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Kathy Kelly in Portland, December 2

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Walter A. Davis Life on Death Row: a The Long Struggle of Leonard **Peltier** 

By JOE ALLEN and PAUL D'AMATO

eonard Peltier, one of America's longest-serving political prisoners, turned sixty-one-years-old on September 12, 2005. Peltier has spent nearly thirty years in federal prison, the result of one of the most infamous political frame-ups in modern U.S. history. He was convicted of killing two agents of the Federal Bureau

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Justin E.H. Smith Schwarzenegger's

of Investigation (FBI) on the Lakota Sioux Pine Ridge Reservation in South Dakota in 1975. Believing he could not receive a fair trial in the U.S., he fled to Canada. The Canadian government extradited him in 1976, and he was tried, convicted, and sentenced to two life terms in 1977.

Many of today's progressive-minded people will find themselves unfamiliar with the details as well as the significance of the Peltier case. This is a tragedy, given the widespread opposition to the Patriot Act and the heightened fear of political repression by opponents of the Bush administration. The rush of events since 9/11, instead of bringing the Peltier case back into focus, seems to have pushed it further into the margins of political consciousness, where it has unfortunately been for two decades. This is something that needs to be corrected.

Leonard Peltier, a citizen of the Lakota and Anishinabe nations, was an active member of the American Indian Movement (AIM) in the early 1970s in the upper Midwest, where he was born, and on the West Coast, where he lived and worked off-and-on for several years. AIM was a product of the militant struggles of the 1960s against racism and the Vietnam War (many of its members were Vietnam Veterans). Its most important leaders during the seventies-Dennis Banks and Russell Means-were inspired by the civil rights movement and, more importantly, the Black Panthers. Formed in 1968 by Anishinabe Indian activists in Minneapolis, AIM quickly sprouted chapters across the country, and moved from civil rights to issues of Indian sovereignty and pride.

Two events put AIM on the map. In 1972, on the eve of Richard Nixon's landslide reelection to the presidency, AIM led a nationwide caravan, called the "Trail of Broken Treaties," that culminated in the occupation of the Bureau of Indian Affairs (BIA) headquarters in Washington, D.C. The BIA had long been a source of hatred for its flagrant embezzlement of funds that were supposed to go to impoverished Native Americans and for its legalizing of the theft of reservation land.

The following year, at the request of its residents, AIM led the armed occupation of Wounded Knee on the Pine Ridge reservation, the site of the historic massacre of Sioux men, women, and children in 1890. The event marked the coming together of urban Indian radicals with reservation traditionals who resented the corruption and abuse of the BIA-sponsored tribal administration, as well as its denigration of native traditions. During the ensuing seventy-one-day standoff, BIA police, FBI, and



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John Ross When a Language Dies

Gary Leupp The Nepal Pact U.S. military fired 500,000 rounds of ammunition at the entrenched Indian encampment, killing two AIM members. While the siege provided little in tangible concessions from the federal government, it succeeded in publicizing AIM and generated a surge of popular interest in Native American issues and history. It also resulted in AIM becoming a greater target of ferocious government repression.

The FBI led the attack on AIM as part of its Counter Intelligence Program (COINTEPRO), begun in the mid-1960s under its director J. Edgar Hoover, and used with terrifying effectiveness against the Black Panther Party. COINTELPRO employed many dirty tricks against its targets including wiretapping, assassination, and the use of agents provocateurs-all in coordination with state and local police forces. The goal, according to FBI documents, was to "neutralize" the leadership. AIM members across the country faced constant harassment and frame-ups that drained the organization's resources and, eventually, broke its leadership. One of the AIM members caught up in this dragnet was Leonard Peltier.

During Wounded Knee II, Pine Ridge Tribal Chair Dickie Wilson formed the Guardians of the Oglala Nation (literally and boastfully GOON), paid for with a \$62,000 BIA stipend, and launched a reign of terror on AIM and its supporters at Pine Ridge. Not by coincidence, at this time the BIA was interested in using Wilson to sign over a portion of the reservation known to be rich in uranium and molybdenum to the U.S. Forest Service. >From 1973 to 1976, more than sixty AIM members and supporters, many of them traditionals, were murdered without a finger lifted by the state government or the FBI to investigate their deaths. A new generation of rabidly racist and self-proclaimed "Indian fighters" emerged in South Dakota led by William Janklow, who declared: "The only way to deal with the Indian problem in South Dakota is to put a gun to the AIM leaders' heads and pull the trigger." He would eventually become South Dakota's attorney general, governor, and, later, the state's only congressman. (Last year, Janklow finally stepped down from his House seat after he was convicted and sentenced to 100 days in jail for slamming his speeding car into, and killing, a motorcyclist. In addition to his history of racism, Janklow apparently has a long history of reckless driving-thirteen traffic citations since 1990-and the judge in the case could have given Janklow ten years. But witnesses convinced him of Janklow's good character and solid contributions to the community.)

In the desperate and highly charged atmosphere of repression after Wounded Knee II, the traditional leaders



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#### Fred Gardner

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on Pine Ridge appealed to AIM for help to defend themselves. Leonard Peltier was among the dozens of AIM members and supporters who went to Pine Ridge. AIM also provided support such as cutting firewood, collecting water, and preparing meals for the many elderly residents who lived in the most remote parts of the reservation. They provided protection from attacks by Wilson's GOONs, which usually took place late at night, making late evening hours a nightmare of gunfire and screams for help. AIM activists, including Peltier, were armed for their own protection as well as that of the residents.

