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The Bloody Wake of Alcatraz: Political Repression of the American Indian Movement during the 1970s

WARD CHURCHILL

The reality is a continuum which connects Indian flesh sizzling over Puritan fires and Vietnamese flesh roasting under American napalm. The reality is the compulsion of a sick society to rid itself of men like Nat Turner and Crazy Horse, George Jackson and Richard Oakes, whose defiance uncovers the hypocrisy of a declaration affirming everyone's right to liberty and life. The reality is an overwhelming greed which began with the theft of a continent and continues with the merciless looting of every country on the face of the earth which lacks the strength to defend itself.

—Richard Lundstrom

In combination with the fishing rights struggles of the Puyallup, Nisqually, Muckleshoot, and other nations in the Pacific Northwest from 1965 to 1970, the 1969–71 occupation of Alcatraz Island by the San Francisco area's Indians of All Tribes coalition ushered in a decade-long period of uncompromising and intensely confrontational American Indian political activism.¹ Unprecedented in modern U.S. history, the phenomenon represented by Alcatraz also marked the inception of a process of official repression of indigenous activists without contemporary North American parallel in its virulence and lethal effects.²

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The nature of the post-Alcatraz federal response to organized agitation for native rights was such that by 1979 researchers were describing it as a manifestation of the U.S. government's "continuing Indian Wars."³ For its part (in internal documents intended to be secret), the Federal Bureau of Investigation (FBI)—the primary instrument by which the government's policy of anti-Indian repression was implemented—concurred with such assessments, abandoning its customary counterintelligence vernacular in favor of the terminology of outright counterinsurgency warfare.⁴ The result, as the U.S. Commission on Civil Rights officially conceded at the time, was the imposition of a condition of official terrorism upon certain of the less compliant sectors of indigenous society in the United States.⁵

In retrospect, it is apparent that the locus of both activism and repression in Indian Country throughout the 1970s centered squarely on one group, the American Indian Movement (AIM). Moreover, the crux of AIM activism during the 1970s, and thus of the FBI's campaign to "neutralize" it,⁶ can be found in a single locality: the Pine Ridge (Oglala Lakota) Reservation, in South Dakota. The purpose of the present paper, then, is to provide an overview of the federal counterinsurgency program against AIM on and around Pine Ridge, using it as a lens through which to explore the broader motives and outcomes attending it. Finally, conclusions will be drawn as to the program's implications, not only with respect to American Indians, but concerning non-indigenous Americans as well.

BACKGROUND

AIM was founded in 1968 in Minneapolis by a group of urban Anishinabe (Chippewa), including Dennis Banks, Mary Jane Wilson, Pat Ballanger, Clyde Bellecourt, Eddie Benton Benai, and George Mitchell. Modeled loosely after the Black Panther Party for Self-Defense established by Huey P. Newton and Bobby Seale in Oakland, California, two years previously, the group took as its first tasks the protection of the city's sizable native community from a pattern of rampant police abuse and the creation of programs for jobs, housing, and education.⁷ Within three years, the organization had grown to include chapters in several other cities and had begun to shift its focus from civil rights issues to an agenda more specifically attuned to the conditions afflicting native North America.

What AIM discerned as the basis of these conditions was not so much a matter of socioeconomic discrimination against Indians as it was their internal colonization by the United States.⁸ This perception accrued from the fact that, by 1871, when federal treaty-making with native peoples was permanently suspended, the rights of indigenous nations to distinct, self-governing territories had been recognized by the U.S. more than 370 times through treaties duly ratified by its Senate.⁹ Yet, during the intervening century, more than 90 percent of treaty-reserved native land had been expropriated by the federal government, in defiance of both its own constitution and international custom and convention.¹⁰ One consequence of this was creation of the urban diaspora from which AIM itself had emerged; by 1970, about half of all Indians in the U.S. had been pushed off their land altogether.¹¹

Within the residual archipelago of reservations—an aggregation of about fifty million acres, or roughly 2.5 percent of the forty-eight contiguous states—indigenous forms of governance had been thoroughly usurped through the imposition of U.S. jurisdiction under the federal government’s self-assigned prerogative of exercising “plenary [full and absolute] power over Indian affairs.”¹² Correspondingly, Indian control over what had turned out to be rather vast mineral resources within reservation boundaries—an estimated two-thirds of all U.S. “domestic” uranium deposits, one-quarter of the low sulfur coal, 20 percent of the oil and natural gas, and so on—was essentially nonexistent.¹³

It followed that royalty rates set by the U.S. Bureau of Indian Affairs (BIA), in its exercise of federal “trust” prerogatives vis-à-vis corporate extraction of Indian mineral assets, amounted to only a fraction of what the same corporations would have paid had they undertaken the same mining operations in nonreservation localities.¹⁴ The same principle of underpayment to Indians, with resulting “super-profit” accrual to non-Indian business entities, prevailed with regard to other areas of economic activity handled by the Indian bureau, from the leasing of reservation grazing land to various ranching interests, to the harvesting of reservation timber by corporations such as Weyerhaeuser and Boise-Cascade.¹⁵ Small wonder that, by the late 1960s, Indian radicals such as Robert K. Thomas had begun to refer to the BIA as “the Colonial Office of the United States.”¹⁶

In human terms, the consequence was that, overall, American Indians—who, on the basis of known resources, comprised what should have been the single wealthiest population group

in North America—constituted by far the most impoverished sector of U.S. society. According to the federal government's own data, Indians suffered, by a decisive margin, the highest rate of unemployment in the country, a matter correlated to their receiving by far the lowest annual and lifetime incomes of any group in the nation.¹⁷ It also corresponded well with virtually every other statistical indicator of extreme poverty: a truly catastrophic rate of infant mortality and the highest rates of death from malnutrition, exposure, plague disease, teen suicide, and accidents related to alcohol abuse. The average life expectancy of a reservation-based Indian male in 1970 was less than forty-five years; reservation-based Indian females could expect to live less than three years longer than their male counterparts; urban Indians of either gender were living only about five years longer, on average, than their relatives on the reservations.¹⁸

AIM's response to its growing apprehension of this squalid panorama was to initiate a campaign consciously intended to bring about the decolonization of native North America: "Only by reestablishing our rights as sovereign nations, including our right to control our own territories and resources, and our right to genuine self-governance," as Dennis Banks put it in 1971, "can we hope to successfully address the conditions currently experienced by our people."¹⁹

Extrapolating largely from the example of Alcatraz, the movement undertook a multifaceted political strategy combining a variety of tactics. On the one hand, it engaged in activities designed primarily to focus media attention, and thus the attention of the general public, on Indian rights issues, especially those pertaining to treaty rights. On the other hand, it pursued the sort of direct confrontation meant to affirm those rights in practice. It also began systematically to reassert native cultural/spiritual traditions.²⁰ Eventually, it added a component wherein the full range of indigenous rights to decolonization/self-determination were pursued through the United Nations venue of international law, custom, and convention.²¹

In mounting this comprehensive effort, AIM made of itself a bona fide national liberation movement, at least for a while.²² Its members consisted of "the shock troops of Indian sovereignty," to quote non-AIM Oglala Lakota activist Birgil Kills Straight.²³ They essentially reframed the paradigm by which U.S.-Indian relations are understood in the late twentieth century.²⁴ They also suffered the worst physical repression at the hands of the United States of

any “domestic” group since the 1890 massacre of Big Foot’s Minneconjou by the Seventh Cavalry at Wounded Knee.²⁵

PRELUDE

AIM’s seizure of the public consciousness may in many ways be said to have begun in 1969 when Dennis Banks recruited a young Oglala named Russell Means to join the movement. Instinctively imbued with what one critic described as a “bizarre knack for staging demonstrations that attracted the sort of press coverage Indians had been looking for,”²⁶ Means was instrumental in AIM’s achieving several of its earliest and most important media coups: painting Plymouth Rock red before capturing the Mayflower replica on Thanksgiving Day 1970, for example, and staging a “4th of July Countercelebration” by occupying the Mount Rushmore National Monument in 1971.²⁷

Perhaps more importantly, Means proved to be the bridge that allowed the movement to establish its credibility on a reservation for the first time. In part, this was because, when he joined AIM, he brought along virtually an entire generation of his family—brothers Ted, Bill, and Dale, cousin Madonna Gilbert, and others—each of whom possessed a web of friends and acquaintances on the Pine Ridge Reservation. It was therefore natural that AIM was called upon to “set things right” concerning the torture-murder of a middle-aged Oglala in the off-reservation town of Gordon, Nebraska, in late February 1972.²⁸ As Bill Means would later recall,

When Raymond Yellow Thunder was killed, his relatives went first to the BIA, then to the FBI, and to the local police, but they got no response. Severt Young Bear [Yellow Thunder’s nephew and a friend of Ted Means] then . . . asked AIM to come help clear up the case.²⁹

Shortly, Russell Means led a caravan of some thirteen hundred Indians into the small town, announcing from the steps of the courthouse, “We’ve come here today to put Gordon on the map . . . and if justice is not immediately forthcoming, we’re going to take Gordon off the map.” The killers, brothers named Melvin and Leslie Hare, were quickly arrested, and a police officer who had covered up for them was suspended. The Hares soon became the first whites in Nebraska history sent to prison for killing an

Indian, and "AIM's reputation soared among reservation Indians. What tribal leaders had dared not do to protect their people, AIM had done."³⁰

By fall, things had progressed to the point that AIM could collaborate with several other native rights organizations to stage the "Trail of Broken Treaties" caravan, bringing more than two thousand Indians from reservations and urban areas across the country to Washington, D.C., on the eve of the 1972 presidential election. The idea was to present the incumbent chief executive, Richard M. Nixon, with a twenty-point program redefining the nature of U.S.-Indian relations. The publicity attending the critical timing and location of the action, as well as the large number of Indians involved, were calculated to force serious responses from the administration to each point.³¹

Interior Department officials who had earlier pledged logistical support to caravan participants once they arrived in the capitol reneged on their promises, apparently in the belief that this would cause the group to meekly disperse. Instead, angry Indians promptly took over the BIA headquarters building on 2 November, evicted its staff, and held it for several days. Russell Means, in fine form, captured the front page of the nation's newspapers and the six o'clock news by conducting a press conference in front of the building, while adorned with a makeshift "war club" and a "shield" fashioned from a portrait of Nixon himself.³²

Desperate to end what had become a major media embarrassment, the Nixon administration agreed to reply formally to the twenty-point program within a month and to provide \$66,000 in transportation money immediately, in exchange for a peaceful end to the occupation.³³ The AIM members honored their part of the bargain, leaving the BIA building on 9 November. But, explaining that "Indians have every right to know the details of what's being done to us and to our property," they took with them a vast number of "confidential" files concerning BIA leasing practices, operation of the Indian Health Service (IHS), and so forth. The originals were returned as rapidly as they could be xeroxed, a process that required nearly two years to complete.³⁴

Technically speaking, the government also honored its end of the deal, providing official—and exclusively negative—responses to the twenty points within the specified timeframe.³⁵ At the same time, however, it initiated a campaign utilizing federally subsi-

dized Indian “leaders” in an effort to discredit AIM members as “irresponsible . . . renegades, terrorists and self-styled revolutionaries.”³⁶ There is also a strong indication that it was at this point that the Federal Bureau of Investigation was instructed to launch a secret program of its own, one in which AIM’s capacity to engage in further political activities of the kind and effectiveness displayed in Washington was to be, in the vernacular of FBI counterintelligence specialists, “neutralized.”³⁷

Even as this was going on, AIM’s focus had shifted back to the Pine Ridge area. At issue was the 23 January 1973 murder of a young Oglala named Wesley Bad Heart Bull by a white man, Darld Schmitz, in the off-reservation village of Buffalo Gap, South Dakota. As in the Yellow Thunder case, local authorities had made no move to press appropriate charges against the killer.³⁸ At the request of the victim’s mother, Sarah, Russell Means called for a demonstration at the Custer County Courthouse, in whose jurisdiction the crime lay. Terming western South Dakota “the Mississippi of the North,”³⁹ Dennis Banks simultaneously announced a longer-term effort to force abandonment “of the anti-Indian attitudes which result in Indian-killing being treated as a sort of local sport.”⁴⁰

The Custer demonstration on 6 February followed a very different course from that of the protest in Gordon a year earlier. An anonymous call had been placed to the main regional newspaper, the *Rapid City Journal*, on the evening of 5 February. The caller, saying he was “with AIM,” asked that a notice canceling the action “because of bad weather” be prominently displayed in the paper the following morning. Consequently, relatively few Indians turned out for the protest.⁴¹ Those who did were met by an amalgamated force of police, sheriff’s deputies, state troopers, and FBI personnel when they arrived in Custer.⁴²

For a while, there was a tense standoff. Then, a sheriff’s deputy manhandled Sarah Bad Heart Bull when she attempted to enter the courthouse. In the mêlée that followed, the courthouse was set ablaze—reportedly, by a police tear gas canister—and the local Chamber of Commerce building was burned to the ground. Banks, Means, and other AIM members, along with Mrs. Bad Heart Bull, were arrested and charged with riot. Banks was eventually convicted and sentenced to three years imprisonment, and became a fugitive; Sarah Bad Heart Bull served five months of a one-to-five-year sentence. Her son’s killer never spent one day in jail.⁴³

WOUNDED KNEE

Meanwhile, on Pine Ridge, tensions were running extraordinarily high. The point of contention was an escalating conflict between the tribal administration headed by Richard "Dickie" Wilson, installed on the reservation with federal support in 1972, and a large body of reservation traditionalists who objected to Wilson's nepotism and other abuses of his position.⁴⁴ Initially, Wilson's opponents had sought redress of their grievances through the BIA. The BIA responded by providing a \$62,000 grant to Wilson for purposes of establishing a "Tribal Ranger Group"—a paramilitary entity reporting exclusively to Wilson, which soon began calling itself "Guardians of the Oglala Nation" (GOONs)—with which to physically intimidate the opposition.⁴⁵ The reason underlying this federal largess appears to have been the government's desire that Wilson sign an instrument transferring title of a portion of the reservation known as the Sheep Mountain Gunnery Range—secretly known to be rich in uranium and molybdenum—to the U.S. Forest Service.⁴⁶

