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been discriminated against, he must admit that the Indian has not been subjected to the *same* systematic discrimination and attendant fear that are part of Black history. The question is to what extent the differences in history are reflected in the answers to Rader's questionnaire.

Despite its shortcomings regarding an historical framework, the study should not be dismissed as useless. While it does not represent a giant step forward in our understanding of Indians and Blacks in modern rural Oklahoma, neither does it cloud the issues related to that subject. It is a beginning. Much more needs to be done, taking more account of the historical peculiarities of the region.

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The Trial of Leonard Peltier. By Jim Messerschmidt. Boston: South End Press, 1983. 305 pp. \$8.95 Paper.

There has been a sudden and growing surge of public interest in the case of *U.S. v Peltier*, a matter in which a member of the American Indian Movement (AIM) has been convicted and is currently serving two consecutive life sentences in a federal maximum security prison for the June 26, 1975 slayings of a pair of FBI agents on South Dakota's Pine Ridge Sioux Reservation. This seems due in large part to the recent release of Peter Matthiessen's *In the Spirit of Crazy Horse* (New York: Viking, 1983), a massive book contending not only that Peltier is innocent of the charges of which he was convicted, but that the Bureau deliberately framed him for political reasons.* Additionally, curiosity is piqued by the FBI's continuing insistence that it has somehow mislaid approximately 6,000 of the estimated 18,000 pages of investigative documents it compiled relative to what it terms the "RESMURS" (Reservation Murders) case, which Peltier's defence attorneys have requested under provisions of the Freedom of Information Act. The matter is currently complicated

*Peter Matthiessen has publicly said (UCLA, 1983) that he does not know if Leonard Peltier is innocent or guilty but that the hard evidence is so scant as to be insufficient to convict Peltier. [Ed.]

further by the federal judiciary's apparently adamant refusal to allow a hearing to determine the evidentiary value of the 12,000 odd pages of such documents that have been turned over by the Bureau to date.

Such circumstances seem to corroborate Matthiessen's thesis, at least enough to warrant serious consideration of the prospect of including the Peltier matter in a proposed House Judiciary Committee investigation into alleged FBI misconduct. Should the charges leveled by Matthiessen be borne out to any significant extent through such a process, the repercussions within America's domestic intelligence community would likely be enormous. As one defense attorney put it,

COINTELPRO** lives. Although it claimed it did, the FBI never suspended that sort of operation. At issue here, among other things, the fabrication of evidence, the extortion of testimony from various witnesses, the intimidation of other witnesses and systematic suppression of exculpatory evidence, outright perjury on the part of at least one federal agent and at least the possibility of several homicides. Further, it seems that certain elements of the federal judiciary have been and remain in active collusion. Obviously, such matters must be looked into, and Leonard Peltier is not the only individual who has been railroaded this way or who is still incarcerated as a result. The whole thing stinks to high heaven.

Amidst a flurry of charges and counter-charges of such gravity, it seems most appropriate that a book has been released which sifts through the facts presented in court during the Peltier trial and gives a proper accounting. Jim Messerschmidt, a faculty member at Moorhead State College, has digested the entirety of the trial transcript and related documents and in his *The Trial of Leonard Peltier*, systematically presents what he deems to be the major factual issues. Such an exercise proves quite interesting.

**COINTELPRO (Counter Intelligence Project) refers to an FBI Program initiated by the late Bureau Director J. Edgar Hoover in the late 1960s. It was focused upon political dissidents of virtually every variety, and was found by the (Church) Senate Investigating Committee to have systematically violated the constitutional rights of citizens whose political perspective ranged from liberal democrat to Marxist-Leninist. COINTELPRO was ordered suspended and several of its main actors were brought up on charges. The Bureau has since contended that it no longer engages in such activities.

The primary evidence upon which Peltier was ultimately convicted, as considered by Messerschmidt, reveals a number of glaring problems. Salient among these is the matter of two separate autopsies having been performed by two different coroners at different times, both at the request of the FBI. The first was clearly a "fishing expedition," testing a number of weapons calibres (ranging all the way from .22 to .44 magnum) on animal parts in what turned out to be a futile attempt to determine what sort of gun actually killed the agents.

The second autopsy, commissioned by the FBI essentially to corroborate an emerging theory that the men were killed by .223 calibre bullets, failed to demonstrate this. The best the combined efforts of the two coroners could produce was an assessment that the agents were killed by a "high velocity rifle." Unaccountably, the FBI proceeded to assert in court that the "murder weapon" was a .223 calibre AR-15 rifle.