What has now gone down in history as "the incident at Oglala" occurred on June 26, 1975, when two unmarked cars chased a red truck onto the Jumping Bull compound near the village of Oglala. Without identifying themselves, the FBI agents in pursuit of the red pick-up began shooting at it. The FBI later claimed that the agents were in pursuit of an Indian named Jimmy Eagle, for allegedly stealing cowboy boots. When the agents then began firing on the ranch, Peltier and others, who were defending the compound against GOON violence, fired back, not knowing who the men were or what they wanted. Within minutes, more than 150 FBI SWAT team members, Bureau of Indian Affairs police, and GOONs had surrounded the ranch. The quick response has led many to believe that the "incident" was a deliberate provocation by the FBI.

Peltier and others escaped the encirclement. When the FBI occupied the ranch they found AIM member Joe Killsright Stuntz and two FBI agents, Jack Koler and Ron Williams, shot dead at close range. No one has ever been convicted for killing Stuntz.

The largest manhunt in FBI history ensued, eventually resulting in the arrest of three AIM members, Dino Butler, Robert Robideau, and Leonard Peltier, for the murders of Koler and Williams. None of the defendants ever denied being at the Jumping Bull ranch that day or firing in self-defense, but all denied killing the FBI agents. Butler and Robideau were the first arrested and charged, and the first sent to trial while Peltier fought extradition in Canada, Robideau and Butler were tried in Cedar Rapids, Iowa, at the request of the U.S. Department of Justice, who believed that the white working class and lower middle class residents of this small provincial city would easily convict them. On July 16, 1976, to the shock of the government attorneys, the jury found Butler and Robideau not guilty of murder, accepting the argument for self-defense put forward by their famed radical attorney, William Kunstler.



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Leigh Saavedra Thanksgiving at Camp Casey In their humiliation, the FBI was determined to convict Peltier, who was captured by the Mounties on February 6, 1976. To obtain Peltier's extradition, the U.S. government presented to the federal Canadian court affidavits signed by Myrtle Poor Bear, who claimed to be Peltier's lover and to have witnessed Peltier shoot the FBI agents. Though it was later revealed that Poor Bear's testimony was coerced out of her by the FBI, the Canadian court turned Peltier over to the United States.

In March 1977, Peltier went to trial before an all-white jury in North Dakota and a hostile Judge Paul Benson, who refused to allow use of the self-defense argument and ruled repeatedly in favor of the government. The judge and prosecution suppressed all evidence favorable to Peltier.

Even though the lead prosecutor, the aptly named Assistant U.S. Attorney Lynn Crooks, failed to produce a single witness who could identify Peltier as the gunman who killed the agents, the jury found Peltier guilty and he was sentenced to two consecutive life terms. In the nearly thirty years since Peltier's false conviction, the case against him has continued to unravel. For example, a successful Freedom of Information Act lawsuit in the early 1980s turned up a concealed ballistics report showing that the gun Peltier allegedly used during the incident could not be matched with the bullet casing found near the agents. In 1985, when the Eighth Circuit Court held oral arguments on a motion filed by Peltier for a new trial, Lynn Crooks admitted, "we can't prove who shot those agents." Though the court found that the jury in Peltier's trial might have acquitted him had the FBI not withheld this evidence, they refused to grant him a new trial.

In 2000, when President Clinton announced that he was considering clemency for Peltier, he began making plans for his release. His friends even began planning to build him a new house. But after the FBI mobilized a campaign that included a march of 500 agents in front of the White House, Clinton backed down. Peltier's appeals have been denied more than ten times, and he remains in prison. But his spirit is not broken. Not long after Clinton's betrayal, he wrote:

Since that dark Saturday, I have managed to get up and dust myself off, and begin to lift my spirits once more. I am just as determined now to fight for my freedom as I was on February 6, 1976 when I was first arrested. I will not give up. This is the second time in the span of my incarceration that I made it to the top of the hill and saw



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that freedom was in view, only to be kicked right back down to the bottom again.

Peltier's experience in prison has been one of constant harassment and hardship. A Leonard Peltier Defense Committee statement aptly noted that,

Over the last year, Leonard has suffered the passing of several relatives and been denied many basic human rights. He has been placed in solitary confinement for no reason, denied phone privileges, religious rights, and visitation privileges, and was even unable to write letters to family and friends. Peltier's health has deteriorated in the last year and he has repeatedly been denied adequate medicine. Without reason, Leonard has been moved to several prisons with no concern for his health.

On June 30, Peltier was moved, without notice to his family or his attorneys, to the federal prison at Terre Haute, Indiana, from the federal prison at Leavenworth, Kansas. And on August 15-despite ailing health-he was moved to the federal prison at Lewisburg, Pennsylvania. In 2008, Leonard Peltier comes up for parole, but the FBI and other forces will resist his release tooth and nail. If we are going to get any measure of justice for Leonard Peltier, we will have to be out in front of the White House when the time comes.

To find out more about Leonard Peltiers case, go to <a href="https://www.freepeltier.org/">www.freepeltier.org/</a>. The best books to read on Leonard Peltier's case are Peter Matthiessens <a href="https://www.freepeltier.org/">In the Spirit of Crazy Horse</a>, and <a href="https://www.freepeltier.org/">The Destruction of Leonard Peltier</a> by Jim Messerschmidt. Peltiers own book, <a href="https://www.freepeltier.org/">Prison Writings: My Life is My Sun Dance</a>, is also excellent.

**Joe Allen** is a member of Teamsters Local 705 in Chicago. **Paul D'Amato** is associate editor of the ISR.

They can be reached at: <a href="mailto:joseph.allen4@worldnet.att.net">joseph.allen4@worldnet.att.net</a>





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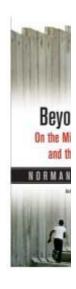
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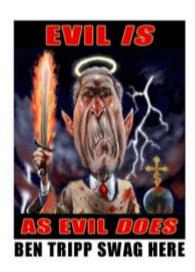
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