

The Case of Leonard Peltier

by Arthur J. Miller and Pio Celestino

with an Introduction by

Standing Deer



Jointly published by
THE NORTHWEST LEONARD PELTIER SUPPORT GROUP
REFUGIO DEL RIO GRANDE
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THE NORTHWEST LEONARD PELTIER SUPPORT NETWORK, 5201 Capital Blvd., Suite 119, Tumwater, WA 98501. Telephone: (360)943-3274. The NWLPSN was created in the summer of 1993, at the request of Leonard Peltier, to organize regional networks. Since then, there have been 33 rallies organized by the support groups within this network.

REFUGIO DEL RIO GRANDE, P.O. Box 3566, Harlingen, TX 78551. Telephone: (210) 421-3226. REFUGIO opened in January 18, 1986 to offer safe haven to those running from political persecution in their homelands. REFUGIOs Board asked for executive clemency for Leonard Peltier, believing that his case has everything to do with political persecution.

THE GDC-IWW-TACOMA, P.O. Box 5464, Tacoma, WA 98415-0464. The General Defense Committee of the IWW has actively supported Leonard since his arrest and the GDC-IWW-Tacoma is proud to help publish this pamphlet.

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A few words of introduction by Standing Deer

WAKE UP! Because nothing comes to a dreamer but a dream

Big Black, D Yard, Attica Sept. 1971

February 6, 1997 marked Leonard Peltiers 21st year in captivity. During these years, the keepers of the Iron Houses of Greed have subjected him to some of the most hideous treatment imaginable in an unsuccessful effort to break his will and spirit, yet his warrior heart remains strong and unyielding, serving as an inspiration to us all. Peltier is an innocent man. He has committed no crime. He is the victim of a system of injustice which operates outside the moral boundaries that just people claim to live by.

Leonard is a Prisoner of War being held captive in his own land by the descendants of the very sea pirates who murdered his great grandmothers and great grandfathers, decimated his People, and stole Mother Earth out from under their feet.

In 1984, following the Marion lockdown, Leonard fasted for 42 days, bringing world-wide attention to the banning of Indian religion, the sadistic, systematic beatings of nearly every prisoner there, and the overall inhuman conditions at the worlds worst political prison at Marion, Illinois. In retaliation for his Fast For Life the United States cast him into one of the vilest pits they have, where he existed for 14 months in a tiny cage with nothing in it but a toilet and a steel bunk. Try to imagine what it would be like to be forced to live in a space so small that if you were a dog the Humane Society would have closed the prison down.

The aftermath of the Fast For Life is only one of the indignities bordering on torture Peltier has suffered in the past 21 years. I mention it because I know it best as I was there. I remember how Leonards great sense of humor never dimmed even for a minute. I remember how his enormous strength and courage kept us strong during the darkest times when we all knew that in a few days or a few hours we might cross over into the Spirit World.

Just think of all the things that have happened since Leonard was first entombed in 1976: Jimmy Carter was President; the war against Granada was still a dream in Reagan's diseased brain; The Gulf War with its sickening body count on both sides (theirs outright; ours as a slow, debilitating death of tens of thousands from undiagnosable or unnamable sicknesses) had not yet entered the history books. And some of you who are today devoting your time, energy and resources to free Leonard were small children or had not yet been born. Isn't it time to bring Peltier Home?

I speak of wars because there is a war being waged against the Indian people throughout the Americas, and we need Leonard outside to help us to win our right to exist in Clinton's America. *Of course* he doesn't have to do anything but kick back and let his grandbabies swarm over him, enjoy his family, relatives and friends. Just seeing his smiling face in glorious freedom will pump new life in every struggle everywhere.

The words you are about to read will tell you more about Peltier and the international movement that demands his freedom. There are many things you can do, and some of them are listed at the end of this publication. If you are not already involved in this struggle we implore you to become involved! If you *are* involved, we ask you to look around among your relatives and friends and see if there is not someone you can bring into this just struggle to

FREE LEONARD PELTIER!

In the Spirit of Crazy Horse,

Standing Deer

#640289

Estelle Prison

Huntsville, TX 77340

The Truth of the Case of Leonard Peltier

by Arthur J. Miller and Pio Celestino

The only thing I am guilty of is trying to help my people. For this it is very possible I will spend the rest of my life in prison.

Leonard Peltier, P.O.W.

Imagine, if you would for a minute, living in a room the size of your bathroom. Imagine spending most of your life over the last two decades enclosed in such a place: three walls and bars. Imagine the feeling of constant confinement, walls closing in on you, and the continuous battle to suppress all thought about it. Imagine being there not because you are a criminal, a threat to society, but because you devoted your life to the well-being of your people. Imagine having to be cautious of every move you make, for eyes are forever on you, waiting for you to slip. Imagine knowing that your keepers wish you dead and have, in the past, tried to assassinate you. Imagine living this life, imprisoned by a frame-up, by a massive conspiracy, by the government of the United States of America. Imagine the life of Leonard Peltier.

Leonard Peltier, Gwarth-ee-las, is a Chippewa-Lakota American Indian Movement (A.I.M.) activist framed on murder charges for the deaths of two FBI agents on the Pine Ridge Oglala Lakota Reservation in South Dakota on June 26, 1975.

Read closely these words, dear reader, for Leonard's struggle and hardships are not only for justice for himself, his people, and Mother Earth, but also for you and the future generations to come. None can call

themselves free, nor justice be declared true, as long as Leonard Peltier lingers behind the iron bars. He is in there for us, we should be out here for him.

The white men made many promises to us but they never kept but one: they promised to take our land, and they took it.

Red Cloud

The head of the FBI office in Rapid City, South Dakota, Norman Zigrossi, defended the FBI's use of illegal actions against the Indians by saying that the Native people are a conquered nation and that the FBI is merely acting as a colonial police force. He went on to say: "When you're conquered, the people you're conquered by dictate your future. This is a basic philosophy of mine. If I'm part of a conquered nation, then I've got to yield to authority." Though the original people of this land have suffered much in the 500 years of genocide perpetrated by the European invaders, Zigrossi and the U.S. government fail to realize that the Native spirit has not been conquered and it will outlive their crimes.

