

# LEONARD PELTIER

On November 7, 2000, during a live radio interview, Clinton stated that he would seriously consider Peltier's request for clemency & make a decision before leaving office on January 20, 2001. In response, the FBI launched a major disinformation campaign in both the media & among key government officials. On December 15, over 500 FBI agents marched in front of the White House to oppose clemency.

On January 20, the list of clemencies granted by Clinton was released to the media. Without explanation, Peltier's name had been excluded.

Mr. Peltier has served a significantly longer period of time than normally would be served before a grant of parole in similar cases. Various FBI agents, together with the U.S. Prosecutor, are present at parole hearings to personally oppose Mr. Peltier's release. The U.S. Parole Commission has made it clear that parole will not even be considered until the year 2008 – when Peltier will have served twice the normal time according to the Commission's own congressionally mandated guidelines. No adequate reason has been given for such arbitrary & discriminatory treatment. Instead, the Parole Commission has stated the denial of parole is based on Mr. Peltier's participation in the *premeditated & cold blooded execution* or the *ambush* of the two agents. Yet, there is no evidence that Mr. Peltier ever fired the fatal shots. This has been admitted to by the government attorneys themselves. At one parole hearing it was made clear that Mr. Peltier will not receive parole until he *recognizes his crime* or, in short, confesses to a crime he didn't commit.

Leonard Peltier has made remarkable contributions to humanitarian & charitable causes during his many years behind bars. He sponsors an annual Christmas drive for clothes & toys for the children of Pine Ridge, helps to establish Native American Scholarship funds, assists programs for battered women & substance abuse recovery, collaborates to improve medical care on the reservations, & assists other prisoners in developing prison art programs. Peltier also has adopted children in Guatemala & El Salvador. As a result, he has received recognition & acclaim from many human rights groups, including the Human Rights Commission of Spain & the Ontario (Canada) Federation of Labour. In 2008, for the fifth consecutive year, Peltier also was nominated for the Nobel Peace Prize. Mr. Peltier suffers from diabetes, high blood pressure & a heart condition. According to an affiliate of Physicians for Human Rights, he risks blindness, kidney failure & stroke in the future, given his inadequate diet, living conditions, & health care.

Our concepts of justice & good government require that such tragic errors of the past be set right. We ask that you act now to secure Mr. Leonard Peltier's freedom.

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## COINTELPRO, AIM & Peltier<sup>1</sup> FBI Suppression of Indigenous Activists in the 1970s

### What is COINTELPRO?

Despite the public image of the Federal Bureau of Investigation (FBI) as the nation's premier law enforcement agency, it has always functioned primarily as America's political police. This role includes not only the collection of intelligence on the activities of political dissidents & groups, but often times counterintelligence operations to thwart those activities.

Although the FBI's covert operations have been active throughout its history, the formal Counter INTELLIGENCE PROgram, or COINTELPRO, of the second half of the 20<sup>th</sup> century was centrally directed & targeted a range of political dissidents & organizations. The stated goals of COINTELPRO were to *expose, disrupt, misdirect, discredit, or otherwise neutralize* those persons or organizations that the FBI decided were *enemies of the State*.

<sup>1</sup> Material on COINTELPRO excerpted from [www.cointel.org](http://www.cointel.org).

## COINTELPRO Techniques

At its most extreme dimension, political dissidents have been eliminated outright or sent to prison for the rest of their lives. Many more, however, were *neutralized* by intimidation, harassment, discrediting, & a whole assortment of authoritarian & illegal tactics.

*Neutralization*, as explained on record by the FBI, didn't necessarily pertain to the apprehension of parties in the commission of a crime, the preparation of evidence against them, & securing of a judicial conviction. Rather, the FBI simply made activists incapable of engaging in political activity by whatever means.

For those not assessed as being in themselves a security risk but engaged in what the Bureau viewed to be politically objectionable activity, those techniques consisted of disseminating derogatory information to the target's family, friends & associates, or visiting & questioning them. False information was planted in the press. The targets' efforts to speak in public were frustrated, & employers were contacted to try to get them fired. Anonymous letters were sent by the FBI to targets' spouses, accusing them of infidelity. Other letters contained death threats. These strategies are well-documented, for example, in the case of Martin Luther King, Jr. Records also show that activists in the 1960s were repeatedly arrested *on any excuse* until *they could no longer make bail*.