In any event, forming the Oglala Sioux Civil Rights Organization (OSCRO), the traditionalists next attempted to obtain relief through the Justice Department and the FBI. When this, too, failed to bring results, they set out to impeach Wilson, obtaining signatures of more eligible voters on their petitions than had cast ballots for him in the first place. The BIA countered by naming Wilson himself to chair the impeachment proceedings, and the Justice Department dispatched a sixty-five-member "Special Operations Group" (SOG; a large SWAT unit) of U.S. marshals to ensure that "order" was maintained during the travesty. Then, on the eve of the hearing, Wilson ordered the arrest and jailing of several members of the tribal council he felt might vote for his removal. Predictably, when the impeachment tally was taken on 23 February 1973, the incumbent was retained in office. Immediately thereafter, he announced a reservationwide ban on political meetings.⁴⁷

Defying the ban, the traditionalists convened a round-the-clock emergency meeting at the Calico Hall, near the village of Oglala, in an effort to determine their next move. On 26 February, the Oglala elders sent a messenger to the newly established AIM headquarters in nearby Rapid City to request that Russell Means meet with them. One of the elders, Ellen Moves Camp, later said,

We decided we needed the American Indian Movement in here All of our older people from the reservation helped make that decision This is what we needed, a little more push. Most of the reservation believes in AIM, and we're proud to have them with us.⁴⁸

Means arrived on the morning of the 27 February, then drove on to the village of Pine Ridge, seat of the reservation government, to try and negotiate some sort of resolution with Wilson. For his trouble, he was physically assaulted by GOONs in the parking lot of the tribal administration building.⁴⁹ By then, Dennis Banks and a number of other AIM members had arrived at the Calico Hall. During subsequent meetings, it was decided by the elders that they needed to draw public attention to the situation on the reservation. For this purpose, a two hundred-person AIM contingent was sent to the symbolic site of Wounded Knee to prepare for an early morning press conference; a much smaller group was sent back to Rapid City to notify the media and to guide reporters to Wounded Knee at the appropriate time.⁵⁰

The intended press conference never occurred, because, by dawn, Wilson's GOONs had established roadblock on all four routes leading into (or out of) the tiny hamlet. During the morning, these positions were reinforced by uniformed BIA police, then by elements of the marshals' SOG unit, and then by FBI "observers." As this was going on, the AIM members in Wounded Knee began the process of arming themselves from the local Gildersleeve Trading Post and building defensive positions.⁵¹ By afternoon, General Alexander Haig, military liaison to the Nixon White House, had dispatched two special warfare experts—Colonel Volney Warner of the 82nd Airborne Division, and Colonel Jack Potter of the Sixth Army—to the scene.⁵²

Documents later subpoenaed from the Pentagon revealed Colonel Potter directed the employment of 17 APCs [tanklike armored personnel carriers], 130,000 rounds of M-16 ammunition, 41,000 rounds of M-40 high explosive [for the M-79 grenade launchers he also provided], as well as helicopters, Phantom jets, and personnel. Military officers, supply sergeants, maintenance technicians, chemical officers, and medical teams [were provided on site]. Three hundred miles to the south, at Fort Carson, Colorado, the Army had billeted a fully uniformed assault unit on twenty-four hour alert.⁵³

Over the next seventy-one days, the AIM perimeter at Wounded Knee was placed under siege. The ground cover was burned away for roughly a quarter-mile around the AIM position as part of the federal attempt to staunch the flow of supplies—food, medicine, and ammunition—backpacked in to the Wounded Knee defenders at night; at one point, such material was airdropped by a group of supporting pilots.⁵⁴ More than 500,000 rounds of military ammunition were fired into AIM's jerry-rigged "bunkers" by federal forces, killing two Indians—an Apache named Frank Clearwater and Buddy Lamont, an Oglala—and wounding several others.⁵⁵ As many as thirteen more people may have been killed by roving GOON patrols, their bodies secretly buried in remote locations around the reservation, while they were trying to carry supplies through federal lines.⁵⁶

At first, the authorities sought to justify what was happening by claiming that AIM had "occupied" Wounded Knee and that the movement had taken several hostages in the process.⁵⁷ When the latter allegation was proven to be false, a press ban was imposed, and official spokespersons argued that the use of massive force was needed to "quell insurrection." Much was made of two federal casualties who were supposed to have been seriously injured by AIM gunfire.⁵⁸ In the end, it was Dickie Wilson who perhaps summarized the situation most candidly when he informed reporters that the purpose of the entire exercise was to see to it that "AIM dies at Wounded Knee."⁵⁹

Despite Wilson's sentiments—and those of FBI senior counterintelligence specialist Richard G. Held, expressed in a secret report prepared at the request of his superiors early in the siege⁶⁰—an end to the standoff was finally negotiated for 7 May 1973. AIM's major condition, entered in behalf of the Pine Ridge traditionalists and agreed to by government representatives, was that a federal commission would meet with the chiefs to review U.S. compliance with the terms of the 1868 Fort Laramie Treaty with the Lakota, Cheyenne, and Arapaho nations.⁶¹ The idea was to generate policy recommendations as to how the United States might bring itself into line with its treaty obligations. A White House delegation did, in fact, meet with the elders at the home of Chief Frank Fools Crow, near the reservation town of Manderson, on 17 May. The delegates' mission, however, was to stonewall all efforts at meaningful discussion.⁶² They promised a follow-up meeting on 30 May but never returned.⁶³

On other fronts, the authorities were demonstrating a similar vigor. Before the first meeting at Fools Crow's house, the FBI had made 562 arrests of those who had been involved in defending Wounded Knee.⁶⁴ Russell Means was in jail awaiting release on \$150,000 bond; OSCRO leader Pedro Bissonette was held against \$152,000; AIM leaders Stan Holder and Leonard Crow Dog against \$32,000 and \$35,000, respectively. Scores of others were being held pending the posting of lesser sums.⁶⁵ By the fall of 1973, agents had amassed some 316,000 separate investigative file classifications on those who had been inside Wounded Knee.⁶⁶

This allowed federal prosecutors to obtain 185 indictments over the next several months (Means alone was charged with thirty-seven felonies and three misdemeanors).⁶⁷ In 1974, AIM and the traditionals used the 1868 treaty as a basis on which to challenge in federal court the U.S. government's jurisdiction over Pine Ridge; however, the trials of the "Wounded Knee leadership" went forward.⁶⁸ Even after the FBI's and the prosecution's willingness to subvert the judicial process became so blatantly obvious that U.S. District Judge Fred Nichol was compelled to dismiss all charges against Banks and Means, cases were still pressed against Crow Dog, Holder, Carter Camp, Madonna Gilbert, Lorelei DeCora, and Phyllis Young.⁶⁹

The whole charade resulted in a meager fifteen convictions, all of them on such paltry offenses as trespass and "interference with postal inspectors in performance of their lawful duties."⁷⁰ Still, in the interim, the virtual entirety of AIM's leadership was tied up in a seemingly endless series of arrests, incarcerations, hearings, and trials. Similarly, the great bulk of the movement's fundraising and organizing capacity was diverted into posting bonds and mounting legal defenses for those indicted.⁷¹

On balance, the record suggests a distinct probability that the post-Wounded Knee prosecutions were never seriously intended to result in convictions at all. Instead, they were designed mainly to serve the time-honored—and utterly illegal—expedient of "disrupting, misdirecting, destabilizing or otherwise neutralizing" a politically objectionable group.⁷² There is official concurrence with this view: As army counterinsurgency specialist Volney Warner framed matters at the time, "AIM's best leaders and most militant members are under indictment, in jail or warrants are out for their arrest . . . [Under these conditions] the government can win, even if nobody goes to [prison]."⁷³

THE REIGN OF TERROR

While AIM's "notables" were being forced to slog their way through the courts, a very different form of repression was being visited upon the movement's rank-and-file membership and the grassroots traditionalists of Pine Ridge. During the three-year period beginning with the siege of Wounded Knee, at least sixty-nine members and supporters of AIM died violently on the reservation.⁷⁴ During the same period, nearly 350 others suffered serious physical assault. Overall, the situation on Pine Ridge was such that, by 1976, the U.S. Commission on Civil Rights was led to describe it as a "reign of terror."⁷⁵

Even if only documented political deaths are counted, the yearly murder rate on the Pine Ridge Reservation between 1 March 1973 and 1 March 1976 was 170 per 100,000. By comparison, Detroit, the reputed "murder capital of the United States," had a rate of 20.2 per 100,000 in 1974. The U.S. average was 9.7 per 100,000. In a nation of two hundred million persons, the national murder rate comparable with that on Pine Ridge between 1973 and 1976 would have left 340,000 persons dead for political reasons alone in one year, 1.32 million in three years. The political murder rate at Pine Ridge was almost equivalent to that in Chile during the three years after a military coup supported by the United States killed President Salvador Allende.⁷⁶

Despite the fact that eyewitnesses identified the assailants in twenty-one of these homicides, the FBI—which maintains pre-eminent jurisdiction over major crimes on all American Indian reservations—did not manage to get even one of the killers convicted.⁷⁷ In many cases, the bureau undertook no active investigation of the murder of an AIM member or supporter.⁷⁸ In others, people associated with the victims were falsely arrested as the perpetrators.⁷⁹

When queried by reporters in 1975 as to the reason for his office's abysmal record in investigating murders on Pine Ridge, George O'Clock, agent in charge of the FBI's Rapid City resident agency—under whose operational authority the reservation falls most immediately—replied that he was "too short of manpower" to assign agents to such tasks.⁸⁰ O'Clock neglected to mention that, at the time, he had at his disposal the highest sustained ratio of agents to citizens enjoyed by any FBI office in the history of the bureau.⁸¹ He also omitted the fact that the same agents who were

too busy to look into the murders of AIM people appear to have had unlimited time to undertake the previously mentioned investigations of the AIM activists. Plainly, O'Clock's pat explanation was and remains implausible.

A far more likely scenario begins to take shape when it is considered that, in each instance where there were eyewitness identifications of the individuals who had killed an AIM member or supporter, those identified were known GOONs.⁸² The FBI's conspicuous inability to apprehend murderers on Pine Ridge may thus be explained not by the incompetence of its personnel, but by the nature of its relationship to the killers. In effect, the GOONs seem to have functioned under a more-or-less blanket immunity from prosecution provided by the FBI so long as they focused their lethal attentions on targets selected by the bureau. Put another way, it appears that the FBI used the GOONs as a surrogate force against AIM on Pine Ridge in precisely the same manner that Latin American death squads have been utilized by the CIA to destroy the opposition in countries like Guatemala, El Salvador, and Chile.⁸³

The roots of the FBI/GOON connection can be traced back at least as far as 23 April 1973, when U.S. Marshals Service Director Wayne Colburn, driving from Pine Ridge village to Wounded Knee, was stopped at what the Wilsonites referred to as "the Residents' Roadblock." One of the GOONs manning the position, vocally disgruntled with what he called the "soft line" taken by the Justice Department in dealing with AIM, leveled a shotgun at the head of Colburn's passenger, Solicitor General Kent Frizzell. Colburn was forced to draw his own weapon before the man would desist. Angered, Colburn drove back to Pine Ridge and dispatched a group of his men to arrest everyone at the roadblock. When the marshals arrived at the Pennington County Jail in Rapid City with those arrested, however, they found an FBI man waiting with instructions to release the GOONs immediately.⁸⁴

By this time, Dickie Wilson himself had reestablished the roadblock, using a fresh crew of GOONs. Thoroughly enraged at this defiance, Colburn assembled another group of marshals and prepared to make arrests. Things had progressed to the point of a "High Noon" style showdown when a helicopter appeared, quickly landing on the blacktop road near the would-be combatants. In it was FBI counterintelligence ace Richard G. Held, who informed Colburn that he had received instructions "from the highest level" to ensure that no arrests would be made and that "the roadblock stays where it is."⁸⁵

Humiliated and increasingly concerned for the safety of his own personnel in a situation where the FBI was openly siding with a group hostile to them, Colburn ordered his men to disarm GOONs whenever possible.⁸⁶ Strikingly, though, when the marshals impounded the sort of weaponry the Wilsonites had up until then been using—conventional deer rifles, World War II surplus M-1s, shotguns, and other firearms normally found in a rural locality—the same GOONs began to reappear sporting fully automatic military-issue M-16s and well-stocked with ammunition.⁸⁷

The Brewer Revelations

It has always been the supposition of those aligned with AIM that the FBI provided such hardware to Wilson's GOONs. The bureau and its apologists, of course, have pointed to the absence of concrete evidence with which to confirm the allegation and have consistently denied any such connection, charging those referring to it with journalistic or scholarly "irresponsibility."⁸⁸

Not until the early 1990s, with publication of extracts from an interview with former GOON commander Duane Brewer, was AIM's premise borne out.⁸⁹ The one-time death squad leader makes it clear that the FBI provided him and his men not only with weaponry, but with ample supplies of armor-piercing ammunition, hand grenades, "det cord" and other explosives, communications gear, and additional paraphernalia.⁹⁰ Agents would drop by his house, Brewer maintains, to provide key bits of field intelligence that allowed the GOONs to function in a more efficient manner than might otherwise have been the case. And, perhaps most importantly, agents conveyed the plain message that members of the death squad would enjoy virtual immunity from federal prosecution for anything they did, so long as it fell within the realm of repressing dissidents on the reservation.⁹¹

Among other murders which Brewer clarifies in his interview is that of Jeanette Bissonette, a young woman shot to death in her car as she sat at a stop sign in Pine Ridge village at about one o'clock in the morning of 27 March 1975. The FBI has insisted all along, for reasons that remain mysterious, that it is "probable" Bissonette was assassinated by AIM members.⁹² Brewer, on the other hand, explains, on the basis of firsthand knowledge, that the killing was "a mistake" on the part of his execution team, which

mistook Bissonette's vehicle for that of area resistance leader Ellen Moves Camp.⁹³

It is important to note that, at the same time that he functioned as a GOON leader, Duane Brewer also was second-in-command of the BIA police on Pine Ridge. His police boss, Delmar Eastman—primary liaison between the police and the FBI—was simultaneously in charge of all GOON operations on the reservation.⁹⁴ In total, it is reliably estimated that somewhere between one-third and one-half of all BIA police personnel on Pine Ridge between 1972 and 1976 moonlighted as GOONS. Those who did not become directly involved covered for their colleagues who did, or at least kept their mouths shut about the situation.⁹⁵

Obviously, whatever small hope AIM and the Oglala traditionals might have held for help from local law enforcement quickly disappeared under such circumstances.⁹⁶ In effect, the police were the killers, their crimes not only condoned but, for all practical intents and purposes, commanded and controlled by the FBI. Other federal agencies did no more than issue largely uncirculated reports confirming that the bloodbath was, in fact, occurring.⁹⁷ "Due process" on Pine Ridge during the crucial period was effectively nonexistent.

