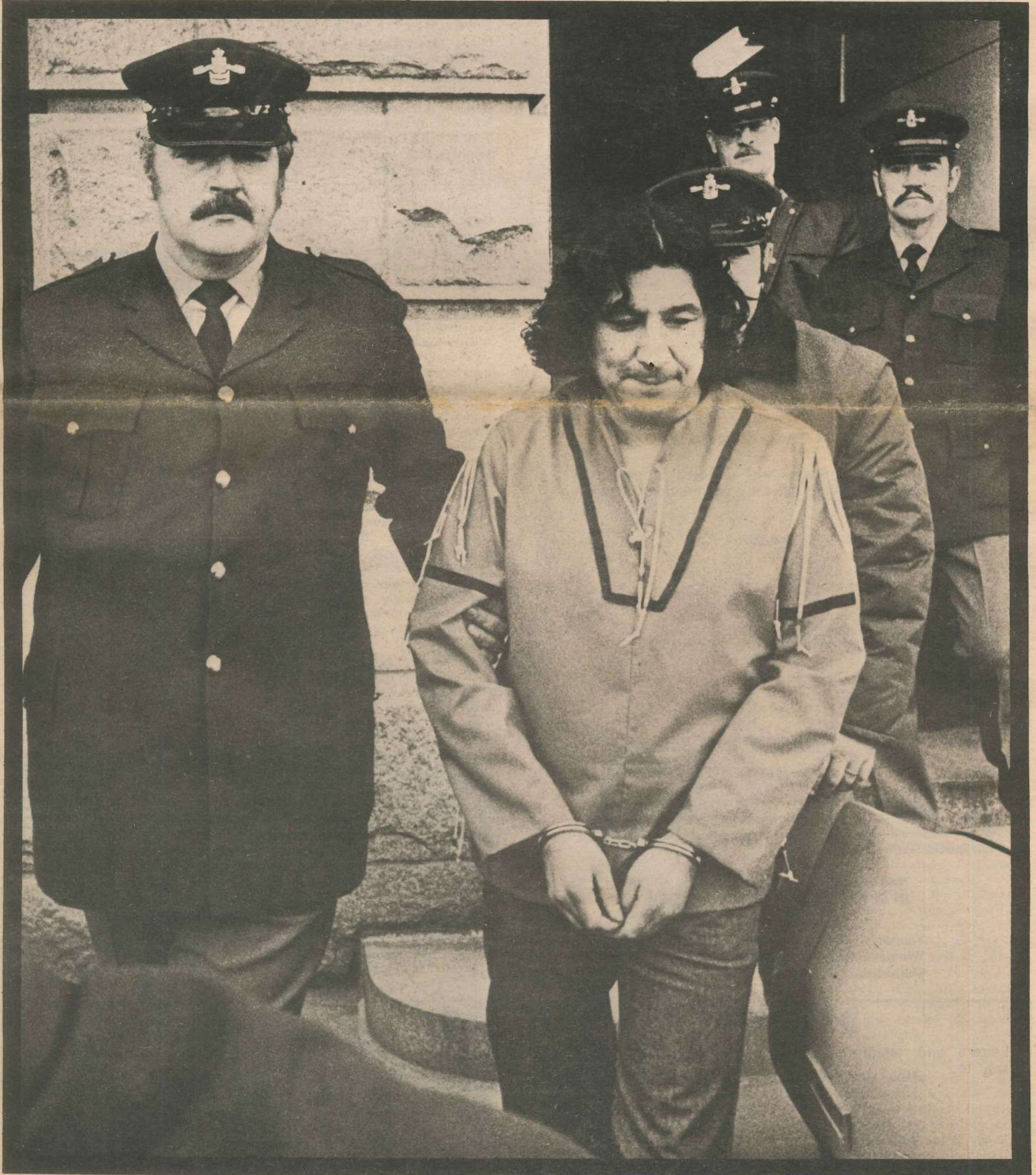


# Free Leonard Peltier

# Seven Eagles

Nationhood, Independence, Sovereignty!

Fall, 1976, No.1, 50c





This newspaper has been produced by the Leonard Peltier Defense Committee as part of the campaign to build a broad movement of public pressure aimed at winning political asylum in Canada for Leonard. The name *Seven Eagles* was chosen because of an event which took place at the Vancouver courthouse on the last day of Leonard's extradition hearing. Dozens of friends and supporters, Indian and non-Indian alike, who had gathered in front of the courthouse, witnessed seven eagles circling above them.

This was taken as an encouraging sign, because the eagle is considered by all Indian peoples to be a sacred symbol and a good

omen when working under spiritual direction. The sight of the seven eagles gave a strong spiritual uplift to Leonard's friends and supporters.

The campaign in defense of Leonard is being coordinated by a Defense committee composed of Indian people from various parts of Canada and from the United States, working with non-Indian supporters, including a legal collective of lawyers and law students. Much of the work of the committee is conducted at the Vancouver Indian Center, which has made office space avail-

## Report from the Defense Committee

able for the campaign.

The Defense Committee has contacted many Indian and non-Indian groups and individuals in order to generate public pressure to prevent the federal government from signing the papers that would send Leonard back into hostile hands. This means an avalanche of letters, telegrams and petitions, especially to Justice Minister Ron Basford. Among endorsing groups are:

Saskatchewan Federation of Labour  
B.C. Federation of Labour  
United Native Nations  
New Democratic Party of B.C.  
Pacific Life Community  
Vanc. Women's Health Collective  
Catholic Peace Fellowship, Spokane  
James Manchese, Chief, Ebb & Flow Band, Manitoba

Communist Party of Canada  
Vancouver People's Law School  
Union of B.C. Indian Chiefs  
Native Study Group  
Trail of Self Determination  
Southern African Action Coalition  
League for Socialist Action  
Vanc. & District Labour Council  
Gay Alliance Towards Equality  
Canadian Union of Postal Workers, Vancouver Local  
Revolutionary Marxist Group  
United Prisoners Rights Movement  
Ernie Voyageur, Van. Indian Centre  
Fed-Up Food Co-op  
Quaker Cttee for Native Concerns  
Canadian Congress of Women  
Alliance Against Racism and Political Repression  
Paul Sweezy, Ed., Monthly Review

In carrying out its work, the Defense Committee has had to contend with the uncooperative and even hostile attitudes of Canadian authorities and law enforcement agencies. Committee members have been detained at the border, subjected to rude and improper questioning and searches, and in some cases refused entry into Canada. While the extradition hearing was going on, Vancouver police intensified their harassment of Indian people, even those not connected to the campaign, with random and arbitrary arrests, raids on homes and generally abusive treatment in the downtown area. Friends and supporters of Leonard were physically attacked in the courtroom and ejected by a special tactical squad of sheriff's deputies and police officers for remaining on their feet as a salute to Leonard.

Leonard was adopted recently by the Kwakwaka'wakw people of the Kwakwaka'wakw Nation on Vancouver Island at a traditional potlach ceremony. He was given the name Gwarth-ee-laas (Leads the People) and given a plot of land on the reserve which strengthens his claim to having roots in Canada.

*Seven Eagles* is a sequel to the special edition of the *Indian Nation*, which gave a full explanation of the background of Leonard's case. Copies of *Indian Nation* are available from the Defense Committee. This new paper includes a report on the precedent-shattering acquittal of two of Leonard's co-accused, Bob Robideau and Dino Butler, and on recent developments at Pine Ridge, as well as full information on Leonard's extradition hearing and other facets of his case.

*Seven Eagles* is being distributed as the legal team prepares for an appeal of the extradition court judge's ruling that Leonard is subject to extradition. The case could be on Justice Minister Ron Basford's desk in a very short time. We urgently need money and office supplies to escalate the struggle at this crucial juncture. Contributions can be made c/o The Defense Committee at Box 758, Station A, Vancouver, B.C.

Thank you for your kindest consideration,  
Leonard Peltier Defense Committee

## "Your brother, Leonard Peltier"

Hello Brothers and Sisters:

I know there's a lot of us in prison -- but keep your spirits up because the movement has grown enormous just in the last few months, bigger than I expected. They are not saying they're AIM -- but they're talking our language. The new leaders are talking heavy.

I know the government will have to decide what course of action to take soon, because these new leaders are impatient.

They can't and will never break the movement. We might see some changes soon -- hopefully, anyway.

Carter (Camp), hope you are doing good or the best that can be.

My boy has grown to be quite a fellow -- going to be a good warrior some day.

May the Great Spirit always protect us in our struggle,

Your brother,  
Leonard Peltier  
Drawer O  
Burnaby, B.C.

