

RACIST JUDGE SILENCES DEFENSE

PELTIER NAILED FOR TWO LIFE TERMS

"Sometimes circumstantial evidence is the best there is."

That's how the prosecutor complacently summed up the government's case at the trial this Spring of Leonard Peltier, a 34-year-old Chipewewa-Sioux Indian militant charged with murdering two FBI agents during a gun battle two years ago at the Pine Ridge Reservation in South Dakota.

The prosecutor got his conviction from an all-white Fargo, N.D., jury, but he didn't rely on circumstantial evidence to do it. It took a combination of intimidated witnesses (an FBI specialty), doctored documents, a hamstrung defense and an outrageously biased judge to railroad the defendant into two consecutive life terms in the penitentiary.

Peltier's lawyers are already preparing their appeal, and they are fairly confident they will get a new trial because of the obvious misconduct of the FBI, the prosecutor and the judge. But in the meanwhile, Peltier, an American Indian Movement (AIM) activist and veteran of Wounded Knee,

will be obliged to sit inside for the next six months at a minimum, and that's on top of the eleven months he languished in solitary confinement in a Canadian jail fighting extradition.

Courtroom Test

Both sides agree on one thing: the political implications of the case easily make it the most significant courtroom test in 1977 involving a Native American. The shoot-out at the Pine Ridge village of Oglala, which is near Wounded Knee, and the subsequent victimization of Peltier crystallize the ongoing confrontation between traditionalist native people and the U.S. government over control of the resource-rich Indian lands across the continent.

During the month-long trial and the Canadian extradition hearing that preceded it, Peltier's lawyers and defense committee have documented the state of war that exists on the Pine Ridge Reservation, with a heavily-armed, quasi-military FBI force and its Indian garrison allies terrorizing the local population and fostering a climate of violence that led to 300 unnatural deaths in a three-year period following the occupation of Wounded Knee.

Murray Slammed Again

Marie Murray, a young Irish anarchist, has been given a life sentence at her second trial in less than a year before a juryless Special Court in the Republic of Ireland. The decision took the special tribunal less than ten minutes.

At her first trial Marie and her husband Noel were sentenced to hang for the killing of an off-duty policeman following a bank robbery in Dublin.

After numerous international protests the Irish Supreme Court reduced Noel's death sentence to life at hard labour and declared a new trial for Marie before the same politically motivated tribunal which had convicted Noel and her in the first place.

Ronan Stenson, the Murray's co-accused who was unable to appear at the first trial because of the severe tortures he had received at the hands of the authorities, was found *Not Guilty* in a separate trial shortly after the Supreme Court action. His freedom has been attributed to the climate created by the international solidarity campaign waged on behalf of the Murrays and the recent public revelations of the widespread use of torture in the Republic's prisons which confirmed both his and the Murrays' allegations of torture.

At her second trial, Marie Murray was defended by a lawyer who was able to show many gaps in the prosecution's circumstantial case. These included the fact that the bullets discovered by the police at the Murrays' home were not the same as those which killed the policeman as the prosecution had alleged.

The three man Special



Leonard Peltier

The FBI has targeted Peltier as part of its dirty tricks campaign to harass and intimidate the militant native movement, to tie up its activists in endless court battles (more than 500 charges after Wounded Knee, and only six convictions) and to sap its energy and its resources in purely defensive measures.

Court tribunal was also apparently split by the evidence that Marie's alleged confession, the only "real" evidence against her, was made during the torture of her husband. However, the tribunal majority ruled that the confession was admissible despite the circumstances under which it was obtained.

It is expected that Marie will lodge an appeal of her conviction for non-capital murder. The Murray Defense Committee which has been co-ordinating the Murray solidarity campaign, has not yet made a decision on what course of action to pursue in the future. The Committee has thanked the many thousands of people who have supported the Murrays' cause. They report that although Marie is kept in strict isolation she was aware of the many demonstrations held on her behalf April 23-

Marion Brothers Win One

Prisoners in the infamous Long Term Control Unit at Marion (Ill.) Federal Penitentiary have forced the prison administration to back down from its announced policy of banning all leftist and "suspect" literature from going inside the walls.

The reversal followed numerous public protests and the threat of a law suit. The authorities had been hoping to further isolate the prison population as part of their strategy of defense against another lawsuit aimed at abolishing the Control Unit as cruel and unusual punishment. The class action suit by the prisoners is expected to be heard in federal court in the next few months.

The Control Unit was opened in 1968 as the key element in a new and more systematic approach to brainwashing and mind control of prisoners. Since then,

Marion has been a trailblazer in use of such methods of control as involuntary behavioural conditioning and drug treatments, constant electronic surveillance, denial of fundamental religious rights and physical and psychological torture.

Brainwashers at Marion use a perverted combination of various group "therapies" in order to attack the ego of the prisoner with the object of reducing him to a state of helplessness. As a reward for this self-humiliation, the "model" prisoners are allowed to live in a separate, more comfortable cell-block and are accorded small luxuries and privileges.

For the uncooperative prisoner, however, the reward is the Long Term Control Unit, a prison-within-a-prison where sensory deprivation is a key tool in enforcing discipline.

