



14,000 DAYS

What have YOU been doing for the past 14,000 days?

June 6, 2014, is a milestone in Leonard Peltier's life. Why? The date marks 14,000 days of imprisonment for a crime he didn't commit. Even by the government's own definition, Leonard Peltier has already been imprisoned for a lifetime. In that time, he has missed the simplest things of ordinary life—having dinner with friends, taking walks in the woods, gardening, children's laughter, dogs barking, the feel of rain on his face, the sound of birds singing... winter and summer and spring and fall... year after year. In that time, Leonard has missed seeing his children, grandchildren, and great-grandchildren grow up. They suffer, too. How many more generations must suffer this tragedy?

COINTELPRO—Alive and Well

In these our times, be reminded of the chief investigative branch of the United States government — the Federal Bureau of Investigation (FBI) — and its counterintelligence program through which the Bureau for decades, according to the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (1976), engaged in "lawless tactics" and responded to "deep-seated social problems by fomenting violence and unrest." The fact is that, with regard to its counterintelligence operations, the Committee found the Bureau responsible for violating and ignoring the law; exceeding its powers with regard to domestic intelligence activity; using excessively intrusive techniques against United States citizens; using covert action to disrupt and discredit domestic groups; abusing intelligence information for political purposes; and having inadequate controls, as well as no accountability.

Domestic spying, media manipulation, grand jury "witch hunts"... Does this sound at all familiar?

Remember that the FBI conducted more than 2,000 counterintelligence operations before the programs were officially discontinued in April of 1971, after public exposure, in order to "afford additional security to [its] sensitive techniques and operations." While

the programs themselves were discontinued, the practices that the Committee found so objectionable were not. The FBI's intent was/is to continue such practices as deemed necessary and completely at its own whim. That intent was clearly stated by the FBI in 1971. That intent remains abundantly clear today.

It is a fact (and one supported by the government's own documents) that the FBI actively supported the "Reign of Terror" on the Pine Ridge Indian Reservation during the 1970s; sought to disrupt and "neutralize" the American Indian Movement (AIM); and targeted AIM members, including human rights activist Leonard Peltier. It also is fact that the FBI, supported by government prosecutors, orchestrated the wrongful conviction and illegal imprisonment of Leonard Peltier.

Numerous revelations of comparable FBI misconduct have been made in the past decade. Whether it is exposure by its own forensic specialists of the fact that the Bureau's crime lab has systematically fabricated physical evidence for purposes of obtaining the convictions of thousands of possibly innocent people; or the frame-up (and subsequent life imprisonment) of three men the FBI knew to be innocent so as to protect a murderous mob informant—or other examples too numerous to review here—the pattern remains consistent. Subverting law in pursuit of "order," the FBI continues today—bolstered by its post-9/11 investigative powers—to employ the vast resources at its disposal in destroying those whose viewpoints and activities it deems politically objectionable, and then to hide the truth of what it has done from the public it supposedly serves.

The Peltier Case

As regards the legitimacy of Peltier's claims of innocence and official misconduct, decide the truth for yourself. Ask yourself these questions:

- How would you respond to extreme danger, in particular that posed by the FBI on June 26, 1975? Imagine living in the midst of the Pine Ridge "Reign of Terror"—a "war zone," in fact—and being subjected to an unanticipated "home invasion" by unknown assailants (the plain clothed agents drove unmarked cars and failed to identify themselves as agents of the FBI). Having the means to do so, wouldn't you defend yourself, family and friends—including women, children and elders—against bodily harm and possible death?
- The jury in the trial of Leonard's co-defendants—Dino Butler and Bob Robideau—recognized that the will to survive is instinctive and the right to self-defense is fundamental. The Indians had a right to be on the Jumping Bull property and they were not engaged in unlawful activity. There was no evidence that they either provoked an assault or were the aggressors in one. In light of the terror on the Pine Ridge Reservation during the previous three years, the history of official misconduct on the part of the FBI in its war against AIM, and the reckless behavior of the agents on June 26, 1975, the jury decided Butler and Robideau had a reasonable belief that their actions—meeting force with force, even deadly force—were necessary to

prevent death or great bodily harm to themselves or others. The jury acquitted Butler and Robideau on grounds of self-defense.