In addition, the FBI made use of informants, often quite violent & emotionally disturbed individuals, to present false testimony to the courts & frame COINTELPRO targets for crimes the FBI knew they did not commit. In some cases the charges were quite serious, including murder.

Another option was *snitch jacketing* where the FBI made the target look like a police informant or an agent of the Central Intelligence Agency. This served the dual purposes of isolating & alienating important leaders, as well as increasing the general level of fear & factionalism in the group.

Many counterintelligence techniques involved the use of paid informants. Informants became *agent provocateurs* by raising controversial issues at meetings to take advantage of ideological divisions; promoting enmity with other groups; or inciting the group to violent acts, even to the point of providing them with weapons. Over the years, FBI provocateurs repeatedly urged & initiated violent acts, including forceful disruptions of meetings & demonstrations, attacks on police, bombings, etc.

The full story of COINTELPRO may never be told. The Bureau's files were never seized by Congress or the courts or sent to the National Archives. Some were destroyed. In addition, many counter-intelligence operations were never committed to writing as such, or involved open investigations making ex-operatives legally prohibited from talking about them. Most operations remained secret until long after the damage had been done.

- The *red pickup truck* that had been followed onto the ranch was suddenly described as Peltier's *red & white van*. (Agents who described the vehicle as a *red pickup truck* during the Butler-Robideau trial could no longer recollect their previous testimony.)
- The jury was sequestered & surrounded by U.S. Marshals at all times, leading them to believe that AIM was a threat to their safety.
- Three young Native witnesses were forced to falsely testify against Peltier after being detained & terrorized by FBI agents.

Still, the U.S. Prosecutor failed to produce a single witness who could identify Peltier as the shooter. Instead, the government tied a bullet casing found near the bodies to the alleged murder weapon, arguing that this gun had been the only one of its kind used during the shootout & that it had belonged to Peltier.

The above FOIA suit uncovered FBI documents that showed that:

- more than one weapon of the type attributed to Peltier had been present at the scene.
- the FBI had intentionally concealed a ballistics report that showed the shell casing could not have come from the alleged murder weapon.
- the agents undoubtedly followed a *red pickup truck* onto the land, not the *red & white van* driven by Peltier.
- compelling evidence against several other suspects existed & was concealed.

Unaware of these facts, the jury convicted Peltier. He was sentenced to two consecutive life terms. Peltier is currently imprisoned at the U.S. penitentiary at Leavenworth, Kansas.

## What has happened since the trial?

After many of the above abuses surfaced in the 1980s, the Peltier defense team demanded a new trial. During subsequent oral arguments, the U.S. Prosecutor admitted, ... *we can't prove who shot those agents*.

The appellate court found that Peltier may have been acquitted had evidence not been improperly withheld by the FBI. However, a new trial was denied on the grounds of a legal technicality.

In 1993, Peltier requested Executive Clemency from then President Clinton.

An intensive campaign was launched – supported by Native & human rights organizations, members of Congress, community & church groups, labor organizations, luminaries, & celebrities. Even Judge Heaney, who authored the above court decision, expressed firm support for Peltier's release. The Peltier case became a national issue.

According to FBI documents, over 40 Native people participated in the shootout, both AIM & non-AIM. Yet only 4 persons were indicted for the deaths of the agents: 3 AIM leaders – Dino Butler, Bob Robideau, & Leonard Peltier – & Jimmy Eagle.

Butler & Robideau were the first to be arrested & tried. The jury found that Butler & Robideau were justified in returning fire given the atmosphere of terror that existed on Pine Ridge during that time. Further, they were not tied to the point blank shootings. Butler & Robideau were found innocent on grounds of self-defense.