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In Canada, a protest was held in Toronto and in Vancouver a petition and poster/leaflet was distributed.

One of Marie's recently released sister-prisoners says that Marie "has the strongest will-power of any prisoner I have seen. . . I can barely understand how she has survived at all." Marie's cell is roughly nine by six with a toilet in the corner and 24 hour presence of two matrons who use the same toilet. She is not allowed to receive any outside mail and the visits of relatives are strictly limited.

Donations to cover the costs of the Murrays' campaign and requests for more information can be sent to the Murray Defense Committee, 155 Church Road, Celbridge, County Kildare, Republic of Ireland.

Prisoners in the Control Unit spend 23½ hours a day locked in their cells for indefinite periods of time.

The ultimate sanction at Marion is to be stashed in the "boxcars," cells from which all sound and natural light is blocked. Many prisoners, after languishing in the boxcars, have become mentally unbalanced and suicidal.

Marion was built 100 miles from the nearest city in order to cut the prisoners off from outside contact or support. Still, the prisoners have managed to fight back through work stoppages and other forms of direct action (despite retaliatory beatings and other indignities) and through some partially successful law suits.

The struggle on the outside is being coordinated by the National Committee to Support the Marion Brothers, 6199 Waterman, St. Louis, Mo. 63112.



Original logo taken from Alexander Berkman's anarchist journal "The Blast" (1916-17).

The investigation following the killings was the most intensive in FBI history. Two of Peltier's co-accused, Bob Robideau and Dino Butler, went on trial last summer in Iowa, but they were acquitted by the jury, which accepted an argument of self-defense—virtually unprecedented in conflicts between ordinary citizens and government agents.

FBI in a Panic

The acquittals of Robideau and Butler threw the FBI into a panic, and the conviction of Peltier became a top-priority goal, even though there wasn't a single shred of direct evidence linking him to the deaths. FBI misconduct at the earlier trial had turned the Iowa jury against the government's case, but in North Dakota, where anti-Indian racism runs stronger, and with a judge who had proven himself anti-Indian during the Wounded Knee trials, the FBI was able to go all-out to fabricate its case.

A few examples (selected from many):

—The main "evidence" against Peltier at the Canadian extradition hearing was an FBI-sponsored affidavit by Myrtle Poor Bear declaring she was his girl friend and was with him when he killed the two agents. But Poor Bear was never called as a witness at the Fargo trial, and, in fact, the prosecution opposed defense

attempts to call her. Reason: Poor Bear, who had never laid eyes on Peltier, had subsequently admitted she was forced to sign the affidavit by the FBI under the threat that she herself would be charged with murder.

—In a Watergate-like turn, an FBI stenographer told the court she had destroyed all her notes of the radio transmissions made by the two FBI agents who were later

killed. As well, she testified that much of her official record of the transmissions was produced under dictation from an FBI higher-up, and not from the actual radio messages she had monitored.

—Of the three witnesses who claimed to have seen Peltier in the area where the agents were shot, two of them were Indians who subsequently admitted on the stand they were told what to say. The

third witness, an FBI agent, was discredited when he admitted his "sighting" was made through the scope of a rifle at a distance of a half-mile as "Peltier" was running away with his back to him.

Defense Steamrollered

The judge routinely dismissed defense objections to such irregularities, prevented the defense from in-

roducing evidence as to the conditions of government-fostered lawlessness on the reservation, and even silenced Poor Bear and other possible defense witnesses. As well, he imposed severe restrictions on the defense committee's outside support work, and sent AIM national secretary John Trudell to jail for contempt of court.

The defense committee is now gearing up for the appeal. For more information (and to send contributions), write to the committee c/o Native American Solidarity Committee, P.O. Box 3426, St.-Paul, Minn.

Meanwhile, back in Canada, Frank Blackhorse still is receiving much the same brand of hospitality that Peltier got before his extradition.

Blackhorse, an AIM militant from the Lakota Nation, was arrested with Peltier at a remote Indian en-

German Guerrillas Raise The Ante

On March 29, the Red Army Faction (Baader-Meinhof gang) prisoners in Stammheim, a prison fortress constructed especially to hold the West German guerrilla group, embarked on a hunger strike. In addition to being a protest against prison conditions, the total lack of constitutional rights for the prisoners, the differential treatment they have gotten and the violations of the Geneva Convention, the prisoners demand that the government cease maligning (e.g. by claiming RAF planned to poison the drinking water of a city in 1974) and end the isolation of the imprisoned.

In addition to the protest, the hunger strike is an expression of solidarity with all other anti-fascist revolutionary prisoners. It has brought massive publicity for the RAF prisoners and has created consternation in the government, which fears some of the prisoners may die as a result of the strike.

Members of the June 2nd movement and prisoners in Frankfurt, Hamburg, Berlin and other cities have joined in solidarity with the hunger strike. In April, two churches were occupied in Frankfurt and Bielefeld to publicize the plight of those on the hunger strike and to force the church to take a position. Expressions of solidarity have also come from Italy, where the non-government radio stations have covered news about the strike, and from Switzerland where a concert was interrupted to spread the information.