The Oglala Firefight

By the spring of 1975, with more than forty of their number already dead, it had become apparent to the Pine Ridge resisters that they had been handed a choice of either acquiescing to the federal agenda or being annihilated. All other alternatives, including a 1974 electoral effort to replace Dickie Wilson with AIM leader Russell Means, had been met by fraud, force, and unremitting violence.⁹⁸ Those who wished to continue the struggle and survive were therefore compelled to adopt a posture of armed self-defense. Given that many of the traditionals were elderly and thus could not reasonably hope to defend themselves alone, they asked AIM to provide physical security for them. Defensive encampments were quickly established at several key locations around the reservation.⁹⁹

For its part, the FBI seems to have become increasingly frustrated at the capacity of the dissidents to absorb punishment and at the consequent failure of the its own counterinsurgency campaign to force submission. Internal FBI documents suggest that

the coordinators of the Pine Ridge operation had come to desire some sensational event that might serve to justify, in the public mind, a sudden introduction of the kind of overwhelming force that would break the back of the resistance once and for all.¹⁰⁰

Apparently selected for this purpose was a security camp set up by the Northwest AIM group at the request of traditional elders Harry and Cecilia Jumping Bull on their property, along Highway 18, a few miles south of the village of Oglala. During the early evening of 25 June 1975, two agents, Ron Williams and Jack Coler, escorted by a BIA policeman (and known GOON) named Robert Eccoffey, entered the Jumping Bull compound. They claimed to be attempting to serve an arrest warrant on a seventeen-year-old Lakota AIM supporter named Jimmy Eagle on spurious charges of kidnapping and aggravated assault.¹⁰¹

Told by residents that Eagle was not there and had not been seen for weeks, the agents and their escort left. On Highway 18, however, the agents accosted three young AIM members—Mike Anderson, Norman Charles, and Wilfred “Wish” Draper—who were walking back to camp after taking showers in Oglala. The agents drove the young men to the police headquarters in Pine Ridge village and interrogated them for more than two hours. As the men reported when they finally returned to the Jumping Bulls’s house, no questions had been asked about Jimmy Eagle. Instead, the agents had wanted to know how many men of fighting age were in the camp, what sort of weapons they possessed, and so on. Thus alerted that something bad was about to happen, the Northwest AIM contingent put out an urgent call for support from the local AIM community.¹⁰²

At about eleven o’clock the following morning, 26 June, Williams and Coler returned to the Jumping Bull property. Driving past the compound of residences, they moved down into a shallow valley, stopped, exited their cars in an open area, and began to fire in the general direction of the AIM encampment in a treeline along White Clay Creek.¹⁰³ Shortly, they began to take a steadily growing return fire, not only from the treeline but from the houses above. At about this point, agent J. Gary Adams and BIA police officer /GOON Glenn Two Birds attempted to come to Williams’s and Coler’s aid. Unexpectedly taking fire from the direction of the houses, they retreated to the ditch beside Highway 18.¹⁰⁴

Some 150 SWAT-trained BIA police and FBI personnel were pre-positioned in the immediate area when the firefight began. This, especially when taken in combination with the fact that more

than two hundred additional FBI SWAT personnel were on alert awaiting word to proceed post haste to Pine Ridge from Minneapolis, Milwaukee, and Quantico, Virginia, raises the probability that Williams and Coler were actually assigned to provoke an exchange of gunfire with the AIM members on the Jumping Bull land.¹⁰⁵ The plan seems to have been that they would then be immediately supported by the introduction of overwhelming force, the Northwest AIM group would be destroyed, and the FBI would be afforded the pretext necessary to launch an outright invasion of Pine Ridge.¹⁰⁶

A number of local AIM members had rallied to the call to come to the Jumping Bulls's home. Hence, instead of encountering the eight AIM shooters they anticipated, the two agents encountered about thirty, and they were cut off from their erstwhile supporters.¹⁰⁷ While the BIA police, reinforced by GOONs, put up roadblocks to seal off the area, and the FBI agents on hand were deployed as snipers, no one made a serious effort to get to Williams and Coler until 5:50 p.m. By then, they had been dead for some time, along with a young Coeur D'Alene AIM member, Joe Stuntz Killwright, killed by FBI sniper Gerard Waring as he attempted to depart the compound.¹⁰⁸ Except for Killwright, all the AIM participations had escaped across country.

By nightfall, hundreds of agents equipped with everything from APCs to Vietnam-style Huey helicopters had begun arriving on the reservation.¹⁰⁹ The next morning, Tom Coll, an FBI "public information specialist" imported for the purpose, convened a press conference in Oglala—the media was barred from the firefight site itself—in which he reported that the dead agents had been "lured into an ambush" by AIM, attacked with automatic weapons from a "sophisticated bunker complex," dragged wounded from their cars, stripped of their clothing, and then executed in cold blood while one of them pleaded with his killer(s) to spare him because he had a wife and children. Each agent, Coll asserted, had been "riddled with 15–20 bullets."¹¹⁰

Every word of this was false, as Coll well knew—the FBI had been in possession of both the agents' bodies and the ground on which they were killed for nearly eighteen hours before he made his statements—and the report was retracted in full by FBI director Clarence Kelley at a press conference conducted in Los Angeles a week later.¹¹¹ By then, however, a barrage of sensational media coverage had "sensitized" the public to the need for a virtually unrestricted application of force against the "mad dogs of AIM." Correspond-

ingly, the bureau was free to run air assaults and massive sweeping operations on Pine Ridge—complete with the wholesale use of no-knock searches and John Doe warrants—for the next three months.¹¹² By the end of that period, its mission had largely been accomplished.¹¹³ In the interim, on 27 July 1975, given the preoccupation of all concerned parties with the FBI's literal invasion of Pine Ridge, it was finally determined that the time was right for Dickie Wilson to sign a memorandum transferring the Gunnery Range to the federal government. On 2 January 1976, a more formal instrument was signed, and, in the spring, Congress passed a public law assuming U.S. title over this portion of Oglala territory.¹¹⁴

THE CASE OF LEONARD PELTIER

It is unlikely that the FBI intended its two agents be killed during the Oglala firefight. Once Coler and Williams were dead, however, the bureau capitalized on their fate, not only as the medium through which to pursue its anti-AIM campaign with full ferocity, but as a mechanism with which to block an incipient congressional probe into what the FBI had been doing on Pine Ridge. This last took the form of a sympathy play: Bureau officials pleaded that the "natural" emotional volatility engendered among their agents by the deaths made it "inopportune" to proceed with the investigation at the present time. Congress responded, on 3 July 1975, by postponing the scheduling of preliminary interviews, a delay that has become permanent.¹¹⁵

Still, with two agents dead, it was crucial for the bureau's image that someone be brought directly to account. To fill this bill, four names were selected from the list of thirty shooters that field investigators had concluded were participants in the exchange. Targeted were a pair of Anishinabe/Lakota cousins, Leonard Peltier and Bob Robideau, and Darrelle "Dino" Butler, a Tunj, all heads of Northwest AIM. Also included was Jimmy Eagle, whose name seems to have appeared out of expediency, since the bureau claimed Williams and Coler were looking for him in the first place (all charges against him were later simply dropped, without investiture of discernible prosecutorial effort).¹¹⁶

Butler and Robideau, captured early on, were tried first as codefendants, separate from Peltier.¹¹⁷ The latter, having managed to avoid a trap set for him in Oregon, had found sanctuary in the remote encampment of Cree leader Robert Smallboy, in

northern Alberta.¹¹⁸ By the time he was apprehended, extradited via a fraudulent proceeding involving the presentation to a Canadian court of an “eyewitness” affidavit from a psychotic Lakota woman named Myrtle Poor Bear, and docketed in the U.S., the prosecution of his cohorts was ready to begin.¹¹⁹ Peltier was thus scheduled to be tried later and alone.

During the Butler / Robideau trial, conducted in Cedar Rapids, Iowa, in the summer of 1976, the government’s plan to turn the defendants—and AIM itself—into examples of the price of resistance began to unravel. Despite the calculated ostentation with which the FBI prepared to secure the judge and jurors from “AIM’s potential for violence” and another media blitz designed to convince the public that Butler and Robideau were part of a vast “terrorist conspiracy,” the carefully selected all-white Midwestern panel of jurors was unconvinced.¹²⁰ After William Muldrow of the U.S. Commission on Civil Rights testified for the defense regarding the FBI-fostered reign of terror on Pine Ridge and Director Kelley himself admitted under oath that he knew of nothing that might support many of the bureau’s harsher characterizations of AIM, the jury voted to acquit on 16 July 1976.¹²¹

The “not guilty” verdict was based on the jury’s assessment that—although both defendants acknowledged firing at the agents and Robideau admitted that he had, in fact, hit them both¹²²—they had acted in self-defense. Jury foreman Robert Bolin later recounted that, under the conditions described by credible witnesses, “we felt that any reasonable person would have reacted the same way when the agents came in there shooting.” Besides, Bolin continued, their personal observations of the behavior of governmental representatives during the trial had convinced most jury members that “it was the government, not the defendants or their movement, which was dangerous.”¹²³

Although the Cedar Rapids jury had essentially determined that Coler and Williams had not been murdered, the FBI and federal prosecutors opted to proceed against Peltier. In a pretrial conference, they analyzed what had “gone wrong” in the Butler / Robideau case and, in a report dated 20 July 1976, concluded that among the problems encountered was the fact that the defendants had been allowed to present a self-defense argument and their lawyers had been permitted “to call and question witnesses” and subpoena government documents.¹²⁴ They then removed the Peltier trial from the docket of Cedar Rapids judge Edward

McManus and reassigned it to another, Paul Benson, whom they felt would be more amenable to their view.¹²⁵

When Peltier was brought to trial in Fargo, North Dakota, on 21 March 1977, Benson ruled virtually everything presented by the defense at Cedar Rapids, including the Butler/Robideau trial transcript itself, inadmissible.¹²⁶ Prosecutors then presented a case against Peltier that was precisely the opposite of what they—and their FBI witnesses—had presented in the earlier trial.¹²⁷ A chain of circumstantial evidence was constructed, often through fabricated physical evidence,¹²⁸ perjury,¹²⁹ and demonstrably suborned testimony,¹³⁰ to create a plausible impression among jurors—again white Midwesterners—that the defendant was guilty.

Following a highly emotional closing presentation by assistant prosecutor Lynn Crooks, in which he waved color photos of the agents' bloody bodies and graphically described the "cold-bloodedness" with which "Leonard Peltier executed these two wounded and helpless human beings," the jury voted on 18 April, after only six hours of deliberation, to convict on both counts of first degree murder.¹³¹ Bensen then sentenced Peltier to serve two consecutive life terms in prison, and the prisoner was transported straightaway to the federal "super-maximum" facility at Marion, Illinois.¹³²

Almost immediately, an appeal was filed on the basis of FBI misconduct and multiple judicial errors on Bensen's part. The matter was considered by a three-member panel of the Eighth Circuit Court—composed of judges William Webster, Donald Ross, and Gerald Heaney—during the spring of 1978. Judge Webster wrote the opinion on behalf of his colleagues, finding that, although the record revealed numerous reversible errors on the part of the trial judge and many "unfortunate misjudgments" by the FBI, the conviction would be allowed to stand.¹³³ By the time the document was released, Webster was no longer there to answer for it. He had moved on to a new position as director of the FBI. On 12 February 1979, the U.S. Supreme Court declined, without stating a reason, to review the lower court's decision.¹³⁴

Undeterred, Peltier's attorneys had already filed a suit under the Freedom of Information Act (FOIA) to force disclosure of FBI documents withheld from the defense at trial. When the paperwork, more than twelve thousand pages of investigative material, was finally produced in 1981, they began the tedious process of indexing and reviewing it.¹³⁵ Finding that the bureau had suppressed ballistics reports that directly contradicted what had been

presented at trial, they filed a second appeal in 1982.¹³⁶ This led to an evidentiary hearing and oral arguments in 1984, during which the FBI's chief ballistics expert, Evan Hodge, was caught in the act of perjuring himself,¹³⁷ and Lynn Crooks was forced to admit that the government "really has no idea who shot those agents."¹³⁸

Crooks then attempted to argue that it did not matter anyway, because Peltier had been convicted of "aiding and abetting in the murders rather than of the murders themselves."¹³⁹ This time, the circuit court panel—now composed of judges Heaney and Ross, as well as John Gibson—took nearly a year to deliberate. On 11 October 1986, they finally delivered an opinion holding that the content of Crooks's own closing argument to the jury, among many other factors, precluded the notion that Peltier had been tried for aiding and abetting. They also concluded that the circumstantial ballistics case presented by the prosecution at trial was hopelessly undermined by evidence even then available to the FBI.¹⁴⁰ Still, they refused to reverse Peltier's conviction, because "[w]e recognize that there is evidence in this record of improper conduct on the part of some FBI agents, but we are reluctant to impute even further improprieties to them" by remanding the matter to trial.¹⁴¹ On 5 October 1987, the Supreme Court once again refused to review the lower court's decision.¹⁴² Most recently, a third appeal, argued on the basis of habeas corpus (If Peltier was never tried for aiding and abetting, and if the original case against him no longer really exists, then why is he in prison?) was filed. In November 1992, the Eighth Circuit, without ever really answering these questions, allowed his "conviction" to stand. The matter remains pending before the Supreme Court, but that august body is expected to decline once again to review the matter.

AFTERMATH

The government repression of AIM during the mid-1970s had the intended effect of blunting the movement's cutting edge. After 1977, events occurred in fits and starts rather than within a sustained drive. AIM's core membership, those who were not dead or in prison, scattered to the winds; many, like Wounded Knee security head Stan Holder, sought other avenues into which to channel their activism.¹⁴³ Others, exhausted and intimidated by the massive violence directed against them, "retired" altogether

from active politics.¹⁴⁴ Among the remainder, personal, political, and intertribal antagonisms—often exacerbated by the rumors spread by federal provocateurs—instilled a deep and lasting factional fragmentation.¹⁴⁵

In 1978, Dennis Banks, occupying the unique status in California of having been officially granted sanctuary by one state of the union against the extradition demands of another, sought to renew Indian activism by organizing what he called the “Longest Walk.”¹⁴⁶ To some extent replicating, on foot, the Trail of Broken Treaties caravan of 1972, the Walk succeeded in its immediate objective: The walkers made it from Alcatraz Island—selected as a point of departure because of the importance of the 1969–71 occupation in the formation of AIM—to Washington, D.C., presenting a powerful manifesto to the Carter administration in July.¹⁴⁷ But there was no follow-up, and the momentum was quickly lost.