## Leonard Peltier Defense Committee Box 758, Station A Vancouver B.C., CANADA

Letters to Leonard and other personal correspondence should be mailed to him at Drawer "O", Burnaby, B.C. Regional defense committees have also been established c/o the following:

• Leonard Peltier Defense Committee,  
110 Birch Street,  
Toronto, Ontario. Phone (416) 461-2411 (Stuart-days)

• Garnet Garvin  
Alliance Against Racism and Political Repression  
1319 Kramer Blvd.,  
Regina, Saskatchewan. Phone (306)586-9036

• Leonard Peltier Defense Committee  
532 Telfer,  
Winnipeg, Manitoba. Phone (204)786-5020

• Errol Kinistano, Native Youth Indian Centre,  
310 Twentieth St. E.,  
Saskatoon, Saskatchewan Phone (204)786-5020

This edition of *Seven Eagles* was prepared in part from material adapted from the following organizations or publications:

• Indian Nation  
c/o Leonard Peltier Defense Committee  
Box 758, Station A  
Vancouver, B.C.

• Akwesasne Notes,  
Mohawk Nation,  
via Roosevelttown, N.Y. 13683. phone (518)358-4697

• The Open Road  
Box 6135, Station G  
Vancouver, B.C.

• Native American Solidarity Committee (NASC) Newsletter  
P.O. Box 3426,  
St. Paul, Minn. 55165. Phone (612)227-1973

In memory of Frank Clearwater, Buddy Lamont, Pedro Bissonette, Joseph Stuntz, Anna Mae Aquash, and Byron DeSersa -- fallen in the struggle for the sovereignty of the Indian Nation.

### NATIONAL DAY OF PROTEST IN SUPPORT OF LEONARD PELTIER SEPTEMBER 25

Vancouver: Noon rally, Oppenheimer Park  
Winnipeg: Rally 2 p.m., Portage and Main  
Contact nearest Defense Committee for details

## URGENT

Letters and telegrams in support of Leonard should be sent to:

- Hon. Ron Basford, Minister of Justice  
House of Commons  
Ottawa, Ontario
- Rt. Hon. Pierre Trudeau, Prime Minister  
House of Commons  
Ottawa, Ontario



Supporters of Leonard Peltier sing AIM song at Vancouver courthouse after being forcibly ejected by police on last day of extradition hearing.



*They made us many promises, more than I can remember,  
but they only kept but one:  
they promised to take our land, and they took it.*



Leonard Peltier's fight for his life and for his freedom in Canada has entered the do-or-die stage. The recent acquittal of two of his co-accused in the United States is an encouraging sign that the U.S. government's continuing attempt to railroad Indian activists is losing credibility with the American public. But it also means that the FBI will be more determined than ever to frame Leonard through bought-off and coerced testimony and other improper methods of evidence-tampering.

Leonard, a 32-year-old Oglala Sioux who has been active for many years in Indian struggles, is charged with the murder of two FBI agents during a June 26, 1975 shoot-out near the village of Oglala on the Pine Ridge Indian Reservation in South Dakota. Because of the climate of oppression and violence on the reservation he went to Canada to seek political asylum, and was apprehended last January in Alberta by the RCMP and removed to Oakalla Prison, near Vancouver, to await extradition.

In an 18-day extradition hearing last spring, Leonard stated that he was not guilty of the charges against him and contended he was a political refugee on the grounds that his alleged offense was part of a continuing series of confrontations between two political entities - the U.S. government and the sovereign Sioux nation. As well, his defense team argued that the anti-Indian racist sentiment in U.S. state and federal law enforcement agencies meant his life would be in grave danger if he were returned.

The defense cited a number of cases of Indian activists who died violently under mysterious circumstances while supposedly under protection of, or in custody of, government agents. Among these was the case of Leonard's friend Anna Mae Aquash, who was killed with a bullet in her head shortly after her arrest on a phoney gun charge in South Dakota.

Leonard and other Indian acti-

vists have been singled out for special persecution because they have taken so strong a stand in favor of Indian cultural and spiritual integrity. The government clearly fears that the Indian drive for sovereignty over their own lands poses a threat to continued white economic penetration and exploitation of natural resources. Pine Ridge - the scene of the liberation of Wounded Knee in 1973 - is seen as the spearhead for the Indian struggle in many parts of North America.

The Oglala shoot-out was originally characterized by the FBI as an "ambush" or "execution" in which two FBI agents, Jack Coler and Ronald Williams, were slain without mercy by Indian militants. An intense and well-coordinated FBI media barrage managed to create this impression in the minds of many people, while hardly bothering to mention that an Indian man, Joseph Stuntz, was killed at the same time.

While many of the details remain obscured more than a year after the incident, uncontradicted evidence by the government's own witnesses at the trial of two of Leonard's co-accused, Dino Butler and Bob Robideau, was that it was the FBI agents who started shooting first. There was no evidence presented by the prosecution that would have implicated Leonard, and the jury could not have convicted him when it acquitted the other two.

The jury's decision is precedent-shattering because it in effect recognizes the political character of the conflict over control of the land and natural resources at Pine Ridge. For the first time in recent memory, the right of ordinary citizens to defend themselves with extreme measures against aggressive acts of government agents has been confirmed.

Dino Butler and Bob Robideau were acquitted even though the jury believed they were shooting at the FBI agents. The defence's argument succeeded because it became

obvious to the jurors that the government would go to great lengths to fabricate the evidence required to pursue its vendetta.

Furthermore, the jurors indicated that even if there had been sufficient evidence to pin the killings on the two defendants that the self-defense argument might still have been accepted. This followed an unusually-strong statement by the judge to the effect that the killings would be justified if it were found that the defendants had acted to protect Indian women and children who were under attack and in danger of grave bodily harm or even death.

This definition of self-defense as put forward by both the judge and the jury would clearly fit Leonard's case as well.

But Leonard's defense doesn't stop there. In fact, it has been

the chance of using her affidavits as the main element in its case for extradition of Leonard. Since the government was allowed to make its case by affidavit evidence alone, her statements could not be contradicted or challenged and she could not be summoned to the hearing for cross-examination.

However, the extradition judge chose to disregard the evidence presented by a number of witnesses from Pine Ridge, and insisted instead that any differences between the two opposing sides should be settled back home in the U.S.

Confining himself to narrow points of law, as expected, the judge ruled that Leonard is subject to extradition. This decision is now in process of appeal on a number of legal, constitutional and technical points.

But the final say on whether

**"I have been a prisoner of war for more than 200 years on my very own soil!"**

**Leonard Peltier**

shown that the very foundation of the government's case against him is totally discredited, since his chief accuser, a paid FBI informer named Myrtle Poor Bear, was not even present at Oglala during the shoot-out.

One of the government's own witnesses at the Butler-Robideau trial testified that Poor Bear was not there and that he had never even seen her before. The government chose not to introduce this evidence at the trial, nor did it bring Poor Bear - its supposed chief witness to the shooting - into the courtroom to testify because it knew her "evidence" would be easily destroyed under cross-examination.

But the government jumped at

Leonard stays or goes rests with Justice Minister Ron Basford, who must judge the case on its political aspects. Up to now, Basford has declined to comment, other than to say that "Leonard has rights of appeal, and obviously I will be doing nothing until rights of appeal have expired. There are elements of discretion, but I will not discuss the matter while it is before the courts."

Basford will have an opportunity to use that "discretion" when he receives the hearing's evidence that the Oglala shoot-out was no isolated incident, but rather, the result of a mounting Vietnam-style war of terror and "pacification"

**Continued on page 10**



# Stuntz and Aquash deaths whitewashed

The FBI's selective approach to law enforcement has made its full weight felt in the Oglala case.

When two FBI agents died during the June 26, 1975 shoot-out on the Pine Ridge Reservation hundreds of heavily-armed agents and other federal officers participated in one of the most intensive manhunts in history.

Yet there has been no investigation into the death of Joe Stuntz, an Indian killed during the same incident. And the murder of Anna Mae Aquash, a MicMac from Nova Scotia, in the aftermath of the FBI's manhunt has been given only token attention despite protests from the Canadian government.

U.S. Commission on Civil Rights investigators found as a result of the disparity in FBI treatment of these cases "along with the record of an extraordinary number of unresolved homicides on the reservation, and incidents of terror and violence which have become almost commonplace, the sentiment prevails that life is cheap on the Pine Ridge Reservation."