Since the days when the first Europeans stepped upon this land now known as America and instituted their occupational government, the Native People have resisted European domination, robbery and massive genocide. This resistance continues today in such places as in the Northwest where they struggle to preserve the salmon runs, fishing rights, old growth forests, and sacred sites such as Snoqualmie Falls; in Blackfeet country where the battle is to save the sacred Badger-Two Medicine lands from oil and gas exploration; in the land of the Western Shoshone where they are resisting the Bureau of Land Management; down in Apache country where they are struggling to save sacred Dził Nchaa Si An, a.k.a. Mt. Graham, from desecration; in the canyons of the Havasupai where they are battling uranium mining; in the Eastern lands of the Abenaki where sovereignty is denied, in the high desert of the Diné where forced relocations have been ordered to make way for strip mining; in the Mt. Shasta area where the BIA ordered the eviction of the Wintu people from their homes and the struggle to save the sacred mountains from the

developers; in the plains country of the Northern Cheyenne where they struggle for the survival of their homelands against ARCO. All across Indian land this continuing struggle can be found. The government and the media would have you believe that these issues, like Leonard Peltiers issue, are isolated cases brought about by unreasonable malcontents. They cover up the truth in a mountain of lies in order to hide their on-going crimes.

At first, the invasion came slowly to the land of the Seven Council Fires of the Lakota Nation. First came the trappers, then the settlers and miners. To protect this intrusion the U.S. military was sent in to build and connect a network of forts and roads. This led to a war with the Lakota Nation which ended with the Fort Laramie Treaty: the abandonment of the forts and the closing of the roads. No sooner had the ink dried upon the paper than the treaty was violated. Pushed by the harsh conditions of the east, white settlers and miners swarmed over Indian land like a plague of locusts. The military ensured that this western expansion continued unhindered. Though the Indian People continue to resist, and won some battles, they could not withstand the invaders military might. The invaders forced the Native People onto smaller and smaller plots of land. The land left to Native peoples was land the white people deemed worthless.

A great tragedy was being played out, for not only were the Native People losing everything they had in the most massive campaign of ethnic cleansing the world has ever known, but most of the poor whites, pawns in the master plans of the rich greedy industrialists of the east, would in time also lose out. From the very beginning of the invasion the poor were used to open up new lands. Once the new land was safe the rich moved in, developed and exploited the land and forced the poor out. The rich built factories and massive farms while the poor were forced to become wage slaves. Some would try to escape by moving farther west, only to see this process continued time and time again until they had no place left to move. The newspapers pushed the new settlers forward and proclaimed that it was the Native People who stood in the way of a better life, and the fulfillment of the American dream. Thus, the Native People had to be moved out of the way of the March of Manifest Destiny. No one stood up

and voiced the truth: the Native People were not responsible for the poverty of the people of other nations: Native Americans fought only for their own survival. Instead, entrepreneurs enslaved workers in their factories and on their farms, entrepreneurs pushed the settlers to steal land from the original people responsible for the dire conditions. Once the land was safe for exploitation, the bankers and the railroads moved in and seized the farmland while the massive mining companies consolidated the mining claims. Although the military would protect the settlers from the Native People from whom they stole their land, who would protect them from the bankers evictions, railroads agents, and mine owners thugs? It is more than ironic that the same General Sheridan that fought the Lakotas also marched on Chicago to put down a workers strike. And the same General Bear Coat Miles who fought Indians throughout the west also marched on Pullman, Illinois against railroad workers. *How many miles separate the Sand Creek massacre of the Cheyennes and the Ludlow massacre of mine workers and their families by thugs employed by the mine owners?*

The Government forced the Lakota people to live on small reservations, but this was not enough. The invaders believed that the Indian spirit would not be broken as long as their traditional ways lived on. Traditional religion was outlawed. Native children were taken away to boarding schools that banned all forms of traditionalism, including the childrens own language. A tribal council form of government under the control of the invaders government was forced on them. The goal was complete and total ethnic cleansing.

The U.S. Government placed the Oglala branch of the Lakota Nation on the Pine Ridge Reservation in South Dakota. Many Oglala People turned to their spirituality for strength to endure the harsh conditions at Pine Ridge. A native spiritual movement called the Ghost Dance had been spreading throughout Indian country. The government felt that this renewed Native spirituality threatened their schemes and that it had to be stopped. In the December snow of 1890, the U.S. Military massacred close to 300 Lakota people at Wounded Knee on the Pine Ridge Reservation. Their only crime was that they were part of the Ghost Dance movement. This proved what many already knew, that the U.S.

Constitution is nothing more than a lie and that the only freedom or right anyone has is the right to obey the dictates of the ruling elite and to think and believe as they are told. Two views emerged on how Native people could improve their conditions: One view held that, in order to survive, Native Nations had to hold onto their traditional ways. The other was the progressives view, who felt that the only way out of poverty was to follow the white way of doing things. Though many progressives only wanted to improve the conditions of their people, what they failed to understand was that the white world had a system based on the well being of a few at the expense of all others. Thus, the greed of the white infiltrated the Indian reservations. On Pine Ridge this greed led to Dick Wilson and his people gaining control of the tribal government and using it to benefit themselves. The traditional Ogalas suffered the most by this corruption.