Much hope was placed in the formation of the Leonard Peltier Defense Committee (LPDC) the same year, and, for a time, it seemed as though it might serve as a kind of sparkplug re-energizing the movement as a whole.¹⁴⁸ However, with the 12 February 1979 murder of AIM chair John Trudell’s entire family on the Duck Valley Reservation in Nevada, apparently as a deterrent to the effectiveness of Trudell’s fiery oratory, events took an opposite tack.¹⁴⁹ The result was the abolition of all national officer positions in AIM: “These titles do nothing but provide a ready-made list of priority targets for the feds,” as Trudell put it at the time.¹⁵⁰ The gesture completed a trend against centralization which had begun with the dissolution of AIM’s national office at the time Banks went underground in 1975, a fugitive from sentencing after his conviction on charges stemming from the Custer Courthouse confrontation.¹⁵¹

In 1979 and 1980, large-scale “survival gatherings” were held outside Rapid City in an attempt to bring together Indian and non-Indian activists in collaborative opposition to uranium mining and other corporate “development” of the Black Hills.¹⁵² An ensuing organization, the Black Hills Alliance (BHA), achieved momentary national prominence but petered out after the demise of domestic uranium production in the early 1980s dissolved several of the more pressing issues it confronted.¹⁵³

Meanwhile, Russell Means, fresh out of prison, launched a related effort in 1981, occupying an 880-acre site in the Black Hills to establish a “sustainable, alternative, demonstration commu-

nity" and "to initiate the physical reoccupation of Paha Sapa by the Lakota people and our allies." The occupation of Wincayan Zi Tiyospaye (Yellow Thunder Camp), named in memory of Raymond Yellow Thunder, lasted until 1985.¹⁵⁴ By that time, its organizers had obtained what on its face was a landmark judicial opinion from a federal district judge: Not only did the Yellow Thunder occupiers have every right to do what they were doing, the judge decreed, but the Lakota—and other Indians as well—are entitled to view entire geographic areas such as the Black Hills, rather than merely specific sites within them, to be of sacred significance.¹⁵⁵ The emergent victory was gutted, however, by the Supreme Court's controversial "G-O Road decision" in 1988.¹⁵⁶

Elsewhere, an AIM security camp was established on Navajo land near Big Mountain, Arizona, during the mid-1980s, to support the traditional Diné elders of that area in their resistance to forced relocation.¹⁵⁷ It is still being maintained today. Similarly, AIM contingents became involved in the early 1990s in providing physical security to Western Shoshone resisters to forced removal from their land in Nevada.¹⁵⁸ Comparable scenarios have been played out in places as diverse as northern Minnesota and Wisconsin, Oregon, California, Oklahoma, Illinois, Florida, Georgia, Nebraska, Alaska, and upstate New York. The issues involved have been as wide ranging as the localities in which they have been confronted.

Another potential bright spot that ultimately was eclipsed was the International Indian Treaty Council (IITC). Formed at the request of the Lakota elders in 1974 to "carry the message of indigenous people into the community of nations" and to serve more generally as "AIM's international arm," it had, by August 1977, gotten off to a brilliant start, playing a key role in bringing representatives of ninety-eight native groups throughout the Americas together in an unprecedented convocation before the United Nations Commission on Human Rights. This led directly to the establishment of a formal Working Group on Indigenous Populations—mandated to draft a Universal Declaration of the Rights of Indigenous Peoples for incorporation into international law by 1992—under the U.N. Economic and Social Council.¹⁵⁹

Despite this remarkable early success, the 1981 departure of its original director, Cherokee activist Jimmie Durham, caused the IITC to begin to unravel.¹⁶⁰ By 1986, his successors were widely perceived as using the organization's reputation as a vehicle for personal profit and prestige, aligning themselves for a fee with

various nation-state governments against indigenous interests. Allegations also abounded that they were using their de facto diplomatic status as a medium through which to engage in drug trafficking. Regardless of whether such suspicions were well founded, IITC today has become reduced to the stature of a small sectarian corporation, completely divorced from AIM and the traditional milieu that legitimated it, subsisting mainly on donations from the very entities it was created to oppose.¹⁶¹

With the imminence of the Columbian Quincentenary celebration, the early 1990s presented opportunities for the revitalization of AIM. Indeed, the period witnessed a more-or-less spontaneous regeneration of autonomous AIM chapters in at least sixteen localities around the country.¹⁶² In Colorado, an escalating series of confrontations with Columbus Day celebrants beginning in 1989 and organized by the state AIM chapter led to the galvanizing of a coalition of some fifty progressive organizations, Indian and non-Indian alike, by 1992.¹⁶³ In Denver, the city where Columbus Day was first proclaimed an official holiday, quincentenary activities were stopped in their tracks. Much the same process was evident in San Francisco and, to a lesser extent, in other locations.

Perhaps ironically, the most vicious reaction to the prospect of a resurgent movement came not from the government per se, but from a small group in Minneapolis professing itself to be AIM's "legitimate leadership." How exactly it imagined it had attained this exalted position was a bit murky, there having been no AIM general membership conference to sanction the exercise of such authority since 1975. Nonetheless, in July 1993, the clique constituted itself under the laws of the state of Minnesota as "National-AIM, Inc.," announced formation of a "national board" and a "central committee," and provided the address of what it described as the "AIM National Office."¹⁶⁴ Among the very first acts of this interesting amalgam—which proudly reported it was receiving \$4 million per year in federal funding and more than \$3 million annually from corporations such as Honeywell—was the issuance of letters "expelling" most of the rest of the movement from itself.¹⁶⁵

A LEGACY

It may be, as John Trudell has said, that "AIM died years ago. It's just that some people don't know it yet."¹⁶⁶ Certainly, the evidence

indicates that it is no longer a viable organization. And yet there is another level to this reality, one that has more to do with the spirit of resistance than with tangible form. Whatever else may be said about what AIM was (or is), it must be acknowledged that, as Russell Means contends,

Before AIM, Indians were dispirited, defeated and culturally dissolving. People were ashamed to be Indian. You didn't see the young people wearing braids or chokers or ribbon shirts in those days. Hell, I didn't wear 'em. People didn't Sun Dance, they didn't Sweat, they were losing their languages. Then there was that spark at Alcatraz, and we took off. Man, we took a ride across this country. We put Indians and Indian rights smack dab in the middle of the public consciousness for the first time since the so-called Indian Wars. And, of course, we paid a heavy price for that. Some of us are still paying it. But now you see braids on our young people. There are dozens of Sun Dances every summer. You hear our languages spoken again in places they had almost died out. Most important, you find young Indians all over the place who understand that they don't have to accept whatever sort of bullshit the dominant society wants to hand them, that they have the right to fight, to struggle for their rights, that in fact they have an obligation to stand up on their hind legs and fight for their future generations, the way our ancestors did. Now, I don't know about you, but I call that pride in being Indian. And I think that's a very positive change. And I think—no, I know—AIM had a lot to do with bringing that change about. We laid the groundwork for the next stage in regaining our sovereignty and self-determination as nations, and I'm proud to have been a part of that.¹⁶⁷

To the degree that this is true—and much of it seems very accurate—AIM may be said to have succeeded in fulfilling its original agenda.¹⁶⁸ The impulse of Alcatraz was carried forward into dimensions its participants could not yet envision. That legacy even now is being refashioned and extended by a new generation, as it will be by the next, and the next. The continuity of native North America's traditional resistance to domination was reasserted by AIM in no uncertain terms.

There are other aspects of the AIM legacy, to be sure. Perhaps the most crucial should be placed under the heading of "Lessons Learned." The experience of the American Indian Movement, especially in the mid-1970s, provides what amounts to a textbook

exposition of the nature of the society we now inhabit, the lengths to which its government will go to maintain the kinds of domination AIM fought to cast off, and the techniques it uses in doing so. These lessons teach what to expect, and, if properly understood, how to overcome many of the methodologies of repression. The lessons are applicable not simply to American Indians, but to anyone whose lot in life is to be oppressed within the American conception of business as usual.¹⁶⁹

Ultimately, the gift bestowed by AIM is, in part, an apprehension of the fact that the Third World is not something “out there.” It is everywhere, including behind the façade of liberal democracy that masks the substance of the United States.¹⁷⁰ It exists on every reservation in the nation, in the teeming ghettos of Brownsville, Detroit, and Compton, in the barrios and migrant fields and sharecropping farms of the Deep South.¹⁷¹ It persists in the desolation of the Appalachian coal regions. It is there in the burgeoning prison industry of America, warehousing by far the largest incarcerated population on the planet.¹⁷²

The Third World exists in the nation’s ever-proliferating, militarized police apparatus. And it is there in the piles of corpses of those—not just AIM members, but Black Panthers, Brown Berets, Puerto Rican independentistas, labor organizers, civil rights workers, and many others—who tried to say “no” and make it stick.¹⁷³ It is there in the fate of Malcolm X and Fred Hampton, Mark Clark and Ché Payne, Geronimo ji Jaga Pratt and Alejandina Torres, Susan Rosenberg and Martin Luther King, George Jackson and Ray Luc Lavanseur, Tim Blunk and Reyes Tijerina, Mutulu Shakur and Marilyn Buck, and many others.¹⁷⁴

To win, it is said, one must know one’s enemy. Winning the sorts of struggles these people engaged in is unequivocally necessary if we are to effect a constructive change in the conditions they faced and we continue to face. In this, there are still many lessons to be drawn from the crucible of AIM experience. These must be learned by all of us. They must be learned well. And soon.

NOTES

1. On the fishing rights struggles, see American Friends Service Committee, *Uncommon Controversy: Fishing Rights of the Muckleshoot, Puyallup and Nisqually Indians* (Seattle: University of Washington Press, 1970). On the Alca-

traz occupation, see Peter Blue Cloud, ed., *Alcatraz Is Not an Island* (Berkeley, CA: Wingbow Press, 1972). Also see Adam Fortunate Eagle (Nordwall), *Alcatraz! Alcatraz! The Indian Occupation of 1969–1971* (Berkeley, CA: Heyday Books, 1992).

2. This is not to say that others—notably, members of the Black Panther party—have not suffered severely and often fatally at the hands of official specialists in the techniques of domestic political repression in the United States. The distinction drawn with regard to American Indian activists in this respect is purely proportional. For comprehensive background on the experiences of non-Indians, see Robert Justin Goldstein, *Political Repression in Modern America, 1870 to the Present* (New York: Schenkman Publishing/Two Continents Publishing Group, 1978).

3. Bruce Johansen and Roberto Maestas, *Wasi'chu: The Continuing Indian Wars* (New York: Monthly Review Press, 1979).

4. Counterinsurgency is not a part of law enforcement or intelligence-gathering missions. Rather, it is an integral subpart of low-intensity warfare doctrine and methodology, taught at the U.S. Army's Special Warfare School at Fort Bragg, North Carolina; see Maj. John S. Pustay, *Counterinsurgency Warfare* (New York: The Free Press, 1965); also see Michael T. Klare and Peter Kornbluh, eds., *Low Intensity Warfare: Counterinsurgency, Proinsurgency, and Antiterrorism in the Eighties* (New York: Pantheon Books, 1988). For an illustration of the FBI's use of explicit counterinsurgency terminology to define its anti-Indian operations in 1976, see Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the FBI's Secret Wars against Dissent in the United States* (Boston: South End Press, 1990), 264.

5. U.S. Department of Justice, Commission on Civil Rights, *Events Surrounding Recent Murders on the Pine Ridge Reservation in South Dakota* (Denver: Rocky Mountain Regional Office, 31 March 1976).

6. In his then-definitive study of the bureau, Sanford J. Ungar quotes a senior counterintelligence specialist to the effect that "success in this area is not measured in terms of arrests and prosecutions, but in our ability to neutralize our targets' ability to do what they're doing"; *FBI: An Uncensored Look Behind the Walls* (Boston: Little, Brown, 1975), 311.

7. On the early days of the Black Panther party, see Gene Marine, *The Black Panthers* (New York: New American Library, 1969). On the beginnings of AIM and its obvious reliance on the Panther model, see Peter Matthiessen, *In the Spirit of Crazy Horse*, 2d. ed. (New York: Viking Press, 1991), 34–37.

8. Although AIM was probably the first to attempt to put together a coherent program to challenge the internal colonization of American Indians, it was by no means the first to perceive the native situation in this light. That distinction probably belonged to the Cherokee anthropologist Robert K. Thomas, with his brief but influential essay "Colonialism: Internal and Classic," first published in the 1966–67 issue of *New University Thought*.

9. The U.S. is constitutionally prohibited, under Article 1, from entering into treaty relations with any entity other than another fully sovereign nation. Senate ratification of a treaty therefore confirms formal U.S. recognition of the

unequivocal sovereignty of the other party or parties to the instrument. The texts of 371 ratified treaties between the U.S. and various indigenous nations appear in Charles J. Kappler, *Indian Treaties, 1778–1883* (New York: Interland Publishing, 1972). The U.S. suspended such treaty-making by law in 1871 (ch. 120, 16 Stat. 544, 566, now codified at 25 U.S.C. 71), with the provision that “nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made with any Indian nation or tribe.”

10. Following the findings of the Indian Claims Commission in its 1979 Final Report, an independent researcher has summarized that “about half the land area of the [U.S.] was purchased by treaty or agreement . . . ; another third of a [billion] acres, mainly in the West, were confiscated without compensation; another two-thirds of a [billion] acres were claimed by the United States without pretense of a unilateral action extinguishing native title”; see Russel Barsh, “Indian Land Claims Policy in the United States,” *North Dakota Law Review* 58 (1982), 1–82. The last category mentioned, to which native title is still plainly applicable, amounts to about 35 percent of the forty-eight contiguous states; it should be contrasted to the approximately 2.5 percent of the “lower forty-eight” currently retaining reservation trust status.

11. U.S. Bureau of the Census, *1970 Census of the Population, Subject Report: American Indians* (Washington, DC: U.S. Government Printing Office, 1972).

12. U.S. Plenary Power Doctrine is perhaps best articulated in the Supreme Court’s 1903 *Lonewolf v. Hitchcock* opinion (187 U.S. 553). The most relevant statutes are the 1885 Major Crimes Act (ch 341, 24 Stat. 362, 385, now codified at U.S.C. 1153), the 1887 General Allotment Act (ch. 119, 24 Stat. 388, now codified as amended at 25 U.S.C. 331 et seq.), and the Indian Reorganization Act (ch. 576, 48 Stat. 948, now codified at 25 U.S.C. 461-279).