"The more militant and traditional Native Americans have concluded that they cannot count on equal protection under the law at the hands of the FBI or the BIA police," said the investigators' report.

Dr. Shirley Hill Witt, director of the Commission's Mountain States regional office, and equal opportunity specialist William Muldrow noted that immediately after the two FBI agents were shot, nearly 300 combat-clad agents, along with the trappings and armament of a modern army, were brought in to control the situation.

Despite the heavy penetration of agents in the area subsequent to the shooting, Joe Stuntz, 23, a Coeur D'Alene originally from eastern Washington, was not accurately identified by the FBI until three days after his death.

## Intimidation And Terror

But Civil Rights Commission investigators Witt and Muldrow discovered in the aftermath of the FBI shooting incident that "allegations were rife that the FBI engaged in numerous improper activities including illegal search procedures and creation of a climate of intimidation and terror."

The FBI has also admitted that there has been no investigation into Stuntz' death although a Bureau of Indian Affairs agent claims to have killed him.

During the trial of Bob Robideau and Dino Butler, who were eventually acquitted of the agents' murders, FBI agent Gary Adams testified that BIA agent Gerald Hill took credit for killing Stuntz.

Joe Stuntz, also known as Charging Thunder, had come to the Pine Ridge area about two years previously in order "to learn what it is like to be an Indian," according to his widow Ida, a Klallam from Port Angeles, Washington. He had been adopted by a well-to-do white couple named Stuntz when he was very young, and he had spent his growing-up years in the country club set of the U.S. South and Midwest.

In 1974, after quitting his job in a government office, he joined an Indian caravan from Seattle to the Rosebud Reservation, near Pine Ridge, to take part in a spiritual conference. Since then, he had travelled widely, taking part in

Indian struggles in a number of states. He also leaves two small children.

According to the Civil Rights Commission investigators the shoot-out investigation coupled with "what at the very least was extremely indifferent and careless investigation of the Aquash murder" to many Pine Ridge residents reveals an attitude of racism and antagonism on the part of the FBI toward Indian people.

Anna Mae, who was strongly involved in the American Indian Movement, was found shot to death in a snow bank at Pine Ridge, in February, 1976.

Although there was blood on her head, and her body was found wrapped in a blanket beside a road far from any populated area, foul play was not suspected by the FBI and BIA police looking into the case. An autopsy conducted by W.O. Brown, an FBI-hired pathologist from Scottsbluff, Nebraska, listed Anna Mae's death as exposure.

## Hands Cut off

She was unidentified so her hands were cut off and sent to a laboratory in Washington, D.C. for fingerprint identification, both the FBI and BIA claiming that they had no facilities to do so themselves due to the state of the body's decomposition. Still unidentified, Anna Mae, 31, was buried March 3 with the FBI reporting that in the afternoon of the same day tests revealed her identity.

Canadian relatives were notified of her death two days later, and with friends called for a full investigation of her death, which forced the FBI to obtain a court order to exhume the body.

This time an independent pathologist brought in by the Aquash family, Dr. Garry Peterson, of Minneapolis, Minnesota, found a .38 calibre bullet wound in the back of her head.

The Civil Rights Commission inquiry reports that some people believe Anna Mae was singled out for special attention by the FBI because of her association with prominent AIM member Dennis Banks. Many of her friends think she was murdered by the FBI or its BIA-goon squad collaborators, in retaliation for the deaths of the two FBI agents in the Oglala shoot-out.

Anna Mae, the mother of two girls, was born and raised on the MicMac reserve of Shubencadie in Nova Scotia. She took part in the Trail of Broken Treaties and later in the liberation of Wounded Knee.

In September, 1975, she was arrested and questioned about the Oglala shoot-out. In November she was arrested in Oregon on a gun charge (later dropped).

The Canadian government made a half-hearted demand for a further FBI investigation of Anna Mae's death. But as Russell Means said recently:

"Once again Canada is affirming to the world that it is only a colony of the U.S. and a lackey waiting for orders and direction from the U.S. The government has asked the State Department to investigate. This is a cowardly action by Canada in an attempt to have this assassination forgotten by burying it in bureaucracy."



Anna Mae Aquash is given traditional burial at Pine Ridge near grave of Joe Stuntz

## Ledieux goes home

Joanna Ledieux, imprisoned for nine months for refusing to talk to a grand jury about the Oglala shoot-out case, has been freed on direct orders of Attorney-General William Levi following an intense public campaign of protest. The U.S. government had begun to smart under the adverse publicity caused by the refusal of prison authorities to allow her to nurse her son, born while she was in custody.

Ledieux, a legal worker on the Pine Ridge reservation, was called before the grand jury as a material witness because of her involvement as a mediator seeking a cease-fire between federal forces and Indians during the shoot-out.

"I will never allow myself to be

used as a tool of United States repression against Indian people the way they have so often used us against one another," she declared.

"I will continue to fight for Indian sovereignty and self-determination."

Although federal law expressly prohibits mediators and arbitrators from divulging information on the disputes they enter, the grand jury claimed that this requirement does not hold in cases involving possible murder charges.

She was jailed first in South Dakota, then transferred to a women's prison in California in order to remove her as far as possible from her family and friends.

## Blackhorse still jailed

Frank Blackhorse, who was arrested with Leonard Peltier by the RCMP at an Indian encampment in the Rocky Mountains near Jasper, Alberta, has a fight on his hands similar to Leonard's.

Blackhorse, 27, has been imprisoned since last February while the authorities have hit him with a series of phoney charges in an attempt to find an excuse to deport him to the United States, where he is on the FBI's hate-list for Indian activists.

He was originally charged with entering Canada illegally, but when the police couldn't make that stick, they charged him with possession of marijuana and unregistered firearms. He was sentenced to 14 days and fined \$100 on the dope rap, while the gun charge has been stayed for the time being.

He has also been charged with attempted escape in connection with a recent mass break-out try at the Fort Saskatchewan provincial jail.

While in jail, he has been kept in solitary most of the time, and the guards have harassed him with racist slurs, they have put glass and other foreign particles in his food and they have denied him medical attention and the right to practice his religion.

Blackhorse, who is part Cherokee and part Lakota (Sioux), was involved in many Indian struggles, including Wounded Knee, the Menominee Warriors' takeover of the abandoned abbey at Gresham, Wisconsin, and the battle over fishing rights in the state of Washington. There are the usual trumped-up assault charges outstanding against him from Wounded Knee and the Menominee take-over.

His appeal of the dope conviction should carry through until November, and meanwhile he will attempt to sue the government for abuse of process for all the phoney charges. Write to him at Box 10, Fort Saskatchewan, Alberta.



# Jury confirms Indians' right to fight back

In acquitting Dino Butler and Bob Robideau of murder charges in the Oglala shoot-out case, an all-white jury in Cedar Rapids, Iowa, in effect confirmed the right of individuals to defend themselves forcefully against government terror tactics.

The jury concluded that the defendants were in fact firing at the two FBI agents, but it decided this was not excessive in the heat of passion. The jurors, most of whom were workers at a local electrical plant, gave explicit credence to the defense's contention that an atmosphere of fear and violence existed on the Pine Ridge Reservation and that the defendants arguably could have been shooting in self-defense.

The acquittal was significant, as well, because it pointed to an FBI conspiracy to provoke the incident on June 26, 1975 and to railroad a number of Indian activists into prison for taking part in the exchange of gunfire. A key element in exposing the plot was the uncontradicted testimony of the government's own witnesses that it was the FBI that started shooting first.

AIM field director Vernon Bellecourt jubilantly greeted the verdict with the comment that, "We're starting to get the kind of juries that don't see the FBI as knights in shining armor."

And defense lawyer William Kunstler declared the verdict was "historic" because it affirmed the right of self-defense in certain cases involving confrontations between U.S. government forces and groups of citizens.

"A few years ago it would have been unthinkable for a jury to acquit minority persons charged with killing government agents," said Kunstler.

But he said the mood of the U.S. has changed to the extent that people are now willing to believe that such a confrontation could be triggered by "psyched-up" agents and Indians fearful of attack.

Robideau, 29, a Chippewa Sioux from Devil's Lake, North Dakota, and Butler, 34, from the Rogue River country of Oregon, were each charged with two counts of murder punishable by life imprisonment in connection with the shooting deaths of FBI agents Ronald Williams and Jack Coler. One charge was for the act of murder and the other for aiding and abetting.

## Four Charged

In all, four Indian activists were charged in the shootings. Jimmy Eagle, 19, has had his charges dropped for lack of evidence, and Leonard Peltier, the sole remaining defendant, is now fighting his extradition from Canada.