Just prior to Wilsons rise to power, the American Indian Movement (AIM) had been asked to help out in dealing with the murder of Raymond Yellow Thunder. Yellow Thunder had been beaten to death by two white brothers in the town of Gordon, Nebraska, right over the border from Pine Ridge. The brothers paraded a near-dead Yellow Thunder around an American Legion dance, then placed him in the trunk of a car to die. The two brothers were arrested for second degree manslaughter and released without bail. Yellow Thunders family up on the Pine Ridge reservation tried to get help from the local authorities: BIA, FBI and the tribal government. After seeing everyone turn their back on them, they asked AIM for help. AIM organized a caravan of over 200 cars that proceeded from Pine Ridge and down to Gordon. A large police force met them and after much talk the police capitulated to their demands. As a result of this action, AIM gained the respect of many traditional people on Pine Ridge.

I rather die one thousand deaths on my feet, than to live one more single day on my knees!

Anastasio Aquino

AIM began in Minneapolis in 1968 as a result of the increase of Native resistance at that time. Some of its early projects included street

patrols to end police abuse, survival schools, an encampment at Mount Rushmore, demonstrations at Plymouth Rock, and the takeover of unused federal lands. Later AIM organized the Trail of Broken Treaties march on Washington that led to the occupation of the BIA building. Because of this action, the FBI began to target AIM, and viewed AIM as a dangerous extremist organization. Thus, AIM was added to the list of organizations that the FBI was trying to neutralize with their secret COINTELPRO program.

After the Trail of Broken Treaties, Dick Wilson declared open war on AIM and its supporters. He also wanted to suppress the traditional Oglalas because of their involvement in a campaign to impeach Wilson for repeated acts of corruption. With the help and blessing of the U.S. government, Wilson organized a private army which became known as the goon squad. The goon squad enforced Wilson's dictates and harassed anybody that dared to speak up against him and his mixed blood supporters on the tribal payroll. Whereas Wilson tried to profit from the extreme poverty of the Oglalas, the Traditionalists and AIM tried to help the people survive the severe conditions, including an unemployment rate of over 85%, alcoholism, hunger, and the extreme racism of the surrounding white towns.

In January 1973, a white business owner, Darold Schmidt, stabbed Wesley Bad Heart Bull to death in a Buffalo Gap bar. The authorities charged Schmidt only with involuntary manslaughter. Wesley's mother, Sarah Bad Heart Bull, asked AIM to help seek justice for her son. AIM again organized a large caravan of cars and they went to the town of Custer, the location of the county court house. The police allowed only four AIM members inside the court house to talk to the officials. When Sarah tried to enter the court house, two police officers arrested and beat her. When other Indians tried to protect her, the police tear gassed and beat them. This set off a violent struggle where police cars were burned and the Chamber of Commerce building was set on fire.

After the Custer affair, the U.S. Attorney General sent 65 U. S. Marshals to Pine Ridge to back up Wilson. Some of the Traditional people organized the Oglala Sioux Civil Rights Organizations (O.S.C.R.O.), and

tried to stage a march to the BIA office on Pine Ridge, where they found sand bag fortifications and machine guns pointed at them. AIM was then asked in by the traditional Oglala chiefs. At a meeting in which over 600 Indians showed up, the Chiefs and Elders decided that a stand had to be taken. Since the BIA building and tribal offices were protected by feds and goons, it was decided to make the stand at Wounded Knee, thus the 71 day occupation of Wounded Knee began. The government responded with U.S. marshals, BIA and FBI agents, and the U.S. military with fixed-wing aircraft, helicopters and armor personnel carriers. As a result of Wounded Knee, the government handed down hundreds of federal indictments against AIM and its supporters. This tied AIM up in the white mans courts for the next few years. As this was going on, a reign of terror gripped Pine Ridge where unsolved and uninvestigated murders of Traditional people and AIM supporters took place. Wilson knew he could do anything he wanted because he had the complete support of the U.S. government.

What you do to hurt the web, will eventually hurt yourself, my child.

Chief Seattle

The U.S. government used Wilson as a pawn, for they were not through stealing Indian land. What was once viewed as worthless land turned out to be rich in mineral deposits. Nearly 80% of known uranium deposits lay on Indian land. These deposits were essential for the nuclear weapons industry and nuclear power plants to succeed. Besides this, a considerable amount of oil, coal and other minerals were found under the land that Native Americans called home. The main opposition to the rape of Native lands came from the Traditional people and AIM: thus, the government had to neutralize them. Those who were not murdered, nor forced into silence at the point of a gun, nor driven underground, were being strangled slowly in endless court cases.

The Traditional people asked AIM to help protect them from the reign of terror. AIM set up a camp of mostly Northwest AIM members on the Jumping Bulls property. The traditional chiefs of the Oglala Nation

signed a formal resolution on July 11, 1975, and the pressure was on to build sovereignty. This document, based on the Fort Laramie Treaty, repudiated legislation that violated that treaty and recognized the Traditional council as the only legitimate Oglala government, and AIM as their allies. The goons increased their terrorist activities. Around June 20, federal agents poured in and built up their force to over 200, arming themselves with automatic rifles. On June 23, family members of the goon squad began to move out of the Pine Ridge area. On the 25th BIA agents accompanied goon squad members into the town of Oglala and randomly fired their guns. BIA agents also came out to a cabin northwest of the Jumping Bulls property, stating that they were searching for Jimmie Eagle concerning the theft of a pair of boots. They could see the AIM camp from that viewpoint.

