

# America's forgotten POW

**THE TORTURE,** rape and murder of POWs in Iraq and Afghanistan by their American captors has put America's relationship with its war prisoners on the front pages of newspapers in virtually every country in the world. Where we were once known for our humane treatment of captives, we are now both loathed and feared. Where "enemy" soldiers once quickly surrendered to their American opponents, they now fight to the death, taking many Americans with them. The horrors of Abu Ghraib have made the world much more dangerous – for everyone.

With the Bush wars, all of the rules have changed. Or more accurately, they're being abandoned. Amnesty International (AI) reported last week that the "War on Terror" has produced the most sustained attack on human rights in 50 years. This would be since Stalin's Russia and China's Cultural Revolution. AI put it bluntly, declaring, "Violating rights at home, turning a blind eye to abuses abroad, and using pre-emptive military force where and when it chooses have damaged justice and freedom, and made the world a more dangerous place."

The situation for Prisoners of War is particularly ambiguous. First, there is no measure for who is a POW and who sort of just disappeared into a dark abyss. Second, there is no way of knowing when this so-called war is, would be, or could be, over – as in, the POW's get to go home. George W. Bush declared the Iraq front won last year – but the prisoners didn't get to go home. To the contrary – the sadists were just hitting their stride. And no

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one seemed to get the word out that the killing should stop and that it was time to join hands and sing Kumbaya in Iraq and Afghanistan.

In all fairness, there are aspects of indefinite detention that George W. Bush – or more precisely, his spooky handlers – didn't invent. Wars come and go, but some prisoners just rot away, war or no war. Hence, with the world's focus suddenly directed at America's newest POWs, let's not forget our other POWs.

### **Leonard Peltier**

America's single best recognized POW is Leonard Peltier – taken captive during the last violent clash between Native Americans and the US Federal Government at Wounded Knee, Lakota Territory, in 1975.

The conflict was chronicled in the 1992 documentary, "Incident at Oglala," narrated by Robert Redford, as well as in a host of articles and books. Peltier's legal problems had their roots in the 1973 military style assault launched by the FBI against an American Indian Movement (AIM) "occupation" of the site of the 1890 Wounded Knee massacre, which claimed the lives of 300 Lakota people. AIM occupied the site to protest what they termed as US government treaty violations.

During the two years following the assault, life became increasingly more dangerous for AIM activists on the Lakota reservation, with the US federal government supporting a subservient "Indian government" to act in opposition to the AIM supported traditional Lakota government. During what the Lakota termed the "Reign of Terror," 64 AIM supporters were murdered.

On June 26, 1975 two FBI agents, supposedly in pursuit of an unknown young Indian, entered a private Lakota ranch where AIM leaders were holed up. The agents and the man they were pursuing engaged in a gun battle, trapping a Lakota family in the middle. Mistaking the firefight for another "Wounded Knee" style assault, AIM members returned fire. The two FBI agents were first shot, then gruesomely assassinated at point blank range. The US Attorney is to this day uncertain who shot the agents. A young AIM Native American man was also shot dead by an FBI sniper.

### **Amnesty International won't forget Peltier**

Leonard Peltier, one of the highest ranking AIM leaders present at the time, was charged and convicted under US law with the murder of the two FBI agents. Though there were jurisdictional issues involved between the US and the Lakota Nation, Peltier's conviction seemed routine. The problem, however, is that there is no evidence or witnesses connecting Peltier to the crime. To the contrary, ballistic information, which the FBI

withheld from the defense at the time, show that the bullets in the dead agents did not come from Peltier's gun. In 2002 the US government released, under the Freedom of Information Act, an additional 30,000 documents pertaining to the Peltier case, many of which should have been released in 1975.

Peltier, who escaped capture on the day of the shootout, was later extradited from Canada – based on eyewitness testimony, which subsequently proved to be entirely false and coerced by FBI agents. Likewise, two other Native Americans who were also tried for the killing were both acquitted, after the US government's main witness admitted under oath that he was threatened by the FBI, and hence, was lying. When Leonard Peltier came to trial, the US Attorney's were desperate for a conviction by any means necessary – whether or not they had the right man.

In the years since Peltier's conviction, organizations such as Amnesty International, The Southern Leadership Conference, the National Congress of American Indians and the Robert F. Kennedy Center have all examined the evidence and concluded that Peltier is not a murderer – he's a "political prisoner." Amnesty International in 1999 said it considers Peltier "to be a political prisoner whose avenues of redress have long been exhausted" and who "should be immediately and unconditionally released." After 29 years in jail, he's become America's best known political prisoner, with international dignitaries such as South African Archbishop Desmond Tutu calling for Peltier's "immediate release." Tutu referred to the case as "a blot on the [American] judicial system."

