

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CIVIL ACTION NO. 03-001 RHK/AJB

LEONARD PELTIER,)
Plaintiff,)
)
v.)
)
PAUL DEMAIN and)
INDIAN COUNTRY COMMUNICATIONS,)
INC. d/b/a NEWS FROM INDIAN COUNTRY,)
Defendants.)

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U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

COMPLAINT AND CLAIM FOR TRIAL BY JURY

1. Plaintiff Leonard Peltier is a prisoner in the Federal Penitentiary at Leavenworth, Kansas.
2. Defendant News from Indian Country (the “newspaper”) is a newspaper owned by Indian Country Communications, Inc., a Wisconsin domestic business corporation. The newspaper publishes on a bi-monthly basis throughout the country. It is located in Hayward, Wisconsin.
3. Defendant Paul DeMain is Managing Editor of the newspaper and an individual residing in Hayward, Wisconsin.
4. This Court has jurisdiction pursuant to 28 U.S.C. §1331 because there is diversity of citizenship and the amount at issue exceeds \$75,000.
5. Venue is proper in this Court because the libelous material was published in, among other places, the State of Minnesota, thereby causing harm to plaintiff in this state.

6. On March 10, 2003, Paul DeMain published a note from the editor in the newspaper that stated, among other things, that "The primary motive for the murder of Annie [sic] Mae Pictou-Aquash by other members of the American Indian Movement in mid-December 1975, allegedly was her knowledge that Leonard Peltier had shot the two agents as he was convicted."

7. This irresponsible statement is false and defamatory in that it implicitly states, as fact, that Mr. Peltier was involved in the murder of Anna Mae Aquash.

8. It also falsely states as a matter of fact that Mr. Peltier was convicted for shooting the two agents when, in fact, the government has admitted that it cannot prove that Mr. Peltier shot the two agents.

COUNT I

9. Plaintiff repeats and realleges the allegations of paragraphs 1 through 8 and incorporates them herein by reference.

10. On or about March 10, 2003, the newspaper maliciously published and circulated false and defamatory statements of and concerning the plaintiff.

11. The aforesaid false and defamatory statements were authored by the editor.

12. The aforesaid false and defamatory statements were published and circulated by the newspaper with knowledge of their falsity with reckless disregard of whether or not they were false. As a result of the aforesaid publications, plaintiff has suffered mental anguish and damages to his reputation.

WHEREFORE, plaintiff demands that this Court enter judgment against defendants in an amount to be determined at trial.

COUNT II

13. Plaintiff repeats and realleges the allegations of paragraphs 1 through 12 and incorporates them herein by reference.


14. The aforesaid falsehoods and defamatory statements were published and circulated by the newspaper and DeMain negligently.

15. As a result of the aforesaid publications, plaintiff has suffered mental anguish and damage to his reputation.

WHEREFORE, plaintiff requests that this Court enter judgment in his favor in an amount to be determined at trial.

PLAINTIFF CLAIMS A TRIAL BY JURY

LEONARD PELTIER
By His Attorney



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May 1, 2003