Second, the ballistics data requisite to supporting this Bureau contention was/is virtually non-existent. No .223 calibre slugs were recovered from the agents' bodies; the best the Bureau could produce were some slug fragments from the ground beneath the bodies which may or may not have been calibre .223 and which might or might not have been fired on the day in question. Further, without slugs by which to make standard rifling comparison tests, there was no way to link even the supposed .223 calibre evidence recovered at the death site to any particular rifle.

In the end, the FBI claimed to have established such a link through comparing spent brass cartridge casings recovered from the open trunk of one of the slain agent's cars (but which, mysteriously, were not reported as discovered until months after the fact) to similar casings fired from an AR-15 rifle allegedly owned by Leonard Peltier.

It is important to note, however, that such firing did not *actually* occur through use of the weapon at issue. Rather, when the weapon was acquired by the Bureau, it was fire-damaged beyond repair. The bolt mechanism of the rifle was therefore removed and placed in *another* rifle. It was discovered that even the bolt was damaged; the firing pin had to be replaced, rendering a pin-mark comparison impossible. When comparison was finally made, it was accomplished solely on the basis of dents to the cas-

ings made by the extractor mechanism which ejects spent brass from all automatic and semi-automatic weapons, and this was done with all involved component parts not being the same.

Such tests are notoriously unreliable as evidence. As one police ballistics expert put it to the author of this review: "You're kidding! *All* they had was an extractor test? I wouldn't even go to court with a case like that. I'd be laughed out of the room."

Assuming, nonetheless, that the FBI's determination of the calibre of the weapon used was accurate and that the Bureau had in fact located the specific rifle involved, there would still remain the question of linking Peltier to the use of the weapon . . . or *any* AR-15 rifle, for that matter. In effect, the former was never accomplished. Even the latter, the contention that Peltier was known to have carried such a weapon on June 26, 1983 is open to rather serious question.

The indirect link was established in court through the testimony of an FBI agent who claimed to have positively identified Leonard Peltier running away from the death site on the day in question and carrying an AR-15 rifle. The agent maintained that his observation had occurred through a 7x rifle scope at a range of approximately 800 yards (about $\frac{1}{2}$ mile) and on a day when atmospheric conditions were such that mirage-like heat shimmers were seriously distorting visibility. He further acknowledged that he had never seen Peltier prior to making this categorical identification. Both FBI and private tests available at the time indicated that such a visual feat was virtually impossible.

There is, of course, much more taken up in Messerschmidt's exposition: witnesses who admitted having sworn to false statements due to both physical and psychological abuse by the FBI, tangential witnesses who disappeared or turned up dead prior to being able to testify, a sequence of contradictory courtroom assertions concerning the presence of a vehicle at the death scene which linked Peltier to the event, and so on.

The whole thing would seem more than slightly akin to a bad murder mystery or spy novel, were it not for the fact it is based directly and entirely upon (and quotes extensively from) official records. In addition, it cannot be discounted that the FBI has acted in a not altogether dissimilar fashion to that which is alleged here in relation to the Black Panther Party, to name but one noteworthy example.

Given the magnitude of the issues involved, Messerschmidt's study can do little but reinforce Matthiessen's assertion that a formal investigation into the FBI handling of Peltier's case is thoroughly in order. *Whatever* actually happened in this strange netherworld of cloak-and-dagger intrigue deserves to be considered in the fullest glare of public scrutiny. We can hardly afford to allow it to be swept under the rug. This is said in full awareness that things may not be nearly as bad as they seem on the surface. On the other hand, they may be even worse. Jim Messerschmidt is to be commended for having brought this out comprehensively and compellingly.

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Witnesses to Political Violence in Guatemala: The Suppression of a Rural Development Movement. By Shelton H. Davis and Julie Hodson. Boston: Impact Audit Report No. 2. Oxfam America, 1982. 54 pp. \$5.00 MS. Format

Many books, articles and reports have appeared in several languages during the past five years on the recent history and present situation in Guatemala. In the English language alone the list is lengthy. One of the first that called attention to the critical social and economic situation producing extreme government violence was Roger Plant's *Guatemala: Unnatural Disaster* (London: Latin America Bureau, 1978), unfortunately now out of print. During 1982 two extensively documented books appeared: Schlesinger and Kinzer, *Bitter Fruit* (Doubleday), and Richard H. Immerman, *The CIA in Guatemala* (University of Texas). Using U.S. government documents acquired under Freedom of Information legislation, both books provide evidence and analysis of the 1954 CIA-organized coup against the only democratically elected government in Guatemala's history and the installation of a series of military regimes.

Reports appeared on human rights violations in Guatemala from Amnesty International, the Inter-American Commission on Human Rights and Americas Watch, among others, in 1982. The North American Congress on Latin America (NACLA) published *Guatemala* in 1974 and two issues of the *NACLA Report on the*