The Butler-Robideau trial was held in Iowa because the defense argued successfully that an impartial jury could not be found in South Dakota, where surveys had indicated that up to 80 per cent of white people were prepared to convict an Indian defendant on any charge.

Jury foreman Robert Bolin said the acquittal was brought in after five days of deliberations because "the government did not produce sufficient evidence of guilt."

"We more or less determined the event last year was a case of one armed camp against another armed camp," said Bolin.

"The jury agreed with the

defense contention that an atmosphere of fear and violence exists on the reservation and that the defendants arguably could have been shooting in self-defense. While it was shown that the defendants were firing guns in the direction of the agents, it was held (by the jurors) that this was not excessive in the heat of passion."

Testimony given at the lengthy trial also revealed how far the U.S. government is prepared to go in its attempt to obtain convictions of Indian activists:

- Government witnesses, special FBI agents Gary Adams and Gerald Waring, gave conflicting evidence on crucial points.

- Two teenage Native Americans Wilfred (Wish) Draper and Norman Brown admitted that the FBI threatened to charge them with murdering the two agents if they did not testify for the prosecution.

- The government's final witness, James Harper, a former cell-mate of Butler admitted on the stand that he was promised favored treatment by the FBI and prison authorities if he would swear that Butler had given him a "jailhouse confession."

- It was never proven that the guns alleged to be in the possession of Butler and Robideau were the ones that killed the agents.

- Dr. Robert Bloemendaal, a pathologist, said each agent had been hit by only three bullets, contradicting the government's original, highly publicized contention that the agents' bodies were "riddled with bullets". A crime lab specialist testified that there



Dino Butler

were 116 bullets in the agents' cars.

- And even FBI director Clarence Kelley contradicted himself by calling the American Indian Movement both a subversive organization and one with fine goals.

While Robideau and Butler both denied killing anyone, their defense was not limited to proving only their own innocence. They maintained that no Indian was guilty in the FBI deaths since it was clearly a case of a whole community defending itself against an illegal invader.

The defense team argued that the government's attempt to make out that the main issue in the case was that two "law enforcement officers" were "murdered" by "savage" Indians was in fact only a diversionary tactic to cover the real issue - that FBI and SWAT teams are committing brutal crimes against Indian communities, where they have no right to be, and that Indian people have the need and the right to defend themselves against this invasion.

"The main issue is sovereignty and freedom of all Indian people," Butler said in a statement read to the Second International Indian Treaty Council.

"Throughout the last 400 years whites have intruded on Indian land, culture and religion -- always with no regard for Indian lives - men, women or children. We have done no more and no less than many of our ancestors have done in defending Indian land and lives."

The defense contended that Butler, Robideau and several other Indian men, in the face of fire from the FBI agents responded, as Robideau said, "by defending our women and children."

## Government Violence

"Bob and I knew we were right that day," Butler added. "The

grandfathers were with us. We walked out of the area safely with three women. We stood up against the violence of the U.S. government to protect Indian lives."

"We are not guilty and the people who helped us are not guilty. It is time for all Indian people to stand together."

During the trial, the prosecution attempted to show that the FBI agents were ambushed, and "executed."

Norman Brown, 16, a Navajo Indian, who testified for the prosecution, destroyed this theory.

He told the court how the group at the Jumping Bull homestead near the reservation village of Oglala was taken by surprise June 26th. Brown explained the people's constant thought and fear was of attack by federal agents or by "goons" employed by then tribal



Bob Robideau

council chairman Dick Wilson. He said the men's first instinct was to protect the women and children from such an attack.

According to Brown, there never was any discussion of ambushing FBI agents and, in fact, he did not know the agents were dead until he heard a radio report the next day.

Brown and Wish Draper, 19, the other Native American coerced into testifying for the prosecution, placed Robideau and Butler at the scene of the shootout but neither actually witnessed the killing of the agents.

Draper identified several weapons the government claims were used by the Indians during the shootout. Then he admitted it was "possible" that some of the details he recalled could have come from conversations with FBI agents rather than his memory.

Draper said that in exchange for his testimony he was promised a new identity, money, education, a job and protection. If they did not cooperate, he and Brown were told they could face charges of murder.

Butler also claims the same promises and threats were made to him by the FBI and when he

refused to cooperate with federal authorities they proceeded on the murder charges.

In a significant point touching on Leonard Peltier's extradition case, Draper testified that he had never seen Myrtle Poor Bear before in his life and that she was not at the shoot-out. Poor Bear, who has admitted to being a paid FBI informant, claimed in an affidavit filed by the U.S. government in the extradition hearing in a Vancouver, B.C. courtroom that Leonard was implicated in the shoot-out.

Poor Bear was never called to testify at the Butler-Robideau trial because the government knew her story would be punctured in cross-examination. But her affidavit could be used against Leonard because, according to common practice at Canadian extradition hearings, affidavits submitted by a foreign government are accorded full credit without being subject to question by the defense.

A key prosecution witness, James Harper, alias David Harden, who was briefly a cell-mate of Butler's, claimed that after he lied to Butler to gain his confidence he obtained an admission of guilt from Butler.

"I didn't tell you a damn thing," Butler interjected from the defence table when Harper began recounting alleged details of the shootout.

FBI agents Gary Adams and Gerald Waring gave conflicting testimony on several points including the location of Joe Stuntz' body.

Under cross-examination Adams said that he was aware of certain errors contained in his FBI report concerning the events and his observations. He admitted discrepancies in court room evidence as well.

Agent Adams revealed that Bureau of Indian Affairs agent Gerald Hill boasted of killing Joe Stuntz. There has been no official inquiry into Stuntz' death.

## Fearful Conditions

U.S. Civil Rights Commission investigator William Muldrow said the conditions at the Pine Ridge Reservation were so fearful during the summer of 1975 that it was logical for individuals to carry weapons to defend themselves at all times against possible attacks by the federally-financed goon squads and the FBI.

Muldrow's findings were backed up by a reservation health worker and a tribal attorney who both said people at Pine Ridge live in terror of both the goon squads and the FBI. The two women said they and their families have been harassed.

Even FBI director Clarence Kelley gave credence to the self-defense theory when he said: "I don't care who it is, if their lives are threatened they have a right to protect themselves."

The subpoenaing of Kelley to testify for the defence was considered a real breakthrough, especially when Judge Edward J. McManus directed that an order be drafted to have Kelley show why he should not be held in contempt when he failed to appear as scheduled.

Continued on page 10





Seven Eagles, Fall 1976

# FREE LEONARD PELTIER

**National Day of Protest- Sept. 25**

**Noon Rally, Oppenheimer Park (Powell and Gore)**

Leonard Peltier Defense Committee, C/O Vancouver Indian Centre, 1855 Vine St., Vancouver, B.C.



It was last January that the tyrannical Dick Wilson was defeated for re-election as tribal council chairman of the Pine Ridge Indian Reservation in South Dakota, but the reservation is still an armed camp where people live in daily fear for their lives.

That's how the jury recently described the situation at Pine Ridge in acquitting Leonard Peltier's co-accused, Bob Robideau and Dino Butler, of murder in the Oglala shoot-out incident. The jury could have said - but didn't - that the FBI and other heavily-militarized U.S. government agencies continue to operate with impunity on the reservation in their systematic campaign to intimidate the Indian people and to suppress the Indian movement.

In the four months between Wilson's defeat and the installation of his successor, Al Trimble, there were at least 20 violent incidents on the reservation, including six deaths. Among these were the outright murders of two AIM members - one was shot and the other was beaten to death.

Wilson used every method from electoral fraud to sheer terror and even murder to cling to power at Pine Ridge for four years, and he had the heavy backing of the Bureau of Indian Affairs and of his own private, federally-funded goon squad. But a concerted effort by traditional-minded Oglala Sioux, who comprise the great majority of the 12,000 people on the reservation, finally brought about his defeat at the polls last January.

Trimble, a former BIA bureaucrat who had earlier been ousted by Wilson for speaking out about Indian problems, was elected on a platform of liberal reform and a promise to erase the climate of fear and oppression that had resulted in at least 78 violent deaths on the reservation in the previous four years. An Oglala from the village of Wanblee, Trimble carried every district but one on the reservation.

### Search-And-Destroy

The election of Trimble doesn't mean that the FBI is going to go away; on the contrary, their search-and-destroy missions and other tactics of Vietnam-style "pacification" have been intensified in recent months.

Nor does it mean the end of Wilson; as the BIA's main puppet at Pine Ridge, he continues to joust for power, and his goons still maim and pillage virtually unchecked.

