

SPEECHES

BETRAYAL, HOPE, AND THE AMERICAN JUDICIAL SYSTEM

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This is March 9, 1992. I am in Leavenworth, the United States penitentiary. I would like all of you at the law colloquium to know that I am in the visiting room. I will not be able to express myself, or speak in the tone that I would normally, if I was reading this statement before you. Please understand that I have to speak very low in order not to disrupt anybody else's visit or have them listen to what I am reading. Thank you.

During the 1950s I began to hear my people, my elders, speak out against the violations being executed by the United States government against Indian people. They discussed treaty violations, housing conditions, unemployment, [job] termination, alcoholism, and what organizing work they could do to alleviate these problems. It was then, in my youth, that I began to realize why my people were living in these conditions and what I could do to help them.

Treaty issues have always been a major concern for Indian people. In every political campaign I can remember, honoring treaties was a focal point. The treaties would have provided for economic growth, adequate health care, education, and our own law enforcement and judicial systems, everything needed for a sovereign government to survive. Most important to us was that the United States government gave its word to Indian people and violated it, which in our culture is a dishonor. We had depended on the government's word only to be betrayed time after time.

As I grew up and traveled to many different Indian nations, I soon learned that this was a concern and topic of all nations and that the poverty and discrimination existed on other Indian nations as it did mine. As I became more politically aware, I began to search for and join organizations I felt were for my people. I ended up discovering I was not the only one searching. I was involved in the fishing struggles in Washington state. I fought against discrimination by both federal and state governments. I enlisted and joined the American Indian Movement.

One of the things that I felt the American Indian Movement should

* Leonard Peltier is a Lakota Chippewa activist, sentenced to serve twice his natural life in prison for a crime he says he did not commit. He is recognized by Amnesty International as an American political prisoner. He continues to fight for the rights of his and all people. This speech was the introductory keynote address, delivered via videotape, at the *New York University Review of Law & Social Change* colloquium, *The Native American Struggle: Conquering the Rule of Law*, on April 11, 1992.

concentrate on was the judicial system. Throughout the years it was quite obvious that the judicial system was no friend to Indian people. Many of us experienced outrageous discrimination in the courtrooms of America, and the American Indian Movement finally did take a stand against this bigoted system. Confrontations developed between Indians and authorities right in their courtrooms.

In the '70s, when there seemed no other hope for those of us struggling against what we considered a [bigoted] system, we were left with little hope but to die fighting for our people. Although we were not militarily equipped or financially stable, we knew eventually, because of our effectiveness at organizing our people, a violent confrontation was inevitable and definite.

In 1975 the FBI, unprovoked, attacked a stronghold of the American Indian Movement. Two agents and one Indian died that day. No one was charged with, nor was there an investigation into, the killing of the Indian. Although the government's figures show that there were thirty Indian people present who fought against around 250 law enforcement people and vigilantes and goons [sent] by Dick Wilson's tribal government, only four Indians were indicted: myself, Jim Eagle, Dino Butler, and Bob Robideau. Bob and Dino were tried separately, under protests by the three of us. They were acquitted on grounds of self-defense. Jim Eagle's charges were dropped because of a government memorandum to put the full weight of the United States government prosecution on me. Mysteriously, my case was taken out of the court it was assigned to in Cedar Rapids, Iowa and was given to Judge Paul Benson in Fargo, North Dakota. After five weeks of testimony, the prosecution rested its case. In every attempt at cross-examination of witnesses who testified for the government, the judge ruled against us. I was allowed only one character witness. The judge ruled the testimony of the witnesses I attempted to call irrelevant. I was given a day-and-a-half to defend myself.

Sixteen years later, three appeals later, I still sit in prison with little hope or expectation to receive any relief through the judicial system. Seven years ago the government admitted before the Eighth Circuit Court that they did not know who killed the agents or what participation I may have had in it. Every time we have been allowed a hearing, we have been able to impeach the government's evidence against me. In 1985, the Eighth Circuit Court ruled that there was exculpatory evidence illegally withheld,¹ perjury by government witnesses,² government misconduct,³ and that the judge erred in his rulings,⁴ preventing me from putting up a proper defense. Yet they denied a new trial.⁵ Since the denial, one of the judges, Gerald Heaney, has come forward

1. *United States v. Peltier*, 800 F.2d 772, 775 (1986). The case was argued in 1985, but the decision was not rendered until September of 1986.

2. *Id.* at 776.

3. *Id.* at 778.

4. *Id.* at 777 n.8.

5. *Id.* at 780.

in my defense. He has written to the president, publicly stating that there was something wrong with the prosecution of my case.

On March 24, with a new legal team, including John Lowe, I will file my appeal brief before the Eighth Circuit Court of Appeals.⁶ John is a specialist in appellate cases, and, although he's told me not to pack my bags yet, he feels the issues surrounding my case are direct constitutional violations. The reality of my situation is harsh. But I still feel some optimism. So much, in fact, that I have begun to build a new life. In May, I intend to marry. I hope this is my last year in prison so that my fiancée and I will be able to be together, free from this illegal confinement.

Again, I apologize for not being able to make a proper statement to all of you. There is a lot of noise in here that is distracting us, plus the situation that I am under. I'd like to say a lot more, but we were only allotted a short time to prepare this. I again thank all of you for your help and your concern. Thank you very much.

6. The Eighth Circuit, on July 7, 1993, again refused to set aside the conviction. *Peltier v. Henman*, 997 F.2d 461 (8th Cir. 1993).