On June 26 two unmarked cars followed a red pick-up truck onto the Jumping Bulls compound at great speed. They pulled up into a defensive position and two FBI agents came out of their cars with their guns drawn. A shoot-out began. In the ensuing fire fight, two FBI agents were killed. One Indian, Joseph Stuntz, was gunned down by a government sniper. Even before the agents were killed, a third FBI car was pulling into the Jumping Bulls property. The government claims this was merely a case of two FBI agents pursuing a fugitive and then being ambushed. But all the evidence clearly shows that this was part of a coordinated action, and the following acts and questions show:

- 1. *The events in the days leading up to the shoot-out clearly show that the feds were planning something big.***
2. The FBI has jurisdiction only to investigate major felonies on Indian reservations. By any definition, the theft of a pair of boots cannot be called a major felony. Was the government trying to say that they didn't have time to investigate all the murders, shootings, and other forms of terrorism against Traditional people, but they had time to investigate a pair of missing boots? *Is a pair of boots more important than lives being lost and endangered?*

3. The FBI knew that there was an AIM camp on the Jumping Bulls property, because they saw it the day before and also had it marked on a map found in one of the dead agents cars. With all the terrorism going on, did they think they could just come charging in, pull their cars up into a defensive position, draw their guns and no one would fight back? If these agents had believed even half of the lying FBI propaganda on AIM, they would have known better than to do what they did. They knew the AIM people were armed and given all this the government would have us believe that these agents were just too dumb to realize what they were doing. Even those of us who dislike the FBI recognize that they are highly trained and that there was no way they would have done what they did unless it was part and parcel of a coordinated action. *To put their lives on the line over a pair of allegedly stolen boots is absurd.*

4. Why did the FBI agents not stop the red pick-up before it turned into the Jumping Bulls property? Out on the paved road they just followed and made no effort to stop the truck. The government claims that Jimmy Eagle had been seen riding in a red pick-up truck. First, there are many red pick-up trucks out on the reservation and since they followed the truck, did they see Jimmy in it? Later they changed their story and claimed that it was a red and white van that pulled into Jumping Bulls property that day. If this is true, had they been following the wrong vehicle? Does the FBI not know the difference between a red pick-up truck and a red and white van? *They changed their story because Leonard Peltier had a red and white van.*

5. Once the shooting started, why didnt the FBI agents get into their cars and get out of there rather than get their rifles out?. Is it because they knew that their backup was moving in? *The government wants people to believe that these two agents thought that they could take on the whole AIM camp!*

6. Why were the government snipers in place so quickly able to kill Joseph Stuntz and spot Leonard Peltier supposedly firing on the agents? *Does the FBI always have snipers ready when going after a fugitive who allegedly steals a pair of boots?*

7. After the agents were killed, the AIM members fled up a nearby hill and, according to one of the FBI men, they were under fire all the way up the hill. When the agent turned around, he saw the land below him swarming with agents. *How did they get there so quickly?*

The U. S. government and its FBI has a long history of deception, lies and cover-ups. This is just another example of that fact. If the true and complete story were ever told of what happened in those years on Pine Ridge, it would shock the conscience of anyone. Behind the governments lies are many government crimes. The true story is that the U. S. government was trying to squelch any possible opposition to their plans. On the very day of the shoot out, Wilson negotiated away 133,000 acres of Pine Ridge, including Sheep Mountain, a sacred place. Through the use of sophisticated NASA satellites, the National Uranium Resource Evaluation Program of the U.S. Geological Survey had located major uranium deposits in this area. The events of June 26th were planned to divert attention away from the loss of even more Oglala land and to crush any opposition.

The red pick-up and Jimmy Eagle were only a pretext for the U.S. government action. Had the red pick-up not come by that day, the Feds would have found another excuse to move in on the AIM camp.

Despite a massive paramilitary operation to catch people who had been at the camp, AIM members escaped with the help of some of the Traditional AIM people. The government conducted a campaign of raids, searches, intimidation and terror on Pine Ridge. The Traditional people stood strong and would not cooperate with the government in any way.

If I am going to die, I am going to die. I have to die sometime. It might as well be here where I would die for a reason.

Anna Mae Aquash

On September 5th, Crow Dogs Paradise on the Rosebud reservation was heavily raided by armed FBI agents. Two key people wanted by the FBI, Dino Butler and Anna Mae Aquash, were among those arrested.

Dino would later stand trial for the deaths of the FBI agents. Anna Mae, though she was not at the camp at the time of the shoot-out, was considered important because she had been at the camp before and was close to the people the FBI sought. FBI agent David Price told Anna Mae that he would see her dead if she did not talk: she replied that they could kill her or let her go, that those were the only two choices they had. Less than a year later, Anna Mae's body was found on Pine Ridge. The first autopsy claimed she died of exposure. Agent Price lied and stated he did not recognize her and he had her hands cut off and sent to FBI headquarters. Later, Anna Mae's family had her body exhumed for a second autopsy and found that she had been executed: shot in the back of the head.

Bob Robideau was arrested in Kansas, leaving just one person still free that the government wanted for prosecution: Leonard Peltier. Leonard was later arrested in Canada, where he had hoped to gain political asylum. He fought extradition on the grounds of political persecution. Because Leonard's fight up in Canada would take a while, the government went ahead with the trial of Dino and Bob in Cedar Rapids, Iowa. Even though the government tried to frighten the people of Cedar Rapids with false warnings to be on the lookout for acts of terrorism and a massive show of paramilitary force, their plan fell through. The prosecution put on intimidated witnesses and even used a jailhouse informer who claimed that Dino confessed to him. Dino and Bob used the grounds of self-defense and were found not guilty.

Leonard was extradited from Canada mainly on statements from Myrtle Poor Bear which implicated him directly in the deaths of the FBI agents. Myrtle was told by FBI agents that if she did not talk, she would end up like Anna Mae. The agents showed an already unstable Myrtle pictures of Anna Mae's corpse to frighten her. They also told her that she would never see her children again. The FBI made her sign three statements, all conflicting with each other on important points. One of these statements was used to extradite Leonard back to the U.S.

