted a full burial, with a procession and drums and star quilts draped over a casket. She supposed her daughter even wanted a priest. Lissa had acquired certain habits in church, such as fashioning bowls out of paper and placing them around the apartment. “Alms for the poor!” she called when anyone came to visit. Sometimes the visitors were her mother’s white, wealthier friends, but often they were family. “Alms for the poor!” she called nonetheless,

shaking her bowls piously, until one day her mother had enough and scolded, “Lissa, we are the poor.”

Lissa had always been like this, Irene later told me—a fanatic with a bleeding heart, giving weight to weightless things. I supposed it was a kind way of explaining her daughter’s passionate tendencies, since Shauna, Lissa’s own daughter, explained them to me differently. “My mom is an addict,” Shauna said. She meant this in the broadest sense.

Shauna is the oldest of her mother’s five children, only nineteen years younger than Lissa, a generational closeness that pressed her up against her mother’s faults and made her feel them more acutely than her siblings. When Lissa started smoking crack, Shauna was eight years old. Six years later, Lissa turned to meth. But even in the years before she got high, Lissa, Shauna believed, had been prone to obsession.

Among the first of these obsessions Shauna recalled were plants. When she was in preschool, her mother had discovered an interest in growing things, and after that they kept all kinds of plants—leafy, tropical, sun-starved plants spilling from the windows of their apartment in Grand Forks, where Lissa attended college, as well as trays of vegetable starts Lissa grew from seed, though they never had any space for a garden. After that, her mother’s obsessions came in all forms, sudden and indiscriminate, but each one Lissa had taken on with the faith and focus of a zealot. For a while, it had been music—Lissa taught herself to play piano—before she purchased a camera and became an ardent documentarian.

If these obsessions sounded like hobbies, Shauna insisted they were not. It had never been enough for her mother to take an interest in something. Rather, Lissa was set on being the best at everything she did. The best drug dealer. The most dogged bondswoman. The eventual leader of each organization she joined. After Lissa emerged from prison sober, she still found plenty of things to obsess about and, in fact, it seemed that sobriety intensified her fixations. According to Shauna, the only difference between the things that occupied her mother when she was sober and the things that made her high was that Lissa often abandoned the sober things with the same swiftness and ease with which they came to her. In one of their many moves, they had left the plants behind. This was one thing Shauna expected as a child, that whatever life they were living at one

moment would last only so long. Always they had kept moving, from hotels to shelters, from apartments they rented to the houses of friends, and from the papery walls of all the places they lived, her mother had hatched, again and again, changed and yet the same.

And so when Lissa first told Shauna about the oil worker who was missing—and how she planned on finding him—Shauna assumed this obsession would also pass. She thought it would last weeks or months until the young man was found. She did not think it would go on for years. “I don’t know what it was about that boy,” Shauna would say, but Kristopher Clarke was different.

—

IT WAS BECAUSE of Clarke that I encountered Lissa. I was a journalist reporting on the mystery of his disappearance, which, by the time I met her in 2014, mostly had been solved. On February 22, 2012, Clarke had gone missing from the Fort Berthold Indian Reservation. He was twenty-nine years old at the time, white, from Washington State. North Dakota was booming with oil development, and Fort Berthold was in the center of the oil fields. Clarke worked for a trucking company based in a remote southern district of the reservation where most of the wells were being drilled. He was a “pusher,” in the lingo of the industry: Among other things, he arranged contracts to haul water to drilling sites, where the water was mixed with chemical additives and shot down holes to “frack” the wells. On the morning he went missing, Clarke was spotted at the trucking company offices. Several people who spoke to him said he was leaving that day to visit his grandfather in Oregon, but no one saw Clarke again. In February 2014, after he had been missing two years, I came across some news about a break in his case: There had been arrests and, soon afterward, a confession. The alleged perpetrators were awaiting trial, but while prosecutors believed Clarke had been murdered, they lacked one thing that would prove their case: They could not find his body.

The story caught my eye because I was familiar with the reservation from which Clarke disappeared. Since 2011, I had been going there myself to report on the oil boom that was transforming the tribal community. One

of the ways I had seen the place change was a rise in crime, a new pervasiveness of violence due to an influx of non-Native workers over whom the MHA Nation had no criminal jurisdiction. That was why I took an interest in Clarke: I had some understanding of the legal topography into which he disappeared, and I suspected his case might be a window into the darker realities of the boom.

On the morning of November 4, 2014, I dropped by the tribal newspaper offices, where the editor, a woman I knew, suggested I interview Lissa, who at that moment happened to be out searching for Clarke's body. The editor arranged for us to meet that night.