- Peltier, while fighting extradition from Canada, submitted a Motion to the U.S. courts asking that he be allowed to be tried with Butler and Robideau but U.S. prosecutors, being in a hurry to proceed, opposed the delay and the Motion was denied. Therefore, Peltier was tried separately. Through his rulings, predominantly in favor of the prosecution, Judge Paul Benson did not allow Peltier to argue self-defense (even though his actions on June 26, 1975, were no different than those of his co-defendants). Leonard also was prevented from presenting critical evidence as to the FBI's pattern of misconduct in AIM-related cases, as well as the atmosphere of terror the FBI helped to create on the Pine Ridge Reservation. Leonard Peltier was found guilty not because he was guilty, but because crucial aspects of his trial were manipulated to favor the prosecution and, consequently, cause a conviction. There is no question that had Leonard been tried with his co-defendants, he also would have been acquitted of the crimes he was alleged to have committed.
- The Butler/Robideau verdict indicates that the defendants' actions on June 26, 1975, did not constitute a crime. Yet, Leonard is imprisoned, the government now claims, for "aiding and abetting" a crime. What crime? Self defense? In its ruling on September 11, 1986, the appellate court observed that all indications were that the jurors had convicted Peltier of first degree murder on the premise that he was the shooter, not on an "aiding and abetting" theory at all. Also, as a matter of law, the elements of "aiding and abetting" are well defined, i.e., "aiding and abetting" isn't merely a matter of the accused having been present at the scene of a crime (and it should be remembered that some 40 people were present at the shoot-out). It also is true that when the principals in a crime have been found not guilty, as Butler and Robideau were, there is no one who can be responsible for having "aided and abetted."
- Who did Peltier aid and abet? Innocent men? Government prosecutors now claim that Peltier aided and abetted himself. They make this claim despite the fact that they have repeatedly admitted that they "did not and cannot prove" that Peltier caused the deaths of their agents or what role he "may have played" in the incident on June 26, 1975. But guess what? The government also claims it doesn't have to prove Peltier's guilt when it comes to its notion of "aiding and abetting." It would seem that, at least in the case of Leonard Peltier, the "burden of proof" no longer rests with the prosecution. And "guilt beyond a reasonable doubt" is no longer the rule of criminal law?
- As late as November 2003, the 10th Circuit Court of Appeals acknowledged that "...Much of the government's behavior at the Pine Ridge Reservation and its prosecution of Leonard Peltier is to be condemned. The government withheld evidence. It intimidated witnesses. These facts are not disputed." In a system of equal justice, is it right that Leonard Peltier has been imprisoned for nearly 40 years when there is proof that he was convicted on the basis of fabricated or suppressed evidence, as well as coerced testimony?

- Further, it is a fact that the U.S. Parole Commission has failed to comply with its own congressionally mandated guidelines as regards its denials of Peltier's petitions for parole. Others convicted of similar crimes are released on parole after serving a fraction of the time already served by Peltier. From the time of Peltier's conviction in 1977 until the mid-1990s, according to the Bureau of Justice Statistics (U.S. Department of Justice), the average length of imprisonment served for homicide in the United States ranged from 94 to 99.8 months. Even if you were to take Peltier's two consecutive life sentences into account at the higher end of this range, it is clear that Peltier should have been released a very long time ago. In a system of equal rights, is it just that Peltier be repeatedly denied fair consideration for parole?
- The Parole Commission stated at one hearing that the denial of parole was based upon Leonard Peltier's participation in an "ambush" and the "premeditated and cold blooded execution of these two officers." Yet, there was never any evidence that an "ambush" occurred. There also was no witness testimony that Leonard Peltier shot the two FBI agents. There was no witness testimony that placed Leonard Peltier near the agents' vehicles before their deaths and evidence shows that those witnesses placing Peltier, Robideau and Butler near the scene after the killings were coerced and intimidated by the FBI. There was no forensic evidence as to the exact type of rifle used to shoot the agents. Several different weapons present in the area during the shoot-out—evidence now shows that there were other AR-15 rifles in the area—could have caused the fatal injuries. The so-called Wichita AR-15 (claimed by the government to have caused their agents' fatal injuries, and accepted by the jury—on only the word of the prosecutor, rather than evidence provided or testimony given—as having been Leonard Peltier's weapon) was the lynchpin of the prosecution's case. That AR-15 rifle has been found to be incompatible with the bullet casing allegedly found near Agent Coler's car. Although other bullets were fired on the Jumping Bull property that day, no other casings or evidence about them were offered by the prosecutor in this case. In short, there was/is no reasonable evidence that Leonard Peltier was responsible for the deaths of the agents. Should the Parole Commission be allowed to so completely ignore the court record?
- Far from giving fair consideration to Peltier's petitions for parole, the U.S. Parole Commission has not reviewed Peltier's trial record at any time, but has relied solely on the intentionally misleading claims of Assistant U.S. Attorney Crooks (who tried the case in 1976), supported by the FBI (a government agency, including thousands of active and retired agents, that has unfairly been afforded "victim rights" in Leonard's parole proceedings). During a December 11, 1995, interim parole proceeding, for example, Crooks claimed for the first time and contrary to the trial record that the agents had gone to the Jumping Bull Ranch to arrest Leonard Peltier and "for no other reason" and that Mr. Peltier's vehicle "was placed at the location of the agents' murders" because "radio transmissions of the two agents monitored just prior to their deaths indicated that they were in pursuit of a red vehicle." However, there was no evidence the "red vehicle" was Peltier's. In fact, Leonard Peltier owned an old green Ford at the time and only borrowed a red and white van on occasion. Neither vehicle was placed at the scene. In fact, the trial record shows that the agents

had followed a "red pick-up" and had been looking for a person named Jimmy Eagle, not Leonard Peltier. According to the Web site of the Minneapolis FBI Field Office (the office that led the investigation into the deaths of the two agents), "There is no evidence the Agents were aware that Peltier was in the area."