After the loss of the Iowa trial, the government decided to go all out to get Leonard. First, they had the trial moved away from Cedar Rapids to

North Dakota. Judge Paul Benson (a Nixon appointee) became the new judge. Again the FBI tried to show that the threat of terrorism existed, and the courthouse became an armed camp. The prosecution took six weeks to present their case of fabricated evidence, coerced witnesses and falsified reports. The judge even let them show the jury autopsy photographs in bloody color. The FBI and federal prosecutors denied defense requests for evidence, such as ballistic reports, autopsy reports, and other evidence that would have aided in Leonard's defense. Of the two weeks worth of evidence the defense prepared, all but one and one half days was labeled irrelevant and immaterial and disallowed by Judge Benson. Benson would not allow testimony about FBI misconduct. Myrtle Poor Bear had contacted the defense attorneys stating that she wanted to testify about the truth behind her statements that she was forced to sign them and that they were all lies. Benson refused to let her testify claiming that her words would shock the consciences of the jury. Benson denied all defense motions and even refused to read Jury Instruction #19 which gives credibility to the defendant should the jury feel that the government had coerced witnesses. In this courtroom of total and complete injustice, Leonard Peltier was found guilty and sentenced to imprisonment for two lifetimes.

The Eighth Circuit Court of Appeals upheld Leonard's conviction while the U. S. Supreme Court refused to hear the case.

The struggle is one and belongs to the people. We must unite because we shall inherit the earth.

Bartolomeo Vanzetti

Immediately upon Leonard's conviction he was placed in the U.S. Penitentiary in Marion, Illinois, the highest security federal prison in the nation. Conditions there are so bad that even Amnesty International has denounced it. However, Leonard held strong and would not give up his fight for justice for himself and others. The government, realizing that Leonard had yet to be totally neutralized, approached another Marion prisoner to inform on Leonard and to help with an assassination plot. At first, this prisoner, Standing Deer, refused and he was placed in the hole

and denied medical treatment (Standing Deer suffered from a very painful degenerative disc disease.) The feds also informed Standing Deer that if he helped them, all his outstanding state warrants would be dropped. Standing Deer then met Leonard and had long talks about Native spirituality. Standing Deer decided that he could not set Leonard up to be killed and told him about the plot.

The first part of the plan was to move Leonard to Lompoc Federal Prison in California where it would be easier to carry out the assassination. Leonard found out who the first assassin was and, fearing that there were other assassins, escaped with Chicano escape artist Bobby Garcia and Dallas Thundershield. The three of them also had outside help from Roque Duenas, an old friend of Leonard's. In the escape, Dallas tried to surrender and was shot down and Bobby was apprehended. Leonard led the feds on a five day chase before they caught him. At the escape trial of Leonard and Bobby the judge refused to allow any testimony related to the assassination plot and restricted the defense to only three days of testimony, while the prosecution had a free hand and used almost a months time. Outside of the building where the trial took place, U.S. Marshals attacked a prayer vigil for Leonard, destroying religious articles and arresting supporters. Leonard and Bobby were convicted for escape but were acquitted on conspiracy and assault. Later, Bobby Garcia's body was found hanging in his cell and the Feds claimed he had committed suicide. Everyone knew he had been murdered for helping Leonard. Roque Duenas and a friend went salmon fishing off Narrow Point in the Puget Sound near Tacoma, Washington and their boat was discovered overturned. Although Roques body was not found, the other Indians body was found with a large bruise on his forehead from a blow. The two deaths were ruled a simple drowning.

Leonard was returned to Marion where he once again got involved in trying to improve the conditions at the prison. He became a board member on the Marion Prisoners Rights Project, which was banned after an informer revealed that the Project had helped the Marion prisoners in the longest work strike in U.S. prison history. In the fall of 1983, two prisoners killed two guards known to be members of the Ku Klux Klan after the guards harassed and beat the prisoners. A few days later a scuffle

broke out in the dining hall that resulted in the prison going into a lockdown that continues today. For the following two weeks, lawyers were barred from the prison as guards conducted a reign of terror. In response to this, Leonard, Standing Deer and Albert Garza, a Jewish prisoner, began a Fast for Life. They were transferred to the Medical Center for Federal Prisoners in Springfield, Missouri. Later, Leonard was transferred to the U.S. Penitentiary in Leavenworth, Kansas. Standing Deer was sent to the federal prison in Lompoc, California where he continued to fight for Native religious rights.

Through the Freedom of Information Act, some 18,000 pages of suppressed evidence were released to Leonard's defense team. Over 6,000 pages of FBI files were not released because pages were classified . . . in the interest of the national defense or foreign policy. Based on information found, the defense team got the Eighth Circuit Court of Appeals to grant an Evidentiary hearing. Even though the defense proved that the first ballistics report was altered to implicate Leonard's gun in the deaths of the agents, the Eighth Circuit Court ruled that there was no absolute proof that this evidence would have changed the minds of the jury.

Leonard's defense has continued to push his case through the courts as new evidence materializes. Leonard has stood strong through the years and his legal team, defense committee, and support groups have worked tirelessly on his behalf. Through countless court hearings, vigils, walks, marches, demonstrations, benefits, TV shows, movies, and newspapers articles, support for Leonard has grown internationally. Millions have signed letters and petitions for Leonard, making him the most famous political prisoner of conscience. Even though it has been shown that the government abused justice at every point in Leonard's case and in spite of the massive show of support for Leonard, he still sits behind bars.

The case of Leonard Peltier is part of the U.S. Government's 200+ years policy of lies, deceptions and oppression for the cause of corporate greed. Still, Leonard is not only a cause, but he is also a person, a human being with the same desires as the rest of us. To be with his family, his children and his children's children, he has endured much personal suffering for his courageous efforts to end the injustices afflicted upon his

people. Throughout the years, with a great pain buried deep within his heart for the things he has lost, he has stood strong in his struggle. His struggle is not just about righting the wrong done to him, it is about all the wrongs in this land, both past and present. It is about a government and a society blinded by greed and bigotry, about all of us coming to realize that we are the only ones who can save ourselves, if we learn to close our minds to the deceptions of the deceivers and open our minds and hearts to the truths found within the struggle of the people. This struggle is about understanding that truth and justice can prevail, that the power of the people can work. Only this power will set Leonard Peltier free.