### **Comic relief from the CIA**

Peltier is not only one the highest profile surviving prisoner from America's Indian Wars – he's also one of the last prisoners of the Cold War. A 1986 CIA document released last year to Peltier's legal team reports on the 1985 and 1986 appearances of Peltier's wife, Stephanie Autumn-Peltier, to plead her husband's case before the United Nations Commission on Human Rights in Geneva.

According to the CIA, Autumn-Peltier was hosted by the [International] Indian Treaty Council (IITC), whose "main purpose," they report, "is to criticize the US." By their own definition, the IITC "is an organization of Indigenous Peoples from North, Central, South America and the Pacific working for the Sovereignty and Self-Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Traditional Cultures and Sacred Lands." It was never myopically focused on "criticizing the US" as the CIA intelligence reported.

Almost 30 years after the end of the McCarthy era, the 1986 CIA report described Autumn-Peltier as "someone who makes preposterous speeches to the delight of the

Soviet [sic.], Cubans and other assorted Commies [sic.]" The report also pointed out that "The Soviet world is hailing [Leonard Peltier] as a martyr. A decade after the shooting, it was no longer about guilt, innocence or the death of two FBI agents. Peltier's cell itself became one of the last battlefronts in the cold war.

### **Papa Bush and Marlon Brando**

The first Bush administration took the case so seriously that when Russian school children wrote to the White House to inquire about Peltier's case, they got a response from the president himself – who simply and accurately stated the fact that Peltier was convicted of murder, without addressing how that conviction took place.

Two sets of FBI documents released recently to Peltier's defense team show a US federal government in the 1970s obsessed with AIM and hell bent on convicting someone for something. Both the Chicago and Rapid City FBI offices infiltrated AIM's leadership with agents, but documents released from both offices show no indication these informants knew about each other. Hence, they reported on each other's activities as if they were spying on real AIM leaders.

In this comic environment, the FBI's hype machine went amok, running out of control. Among the imminent AIM projects, according to the FBI's 1975 reports, was an assassination of South Dakota's Attorney General and an immediate plan for the burning of Catholic churches and missions on Indian Reservations. The Chicago document also reports on Marlon Brando, who was present at a Lakota religious ceremony infiltrated by the FBI. This 1975 report, issued before Brando starred in "Apocalypse Now," labeled the actor as "former actor Marlon Brando" who agents reported looked "like a bum."

### **Hiding documents to frame an innocent man**

Comic as some of these documents seem to be, they are pertinent to Peltier's case and should have been released to his defense team 29 years ago. The only problem was, at time, the federal government denied they existed. And no, the files weren't simply lost or misplaced. A 1975 FBI memorandum, recently released to Peltier's defense team, documents that the Rapid City FBI office instructed "All Offices Via Washington" to hide files pertaining to the "Wounded Knee Investigation," a.k.a. the Peltier case. That memo explained that "every effort is being made to keep administrative and informant material in separate sub files in order to keep this material from being available on a general discovery order."

The material is finally becoming available nearly three decades after the fact, with the federal government recently admitting to finding another 140,000 pages of formerly

suppressed documents pertaining to the Peltier case. And it provides evidence that Peltier's trial was anything but fair. Most disturbing is a recently released document that indicates an FBI informant infiltrated, or was in the process of infiltrating, Peltier's legal defense team. With the prosecutors potentially having access to or influence over the defense team – and with defense attorneys having no access to evidence that could have exonerated Peltier, he never had a chance for a fair trial.

Perhaps this is why the Eighth Circuit Federal Appeals Judge, John Heaney, who initially denied Peltier a new trial, has since changed his mind, bravely declaring that the FBI used improper tactics to convict Peltier. and that the FBI and AIM were both equally responsible for the 1975 shootout. In 1991, Heaney called for then President Bill Clinton to offer Peltier clemency, writing it was time for "a healing process" to begin.

### **We haven't forgotten you**

Today. 13 years later, Leonard Peltier continues to linger in captivity as a POW from a forgotten war and a bygone era – targeted by a ruthless FBI at the end of its notorious COINTELPRO era of domestic political spying and political disruption. Peltier is still locked away in the Leavenworth Federal Penitentiary in Kansas – where an arbitrary ruling limits his visitors to people he knew before 1975, and to select journalists and lawyers. Last week, through his attorney, Peltier sent a message to readers. He asked that we not forget about him. In an era when our media environment is saturated with the daily outrages of the outlaw Bush administration, it's sometimes hard to keep track of cases like Peltier's – but we must.

*For more information about Leonard Peltier, see [www.freepeltier.org](http://www.freepeltier.org) or [www.leonardpeltier.org](http://www.leonardpeltier.org).*