Nor does it even mean that the Oglala Sioux people will at last have a democratic forum through which to express their electorally-based will; the tribal council system is an alien political form imposed by the U.S. government in an attempt to destroy the traditional Indian political system based on consensus, and to subdue the Indian people with a minimum public show of force.

Still, there have been a number of important changes in the situation at Pine Ridge since Trimble's regime was formally installed in April, and many Oglala people now feel more comfortable about openly taking part in the political life of their community. The traditionalists hold a majority on the council, and with Trimble's cooperation, they have made a start on eliminating some of the more despotic and corrupt features of the tribal administration.

One of the council's first items of business was to rescind the noxious resolution passed during the early part of Wilson's first term that banned the American Indian Movement from the reservation,



## Trying a new broom

outlawed AIM members and their activities, and gave Wilson full authority to act and govern without consent of either the council or of the tribe's executive board. The resolution had been forced through by Wilson during the Indian occupation of the BIA headquarters in Washington, D.C., and it signalled the start of the repression on the reservation which led to the occupation of Wounded Knee in 1973.

Trimble had campaigned on a slogan of "returning the reservation to the Indians", and he has set about to use his office to spotlight the way the previous regime had repeatedly and consistently sold out Indian interests. For instance, he found that of \$310,000 in federal funds earmarked for Oglala business and job development, fully one-quarter went to two individuals - Dick Wilson and his brother Jim - and that there was no sign of assistance to legitimate Indian-owned businesses.

Trimble has also shown how tribal money for legal services was over-expended, mainly going to favored non-Indian law firms to prosecute tribal members or to defend goons or others accused of crimes against the Oglala people. Of 80 new homes built on the reservation last year, every one went to individuals

who were already better housed than the majority of Oglalas.

Trimble has pledged a whole new approach to what he terms peace enforcement, and he has said there would be a crackdown against bootleggers. He has also started to revamp the tribal highway safety program, which is a sanctuary for the goon squad. Already, known members of the goon squad have had to line up at the tribal unemployment office to request benefits.

These changes have been welcomed by the Oglala Sioux people, but they realise that they need to do more than shuffle a few faces at the top of the bureaucracy if they are to overcome the appalling social and economic conditions that are the legacy of 400 years of colonial rule.

About 70 per cent of people at Pine Ridge are unemployed and must depend on the BIA and other government agencies for handouts. Health conditions are similar to those in unliberated Third World countries: the alcoholism rate is five times the U.S. average, 15 per cent of the population suffer from TB, the suicide rate among teenagers is ten times as large as for non-Indians, and the life expectancy is 44 years - 30 years less than for the average white person.

The median family income at

Do you feel what I feel, my brother?  
They make their plans to destroy our people,  
they bring them ole big guns on wheels of steel  
and those little guns that talk so fast --  
while they talk of peace  
they murdered brothers Frank and Buddy  
while they speak of peace  
they murdered brothers Pedro and more  
Speaking in the name of law  
they plague our res. and  
terrorize our people,  
saying this is God's, or the  
Yankee way  
then they murdered our brother Joe  
and they still speak of revenge.  
Now they place us in their jails  
saying, here we will die  
and them fuckers still speak  
their words of revenge.  
No, my brothers I cannot live in true peace  
with scum such as them.  
So here I sit in my cell  
with a growing hate that will never die.  
So wake up out there and look around you, and  
put that scum beneath your feet.

Frank Blackhorse  
from Fort Saskatchewan [Alta.] Prison

Pine Ridge is \$1,910, which is less than half the U.S. poverty level. Yet, the BIA and other federal agencies claim to be spending \$8,040 per year per family at Pine Ridge; it's obvious that the largest part of this money goes to the white BIA bureaucrats who are as numerous as there are Indian families on the reservation.

The key to the Oglalas' struggle is sovereignty, and this means control of their land, which was supposedly guaranteed them by the Fort Laramie Treaty of 1868. But at present, more than half the total acreage is dominated by white ranchers who grow rich in cahoots with the BIA by leasing Indian land at pitifully low rates. One white land-user, working through Indian middle-men and BIA collaborators, has exclusive rights over 55,000 acres - more than all of the land of the traditionalist Oglalas combined.

The white ranchers fear the growing independence and assertiveness of the Oglala people, and they have not stinted from using intimidation and even violence to preserve the status quo. They have begun organizing into paramilitary vigilante forces, such as the Posse Comitatus and the so-called South Dakotans for Civil Liberties, and they clearly intend to use force to maintain their privileges.

### Multi-Nationals

But the big battle over land use at Pine Ridge, as at many other Indian territories throughout North America, is with the U.S. government and the large multi-national corporations, which are eager to exploit the sizeable deposits of minerals and other natural resources that are to be found there. That's why the government worked so hard to establish a puppet regime which would sign over the rights to coal, oil, natural gas, uranium, and other resources, with little fuss.

To counter this pressure, the Oglala people have joined with other Indian nations of North and South America to internationalize their claim to sovereignty, and especially to press for recognition of their treaty rights by such world bodies as the United Nations and the Conference of Non-Aligned Nations. The Second International Indian Treaty Conference, which was held in August in Greenwood, South Dakota, near Pine Ridge, committed itself to a full campaign to gain status before the U.N.'s Committee on Decolonization.

For, as Madonna Gilbert, director of the AIM We Will Remember School in Rapid City, South Dakota, told the 500 delegates:

"Remember, most of the world isn't white. The whites have turned the world upside down, but the Third World people aren't taking it anymore and we are sitting in the middle. In 1976, it's a miracle we can sit here as Indians. We are laying the ground work for the young. We will never have the money, don't depend on the federal dollar dream."

"The last undeveloped land in the U.S. is Indian land. They're going after it. They can get anything they want. That's why the treaties are so important. The other Third World people are saying 'no' to the U.S. exploitation of their resources. Ford says we will be energy independent in three years. From Indian land. Look at Alaska.

"They are afraid of the treaties. Remember it!"



# Extradition hearing exposes FBI war

Leonard Peltier's extradition hearing, which concluded in Vancouver May 28 after four weeks of testimony, provided an unprecedented exposure of the U.S. government's Vietnam-style war against the American Indian Movement. Evidence introduced into the Canadian court showed:

- The FBI has been systematically attempting to terrorize whole populations of native people by declaring their reservations virtual free-fire zones and conducting "search and destroy" missions.

- Indian activists have been harrassed and intimidated through trumped-up politically-inspired prosecutions and threats of violence and in some cases, such as that of Anna Mae Aquash, have actually been murdered for their opposition to government policies.

- Anti-Indian racism among white people in South Dakota would rule out the possibility of a fair trial for any native person accused of a crime.

- Conditions in the U.S. prisons constitute cruel and unusual punishment for native people because they viciously attack Indians' cultural identity.

The defence raised these points in order to establish that Leonard, who is charged with murdering two FBI agents in June, 1975 on the Pine Ridge Reservation in South Dakota, should be granted political asylum in Canada. His alleged offence was part of a continuing series of confrontations between two political entities: the U.S. government and the sovereign Sioux Nation.

Defence lawyers Don Rosenbloom and Stuart Rush argued that a state of civil war exists at Pine Ridge between the U.S. government and the main bulk of the Indian people.

Under Canada's Extradition Act, a fugitive may be granted permission to remain in the country if his or her alleged offences are judged to be of a political nature.

As well, the defence maintained that protections of the Canadian Bill of Rights should be extended to persons facing cruel and unusual punishment in the courts and prisons outside Canada. The extradition judge was empowered only to make a finding as to whether the foreign government had presented a prima facie case (that is, whether it had presented "some" evidence) against the fugitive. The judge couldn't decide the merits of the case, nor could he allow the defendant to attempt to refute any of the allegations.

## Political Evidence

As for the political evidence, the judge has to relay this to the federal Justice Minister Ron Basford, who has the final say on whether the fugitive is to be granted political asylum.

During the extradition hearing, security in and around the courtroom was unusually intense, with all spectators being skin frisked thoroughly. Large numbers of sheriff's deputies, uniformed and undercover police and even some FBI agents were in attendance throughout the proceedings observing and photographing the crowds of Leonard's supporters who assembled each day on the courthouse steps, and whose drum-beating could be heard inside the

courtroom. Leonard himself was brought to court each day from his solitary confinement cell at Oakalla Prison shackled hand and foot.