People of all colors and backgrounds must come together and support Leonard Peltier. Not only because of his gallant struggle for justice, not only because of the long injustices done to the First Nations, but also because his case affects all of us. No matter what social struggle you may be involved with, be it the movement against racism, the labor movement, the womens movement, the environmental movement or any such movement, the government has used the same tactics against ALL people who have stood up to their shameful game. Leonard's case is one where it can be proven beyond any doubt that the government conspired to frame an activist and suppress a movement. For all the shameful crimes, for all the political prisoners and trials, for all the martyrs known and unknown, let us free Leonard Peltier.

Even those of you who live beyond the national borders of the U.S. have a stake in this case, for the same policy the U.S. inflicts upon the people of the United States, it pursues throughout the world. Is there any land on Mother Earth where it does not carry out the advancements and the interests of corrupted greed?

With hands grasped together, throughout the lands of the world we must stand united, for our children, for our families, for our people, for our cultures, for our religions, for our unions and associations, for ourselves and for Mother Earth, our planet. For the well being of all. We must free Leonard Peltier!

Down the Road of Injustice

By Arthur J. Miller

Leonard, to this writing, has had three appeals in the federal courts. At each appeal his lawyers presented additional proof that Leonard did not have a fair trial and was framed by the FBI. In these appeals Leonard's defense proved the coercion of witness, fabrication of evidence, government witness perjury, and exculpatory evidence being suppressed. The government's case against Leonard has fallen apart to the point where the government has been forced to change their story. In his original trial the government stated that it was Leonard who directly killed the agents. Now the government says that they don't know who shot the agents and that Leonard is guilty of aiding and abetting the deaths of the agents. What this means, since the first two defendants were found not guilty for reason of self-defense, is that Leonard, in the government's own words, is guilty of aiding and abetting **an act of self-defense**.

The standard of proof the federal courts say Leonard must show to get a new trial is impossible, for they say that Leonard must prove that the jury would have found him not guilty, rather than may have found him not guilty or even that the verdict was tainted by illegal actions by the government. This is a clear contradiction of other federal court rulings. Two examples: 1. In the case of Charles Keating Jr. (convicted in the S&L scandal), his conviction was thrown out by the appeal court which ruled that the jury was contaminated by learning of an earlier conviction. Nothing in that ruling even brought up any question of whether the jury would or would not have found Keating guilty if that had not happened. Was not Leonard's jury contaminated by false evidence and lying witnesses to a prior crime of which he was never tried or convicted? 2. In the case *Mooney v. Holohan*, the U.S. Supreme Court ruled that it was unlawful to ...contrive a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured. Clearly the government deliberately presented perjured evidence in Leonard's case.

So why has the appeals court denied Leonard a new trial? And why does the Supreme Court refuse to hear Leonard's case? The reason is that the government fears an open and fair hearing for Leonard's case. For they have much to hide: the illegal activities of the FBI on the Pine Ridge Reservation; the illegal moving of Leonard's case from Cedar Rapids to Fargo; and the illegal frame-up of Leonard.

The FBI has the most to fear, and for that reason they held out-of-court meetings with the appeal judges before those judges made their rulings. In recent years the FBI has found some of its illegal activities exposed. The cases of Waco and Ruby Ridge and the FBI crime lab scandal, to give only a few examples. But the illegal activities in the case of Leonard Peltier continue to be covered up. In the case of Ruby Ridge and a self-proclaimed white supremacist, the FBI has admitted to abuse and a cover-up (after Congress held hearings). One High FBI official has pled guilty to the cover-up in that case. Since those hearing people who believe in justice have asked the question: IF RUBY RIDGE, WHY NOT PINE RIDGE!?"

What does it say of a government that will hold hearings in the case of a white supremacist and minor FBI abuse, and refuse to hold the same type of hearings in a case where the government acted out a conspiracy that included the illegal theft of Lakota land for uranium, fraudulent tribal elections, the COINTELPRO program that sought to destroy AIM, the arming of a death squad, murder and terrorism against the traditional Lakota people and the frame-up of Leonard Peltier? Is this not a statement by the U.S. Government that it still views itself as a white supremacist government and that justice can only be found if you have money and a white skin?

Clinton speaks often about peace, justice and bridging that gaps between the races. But he, and the U.S. Government, must be judged not on their words but by their actions. So far, their actions have shown their words are nothing but lies.

Leonard has gone before the Parole Board two times as of this writing. Both times he has been turned down. In his last petition for parole the officer who heard the facts of the case stated that since the government had no evidence showing that Leonard directly shot the agents, he recommended that Leonard be paroled. His recommendation was rejected by the parole commission and Leonard was told that it would be another thirteen years before he would be considered for parole.

The only hope for justice for Leonard will come from the active struggle of people who demand it. It will not be easy, for the forces of despotism are strong. But a determined people who are persistent in their demands for justice will prevail.

STATEMENT OF LEONARD PELTIER

*Presented by Leonard Peltier to the Fargo trial on June 1, 1977
sentencing*

Judge Benson:

There is no doubt in my mind or my peoples minds you are going to sentence me to two consecutive life terms! You are, and have always been, prejudiced against me and any Native Americans who have stood before you, you have openly favored the government all through this trial, and you are happy to do whatever the FBI would want you to do in this case.

I did not always believe this to be so! When I first saw you in the courtroom in Sioux Falls, your dignified appearance misled me into thinking that you were a fair-minded person who knew something of the law and who would act in accordance with the law! Which meant that you would be impartial and not favor one side or the other in this law suit; that has not been the case and I now firmly believe that you will impose consecutive life terms solely because that's what you think will avoid the displeasures of the FBI. Yet neither my people nor myself know why you would be so concerned about an organization that has brought so much shame to the American people. But you are! Your conduct during this trial leaves no doubt that you will do the bidding of the FBI without any hesitation!