The FBI was outraged by the verdict. They dropped charges against Jimmy Eagle so that, according to their own memos, ... *the full prosecutive weight of the federal government could be directed against Leonard Peltier.*



Peltier, meanwhile, had fled to Canada believing he would never receive a fair trial. On February 6, 1976, he was apprehended.

The FBI presented the Canadian court with affidavits from a woman named Myrtle Poor Bear who claimed she had been Peltier's girl friend & had witnessed him shoot the agents. Peltier was extradited to the U.S.

However, Poor Bear had never met Peltier, nor had she been present at the time of the shooting – a fact later confirmed by the U.S. Prosecutor. Despite Poor Bear's subsequent declaration that she had given false statements under duress, having been terrorized by FBI agents, Peltier's extradition was not reversed.

### How was Peltier's trial unfair?

Leonard Peltier was returned to the U.S. where his case was mysteriously transferred from the judge who had presided over the trial of his co-defendants to a different judge – one who made rulings that severely handicapped the defense. Also, the FBI had carefully analyzed the Butler-Robideau case and, this time, they were determined to secure a conviction. The cards were stacked against Peltier & a fair trial was out of reach.

- Myrtle Poor Bear & other key witnesses were banned from testifying about FBI misconduct.
- Testimony about the Pine Ridge *Reign of Terror* was severely restricted.
- Important evidence, such as conflicting ballistics reports, was ruled inadmissible.

The FBI has continued to use proven COINTELPRO tactics into the 21<sup>st</sup> century. In fact, many such techniques are now overt, conducted under the guise of *Homeland Security* & even codified in key pieces of legislation such as the U.S. Patriot Act, the government's response to the September 11, 2002, attack on the World Trade Center twin towers in New York City.

### What is AIM?

The American Indian Movement (AIM), an Indigenous rights group committed to uniting all Native Peoples in an effort to uplift their communities & promote cultural pride & sovereignty, was founded in 1968 in Minneapolis, Minnesota.

The FBI used all of the above COINTELPRO tactics against AIM, including the wholesale jailing of the Movement's leadership. Virtually every known AIM leader in the United States was incarcerated in either state or federal prisons since (or even before) the organization's formal emergence in 1968, some repeatedly. After the 1973 siege of Wounded Knee, for example, the FBI caused 542 separate charges to be filed against those it identified as *key AIM leaders*. This resulted in only 15 convictions, all on such petty or contrived offenses as *interfering with a federal officer in the performance of his duty*. Organization members often languished in jail for months as the cumulative bail required to free them outstripped resource capabilities of AIM & supporting groups.

In 1975, against the American Indian Movement in Pine Ridge, South Dakota, the FBI COINTELPRO conducted a full-fledged counterinsurgency war – complete with death squads, disappearances & assassinations – not dissimilar to those conducted in third world countries such as El Salvador & Guatemala.

### Who is Leonard Peltier?

Leonard Peltier is a citizen of the Anishinabe & Dakota/Lakota Nations who has been unjustly imprisoned for three decades.

When the government can select a person for criminal persecution because of their political activity, when they can fabricate evidence against that person & suppress evidence proving that fabrication, & prosecute a person & put them in prison for any amount of time, let alone for life, then you have a political prisoner. Accordingly, Amnesty International considers Peltier a *political prisoner* who should *be immediately & unconditionally released*.

## What led to Peltier's conviction?

It began in the early 1970s on the Pine Ridge Indian Reservation (SD), when tensions between then tribal chairman Dick Wilson & the traditionalists began to escalate. Wilson was pro-assimilation, meaning he believed Native Peoples should discard their traditions to join mainstream American society. Traditionalists, on the other hand, felt it important to maintain their culture & land base. Wilson favored those who were pro-assimilation by giving them jobs & other assistance while neglecting the needs of the traditionalists who often lived in the worst poverty.

The growing conflict prompted traditionalists to join together with AIM to protect their way of life. In response, Wilson joined with the FBI to destroy the Movement the agency perceived as a threat to the American way of life. The result was disastrous.