Louis Bad Wound, of Pine Ridge, a traditional headman of the Oglala Sioux, testified that the troubles at Pine Ridge stemmed from the refusal of the U.S. government to respect the 1868 Treaty of Fort Laramie, which granted the Sioux Nation complete independence and sovereignty on its own reservation.

"There has been continued violation of the Treaty for the past century, but the violations have

intensified in the past few years," said Bad Wound. "The U.S. may not pass laws or acts judicially, legislatively or congressionally which are in any way binding on the Sioux Nation. We reject all laws of the U.S. which have not been condoned by the Treaty."

Bad Wound said the U.S. government has promoted strife among the Lakota Indian people themselves by bolstering a corrupt and dictatorial "puppet" regime on the reservation to suppress the growing native movement. He said traditional leaders of the Oglala Sioux asked the American Indian

Movement (AIM) to help fight the corruption, and one result was the 71-day occupation of Wounded Knee in 1973, designed to "sensitize" the American public to the Indians' complaints.

"We lost nearly 30 people in the first year after the Wounded Knee occupation," he said. "They were killed in mysterious circumstances. Some were shot and some had their heads caved in. What exists in Pine Ridge today could be characterized as a civil war."

Edgar Bear Runner, an Oglala medicine man, described and recounted the heavily-militarized U.S. force which confronted the lightly armed occupiers of Wounded Knee. He said FBI and other federal agents were armed with sniper rifles, shotguns, and machine guns, as well as jeeps, armoured personnel carriers, helicopters and jet aircraft. At one point, Bear Runner interrupted his testimony and pointed out to an FBI agent who "has confronted me in the past with arms." But the extradition judge, W.A. Schultz, told the witness that "anyone can come in this courtroom, this is a public place."

Vernon Bellecourt, International Field Representative of the American Indian Movement (AIM) said the U.S. government has launched up to 500 politically-motivated prosecutions against AIM members since 1968. AIM has had to put up a total of \$750,000 in bail bonds in that time while "other people such as Nixon, Erlichman, Dean, and Mitchell violated the American Constitution, yet not one dollar in bail was ordered by the courts."

"We are in a political confrontation to bring about the political economic and territorial independence" of all Indian nations in the U.S. and Canada. Indian lands in the U.S. have been steadily diminishing, Bellecourt said, because of conscious policies of the Department of the Interior. "The same people who are leasing our land to resource industries are also dealing with our affairs. This means we are managed along with all natural resources such as oil, coal, water and wildlife."

## South Dakota Racism

In other testimony, Roy Haber and Charles Sarver, both American civil rights lawyers, warned that Peltier would be "destroyed as a human being" if he were lodged in a U.S. prison. "White guards tend to treat political activists especially AIM leaders, as social enemies and they attempt to harass and intimidate them" said Sarver. "As an AIM leader Peltier would also be subjected to harassment by white prisoners in jail. The racism that exists in South Dakota is very oppressive."

Another American civil rights lawyer, Lewis Gurwitz, said he went to Pine Ridge following the shootings of the FBI agents and met other agents in combat uniforms and pistols on their hips, who swore revenge against the Indian people. "My only impression was that it was cowboys and Indians time again in South Dakota. The FBI are the cowboys and they have real Indians to play with. Just like in Vietnam, the U.S. agents are riding around South Dakota spreading terror and intimidation."



Demonstrations at courthouse were a daily occurrence during extradition hearing.

## Appeal cites Bill of Rights

"Obviously, Canada cannot remedy the internal problems of a foreign state."

That's how Extradition Court Judge W.A. Schultz brushed off four weeks of testimony and legal argument that Leonard Peltier would be persecuted for his political beliefs if he were returned to the United States.

In recommending that Leonard should be extradited (pending final say of Justice Minister Ron Basford), Schultz declared it "incongruous" that a Canadian judge should be hearing evidence on the racial bias of the American police, judicial and penal systems and on the systematic policy of genocide pursued by the U.S. government. He added:

"A U.S.A. judge, or judge and jury, in an American court room, may be deemed a more appropriate and effective tribunal and forum to hear, consider and evaluate the truth of such internal or local matters of the U.S.A., which appear to concern and affect, so strongly, the witnesses for Peltier, all of whom are residents of the U.S.A."

Leonard's legal defense team thinks otherwise, and it has a variety of options in pressing the legal side of the case. The key action is an appeal to the Federal Court of Canada. At issue is that fact that Schultz failed to apply the

Canadian Bill of Rights which bans cruel and unusual punishment.

Schultz ruled in effect that the Extradition Act is not governed by the Bill of Rights because it should be of no concern to Canadians whether an individual is subjected to cruel and unusual punishment or denied a fair hearing in a foreign country as a direct result of a Canadian government action (extradition).

Leonard's defense team will argue that the Bill of Rights supercedes all federal laws and treaties, unless expressly stipulated otherwise by an Act of Parliament (not the case with the Extradition Act or the Canada-U.S. extradition treaty). Therefore, no judge can make any order whose effect would be to condemn an individual to cruel and unusual punishment.

An attempt will also be made to introduce important new evidence into the case, namely, the testimony of government witnesses at the Butler-Robideau trial that Leonard's chief accuser, a paid FBI informant named Myrtle Poor Bear, was not present at Oglala during the shoot-out. This evidence, which was not available at the time of the hearing, would further discredit Poor Bear's two already-contradicting affidavits.

Continued on page 10

Continued on page 10



### The Indian Voice

I am the Indian Voice.  
I long to be heard across our land.  
I have been a prisoner of war for more than two hundred years  
on my very own soil!  
I am a captive of hate, greed, lies, prejudice, indifference,  
ignorance, injustice,  
by men who outnumber me and my people  
since they have landed on my shores  
and have overrun my home land. They have wrought on me  
their society, their religion, and their laws,  
all of which have caused the number of my people  
to become less today than when he first came  
with his false promises to our shores.

I am the collective Indian Voice  
and I cry out from a million graves of unresting souls  
and another million cries that ask the questions:  
where does my future belong and to whom:  
Does it belong to my people?  
Is it to prosper on the land that is rightfully mine?  
Yes, it does, and it shall,  
for my voice shall not be stilled  
nor my spirit stopped from soaring  
to the heights of greatness  
which my people have known and shall know again.

I am the Indian Voice --  
I shall be heard and my people shall see  
the coming of a new day.  
The Mother Earth provides and the Great Spirit guides  
so that truth is known from shore to shore  
by the Voice of a proud Indian Race.

Leonard Peltier  
from Oakalla Prison

## Growing up Indian

Leonard Peltier is a 33 year-old Ojibway-Sioux, born in Grand Forks, N.D. He was sent to white residential school at the age of eight, a brutalizing experience which ended when he was taken away, at his own request, to live with his father on the Turtle Mountain Reservation. After seeing a young girl die as a result of the U.S. government's "Termination" policy -- forcing Indians to join the urban cheap labour force or starve on the reservations -- Leonard took his first step into political activism by participating in an angry protest to the Bureau of Indian Affairs.

In 1965, Leonard moved to Seattle and established an Indian self-support auto body shop, and a halfway house for ex-prisoners and native people newly arrived to the city from the reservations.

After travelling around the country and seeing native people beaten and harassed by police and whites, Leonard met and joined with American Indian Movement activists

like Vern Bellecourt and Dennis Banks, who were helping build a movement to return to the traditional, spiritual Indian ways.

Leonard's involvement in the Trail of Broken Treaties, the resistance of native people at Wounded Knee, and his continuing efforts with AIM to help native people led him into the thick of the native struggle, earning him at the same time a prominent place on the FBI's hate list of known Indian activists.

As the Pine Ridge Reservation became the focus for the intensified war waged by U.S. military and police agencies against the Indian movement, Leonard and others went to the village of Oglala, where they set up a native support centre.

After the Oglala shoot-out on June 26, 1975, in which an Indian man and two FBI agents were killed, Leonard and three other well-known activists were charged. Fearing for his life, Leonard fled to Canada where he was arrested in February 1976.

## Leonard's appeal

### Continued from page 9

Also under appeal are recommendations by Schultz that Leonard be extradited to face charges of breaking-and-entering in Oregon and attempted murder in Wisconsin. The Wisconsin charge stems from an alleged 1972 barroom skirmish with racist off-duty police officers, and the Oregon charge dates to the period between the Oglala shoot-out and his arrest in Canada. Defense lawyers contend the U.S. government has not made out even a prima facie case on either charge.

If the appeal fails, the defense

team can take its case to the Supreme Court of Canada, if leave to appeal is granted.