13. On resource distribution, see Michael Garrity, “The U.S. Colonial Empire Is as Close as the Nearest Indian Reservation,” in *Trilateralism: The Trilateral Commission and Elite Planning for World Government*, ed. Holly Sklar (Boston: South End Press, 1980), 238–68.

14. See, generally Joseph G. Jorgensen, ed., *Native Americans and Energy Development 2* (Cambridge, MA: Anthropology Resource Center / Seventh Generation Fund, 1984).

15. See, generally, Roxanne Dunbar Ortiz, ed., *Economic Development in American Indian Reservations* (Albuquerque: Native American Studies Center, University of New Mexico, 1979).

16. Robert K. Thomas, “Colonialism: Classic and Internal,” *New University Thought* 4:4 (Winter 1966–1967).

17. U.S. Department of Health, Education, and Welfare (DHEW), *A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census, Vol. 3, American Indians* (Washington, DC: U.S. Government Printing Office, 1974). It should be noted that the economic and health data pertaining to certain sectors of other U.S. minority populations—inner city Blacks, for example, or Latino migrant workers—are very similar to those bearing on American Indians. Unlike these other examples, however, the data on American Indians encompass the condition of the population as a whole.

18. U.S. Bureau of the Census, Population Division, Racial Statistics Branch, *A Statistical Profile of the American Indian Population* (Washington, DC: U.S. Government Printing Office, 1974).

19. Dennis J. Banks, speech before the United Lutheran Board, Minneapolis, Minnesota, March 1971.

20. Notable in this respect was the resuscitation of the Lakota Sun Dance, forbidden by the BIA since 1881. In August 1972, AIM members showed up en masse to participate in the ceremony at Crow Dog's Paradise, on the Rosebud Reservation. As the revered Oglala spiritual leader Frank Fools Crow put it in 1980, "Before that, there were only one, two Sun Dances each year. Just a few came, the real traditionals. And we had to hold 'em in secret. After the AIM boys showed up, now there are [Sun Dances] everywhere, right out in the open, too. Nobody hides anymore. Now, they're all proud to be Indian." The same principle pertains to the resurgence of numerous other ceremonies among a variety of peoples.

21. The U.N. component was developed pursuant to the creation of the International Indian Treaty Council (IITC), "AIM's international diplomatic arm," in 1974. Under the directorship of Cherokee activist Jimmie Durham, IITC was responsible for convening the first Assembly of Indigenous Nations of the Western Hemisphere at the U.N. Palace of Nations in Geneva, Switzerland, during the summer of 1977. IITC then became the world's first non-governing organization (NGO; type-II, consultative) in the U.N. and played a major role in bringing about the establishment of the Working Group on Indigenous Populations—charged with annual review of native grievances and drafting a Universal Declaration of the Rights of Indigenous Peoples—under auspices of the U.N. Economic and Social Council (ECOSOC) in 1981. With Durham's departure from IITC the same year, the organization went into decline. The progressive dynamic it inaugurated, however, is ongoing. See, generally, Glenn T. Morris, "International Law and Politics: Toward a Right to Self-Determination for Indigenous Peoples," in *The State of Native America: Genocide, Colonization and Resistance*, ed. M. Annette Jaimes (Boston: South End Press, 1992), 55–86.

22. The term *National Liberation Movement* is not rhetorical. Rather, it bears a precise meaning under Article 1, Paragraph 4 of Additional Protocol I of the 1949 Geneva Convention. Also see United Nations Resolution 3103 (XXVIII), 12 December 1973.

23. Birgil Kills Straight, mimeographed statement circulated by the Oglala Sioux Civil Rights Organization (Manderson, SD) during the 1973 siege of Wounded Knee.

24. By the mid-1970s, even elements of the federal government had begun to adopt AIM's emphasis on colonialism to explain the relationship between the United States and American Indians. See, for example, U.S. Commission on Civil Rights, *The Navajo Nation: An American Colony* (Washington, DC: U.S. Government Printing Office, September 1975).

25. This remained true until the government's 1993 slaughter of eighty-six Branch Davidians in a single hour near Waco, Texas. The standard text on the 1890 massacre is, of course, Dee Brown's *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Holt, Rinehart & Winston, 1970).

26. Robert Burnette with John Koster, *The Road to Wounded Knee* (New York: Bantam Books, 1974), 196.

27. Peter Matthiessen, *In the Spirit of Crazy Horse*, end. ed. (New York: Viking Press, 1991), 38, 110.

28. Yellow Thunder, burned with cigarettes, was forced to dance nude from the waist down for the entertainment of a crowd assembled in the Gordon American Legion Hall. He was then severely beaten and stuffed, unconscious, into the trunk of a car, where he froze to death. See Rex Weyler, *Blood of the Land: The U.S. Government and Corporate War Against the American Indian Movement* (New York: Everest House, 1982), 48. Also see Matthiessen, *In the Spirit of Crazy Horse*, 59–60.

29. Quoted in Weyler, *Blood of the Land*, 49.

30. Alvin M. Josephy, Jr., *Now That the Buffalo's Gone: A Study of Today's American Indian* (New York: Alfred A. Knopf, 1982), 237.

31. The best overall handling of these events, including the complete text of the Twenty Point Program, is Vine Deloria, Jr.'s *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (New York: Delta Books, 1974).

32. See editors, BIA, *I'm Not Your Indian Anymore* (Roosevelt town, NY: Akwesasne Notes, 1973).

33. The money, in unmarked twenty-, fifty- and hundred-dollar bills, came from a slush fund administered by Nixon's notorious Committee to Reelect the President (CREEP) and was delivered in brown paper bags. The bagmen were administration aids Leonard Garment and Frank Carlucci (later National Security Council chief and CIA director, respectively, under Ronald Reagan).

34. It was from these files that, among other things, the existence of a secret IHS program to perform involuntary sterilizations on American Indian women was first revealed. See Brint Dillingham, "Indian Women and IHS Sterilization Practices," *American Indian Journal* 3:1 (January 1977).

35. The full text of administration response is included in BIA, *I'm Not Your Indian Anymore*.

36. The language is that of Webster Two Hawk, then president of the Rosebud Sioux tribe and the federally funded National Tribal Chairmen's Association. Two Hawk was shortly voted out of both positions by his constituents, replaced as Rosebud president by Robert Burnette, an organizer of the Trail of Broken Treaties. See Ward Churchill, "Renegades, Terrorists and Revolutionaries: The Government's Propaganda War Against the American Indian Movement," *Propaganda Review* 4 (April 1989).

37. One firm indication of this was the arrest by the FBI of Assiniboine/Lakota activist Hank Adams and Les Whitten, an associate of columnist Jack Anderson, shortly after the occupation. They were briefly charged with illegally possessing government property. The men, neither of whom was an AIM member, were merely acting as go-betweens in returning BIA documents to the federal authorities. The point seems to have been to isolate AIM from its more moderate associations. See Deloria, *Behind the Trail of Broken Treaties*, 59.

38. Although he had stabbed Bad Heart Bull repeatedly in the chest with a hunting knife, Schmitz was charged only with second-degree manslaughter and released on his own recognizance.

39. Don and Jan Stevens, *South Dakota: The Mississippi of the North, or Stories Jack Anderson Never Told You* (Custer, SD: self-published pamphlet, 1977).

40. More broadly, AIM's posture was a response to what it perceived as a nationwide wave of murders of Indians by whites. These included not only the murders of Yellow Thunder and Bad Heart Bull, but those of a nineteen-year-old Papago named Phillip Celay by a sheriff's deputy in Arizona, an Onondaga Special Forces veteran (and member of the honor guard during the funeral of John F. Kennedy) named Leroy Shenandoah in Philadelphia, and, on 20 September 1972, of Alcatraz leader Richard Oakes near San Francisco. See Churchill and Vander Wall, *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement* (Boston: South End Press, 1988), 123.

41. The individual receiving the call was reporter Lynn Gladstone. Such calls are a standard FBI counterintelligence tactic used to disrupt the political organization of targeted groups. See Brian Glick, *War at Home: Covert Action Against U.S. Activists and What We Can Do About It* (Boston: South End Press, 1989).

42. A 31 January 1973 FBI teletype delineates the fact that the bureau was already involved in planning the police response to the Custer demonstration. It is reproduced in Churchill and Vander Wall, *The COINTELPRO Papers*, 241.

43. Weyler, *Blood of the Land*, 68–69.

44. The average annual income on Pine Ridge at this time was about \$1,000; Cheryl McCall, "Life on Pine Ridge Bleak," *Colorado Daily*, 16 May 1975. Wilson hired his brother Jim to head the tribal planning office at an annual salary of \$25,000 plus \$15,000 in "consulting fees"; *New York Times*, 22 April 1975. Another brother, George, was hired at a salary of \$20,000 to help the Oglala "manage their affairs"; Wilson's wife was named director of the reservation Head Start program at a salary of \$18,000; his son "Manny" (Richard, Jr.) was placed on the GOON payroll, along with several cousins and nephews; Wilson also upped his own salary from \$5,500 per year to \$15,500 per year, plus lucrative consulting fees, within his first six months in office; Matthiessen, *In the Spirit of Crazy Horse*, 62. When queried about the propriety of all this, Wilson replied, "There's no law against nepotism"; editors, *Voices from Wounded Knee*, 1973 (Roosevelt town, NY: *Akwesasne Notes*, 1974), 34.

45. In addition to this BIA "seed money," Wilson is suspected of having misappropriated some \$347,000 in federal highway improvement funds to meet GOON payrolls between 1972 and 1975. A 1975 General Accounting Office report indicates that the funds had been expended without any appreciable road repair having been done and that the Wilsonites had kept no books with which to account for this mysterious situation. Nonetheless, the FBI declined to undertake a further investigation of the matter.

46. The Gunnery Range, comprising the northwestern eighth of Pine Ridge, was an area "borrowed" from the Oglala by the War Department in 1942 as a place to train aerial gunners. It was to be returned at the end of World War II, but it never was. By the early 1970s, the Oglala traditionals had begun to agitate heavily for its recovery. The deposits had been secretly discovered in 1971,

however, through a technologically elaborate survey and mapping project undertaken jointly by the National Aeronautics and Space Administration (NASA) and a little-known entity called the National Uranium Resource Evaluation Institute (NURE). At that point, the government set out to obtain permanent title over the property; its quid pro quo with Wilson seems to have been his willingness to provide it. See J.P. Gries, *Status of Mineral Resource Information on the Pine Ridge Indian Reservation, S.D.* (Washington, DC: BIA Bulletin No. 12, U.S. Department of Interior, 1976). Also see Jacqueline Huber, et al., *The Gunnery Range Report* (Pine Ridge, SD: Office of the Oglala Sioux Tribal President, 1981).

47. *Voices from Wounded Knee*, 17–26.

48. Quoted in Matthiessen, *In the Spirit of Crazy Horse*, 66.

49. Burnette and Koster, *The Road to Wounded Knee*, 74.

50. The action was proposed by OSCRO leader Pedro Bissonette and endorsed by traditional Oglala chiefs Frank Fools Crow, Pete Catches, Ellis Chips, Edgar Red Cloud, Jake Kills Enemy, Morris Wounded, Severt Young Bear, and Everette Catches. See *Voices from Wounded Knee*, 36.

51. Weyler, *Blood of the Land*, 76–78.

52. One of their first actions was to meet with Colonel Vic Jackson, a subordinate of future FEMA head Louis Giuffrida, brought in from California to “consult.” Through an entity called the California Civil Disorder Management School, Jackson and Giuffrida had devised a pair of “multi-agency domestic counterinsurgency scenarios” code-named “Garden Plot” and “Cable Splicer,” in which the government was interested. Thus there is more than passing indication that what followed at Wounded Knee was, at least in part, a field test of these plans. See Weyler, *Blood of the Land*, 80–81. Also see Ken Lawrence, *The New State Repression* (Chicago: International Network Against the New State Repression, 1985).

53. Weyler, *Blood of the Land*, 83. The quantity of M-16 ammunition should actually read 1.3 million rounds. The military also provided state-of-the-art communications gear, M-14 sniper rifles and ammunition, “Starlight” night vision scopes and other optical technology, tear gas rounds and flares for M-79 grenade launchers, and field provisions to feed the assembled federal forces. All of this was in flat violation of the Posse Comitatus Act (18 USC § 1385), which makes it illegal for the government to deploy its military against “civil disturbances.” For this reason, colonels Warner and Potter and the other military personnel they brought in wore civilian clothes at Wounded Knee in an effort to hide their involvement.

54. Bill Zimmerman, *Airlift to Wounded Knee* (Chicago: Swallow Press, 1976).

55. Clearwater was mortally wounded on 17 April 1973 and died on 25 April; *Voices from Wounded Knee*, 179. Lamont was hit on 27 April, after being driven from his bunker by tear gas. Federal gunfire then prevented others from reaching him until he died from loss of blood; *ibid.*, 220.

56. Robert Burnette later recounted how, once the siege had ended, Justice Department solicitor general Kent Frizzell asked his assistance in searching for

such graves; Burnette and Koster, *The Road to Wounded Knee*, 248. Also see *Voices from Wounded Knee*, 193.

57. The “hostages” were mostly elderly residents of Wounded Knee: Wilbert A. Reigert (age 86), Girlie Clark (75), Clive Gildersleeve (73), Agnes Gildersleeve (68), Bill Cole (82), Mary Pike (72), and Annie Hunts Horse (78). Others included Guy Fritz (age 49), Jeane Fritz (47), Adrienne Fritz (12), and Father Paul Manhart (46). When South Dakota senators George McGovern and James Abourezk went to Wounded Knee on 2 March to “bring the hostages out,” the supposed captives announced they had no intention of leaving. Instead, they stated that they wished to stay to “protect [their] property from federal forces” and that they considered the AIM people to be the “real hostages in this situation.” See Burnette and Koster, *The Road to Wounded Knee*, 227–28.

58. The first federal casualty was an FBI agent named Curtis Fitzpatrick, hit in the wrist by a spent round on 11 March 1973. Interestingly, with his head swathed in bandages, he was evacuated by helicopter before a crowd of reporters assembled to witness the event; Burnette and Koster, *The Road to Wounded Knee*, 237–38. The second, U.S. marshal Lloyd Grimm, was struck in the back and permanently paralyzed on 23 March. Grimm was, however, facing the AIM perimeter when he was hit. The probability, then, is that he was shot—perhaps unintentionally—by one of Wilson’s GOONs, who, at the time, were firing from positions behind those of the marshals; *Voices from Wounded Knee*, 128.