You are about to perform an act which will close one more chapter in the history of the failure of the U.S. courts and the failure of the people of the U.S. to do justice in the case of a Native American. After centuries of murder of millions of my Brothers and Sisters by white racist America, could I have been wise in thinking that you would break that tradition and commit

an act of justice? Obviously not! Because I should have realized that what I detected was only a very thin layer of dignity and surely not of fine character. If you think my accusations have been harsh and unfounded, I will explain why I have reached these conclusions and why I think my criticism has not been harsh enough:

First, each time my defense team tried to expose FBI misconduct in their investigation of this law suit and tried to present evidence of this, you claimed it was irrelevant to this trial. But the prosecution was allowed to present their case with evidence that was in no way relevant to this law suit: for example, an automobile blowing up on a freeway in Wichita, Kansas; an attempted murder in Milwaukee, Wisconsin, for which I have not been found innocent or guilty; or a van loaded with legally-sold firearms and a policeman who claims someone fired at him in Oregon state. The Supreme Court of the U.S. tried to prevent convictions of this sort by passing into law that only past convictions may be presented as evidence if it is not prejudicial to the lawsuit, and only evidence of said case may be used. This court knows very well I have no prior convictions, nor am I even charged with some of these alleged crimes; therefore, they cannot be used as evidence in order to receive a conviction in this farce called a trial. This is why I strongly believe you will impose two life terms, running consecutively, on me.

Second, you could not make a reasonable decision about my sentence because you suffer from at least one of three defects that prevent a rational conclusion: you plainly demonstrated this in your decision about the Jimmy Eagle and Myrtle Poor Bear aspects of the case. In Jimmys case, for some unfounded reason that only a judge who consciously and openly ignores the law would call it irrelevant to my trial; in the mental torture of Myrtle Poor Bear you said her testimony would shock the conscience of the American people if believed! But YOU decided what was to be believed and what was not to be believed not the jury! Your conduct shocks the conscience of

what the American legal system stands for! **THE SEARCH FOR THE TRUTH!** by a jury of citizens. What was it that made you so afraid to let that testimony in? Your own guilt of being part of a corrupt pre-planned trial to get a conviction no matter how your reputation would be tarnished? For these reasons, I strongly believe you will do the bidding of the FBI and give me two consecutive life terms.

Third, in my opinion, anyone who failed to see the relationship between the undisputed acts of these events surrounding the investigation used by the FBI in their interrogation of the Navajo youths: Wilford Draper, who was tied to a chair for three hours and denied access to his attorney; the outright threats to Norman Browns life; the bodily harm threatened to Mike Anderson; and, finally, the murder of Anna Mae Aquash must be blind, stupid, or without human feelings, so there is no doubt and little chance that you have the ability to avoid doing today what the FBI wants you to do which is to sentence me to two life terms running consecutively.

Fourth, you do not have the ability to see that the conviction of an AIM activist helps to cover up what the governments own evidence showed: that large numbers of Indian people engaged in that fire fight on June 26, 1975.

You do not have the ability to see that the government must suppress the fact that there is a growing anger amongst Indian people and that Native Americans will resist any further encroachment by the military forces of the capitalistic Americans, which is evidenced by the large number of Pine Ridge residents who took up arms on June 26, 1975, to defend themselves. Therefore, you do not have the ability to carry out your responsibility towards me in an impartial way and will run my two life terms consecutively.

Fifth, I stand before you as a proud man; I feel no guilt! I have done nothing to feel guilty about! I have no regrets of

being a Native American activist. Thousands of people in the U.S., Canada and around the world have and will continue to support me to expose the injustices that have occurred in this courtroom. I do not feel pity for people that they must live under such an ugly system. Under your system, you are taught greed, racism and corruption - and most serious of all, the destruction of Mother Earth. Under the Native American system, we are taught all people are Brothers and Sisters; to share the wealth with the poor and needy.

But the most important of all is to respect and preserve the Earth, who we consider to be our Mother. We feed from her breast; our Mother gives us life from birth and when its time to leave this world, she again takes us back into her womb. But the main thing we are taught is to preserve her for our children and our grandchildren, because they are the next who will live upon her.

No, I'm not the guilty one here; I'm not the one who should be called a criminal. White racist America is the criminal for the destruction of our lands and my people; to hide your guilt from the decent human beings in America and around the world, you will sentence me to two consecutive life terms without any hesitation.

Sixth, There are less than 400 federal judges for a population of over 200 million Americans. Therefore, you have a very powerful and important responsibility which should be carried out impartially. But you have never been impartial where I was concerned. You have the responsibility of protecting constitutional rights and laws, but where I was concerned, you neglected to even consider my, or Native Americans, constitutional rights. But, the most important of all you neglected our human rights.

If you were impartial, you would have had an open mind on all the factual disputes in this case. But you were unwilling to

allow even the slightest possibility that a law enforcement officer would lie on the stand. Then how could you possibly be impartial enough to let my lawyers prove how important it is to the FBI to convict a Native American activist in this case? You do not have the ability to see that such a conviction is an important part of the efforts to discredit those who are trying to alert their Brothers and Sisters to the new threat from the white man, and the attempt to destroy what little Indian land remains in the process of extracting our uranium, oil, and other minerals. Again, to cover up your part in this, you will call me a heartless, cold-blooded murderer who deserves two life sentences consecutively.

Seventh, I cannot expect a judge who has openly tolerated the conditions I have been jailed under to make an impartial decision on whether I should be sentenced to concurrent or consecutive life terms. You have been made aware of the following conditions which I had to endure at the Grand Forks County jail, since the time of the verdict:

- 1) I was denied access to a phone to call my attorneys concerning my appeal;
- 2) I was locked in solitary confinement without shower facilities, soap, towels, sheets or pillow;
- 3) The food was inedible, what little there was of it;
- 4) My family - brothers, sisters, mother and father - who traveled long distances from the reservation, was denied visitation.

No human being should be subjected to such treatment; and while you parade around pretending to be decent, impartial, and law-abiding, you knowingly allowed your fascist chief deputy marshal to play storm-trooper. Again, the only conclusion that comes to mind is that you know and always knew you would sentence me to two consecutive life terms.