In a separate court action, the defense will bring a suit in September in B.C. Supreme Court in New Westminster against the B.C. Attorney-General, and the warden of Oakalla prison alleging that the conditions of Leonard's incarceration in Oakalla violate prison regulations and the Corrections Act. For instance, Leonard is being kept in solitary confinement even though he has never had a disciplinary hearing as required by law; and prison officials openly admit that he has been a model prisoner and presents no disciplinary problems.

## Peltier defense crucial

### Continued from page 3

waged by the FBI and other heavily-militarized U.S. federal agencies against the Indian people. Under a Nixon-era martial rule strategy employing code names such as COIN-TELPRO, Garden Plot and Cable Splicer, federal agents wearing combat fatigues and brandishing automatic weapons and supported by aircraft, armored personnel carriers and dog teams, conduct illegal "search-and-detain" operations almost at will, sealing off entire villages, shooting their way into Indian homes and terrorizing unarmed adults and children.

The government knows it has a weak case against Leonard. That's why it has to play such a double game with the evidence.

But now, with the acquittal of Butler and Robideau and the dropping of charges against a fourth accused, Jimmy Eagle, for lack of evidence, the FBI is really going to turn the heat on to railroad Leonard. It will have ample opportunity to refine its techniques of evidence-tampering which failed so miserably the last time, and it is sure to intensify its harassment and intimidation of innocent bystanders and potential witnesses.

The FBI considers the Oglala shoot-out case to be one of the most important and thoroughly-investigated that it has ever been involved in. After the acquittals of Butler

and Robideau, one of the South Dakota FBI agents was close to tears as he walked out of the federal building in Cedar Rapids, Iowa, and news media reports indicate the prosecution was "crushed" by the defeat and the FBI is "anxious" for a conviction in the case.

Now is the time to demand that Leonard Peltier be granted political asylum in Canada. His appeal of the extradition judge's ruling is tentatively scheduled for September 27 and it could be over within a week. If he loses the appeal, he would be eligible for extradition without any prior notice.

But no matter what the courts say, Leonard can remain in Canada with political asylum if enough public pressure is brought to bear on the federal cabinet. Justice Minister Ron Basford must be convinced that the Canadian people think this is an important issue and that Leonard qualifies for asylum under Canadian law.

Write, telegram or call Basford, c/o The House of Commons, Ont., and tell him that Leonard should remain in Canada. Contact other Members of Parliament, trade union officials, church leaders, or neighbours, and have them put pressure on Basford.

Time is running out on Leonard's appeal. It's urgent that we speak out on behalf of Leonard now.

## Butler-Robideau

### Continued from page 5

Kunstler displayed telegrams bearing Kelley's signature that were sent to police across the country advising them that AIM allegedly planned to use 2,000 "Dog Soldiers" to stage violent disruptions of bicentennial observances between July 1 and July 5. The lawyer asked Kelley, "Is it not a fact that there isn't a shred of proof about these alleged planned attacks in the hands of the FBI?" Kelley replied "I know of none."

Kunstler argued that Kelley, "an honest man" was simply unaware of the extent of the FBI's covert attack on the Indian movement.

Kunstler described the Pine Ridge Reservation as "a place of terror and fear that none of us white Americans can possibly understand."

"It is a place of isolation peopled by human beings who live in fear and a place where unsolved murders and assaults proliferate,"

he said.

The FBI agents in the field were "victims" of the bureau's program of destroying dissident groups because they became "psyched up" and "trigger happy", he added.

"We got a fair jury here," he said.

"We did not get a fair trial, because the only way to get that would have been to have no trial at all. There is a total lack of believable evidence to even indict these defendants."

Meanwhile, the two defendants remain in prison as the result of earlier convictions on weapons charges - another favorite tactic of the government. Dino Butler has a year to go on a two-year sentence in South Dakota and Bob Robideau has served one year of a ten-year term in Kansas.

Lawyers for both men say these convictions will be appealed, and it is hoped they may obtain release on bond.

## Extradition hearing

### Continued from page 9

The sole U.S. government evidence presented against Leonard was two affidavits by a paid FBI informer, Myrtle Poor Bear, who claimed he was implicated in the shootings. The affidavits could not be challenged by the defence because of Schultz' decision that he would rule only on whether there was "some" evidence against Leonard, and he would ignore whether there was any other evidence to contradict the U.S. government's case.

Poor Bear also claimed to be Leonard's ex-girlfriend. His response: "I'm still wondering who the hell she is."

When Leonard took the stand to plead his innocence, he pointed the finger at "white racist society"

as the true criminals for oppressing Indians, taking away their land in violation of all the treaties.

"Over the years, more and more of our land was stolen from us by the Canadian and U.S. governments. White society would now like to push us off our reservations because beneath the barren land lies valuable mineral and oil resources."

Leonard said Indians who resist this aggression are made victims of further persecution: "This is why I am standing here today before the court in shackles. What I ask the court is this, 'Will the Canadian system of justice and its authorities, knowing of these abuses, be used as a tool of the corrupt American State?' I am asking this court and this country to grant me political asylum."



## Peltier treatment cruel and usual

## Prisons take heavy toll on Indians

Leonard Peltier already had two strikes against him when he was lodged in Oakalla Prison last February, and that's why it's no coincidence that he has been subjected to far harsher treatment than any of his fellow prisoners.

As an Indian caught up in the workings of the white-dominated criminal justice system, Leonard knows that he will receive fewer privileges and opportunities than do white people, and that the system's insensitivity and in-built racial bias will pose a great threat to his personal and cultural identity as an Indian.

And as an activist, committed to the Indian movement, Leonard can expect to come in for an extra measure of victimization by white authorities who are driven by ignorant and fearful fantasies and willful hostility.

Leonard, who has never been convicted of any crime, is being held in conditions at Oakalla that violate the government's own prison regulations. The B.C. attorney-general and the Oakalla warden say that the situation results from "tips" from the FBI and other sources that Leonard is a dangerous offender who would not stop at murder or mayhem to break out. Yet they have admitted to defense lawyers that he is a "model prisoner" who has yet to even raise his voice to prison officials.

Since arriving at Oakalla, Leonard has been:

- Held in an observation cell for up to 23½ hours per day in conditions of solitary confinement, contrary to regulations which state clearly that a prisoner cannot be held in solitary for periods longer than 30 days, and only if he or she is a disciplinary problem.

- Denied exercise contrary to regulations which require at least one hour of daily outdoor exercise.

- Confined to a 5' x 8' cell with no direct light, which makes it difficult to read and write and to properly prepare his legal defence and maintain correspondence with family, friends, and supporters.

- Denied access to personal papers and published materials on Indian problems.

- Subjected to racist harrassment by guards who are hoping to provoke him to react in a way which will give them an excuse for even harsher measures.

- Threatened with disciplinary action for simply remarking in a letter that his mail is being censored.

This arbitrary and discriminatory treatment is not exceptional in cases involving Indian activists. Prison experts from the U.S. testified at Leonard's extradition hearing that -- given the conditions of prisons there -- he would be subjected to cruel and unusual punishment, in violation of both the U.S. and Canadian Bills of Rights, if he were to be extradited.

Robert Sarver, a former prison administrator in Arkansas, said Leonard would be harmed physically and psychologically by the white bias against Indians inherent in the U.S. penal system. "The U.S. is a white, middle-class (ruled) country, and this psychology applies to the prison system which is based on white bias," said Sarver, who was

the lawyer in 13 cases against American prison systems. "As a member of AIM Leonard Peltier would be branded a prison troublemaker and would likely be classified as a special prisoner, subjected to harrassment and brutality at the hands of white staff and inmates." As well, he said, Leonard would receive discriminatory treatment when he came up for parole: "Parole is a game. If you give the parole board the answers they want to hear, you get parole; if you don't, there's no parole. Those who cling to their own beliefs and their own cultural heritage find it difficult, if not impossible, to get parole."

This hostility to traditional Indian culture is clearly demonstrated by the case of Leonard Crow Dog, one of AIM's most respected spiritual figures. Crow Dog has received prison sentences totalling 26 years on the flimsiest of pretexts. In one case, he was convicted of "interfering with federal officers" for safely escorting four postal inspectors out of Wounded Knee; in two others he was convicted of assault for protecting himself and his family in his own home against armed and menacing white trespassers.

## Brain Surgery

In one four-month period in custody, Crow Dog was moved 14 times and threatened with brain surgery before being released briefly on \$25,000. bail. During his confinement he has lost more than 50 pounds.