59. Quoted in *ibid.*, 47.

60. Held was simultaneously serving as head of the FBI’s Internal Security Section and as Special Agent in Charge (SAC) of the bureau’s Chicago office. He had been assigned the latter position, in addition to his other duties, in order that he might orchestrate a cover-up of the FBI’s involvement in the 1969 murders of Illinois Black Panther leaders Fred Hampton and Mark Clark. At the outset of the Wounded Knee siege, he was detached from his SAC position—a very atypical circumstance—and sent to Pine Ridge in order to prepare a study of how the bureau should deal with AIM “insurgents.” The result, entitled “FBI Paramilitary Operations in Indian Country”—in which the author argued, among other things, that “shoot to kill” orders should be made standard—is extremely significant in light of subsequent bureau activities on the reservation and Held’s own role in them.

61. The terms of the standoff agreement are covered in *ibid.*, 231. The full text of the treaty may be found in Kappler, *Indian Treaties, 1778–1883*, 594–96.

62. Federal representatives purposely evaded the issue, arguing that they were precluded from responding to questions of treaty compliance because of Congress’s 1871 suspension of treaty-making with Indians (Title 25 USC § 71). As Lakota elder Matthew King rejoined, however, the Indians were not asking that a new treaty be negotiated. Rather, they were demanding that U.S. commitments under an existing treaty be honored, a matter that was not only possible under the 1871 act, but required by it. See *Voices from Wounded Knee*, 252–54.

63. Instead, a single marshal was dispatched to Fools Crow’s home on the appointed date to deliver to those assembled there a note signed by White

House counsel Leonard Garment. The missive stated that "the days of treaty-making with Indians ended in 1871, 102 years ago"; quoted in *Voices from Wounded Knee*, 257–58.

64. U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, *1st Session on FBI Authorization, March 19, 24, 25; April 2 and 8, 1981* (Washington, DC: 97th Cong., 2d sess., U.S. Government Printing Office, 1981).

65. Weyler, *Blood of the Land*, 95; Burnette and Koster, *The Road to Wounded Knee*, 253.

66. *1st Session on FBI Authorization*.

67. Ibid. Means was convicted on none of the forty federal charges. Instead, he was finally found guilty in 1977 under South Dakota state law of "criminal syndicalism" and served a year in the maximum security prison at Sioux Falls. Means was, and will remain, the only individual ever convicted under this statute; the South Dakota legislature repealed the law while he was imprisoned. Amnesty International was preparing to adopt him as a "prisoner of conscience" when he was released in 1979; Amnesty International, *Proposal for a Commission of Inquiry into the Effect of Domestic Intelligence Activities on Criminal Trials in the United States of America* (New York: Amnesty International, 1980).

68. For excerpts from the transcripts of the "Sioux sovereignty hearing" conducted in Lincoln, Nebraska, during the fall of 1974, see Roxanne Dunbar Ortiz, ed., *The Great Sioux Nation: Sitting in Judgment on America* (New York/San Francisco: International Indian Treaty Council/Moon Books, 1977).

69. Tried together in the second "leadership trial," Crow Dog, Holder, and Camp were convicted of minor offenses during the spring of 1975. Holder and Camp went underground to avoid sentencing. Crow Dog was granted probation (as were his codefendants when they surfaced) and then placed on charges unrelated to Wounded Knee the following November. Convicted and sentenced to five years, he was imprisoned first in the federal maximum security facility at Lewisburg, Pennsylvania, and then at Leavenworth, Kansas. The National Council of Churches and Amnesty International were preparing to adopt him as a prisoner of conscience when he was released on parole in 1977. See Weyler, *Blood of the Land*, 189; Amnesty International, *Proposal for a Commission of Inquiry*.

70. As a congressional study concluded, this was "a very low rate considering the usual rate of conviction in Federal Courts and a great input of resources in these cases"; *1st Session on FBI Authorization*.

71. This is a classic among the counterintelligence methodologies utilized by the FBI. For example, according to a bureau report declassified by a Senate select committee in 1975, agents in Philadelphia, Pennsylvania, offered as an "example of a successful counterintelligence technique" their use of "any excuse for arrest" as a means of "neutralizing" members of a targeted organization, the Revolutionary Action Movement (RAM) during the summer of 1967. "RAM people," the document went on, "were arrested and released on bail, but they were re-arrested several times until they could no longer make bail." The tactic was recommended for use by other FBI offices to "curtail the

activities" of objectionable political groups in their areas. Complete text of this document will be found in Churchill and Vander Wall, *Agents of Repression*, 45–47. More broadly, see U.S. Senate, Select Committee to Study Government Operations with Respect to Intelligence Activities, *Final Report: Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Book 3* (Washington, DC: 94th Cong., 2d sess., U.S. Government Printing Office, 1976).

72. This is the standard delineation of objectives attending the FBI's domestic counterintelligence programs (COINTELPROs); see the document reproduced in Churchill and Vander Wall, *The COINTELPRO Papers*, 92–93.

73. Quoted in Martin Garbus, "General Haig of Wounded Knee," *The Nation*, 9 November 1974.

74. A complete list of those killed and their dates of death is contained in Churchill and Vander Wall, *The COINTELPRO Papers*, 393–94.

75. U.S. Department of Justice, *Events Surrounding Recent Murders on the Pine Ridge Reservation in South Dakota*.

76. Bruce Johansen and Roberto Maestas, *Wasi'chu*, 83–84.

77. FBI jurisdiction on reservations accrues under the 1885 Major Crimes Act (ch. 341, 24 Stat. 362, 385, now codified at 18 USC 1153).

78. For example, Delphine Crow Dog, sister of AIM's spiritual leader, was beaten unconscious and left to freeze to death in a field on 9 November 1974; AIM member Joseph Stuntz Killright was killed by a bullet to the head and apparently shot repeatedly in the torso after death on 26 June 1975.

79. Consider the case of brothers Vernal and Clarence Cross, both AIM members, who had car trouble and stopped along the road outside Pine Ridge village on 19 June 1973. Individuals firing from a nearby field hit both men, killing Clarence and severely wounding Vernal. Another bullet struck nine-year-old Mary Ann Little Bear, who was riding in a car driven by her father, traveling in the opposite direction. The bullet hit her in the face, blinding her in one eye. Her father identified three individuals to police and FBI agents as the shooters. None of the three was interrogated. Instead, authorities arrested Vernal Cross in the hospital, charging him with murdering Clarence (the charges were later dropped). No charges were ever filed in the shooting of Mary Ann Little Bear. See Weyler, *Blood of the Land*, 106.

80. Quoted in Johansen and Maestas, *Wasi'chu*, 88. Actually, O'Clock's position fits into a broader bureau policy. "When Indians complain about the lack of investigation and prosecution on reservation crime, they are usually told the Federal government does not have the resources to handle the work"; U.S. Department of Justice, *Report of the Task Force on Indian Matters* (Washington, DC: U.S. Government Printing Office, 1975), 42–43.

81. In 1972, the Rapid City Resident Agency was staffed by three agents. This was expanded to eleven in March 1973 and augmented by a ten-member SWAT team shortly thereafter. By the spring of 1975, more than thirty agents were assigned to Rapid City on a long-term basis, and as many as two dozen others were steadily coming and going while performing "special tasks." See Johansen and Maestas, *Wasi'chu*, 93; U.S. Department of Justice, *Report of the Task Force on Indian Matters*, 42–43.

82. In the Clarence Cross murder, for example, the killers were identified as John Hussman, Woody Richards, and Francis Randall, all prominent members of the GOONs. Or again, in the 30 January 1976 murder of AIM supporter Byron DeSersa near the reservation hamlet of Wamblee, at least a dozen people identified GOONs Billy Wilson (Dickie Wilson's younger son), Charles David Winters, Dale Janis, and Chuck Richards among the killers. Indeed, the guilty parties were still on the scene when two FBI agents arrived. Yet the only person arrested was a witness, an elderly Cheyenne named Guy Dull Knife because of the vociferousness with which he complained about the agents' inaction. The BIA police, for their part, simply ordered the GOONs to leave town. See U.S. Commission on Civil Rights, *American Indian Issues in South Dakota: Hearing Held in Rapid City, South Dakota, July 27–28, 1978* (Washington, DC: U.S. Government Printing Office, 1978), 33.

83. On the CIA's relationship to Latin American death squads, see Penny Lernoux, *Cry of the People: United States Involvement in the Rise of Fascism, Torture, and Murder, and the Persecution of the Catholic Church in Latin America* (New York: Doubleday, 1980).

84. *Voices from Wounded Knee*, 189. Frizzell himself has confirmed the account.

85. *Voices from Wounded Knee*, 190.

86. The directive was issued on 24 April 1973.

87. *Ibid.*, 213; Weyler, *Blood of the Land*, 92–93.

88. See, for example, Athan Theoharis, "Building a Case against the FBI," *Washington Post*, 30 October 1988.

89. Churchill, "Death Squads in America: Confessions of a Government Terrorist," *Yale Journal of Law and Liberation* 3 (1992). The interview was conducted by independent filmmakers Kevin Barry McKiernan and Michelle DuBois several years earlier but not released in transcript form until 1991.

90. *Det cord* is detonation cord, a rope-like explosive often used by the U.S. military to fashion booby traps. Brewer also makes mention of bureau personnel introducing him and other GOONs to civilian right-wingers who provided additional ordnance.

91. Another example of this sort of thing came in the wake of the 27 February 1975 beating and slashing of AIM defense attorney Roger Finzel, his client, Bernard Escamilla, and several associates at the Pine Ridge Airport by a group of GOONs headed by Duane Brewer and Dickie Wilson himself. The event being too visible to be simply ignored, Wilson was allowed to plead guilty to a petty offense carrying a ten-dollar penalty in his own tribal court. Federal charges were then dropped on advice from the FBI—which had spent its investigative time polygraphing the victims rather than their assailants—because pressing them might constitute "double jeopardy"; Churchill and Vander Wall, *Agents of Repression*, 186, 428.

92. At one point, the bureau attempted to implicate Northwest AIM leader Leonard Peltier in the killing. This ploy was abandoned only when it was conclusively demonstrated that Peltier was in another state when the murder occurred; interview with Peltier defense attorney Bruce Ellison, October 1987 (tape on file).

93. Both Moves Camp and Bissonette drove white over dark blue Chevrolet sedans. It appears the killers simply mistook one for the other in the dark. The victim, who was not herself active in supporting AIM, was the sister of OSCRO leader Pedro Bissonette, shot to death under highly suspicious circumstance by BIA police officer cum GOON Joe Clifford on the night of 17 October 1973; Churchill and Vander Wall, *Agents of Repression*, 200–203.

94. Eastman, although a Crow, is directly related to the Dakota family of the same name, made famous by the writer Charles Eastman earlier in the century. Ironically, two of his relatives, sisters Carole Standing Elk and Fern Matthias, purport to be AIM members in California.

95. Churchill, “Death Squads in America,” 96.

96. Structurally, the appropriation of the formal apparatus of deploying force possessed by client states for purposes of composing death squads—long a hallmark of CIA covert operations in the Third World—corresponds quite well with the FBI’s use of the BIA police on Pine Ridge; see A.J. Languuth, *Hidden Terrors: The Truth about U.S. Police Operations in Latin America* (New York: Pantheon Press, 1978); also see Edward S. Herman, *The Real Terror Network: Terrorism in Fact and Propaganda* (Boston: South End Press, 1982).

97. See, for example, U.S. Department of Justice, *Events Surrounding Recent Murders on the Pine Ridge Reservation in South Dakota*.

98. In late 1973, Means took a majority of all votes cast in the tribal primaries. In the 1974 runoff, however, Wilson retained his presidency by a two-hundred-vote margin. A subsequent investigation by the U.S. Commission on Civil Rights revealed that 154 cases of voter fraud—non-Oglala people being allowed to vote—had occurred. A further undetermined number of invalid votes had been cast by Oglala who did not meet tribal residency requirements. No record had been kept of the number of ballots printed or how and in what numbers they had been distributed. No poll watchers were present in many locations, and those who were present at the others had been appointed by Wilson rather than an impartial third party. There was also significant evidence that pro-Means voters had been systematically intimidated and, in some cases, roughed up by Wilsonites stationed at each polling place; U.S. Commission on Civil Rights, *Report of Investigation: Oglala Sioux Tribe, General Election, 1974* (Denver: Rocky Mountain Regional Office, October 1974). Despite these official findings, the FBI performed no substantive investigation, and the BIA allowed the results of the election to stand; Churchill and Vander Wall, *Agents of Repression*, 190–92.

99. As the Jumping Bulls’s daughter Roselyn later put it, “We asked those AIM boys to come help us . . . [defend ourselves against] Dickie Wilson and his goons”; quoted in an unpublished manuscript by researcher Candy Hamilton (copy on file), 3.

100. See, for example, a memorandum from SAC Minneapolis (Joseph Trimbach) to the FBI director, dated 3 June 1975 and captioned, “Law Enforcement on the Pine Ridge Indian Reservation,” in which Trimbach recommends that armored personnel carriers be used to assault AIM defensive positions.

101. No such warrant existed. When an arrest order was finally issued for Eagle on 9 July 1975, it was for the petty theft of a pair of used cowboy boots from

a white ranch hand. Eagle was acquitted even of this when the case was taken to trial in 1976. Meanwhile, George O'Clock's assignment of two agents to pursue an Indian teenager over so trivial an offense at a time when he professed to be too shorthanded to investigate the murders of AIM members speaks for itself; Matthiessen, *In the Spirit of Crazy Horse*, 173.

102. *Ibid.*, 156.

103. The agents followed a red pickup truck onto the property. Unbeknownst to them, it was full of dynamite. In the valley, the truck stopped and its occupants got out. Williams and Coler also stopped and got out of their cars. They then began firing toward the pickup, a direction that carried their rounds into the AIM camp, where a number of noncombatant women and children were situated. AIM security then began to fire back. It is a certainty that AIM did not initiate the firefight because, as Bob Robideau later put it, "Nobody in their right mind would start a gunfight using a truckload of dynamite for cover." Once the agents were preoccupied, the pickup made its escape. Northwest AIM was toying with the idea of using the explosives to remove George Washington's face from the nearby Mount Rushmore National Monument; interview with Bob Robideau, May 1990 (notes on file).

104. Matthiessen, *In the Spirit of Crazy Horse*, 158.

105. An additional indicator is that the inimitable William Janklow also seems to have been on alert, awaiting a call telling him things were underway. In any event, when called, Janklow was able to assemble a white vigilante force in Hot Springs, S.D., and drive about fifty miles to the Jumping Bull property, arriving there at about 1:30 p.m., an elapsed time of approximately two hours.