- But there's evidence of something far more insidious in the Parole Commission's rulings. During the 1998 interim hearing, the examiner exhibited blatant discrimination when he told Leonard, "I realize that you are what is often called a Native American who is also called an Indian. . . . but the facts of this case are that someone killed these individuals, that they are dead, that they were in fact murdered, and someone from that Nation, someone present on that date, that appears to have been a part of your nation committed these crimes... unfortunately you, Leonard Peltier, are the one and only person who was convicted in this matter ..."
- More recently, it also has been made clear by the Parole Commission that Leonard Peltier will not receive parole until he "recognizes his crime." A simple admission? What guilty man would pass up such an opportunity for freedom? After nearly 40 years of imprisonment, even an innocent man might be tempted to make a false confession for the sake of freedom. But Peltier steadfastly maintains his innocence. "I don't care if I have to spend the rest of my life [in prison]. I won't confess to a crime I did not commit."
- After all that's been uncovered as to the misconduct in this case, the government still hides from the truth and argues for the continued imprisonment of Leonard Peltier. The FBI claims that Leonard Peltier is a "mad dog killer." However, the record clearly shows that Leonard Peltier is a nonviolent man and has never hurt anyone... not before the shoot-out in 1975, certainly, but also not while on the run, at the time of his arrest, or during his escape—very desperate times, times when violence would have been expected were he the brute the government claims him to be. Prison staffs have attested to his nonviolent nature and his overall prison record supports their judgment in this regard. In light of this, should the government be allowed to prevent Leonard's parole with such scurrilous claims?
- The FBI and government prosecutors say Peltier should spend the rest of his life behind bars and that his release from prison would be an affront to law enforcement. However, the government prosecutors, by their own admission, "did not and cannot prove" that Leonard Peltier shot their agents. Further, Peltier's sentence following his wrongful conviction—handed down by a court of law—did not exclude parole. What is the government's motive for circumventing the court's decision? Justice?... Or an insatiable hunger for revenge? Or are some government officials keeping Peltier behind bars merely because they've staked their reputations on his case?
- U.S. Attorney Lynn Crooks—instrumental in the wrongful conviction and illegal imprisonment of Leonard Peltier—admitted on film that it does not bother him if the government fabricates evidence to acquire a conviction. In a 1992 interview conducted by Steve Kroft on the television show "West 57th Street," Crooks said, "It doesn't bother my conscience one bit... Doesn't bother my conscience one whit. I

don't agree that there's anything wrong with that, and I can tell you, it don't bother my conscience if we did." Now retired, Crooks continues to bring his perverted view of "justice" to bear by continuing to influence the government's responses to legal challenges brought on Leonard's behalf.

- As regards the Peltier trial and his subsequent appeals, how does this case match up with your understanding of the U.S. Constitution? In its entirety, does this case follow the precepts of American justice? Should the U.S. government be allowed to use the courts to "neutralize" those with differing political views? Or to convict defendants by fabricating or withholding evidence and presenting false testimony?
- The U.S. appellate courts, by their decisions, have recognized the undisputed misconduct in Leonard Peltier's case, yet have refused to take corrective action. If the courts can't defend Americans' rights, who can?
- The White House and the U.S. Congress also have refused to take corrective action in this case. Shouldn't our elected officials act on behalf of all Americans?

What You Can Do

Educate yourself (and others) and make truth your weapon of choice. Take action and be heard. Demand an award of clemency for Leonard Peltier.

Write to:

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Call the White House comment line, Monday through Friday, from 9:00 a.m. to 5:00 p.m., EST. From the U.S., make your calls to the White House from 9:00 to 10:00 a.m., and from 1:00 to 2:00 p.m., regardless of your time zone. This will ensure that calls in support of Leonard Peltier will be received by the White House throughout the work day. You can leave a voicemail message during non-work hours. Please note that you can send a text message to 202-456-1111, as well, as long as your carrier provides text-to-landline service.

On Twitter, send a tweet to @WhiteHouse, too. For information on other social network tools utilized by the White House, visit www.FreePeltierNow.org.

To send an email message to the President, visit <http://www.whitehouse.gov/contact/submit-questions-and-comments>.

By any means, please continue expressing your support for an award of Executive Clemency to Leonard Peltier. Do it and keep doing it. Free Leonard Peltier NOW!