Institutionalized racism in prisons is not just confined to Indian activists; "ordinary" Indians get much of the same treatment. They tend to be stashed in maximum security institutions and denied the opportunity for transfer to medium or minimum security or for participation in work releases, day passes, and other half-way programs. The record on parole is similar: in British Columbia in one recent five

year period, for instance, fewer than eight percent of Indians who applied for parole obtained it, while the rate for whites was 20 percent.

But the bias in prisons only reflects the punitiveness of the criminal justice system as a whole when it comes to Indians. Even though Indians represent only two percent of the Canadian population, they comprise 28 percent of male prisoners and 25 percent of female prisoners in penal institutions. In B.C. where Indians make up one percent of the population, they represent 40 percent of the prison population, and in Saskatchewan (three percent Indians) up to 95 percent of male prisoners and 80 percent of female prisoners are Indians.

For most Indians, the first point of contact with the criminal law system is with white police officers who are generally insensitive, ignorant, disrespectful, and even hostile to Indian people and customs. In Canada, the main policing of Indians is carried out by the Royal Canadian Mounted Police, which was established as a military force in the latter part of the 19th century precisely to remove Indians from Prairie lands coveted by white settlers.

The RCMP and other police officers are casually brutal and abusive to Indian people on reserves, in the small towns of the hinterland, and in the Skid Roads of the big cities. All-too-rarely is this institutionalized racism brought to public attention; the most famous case in recent years was when two RCMP officers stomped a Chilcotin Indian man, Fred Quilt, to death in a remote area of B.C. The RCMP-dominated, all-white coroner's jury dismissed the killing as accidental; after heated Indian protest, a second all-white jury was convened and managed to reach virtually the same conclusion. The two RCMP officers involved were transferred to other detachments and the case was closed.

The situation with juries in South Dakota is similar; even though Indians make up a third of the population, they are never called to serve on juries, even when the accused is an Indian and the alleged offence occurred on a reserve. In one intensive survey conducted by an AIM legal defence team, fully 80 percent of South Dakota's white population indicated it believed that any Indian accused of a crime was guilty even without being shown any evidence.

## More Than Statistics

But it's more than just statistics. It's a whole system of attitudes and bureaucratic practices that conspire to keep Indians at a disadvantage when confronted by the law. Here's how one Indian lawyer described it after surveying legal services available to Indians in Seattle:

"While the urban Natives' involvement with the law is as substantial if not more so, than their white brethren's their knowledge of the law is woefully inadequate. In the criminal sector many of these people do not even know the simple *Miranda* warnings (against self-determination); those who know them are afraid to exercise their rights for fear that things will go hard for them with the authorities.

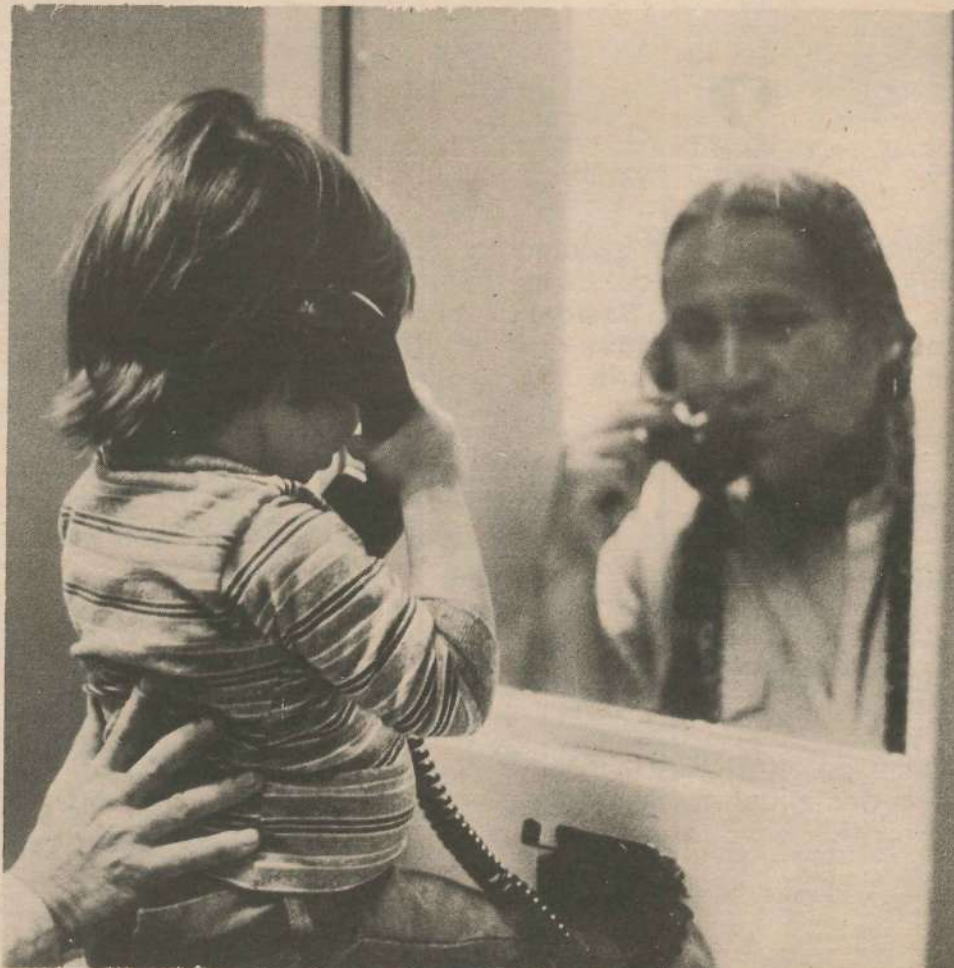
"The Indian's involvement with legal process in Seattle -- usually as a defendant in a vagrancy, drunkenness in public, or assault third charge -- hardly instills confidence in him that justice is being dispensed equally.

"Typically, the First Avenue Indian caught up on one of the simpler offences to society, public drunkenness, will spend two days awaiting trial, plead guilty on the theory that it will go easier for him and perhaps spend another two to thirty days serving his sentence, while a rich man simply buys his freedom within hours of his arrest. Although these particular 'hard core' urban Natives are afforded the form of constitutional due process, they are often denied its substance."

In the face of such massive institutionalized oppression, Indian people have begun to organize in resistance, and they have found that their own cultural and spiritual identity is their strongest defence.

The American Indian Movement, for instance, was created in 1968 in the American Midwest during a true renewal of Indian consciousness in the American prison system. AIM's first major task was to protect Indian people in the big city ghettos against police and judicial harrassment, and it accomplished this through street patrols, demonstrations and other tactics.

Native Brotherhood clubs in many penal institutions give Indians a sense of solidarity, and they have won important rights for Indians, including the right to associate and speak relatively freely, the right to religious worship and the right to receive and circulate written materials.



AIM spiritual leader, Leonard Crow Dog, sent to prison on FBI frame-ups, talks to his son during visiting hours.



# Now is the time to speak out.

## Leonard Peltier faces extradition soon.



1

Protest Leonard's confinement in solitary. Send letters and telegrams to **Attorney General Garde Gardom, Parliament Buildings, Victoria, B.C.**; and to **Henry Bjarnason, Director, Oakalla Prison, Buranby, B.C.**

2

Demand Leonard be granted political asylum in Canada. Write and telegram to **Ron Basford, Minister of Justice, House of Commons, Ottawa, Ontario.**

3

The Leonard Peltier Defense Committee urgently needs supplies of all types and office equipment, especially a typewriter and filing cabinet. Money is also required to mount an effective campaign to save Leonard.

4

The Leonard Peltier Defense Committee office is located at the Vancouver Indian Centre, 1855 Vine St., Vancouver, B.C. Phone 736-8944 or 876-2744.

Regional offices are located in Toronto at 110 Birch St. (921-2434 or 461-2777); in Regina, Sask., c/o Garnet Garvin at the Alliance Against Racism and Political Repression, 1319 Kramer Blvd. (586-9036); and in Winnipeg at 532 Telfer (786-5020).

..... clip and mail .....

To Leonard Peltier Defense Committee  
Box 758, Station A  
Vancouver, B.C.

Please keep me up-to-date on the campaign.  
 I would like to work on the campaign.  
 I can donate equipment. (Specify)  
 I can donate money (Please Enclose.) If check, make payable to Leonard Peltier Defense Committee.

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_

Please send contributions to:  
 The Leonard Peltier  
 Defense Committee  
 Box 758, Station A  
 Vancouver, B.C., CANADA

**National day of protest - Sept. 25**

Noon rally, Oppenheimer Park [Powell at Gore]