106. A further indication of preplanning by the bureau is found in a 27 June 1975 memorandum from R.E. Gebhart to Mr. O'Donnell at FBIHQ. It states that Chicago SAC/internal security chief Richard G. Held was contacted by headquarters about the firefight at 12:30 p.m. on 26 June at the Minneapolis field office. It turns out that Held had already been detached from his position in Chicago and was in Minneapolis—under whose authority the Rapid City resident agency, and hence Pine Ridge, falls—awaiting word to temporarily take over from Minneapolis SAC Joseph Trimbach. The only ready explanation for this highly unorthodox circumstance, unprecedented in bureau history, is that it was expected that Held's peculiar expertise in political repression would be needed for a major operation on Pine Ridge in the immediate future; Johansen and Maestes, *Wasi'chu*, 95.

107. Matthiessen, *In the Spirit of Crazy Horse*, 483–85.

108. The FBI sought to "credit" BIA police officer Gerald Hill with the lethal long-range shot to the head fired at Killsright at about 3 p.m., despite the fact that he was plainly running away and therefore presented no threat to law enforcement personnel (it was also not yet known that Coler and Williams were dead). However, Waring, who was with Hill at the time, was the trained sniper of the pair and was equipped accordingly. In any event, several witnesses who viewed Killsright's corpse in situ—including Assistant South Dakota Attorney General William Delaney and reporter Kevin Barry McKiernan—subsequently stated that it appeared to them that someone had

fired a burst from an automatic into the torso at close range and then had tried to hide the fact by putting an FBI jacket over the postmortem wounds; *ibid.*, 183.

109. The agents' standard attire was Vietnam-issue "boonie hats," jungle fatigues, and boots. Their weapons were standard army M-16s. The whole affair was deliberately staged to resemble a military operation in Southeast Asia; see the selection of photographs in Churchill and Vander Wall, *Agents of Repression*.

110. Williams and Coler had each been shot three times. The FBI knew, from the sound of the rifles during the firefight, if nothing else, that AIM had used no automatic weapons. Neither agent was stripped. There were no bunkers but rather only a couple of old root cellars and tumbledown corrals, common enough in rural areas and not used as firing positions, in any event. (The bureau would have known this because of the absence of spent cartridge casings in such locations.) Far from being "lured" to the Jumping Bull property, they had returned after being expressly told to leave (and they were supposed to be serving a warrant). Instructively, no one in the nation's press corps thought to ask how, exactly, Coll might happen to know either agent's last words, since nobody from the FBI was present when they were killed; Joel D. Weisman, "About that 'Ambush' at Wounded Knee," *Columbia Journalism Review* (September–October 1975); also see Churchill, "Renegades, Terrorists and Revolutionaries."

111. This was the director's admission, during a press conference conducted at the Century Plaza Hotel on 1 July 1975, in conjunction with Coler's and Williams's funerals. It was accorded inside coverage by the press, unlike the page one treatment given Coll's original disinformation; Tom Bates, "The Government's Secret War on the Indian," *Oregon Times*, February–March 1976.

112. Examples of the air assault technique include a thirty-five-man raid on the property of AIM spiritual leader Selo Black Crow near the village of Wamblee, on 8 July 1975. Crow Dog's Paradise, on the Rosebud Reservation, just across the line from Pine Ridge, was hit by a hundred heliborne agents on 5 September. Meanwhile, an elderly Oglala named James Brings Yellow had suffered a heart attack and died when agent J. Gary Adams suddenly kicked in his door during a no-knock search on 12 July. By August, such abuse by the FBI was so pervasive that even some of Wilson's GOONs were demanding that the agents withdraw from the reservation; see Churchill and Vander Wall, *The COINTELPRO Papers*, 268–70.

113. By September, it had become obvious to everyone that AIM lacked the military capacity to protect the traditionals from the level of violence being imposed by the FBI by that point. Hence, AIM began a pointed disengagement in order to alleviate pressure on the traditionals. On 16 October 1975, Richard G. Held sent a memo to FBIHQ advising that his work in South Dakota was complete and that he anticipated returning to his position in Chicago by 18 October; a portion of this document is reproduced in *ibid.*, 273.

114. "Memorandum of Agreement Between the Oglala Sioux Tribe of South Dakota and the National Park Service of the Department of Interior to Facilitate Establishment, Development, Administration and Public Use of the Oglala Sioux Tribal Lands, Badlands National Monument" (Washington, DC: U.S.

Department of Interior, 2 January 1976). The act assuming title is P.L. 90-468 (1976). If there is any doubt as to whether the transfer was about uranium, consider the law as amended in 1978—in the face of considerable protest by the traditionals—to allow the Oglala to recover surface use rights any time they decided by referendum to do so. Subsurface (mineral) rights, however, were permanently retained by the government. Actually, the whole charade was illegal insofar as the still-binding 1868 Fort Laramie Treaty requires three-fourths express consent of all adult male Lakota to validate land transfers, not land recoveries. Such consent, obviously, was never obtained with respect to the Gunnery Range transfer; see Huber, et al., *The Gunnery Range Report*.

115. The congressional missive read, “Attached is a letter from the Senate Select Committee (SSC), dated 6-23-75, addressed to [U.S. Attorney General] Edward S. Levi. This letter announces the SSC’s intent to conduct interviews relating . . . to our investigation at ‘Wounded Knee’ and our investigation of the American Indian Movement On 6-27-75, Patrick Shae, staff member of the SSC, requested we hold in abeyance any action . . . in view of the killing of the Agents at Pine Ridge, South Dakota.”

116. The selection of those charged seems to have served a dual purpose: (1) to “decapitate” one of AIM’s best and most cohesive security groups, and (2), in not charging participants from Pine Ridge, to divide the locals from their sources of outside support. The window dressing charges against Jimmy Eagle were explicitly dropped in order to “place the full prosecutorial weight of the government on Leonard Peltier”; quoted in Jim Messerschmidt, *The Trial of Leonard Peltier* (Boston: South End Press, 1984), 47.

117. Butler was apprehended at Crow Dog’s Paradise during the FBI’s massive air assault there on 5 September 1975. Robideau was arrested in a hospital, where he was being treated for injuries sustained when his car exploded on the Kansas Turnpike on 10 September; Churchill and Vander Wall, *Agents of Repression*, 448–49.

118. Acting on an informant’s tip, the Oregon state police stopped a car and a motor home belonging to actor Marlon Brando near the town of Ontario on the night of 14 November 1975. Arrested in the motor home were Kamook Banks and Anna Mae Pictou Aquash, a fugitive on minor charges in South Dakota; arrested in the automobile were AIM members Russell Redner and Kenneth Loudhawk. Two men—Dennis Banks, a fugitive from sentencing after being convicted of inciting the 1972 Custer Courthouse “riot” in South Dakota, and Leonard Peltier, a fugitive on several warrants, including one for murder in the deaths of Williams and Coler—escaped from the motor home. Peltier was wounded in the process. On 6 February 1976, acting on another informant’s tip, the Royal Canadian Mounted Police arrested Peltier, Frank Black Horse (a.k.a., Frank DeLuca), and Ronald Blackman (a.k.a., Ron Janvier) at Smallboy’s Camp, about 160 miles east of Edmonton, Alberta; Matthiessen, *In the Spirit of Crazy Horse*, 249–51, 272–78. On the outcome for Dennis Banks and the others, see Ward Churchill, “Due Process Be Damned: The Case of the Portland Four,” *Zeta* (January 1988).

119. Poor Bear, a clinically unbalanced Oglala, was picked up for “routine questioning” by agents David Price and Ron Wood in February 1976 and then

held incommunicado for nearly two months in the Hacienda Motel in Gordon, Nebraska. During this time, she was repeatedly threatened with dire consequences by the agents unless she “cooperated” with their “investigation” into the deaths of Coler and Williams. At some point, Price began to type up for her signature affidavits that incriminated Leonard Peltier. Ultimately, she signed three mutually exclusive “accounts”; one of them—in which Peltier is said to have been her boyfriend and to have confessed to her one night in a Nebraska bar that he had killed the agents—was submitted in Canadian court to obtain Peltier’s extradition on 18 June 1976. Meanwhile, on 29 March, Price caused Poor Bear to be on the stand against Richard Marshall in Rapid City, during the OSCRO/AIM member’s state trial for killing Martin Montileaux. She testified that she was Marshall’s girlfriend and that he had confessed the murder to her one night in a Nebraska bar. Marshall was then convicted. Federal prosecutors declined to introduce Poor Bear as a witness at either the Butler/Robideau or Peltier trials, observing that her testimony was “worthless” due to her mental condition. She has publicly and repeatedly recanted her testimony against both Peltier and Marshall, saying she never met either of them in her life. For years, members of the Canadian Parliament have been demanding Peltier’s return to their jurisdiction due to the deliberate perpetration of fraud by U.S. authorities in his extradition proceeding; in addition, they have threatened to block renewal of the U.S.-Canadian Extradition Treaty in the event the United States fails to comply. The Poor Bear affidavits are reproduced in Churchill and Vander Wall, *The COINTELPRO Papers*, 288–91. On Poor Bear’s testimony against Marshall and her recantations, see Churchill and Vander Wall, *Agents of Repression*, 339–42. On the position of the Canadian Parliament, see, for example, “External Affairs: Canada-U.S. Extradition Treaty—Case of Leonard Peltier, Statement of Mr. James Fulton,” in *House of Commons Debate, Canada* 128:129 (Ottawa: 1st sess., 33d Par. Official Report, Thurs., 17 April 1986).

120. The disinformation campaign centered in the bureau’s “leaks” of the so-called Dog Soldier Teletypes on 21 and 22 June 1976—in the midst of the Butler/Robideau trial—to “friendly media representatives.” The documents, which were never in any way substantiated but were nonetheless sensationally reported across the country, asserted that two thousand AIM “dog soldiers,” acting in concert with SDS (a long-defunct white radical group) and the Crusade for Justice (a militant Chicano organization), had equipped themselves with illegal weapons and explosives and were preparing to embark on a campaign of terrorism that included “killing a cop a day . . . sniping at tourists . . . burning out farmers . . . assassinating the Governor of South Dakota . . . blowing up the Fort Randall Dam,” and breaking people out of the maximum security prison at Sioux Falls. The second teletype is reproduced in Churchill and Vander Wall, *The COINTELPRO Papers*, 277–82.

121. Defense attorney William Kunstler queried Kelley as to whether there was “one shred, one scintilla of evidence” to support the allegations made by the FBI in the Dog Soldier Teletypes. Kelley replied, “I know of none.” Nonetheless, the FBI continued to feature AIM prominently in its *Domestic Terrorist*

Digest, distributed free of charge to state and local police departments nationally; Churchill and Vander Wall, *The COINTELPRO Papers*, 276.

122. The initial round striking both Coler and Williams was a .44 magnum. Bob Robideau testified that he was the only AIM member using a .44 magnum during the firefight; Robideau interview, November 1993 (tape on file).

123. Videotaped NBC interview with Robert Bolin, 1990 (raw tape on file).

124. FBI personnel in attendance at this confab were director Kelley and Richard G. Held, by then promoted to the rank of assistant director, James B. Adams, Richard J. Gallagher, John C. Gordon, and Herbert H. Hawkins, Jr. Representing the Justice Department were prosecutor Evan Hultman and his boss, William B. Grey; memo from B.H. Cooke to Richard J. Gallagher, 10 August 1976.

125. McManus professes to have been “astonished” when he was removed from the Peltier case; Matthiessen, *In the Spirit of Crazy Horse*, 566.

126. *United States v. Leonard Peltier*, CR-75-5106-1, U.S. District Court for the district of North Dakota, 1977 (hereinafter referred to as Peltier Trial Transcript).

127. Butler and Robideau were tried on the premise that they were part of a conspiracy that led to a group slaying of Williams and Coler. Peltier was tried as the “lone gunman” who had caused their deaths. Similarly, at Cedar Rapids, agent J. Gary Adams had testified that the dead agents followed a red pickup onto the Jumping Bull property; during the Fargo trial, he testified that they had followed a “red and white van” belonging to Peltier. The defense was prevented by the judge’s evidentiary ruling at the outset from impeaching such testimony on the basis of its contradiction of sworn testimony already entered against Butler and Robideau; see Peltier Trial Transcript and *United States v. Darrelle E. Butler and Robert E. Robideau*, CR76-11, U.S. District Court for the district of Iowa, 1976, for purposes of comparison; the matter is well analyzed in Messerschmidt, *The Trial of Leonard Peltier*.

128. No slugs were recovered from Williams’s and Coler’s bodies, and two separate autopsies were inconclusive in determining the exact type of weapon from which the fatal shots were fired. The key piece of evidence in this respect was a .223-caliber shell casing that the FBI said was ejected from the killer’s AR-15 rifle into the open trunk of Coler’s car at the moment he fired one of the lethal rounds. The bureau also claimed that its ballistics investigation proved only one such weapon was used by AIM during the firefight. *Ipsa facto*, whichever AIM member could be shown to have used an AR-15 on 26 June 1975 would be the guilty party. The problem is that the cartridge casing was not found in Coler’s trunk when agents initially went over the car with fine-tooth combs. Instead, it was supposedly found later, on one of two different days, by one of two different agents, and turned over to someone whose identity neither could quite recall, somewhere on the reservation. How the casing got from whoever and wherever that was to the FBI crime lab in Washington, D.C., is, of course, equally mysterious. This is what was used to establish the “murder weapon”; Peltier Trial Transcript, 2114, 3012–13, 3137–38, 3235, 3342, 3388.

129. Agent Frank Coward, who did not testify to this effect against Butler and Robideau, claimed at the Fargo trial that, shortly after the estimated time

of Coler's and Williams's deaths, he observed Leonard Peltier, whom he conceded he had never seen before, running away from their cars and carrying an AR-15 rifle. This sighting was supposedly made through a 7x rifle scope at a distance of eight hundred meters (one-half mile) through severe atmospheric heat shimmers, while Peltier was moving at an oblique angle to the observer. Defense tests demonstrated that any such identification was impossible, even among friends standing full-face and under perfect weather conditions. In any event, this is what was used to tie Peltier to the "murder weapon"; *ibid.*, 1305.