The offices were in a clapboard house perched on the west shore of Lake Sakakawea, a reservoir that flooded the center of the reservation in 1954 after the federal government built a dam on the Missouri River. It was dusk when I arrived, a cold wind sweeping off the surface of the lake. I climbed a set of steps, knocked, and the editor answered. She led me past an office furnished with a space heater, a coffee maker, and a crystal lamp into an airy room strewn with proofs and cardboard boxes, where she instructed me to wait. An hour passed. I began to shiver. Then, at last, the door opened, and Lissa entered.

Her face was luminous with cold, her hair flecked with ice. She wore a sweatshirt, long underwear, hiking boots, reading glasses, and a Bluetooth device affixed to her right ear. She did not shake my hand or say hello but spoke as if we had seen each other just that morning. Only when she caught me glancing at her long underwear did it seem to occur to her that we had never met. She explained that she had been searching for Clarke "down at the river" and sunk in a pit of mud.

She had been looking for him since the summer of 2012, when a relative sent her a Facebook message posted by Clarke's mother. The mother, Jill Williams, was pleading for information regarding the whereabouts of her son. By that time, Clarke, or "KC," as Jill called him, had been missing for three months. Investigators found his pickup truck parked on a street in Williston, about an hour west of the reservation, but no other clues had turned up. Lissa thought she could help. Since 2008, she had been living five hours east of Fort Berthold, in Fargo, but many of her relatives lived on the reservation, and she often visited them there. Lissa

sensed that Jill, who lived with her husband in Washington State and was unfamiliar with Fort Berthold, had no idea where to begin. So she wrote to Jill, offering to ask around about her son.

Lissa had a ready laugh, I noticed, the bearing of a woman who derives entertainment from the absurdities of the world. Her speech was rushed and giddy, her legs kicked beneath her chair, and her hands were in flight, touching pens and cigarettes and the Bluetooth earpiece and darting in her lap. She did not seem nervous. Rather, she seemed so intent on telling the story that she had lost track of her own body. Only in her expressions did she retain full control. She laughed when I became confused, smiled when I looked surprised. Once, when I interrupted her with a question, she stared at me, stone-faced and abruptly still, as if the question were stupid and the answer too obvious to say. I stopped asking questions, and as I listened, it occurred to me that Lissa knew far more about Clarke's disappearance than the editor had let on. Lissa was not just searching for his body. She had done much more than that. If she had not exactly solved the case, I suspected that she had, at least, influenced its outcome. It seemed possible to me that because of Lissa, everything had come to light.

She must have mistaken my quiet for disbelief, because after we had spoken for more than hour, she said, in a flicker of self-consciousness, "It's all in my files. I kept everything." If I wanted, she added, I could visit her in Fargo, and she would give me her documents.

The following spring, I flew to Fargo, as I would many times after that. Lissa would pick me up at the airport, and when we arrived at her apartment, she would brew a pot of coffee no matter the time of night. In the morning, before she left for the welding shop where she worked, she would open her computer so that I could spend the day sifting through files, through emails, text messages, photographs, and audio recordings, which I copied to my laptop. There were hundreds of these files, spanning three years, some thousands of pages long. In the evening, Lissa would fix tuna sandwiches, and we would scroll together through the documents. We did this every day for weeks, often until after midnight. I don't know why she trusted me, and I don't think she knows, either. Once, she said, "You just kind of showed up, and then you kept coming back."

It was over those weeks, and then over years, that I pieced together this story, beginning with a note Lissa composed to Jill Williams on June 2, 2012:

Hi to KC's mom! I am a member of the Three Affiliated Tribes which headquarters in New Town, North Dakota. My family, which consists of most of the reservation, mostly live on Fort Berthold....That is federal land and there are many hoops to jump in order to get information or get the ball rolling on an investigation....I have many connections there and would like to help you if you need me to....I'm sorry to hear about your boy. I'm a mother too. My prayers are with you.

—

LISSA'S LIFE AT the time of KC's disappearance had entered a period of rare stability. It had been four years since her release from the Dakota Women's Correctional and Rehabilitation Center in New England, North Dakota, where she served two years after she had been caught twice with large quantities of meth. Her first charge carried a mandatory minimum of five years in prison; the second, ten years, since she was arrested near a school. Lissa refused to snitch on her fellow dealers—she would not bargain with prosecutors—so it had come as a surprise to her when she was notified of her early release on account of her good behavior. On April 4, 2008, she was transferred to a halfway house, Centre, Inc., in Fargo, where she spent ten more months in state custody before she was granted parole.

The city of Fargo is on the west bank of the Red River, which flows north along the border of North Dakota and Minnesota and empties into Lake Winnipeg in Manitoba. The land around it is vast and treeless, the otherwise fertile remnant of a glacial lake bottom, but the city center is small, cozy, made up of old wooden houses, brick-and-mortar shops, and streets shaded by maples and oaks. Lissa requested placement there to be closer to her sons, who had lived with her uncle since her arrests. She did not want to displace the boys again. After her release from the halfway house on February 10, 2009, she moved into an apartment on Ninth Avenue