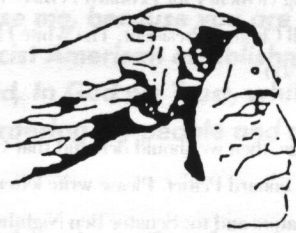
Finally, I honestly believe that you made up your mind long ago that I was guilty and that you were going to sentence me to the maximum sentence permitted under the law. But this does not surprise me, because you are a high-ranking member of the white racist American establishment which has consistently said, In God we Trust, while they went about their business of murdering my people and attempting to destroy our culture.

The only thing I'm guilty of, and which I was convicted for, was being Chippewa and Sioux blood and for believing in our sacred religion.

HOW YOU CAN HELP FREE LEONARD PELTIER

1. There is an on going campaign seeking clemency for Leonard Peltier. To help, please write letters requesting clemency to: Bill Clinton, President, The White House, 1600 Pennsylvania Ave., Washington, DC 20500.
2. If Congress can investigate Rudy Ridge, then we should demand that Congress also investigate Pine Ridge and the case of Leonard Peltier. Please write letters asking for Congressional hearing to your local senators and to: Senator Ben Nighthorse Campbell, United States Senate, SH # 838, Washington, DC 20510.
3. Pass resolutions by your churches, unions, tribal organizations or other organizations you may belong to, and send them to: The Leonard Peltier Defense Committee, P.O. Box 583, Lawrence, KS 66044.
4. Write letters to the editor of your local paper.
5. Join a local Leonard Peltier Support Group, or if there is not one in your area, start one. In the northwest write to: The NORTHWEST LEONARD PELTIER SUPPORT NETWORK, P.O. Box 5464, Tacoma, WA 98415-0464, or outside of the northwest write to: The Leonard Peltier Defense Committee, P.O. Box 583, Lawrence, KS 66044, for information on local groups or starting a new one.
6. Help distribute this pamphlet by getting it into bookstores or onto literature tables:

1-5 copies \$3 each, 6 copies or more \$2 each. Order them from:
The Northwest Leonard Peltier Support Network (Olympia Office),
5201 Capital Blvd., Suite 119, Tumwater, WA 98501.
7. Keep up with the Leonard Peltier Website at: <http://www.unicom.net/peltier/index.html>
8. Subscribe to SPIRIT OF CRAZY HORSE, the official newsletter of the Leonard Peltier Defense Committee (P.O. Box 583, Lawrence, KS 66044). \$12 a year U.S., \$22 a year internationally.

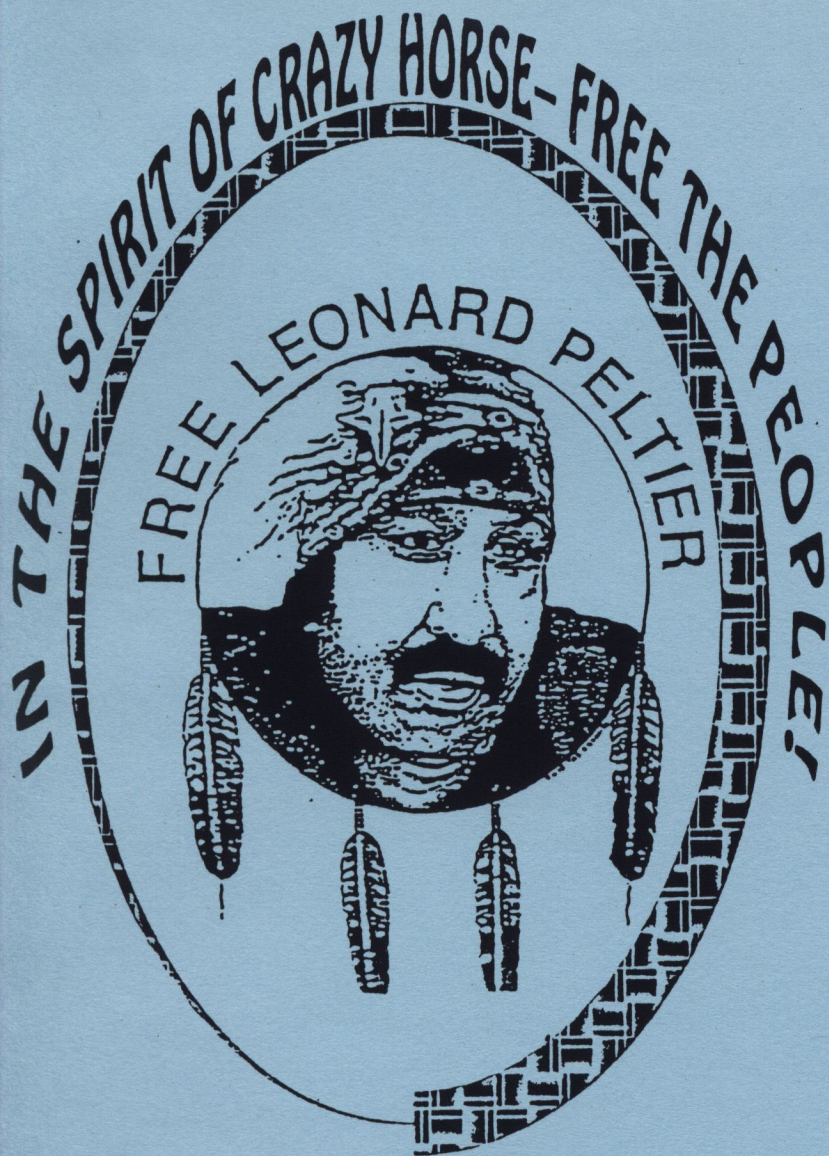


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It is time we all faced the truth of the hardships ahead of us. It is time to investigate the one form of genocide which threatens us all. It is the environmental and human destruction that American industrial greed is bringing not only to Indian Nations, but to the other nations of the world.

LEONARD PELTIER