130. Seventeen-year-old Wish Draper, for example, was strapped to a chair at the police station at Window Rock, Arizona, while being "interrogated" by FBI agents Charles Stapleton and James Doyle; he thereupon agreed to "cooperate" by testifying against Peltier; *ibid.*, 1087-98. Seventeen-year-old Norman Brown was told by agents J. Gary Adams and O. Victor Harvey during their interrogation of him that he would "never walk this earth again" unless he testified in the manner they desired; *ibid.*, 4799-4804, 4842-43). Fifteen-year-old Mike Anderson was also interrogated by Adams and Harvey. In this case, they offered both the carrot and the stick: to get pending charges dismissed against him if he testified as instructed and to "beat the living shit" out of him if he did not; *ibid.*, 840-42. All three young men acknowledged under defense cross-examination that they had lied under oath at the request of the FBI and federal prosecutors.

131. Crooks's speech is worth quoting in part: "Apparently, Special Agent Williams was killed first. He was shot in the face and hand by a bullet . . . probably begging for his life, and he was shot. The back of his head was blown off by a high powered rifle . . . Leonard Peltier then turned, as the evidence indicates, to Jack Coler lying on the ground helpless. He shoots him in the top of the head. Apparently feeling he hadn't done a good enough job, he shoots him again through the jaw, and his face explodes. No shell comes out, just explodes. The whole bottom of his chin is blown out by the force of the concussion. Blood splattered against the side of the car"; *ibid.*, 5011.

132. Peltier's being sent directly contravenes federal Bureau of Prisons regulations restricting placement in that facility to "incurables" who have "a record of unmanageability in more normal penal settings." Leonard Peltier had no prior convictions and therefore no record, unmanageable or otherwise, of behavior in penal settings.

133. *United States v. Peltier*, 858 F.2d 314, 335 (8th Cir. 1978).

134. *United States v. Peltier*, 440 U.S. 945, cert. denied (1979).

135. Another six thousand-odd pages of FBI file material on Peltier are still being withheld on the basis of "national security."

136. At trial, FBI ballistics expert Evan Hodge testified that the actual AR-15 had been recovered from Bob Robideau's burned-out car along the Wichita Turnpike in September 1975. The weapon was so badly damaged by the fire, Hodge said, that it had been impossible to perform a match-comparison of firing pin tool marks by which to link it to the cartridge casing supposedly found in the trunk of Coler's car. However, by removing the bolt mechanism from the damaged weapon and putting it in an undamaged rifle, he claimed, he

had been able to perform a rather less conclusive match-comparison of extractor tool marks with which to tie the Wichita AR-15 to the Coler car casing. Among the documents released under provision of the FOIA in 1981 was a 2 October 1975 teletype written by Hodge stating that he had, in fact, performed a firing pin test using the Wichita AR-15 and that it had failed to produce a match to the crucial casing; *United States v. Peltier*, Motion to Vacate Judgment and for a New Trial, Crim. No. CR-3003, U.S. District Court for the district of North Dakota (filed 15 December 1982). The Eighth Circuit Court's decision to allow the appeal to proceed, despite Judge Bensen's rejection of the preceding motion, is listed as *United States v. Peltier*, 731 F.2d 550, 555 (8th Cir. 1984).

137. During the evidentiary hearing on Peltier's second appeal, conducted in Bismarck, North Dakota, during late October 1984, it became apparent that AIM members had used—and the FBI had known they had used—not one but several AR-15s during the Oglala firefight. This stood to destroy the “single AR-15” theory used to convict Peltier at trial. Moreover, the evidentiary chain concerning the Coler car casing was brought into question. In an effort to salvage the situation, bureau ballistics chief Evan Hodge took the stand to testify that he, and he alone, had handled ballistics materials related to the Peltier case. Appeal attorney William Kunstler then queried him concerning margin notes on the ballistics reports that were not his own. At that point, he retracted, admitting that a lab assistant, Joseph Twardowski, had also handled the evidence and worked on the reports. Kunstler asked whether Hodge was sure that only he and Twardowski had had access to the materials and conclusions adduced from them. Hodge responded emphatically in the affirmative. Kunstler then pointed to yet another handwriting in the report margins and demanded a formal inquiry by the court. Two hours later, a deflated Hodge was allowed by Judge Bensen to return to the stand and admit he had “misspoken” once again; he really had no idea who had handled the evidence, adding or subtracting pieces at will.

138. *United States v. Peltier*, CR-3003, Transcript of Oral Arguments Before the U.S. Eighth Circuit Court of Appeals, St. Louis, MO, 15 October 1985, 19.

139. *Ibid.*, 18.

140. U.S. Eighth Circuit Court of Appeals, “Appeal from the United States District of North Dakota in the Matter of *United States v. Leonard Peltier*,” Crim. No. 85-5192, St. Louis, MO, October 11, 1986.

141. *Ibid.*, 16.

142. The high court declined review despite the fact that the Eighth Circuit decision had created a question—deriving from a Supreme Court opinion rendered in *U.S. v. Bagley* (U.S. 105 S. Ct. 3375 [1985])—of what standard of doubt must be met before an appeals court is bound to remand a case to trial. The Eighth Circuit had formally concluded that, while the Peltier jury might “possibly” have reached a different verdict had the appeals evidence been presented to it, it was necessary under Bagley guidelines that the jury would “probably” have rendered a different verdict before remand was appropriate. Even this ludicrously labored reasoning collapses upon itself when it is considered that, in a slightly earlier case, the Ninth Circuit had remanded on the basis

that the verdict might possibly have been different. It is in large part to resolve just such questions of equal treatment before the law that the Supreme Court theoretically exists. Yet it flatly refused to do its job when it came to the Peltier case; Ward Churchill, "Leonard Peltier: The Ordeal Continues," *Zeta* (March 1988).

143. Holder moved into secondary education and now works for Indian control of their schools in Kansas and Oklahoma. Others, such as Wilma Mankiller, Ted Means, and Twila Martin, have moved into more mainstream venues of tribal politics. Still others, such as Phyllis Young and Madonna (Gilbert) Thunderhawk, have gone in the direction of environmentalism.

144. Examples include Jimmie Durham and John Arbuckle, both of whom now pursue—in dramatically different ways—careers in the arts.

145. Actually, this began very early on: AIM national president Carter Camp shot founder Clyde Bellecourt in the stomach in 1974 over a factional dispute instigated by Bellecourt's brother Vernon. In the ensuing turmoil, Russell Means openly resigned from AIM but was quickly reinstated; see Matthiessen, *In the Spirit of Crazy Horse*, 85–86.

146. Banks was granted sanctuary by California governor Jerry Brown in 1977, because of campaign statements by South Dakota attorney general William Janklow such as, "[T]he way to deal with AIM leaders is a bullet in the head"; he also said that, if elected, he would "put AIM leaders either in our jails or under them." Enraged by Brown's move, Janklow responded by threatening to arrange early parole for a number of South Dakota's worst felons on condition that they accept immediate deportation to California. During his time of "refugee status," Banks served as chancellor of the AIM-initiated D-Q University, near Sacramento; *Rapid City Journal*, 7 April 1981.

147. Rebecca L. Robbins, "American Indian Self-Determination: Comparative Analysis and Rhetorical Criticism," *Issues in Radical Therapy/New Studies on the Left* 13:3–4 (Summer–Fall 1988).

148. An intended offshoot of the Peltier Defense Committee designed to expose the identity of whoever had murdered AIM activist Anna Mae Aquash in execution style on Pine Ridge sometime in February 1976 (at the onset, it was expected that this would be members of Wilson's GOONs) quickly collapsed when it became apparent that AIM itself might be involved. It turned out that self-proclaimed AIM national officer Vernon Bellecourt had directed security personnel during the 1975 AIM general membership meeting to interrogate Aquash as a possible FBI informant. They were, he said, to "bury her where she stands," if unsatisfied with her answers. The security team, composed of Northwest AIM members, did not act on this instruction, instead incorporating Aquash into their own group. The Northwest AIM group was rapidly decimated after the Oglala fire, however, and Aquash was left unprotected. It is instructive that, once her body had turned up near Wamblee, Bellecourt was the prime mover in quashing an internal investigation of her death. For general background, see Johanna Brand, *The Life and Death of Anna Mae Aquash* (Toronto: James Lorimer Publishers, 1978).

Please
complete
#142 & 143.

149. Killed were Trudell's wife, Tina Manning, their three children—Ricarda Star (age five), Sunshine Karma (age three), and Eli Changing Sun (age one)—and Tina's mother, Leah Hicks Manning. They were burned to death as they slept in the Trudells's trailer home; the blaze occurred less than twelve hours after Trudell delivered a speech in front of FBI headquarters during which he burned an American flag. Although there was ample reason to suspect arson, no police or FBI investigation ensued; Churchill and Vander Wall, *Agents of Repression*, 361–64.

150. Personal conversation with the author, 1979.

151. None of this is to say that the LPDC did not continue. It did, even while failing to fulfill many of the wider objectives set forth by its founders. In terms of service to Peltier himself, aside from maintaining an ongoing legal appeals effort, the LPDC is largely responsible for the generation of more than fourteen million petition signatures worldwide, all of them calling for his retrial. It has also been instrumental in bringing about several television documentaries, official inquiries into his situation by several foreign governments, an investigation by Amnesty International, and Peltier's receipt of a 1986 human rights award from the government of Spain. At present, the LPDC is engaged in a campaign to convince President Bill Clinton to bestow clemency.

152. *Keystone to Survival* (Rapid City, SD: Black Hills Alliance, 1981).

153. On the U.S. uranium industry and its impact on reservation and reservation-adjacent lands, see Ward Churchill and Winona LaDuke, "Native North America: The Political Economy of Radioactive Colonization," in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. Annette Jaimes (Boston: South End Press, 1992), 241–66.

154. On the occupation, see Churchill, "Yellow Thunder Tiospaye: Misadventure or Watershed Action?" *Policy Perspectives* 2:2 (Spring 1982).

155. *United States v. Means, et al.*, Civ. No. 81-5131, U.S. District Court for the district of South Dakota (9 December 1985).

156. *Lyng v. Northwest Indian Cemetery Protection Association*, 485 U.S. 439 (1988).

157. Anita Parlow, *Cry, Sacred Ground: Big Mountain, USA* (Washington, DC: Christic Institute, 1988).

158. Churchill, "The Struggle for Newe Segobia: The Western Shoshone Battle for Their Homeland," in Churchill, *Struggle for the Land: Indigenous Resistance to Genocide, Ecocide and Expropriation in Contemporary North America* (Monroe, ME: Common Courage Press, 1993), 197–216.

159. On the early days of IITC, see chapter 7, "The Fourth World," in Weyler, *Blood of the Land*, 212–50.

160. On Durham's recent activities, see "Nobody's Pet Poodle: Jimmie Durham, An Artist for Native North America," in Churchill, *Indians Are Us? Culture and Genocide in Native North America* (Monroe, ME: Common Courage Press, 1993), 89–113).

161. See, generally, Rebecca L. Robbins, "Self-Determination and Subordination: The Past, Present and Future of American Indian Governance," in Jaimes, *The State of Native America*, 87–121, esp. 106–107. For further contextualization, see Glenn T. Morris and Ward Churchill, "Between a Rock

and a Hard Place: Left-Wing Revolution, Right-Wing Reaction, and the Destruction of Indigenous Peoples," *Cultural Survival Quarterly* 11:3 (Fall 1988).

162. Colorado, Dakota, Eastern Oklahoma, Florida, Illinois, Maryland, Mid-Atlantic (LISN), Northern California, New Mexico (Albuquerque), Northwest, Ohio, Southeast (Atlanta), Southern California, Texas, Western Oklahoma, Wraps His Tail (Crow). These organized themselves as the Confederation of Autonomous AIM Chapters at a national conference in Edgewood, New Mexico, on 17 December 1993.

163. Jaimes, "Racism and Sexism in the Media: The Trial of the Columbus Day Four," *Lies Of Our Times* (September 1992).

164. Incorporation documents and attachments on file. The documents of incorporation are signed by Vernon Bellecourt, who is listed as a central committee member; the address listed for annual membership meetings is Bellecourt's residence. Other officers listed in the documents are Clyde Bellecourt, Dennis Banks, Herb Powless, John Trudell, Bill Means, Carole Standing Elk, and Sam Dry Water. Trudell and Banks maintain that they were not informed of the incorporation and did not agree to be officers.

165. Expulsion letter and associated documents on file. Bill Means states that he was asked but refused to sign the letter.

166. Statement during a talk at the annual Medicine Ways Conference, University of California at Riverside, May 1991.

167. Statement during a talk at the University of Colorado at Denver, February 1988 (tape on file).

168. This assessment, of course, runs entirely counter to those of pro-Wilson publicists such as syndicated columnist Tim Giago—supported as he is by a variety of powerful non-Indian interests—who has made it a mission in life to discredit and degrade the legacy of AIM through repeated doses of disinformation. Consider, as one example, his eulogy to Dickie Wilson—in which he denounced careful chroniclers of the Pine Ridge terror such as Onondaga faithkeeper Oren Lyons and Peter Matthiessen, described the victims of Wilson's GOONs as "violent" and "criminal," and embraced Wilson himself as a "friend"—in the 13 February 1990 edition of *Lakota Times*. In a more recent editorial, Giago announced that his research indicates that "only 10" people were actually killed by Wilson's gun thugs on Pine Ridge during the mid-1970s, although the FBI itself concedes more than forty such fatalities. Then, rather than professing horror that his "friend" might have been responsible for even ten murders, Giago uses this faulty revelation to suggest that the Wilson regime really was not so bad after all, especially when compared to AIM's "violence" and irreverence for "law and order."

169. A good effort to render several of these lessons can be found in Brian Glick, *War at Home: Covert Action against U.S. Activists and What We Can Do About It* (Boston: South End Press, 1989).

170. For superb analysis of this point, see Isaac Balbus, *The Dialectic of Legal Repression* (New York: Russell Sage Foundation, 1973).

171. A fine survey of the conditions prevailing in each of these sectors can be found in Teresa L. Amott and Julie A. Matthaei, *Race, Gender and Work: A*

Multicultural Economic History of the United States (Boston: South End Press, 1991).

172. For details and analysis, see Ward Churchill and J.J. Vander Wall, eds., *Cages of Steel: The Politics of Imprisonment in the United States* (Washington, DC: Maisonneuve Press, 1992).

173. For a survey of the repression visited on most of these groups, see Churchill and Vander Wall, *The COINTELPRO Papers*.

174. For biographical information concerning those mentioned who are currently imprisoned by the United States, see *Can't Jail the Spirit: Political Prisoners in the United States* (Chicago: Committee to End the Marion Lockdown, 1989).