In 1973, local traditionalists & AIM occupied the Pine Ridge hamlet of Wounded Knee to protest the many abuses they were suffering. (This was the same site where, less than 100 years earlier, the horrific Wounded Knee massacre was perpetrated against over 300 Lakotas, mostly women & children.) Instead of listening to the Natives' grievances, the government responded militarily, firing over 250,000 rounds of ammunition into the area & killing two occupants whose deaths were never investigated. The occupation lasted 71 days & ended



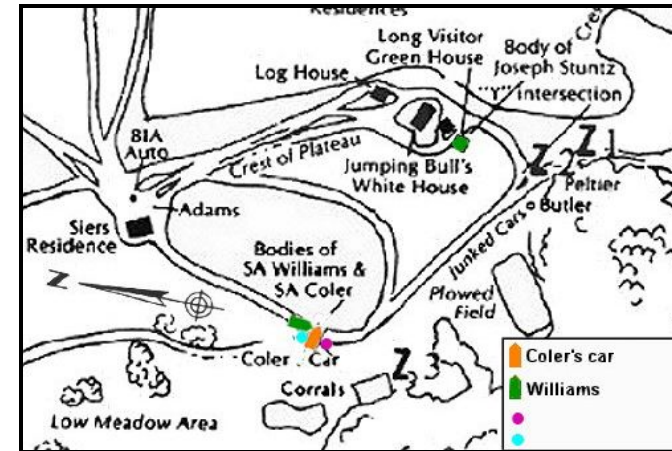
only after the government promised investigations into the complaints. The investigations never materialized & conditions on the reservation worsened.

After Wounded Knee, Wilson outlawed AIM activities on the reservation. Traditionalists were not allowed to meet or attend traditional ceremonies. Wilson hired vigilantes who called themselves Guardians of the Oglala Nation (GOONs) to enforce his rules.

The three years following Wounded Knee are often referred to as the Pine Ridge *Reign of Terror* because anyone associated with AIM was targeted for violence. Their homes were burned & their cars were run off the road. They were struck by cars, shot in drive-by shootings, & beaten. Between 1973 & 1976, over 60 traditionalists were murdered. Pine Ridge had the highest murder rate in the United States. Scores of other people were assaulted. In almost every case, witness accounts indicated GOON responsibility, but nothing was done to stop the violence. On the contrary, the FBI supplied the GOONs with weaponry & intelligence on AIM & looked the other way as the GOONs committed crimes against members as well as supporters of AIM.

As the situation worsened, the traditionalists asked AIM to return to the reservation to offer protection. Leonard Peltier was among those who answered the call. He & a dozen others set up camp on the Jumping Bull ranch at Pine Ridge, the home of a number of traditional families.

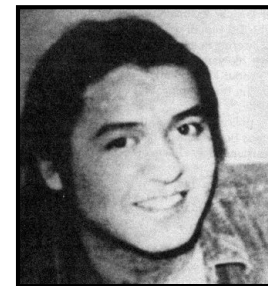
On June 26, 1975, two FBI agents in unmarked cars pursued a red pickup truck onto the Jumping Bull ranch. They were ostensibly looking for Jimmy Eagle, who had gotten into a fistfight & stolen a pair of cowboy boots. Gunshots rang out. While mothers fled the area with their children, other residents started to return fire. A shootout erupted between the FBI agents & the residents.



Law enforcement immediately mobilized. Within a couple hours, over 150 FBI SWAT team members, Bureau of Indian Affairs police, & GOONs surrounded the ranch.

Peltier helped lead a small group of teenagers out of the area, barely escaping through the hail of bullets.

When the shootout ended, AIM member Joseph Killsright Stuntz (below) lay dead, shot in the head by a sniper. His death has never been investigated. The two FBI agents also lay dead – wounded in the gun battle, then shot at point blank range.



Years later, through a Freedom of Information Act (FOIA) lawsuit, it was documented that:

- the FBI had been closely monitoring AIM activities on & off the reservation & had even been preparing for *paramilitary law enforcement operations* on Pine Ridge one month before the shootout.
- the two agents had possessed a map that highlighted the Jumping Bull Ranch & labeled the family's storage cellars as *bunkers*.