The fear aroused in the authorities by the Siegfried Bubach assassination has further tightened security around political prisoners. Bubach, West Germany's Chief Prosecutor, was recently submachine-gunned by the Ulrike Meinhoff Action Committee while waiting for a traffic light to change. He had played a major role in the trial of the Red Army Faction and had helped initiate "anti-terrorist" laws which eliminated the confidentiality of lawyer/client relations and enabled the State to hold suspected guerrillas up to five years before trial.



Dickie Picariello, escorted by FBI agents to arraignment in Boston after his arrest in Fall River, Mass.

New England Bomb Trials

The case against three New England prison activists charged in connection with a series of bombings has been thrown into limbo now that their chief accuser has been declared physically and psychologically unfit to stand trial himself.

Police informer Joey Aceto has had his own trial on bombing and bank robbery charges postponed indefinitely after a judge barred him from entering a plea. Aceto's testimony was instrumental in convicting Dickie Picariello, Everett Carlson and Edward Guillon in separate trials in Maine on the first charges against them—interstate transportation of explosives—and he was expected to testify in further trials.

Defense committee organizer Kathi Picariello, whose husband Dickie got ten years in prison, said Aceto's breakdown casts

doubt on his previous court testimony, and will certainly be an element in an upcoming appeal. Aceto had claimed that he, Picariello, Carlson and Guillon were members of the Fred Hampton Unit, a guerrilla group that assumed responsibility for a bombing at the Central Maine Power Company's headquarters in May, 1976, and "involvement" in a spate of blasts that rocked New England shortly before the bicentennial festivities last year.

Guillon and Picariello, former activists in the now defunct statewide prison organization SCAR, were convicted by Maine courts for crossing state lines with intent to bomb the A&P regional office and Polaroid Company headquarters neither of which was actually bombed. Carlson, also an ex-SCAR member, was found guilty on similar charges

stemming from the July 1, 1976 bombings of an Eastern Airlines plane (Boston), a National Guard truck (Dorchester, Mass.), and the Essex County Courthouse (Newburyport, Mass.). While Guillon and Picariello were acquitted of that charge, all three are still to be tried in Massachusetts on the same charges.

Meanwhile, the New England bombings continue. The Sam Melville-Jonathan Jackson Unit, which bombed two county courthouses and a bank in 1976, celebrated Jimmy Carter's recent visit to Massachusetts with a blast at the Ideal Roller Company, in solidarity with imprisoned Puerto Rican nationalists.

For further information about the Carlson, Guillon, and Picariello trials contact the committee to Secure a Fair Trial, P.O. Box 1946 Portland, Maine 04101.

Plug Pulled On SWAT Squads

Do one or two swallows make a Spring? A few communities, including Cleveland, West Hartford, Conn., and Santa Cruz, Calif., have recently disbanded their SWAT squads as a waste of money and personnel.

Seems they were just sitting idle, with all their high-powered weaponry going to rust and all their high-powered commandos going

to seed. Indications are that a number of other small-to-medium towns are also having second thoughts.

It's only a dent, though, because at present about 3,000 police departments across North America have assembled SWAT (special weapons and tactics) units to deal with highjackings, kidnappings and other forms of "terrorism." About 150 new units are formed each year,

many of them getting special training at the FBI academy in Quantico, Va.

SWAT squads found their raison d'être during the 1960's when it looked like the hairy hordes were about to take over. Several California communities got theirs going as a result of the 1964 Free Speech Movement in Berkeley, but the big impetus was the black riots later in Harlem, Watts and Detroit.

campment in the Rocky Mountains of Alberta in January, 1975, and was immediately told he would be deported to the U.S., where the authorities want him on Wounded Knee charges.

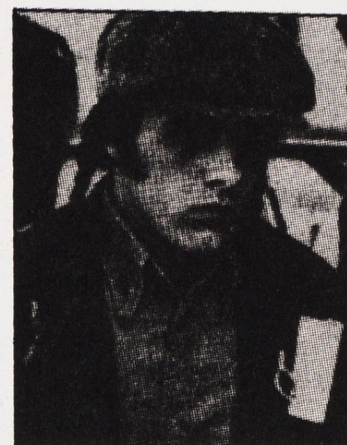
A year and a half later, Blackhorse is still languishing in a cell at Fort Saskatchewan Penitentiary. His crimes: possession of one joint of marijuana, for which he was sentenced to 14 days

in jail (later reversed on appeal) and attempted jailbreak, for which he got 20 months.

Blackhorse was first held on an immigration warrant, but this was switched to the dope charge only after the Canadian government was unable to prove he had entered the country illegally.

Defense lawyers have argued that Blackhorse (Indian name: Shunka Wakan Sapa) is the victim of an abuse of legal process in that the government is using the criminal charges as a cover to deport him. They haven't yet been successful with this argument, and time is running out: his sentence on the jailbreak conviction runs out in October.

Contact Blackhorse's defense committee at P.O. Box 264, Sub 11, University of Alberta, Edmonton, Alta., or write Blackhorse directly at Box 10, Fort Saskatchewan, Alta.



Frank Blackhorse

Links Without Chains

Another Armstrong Snatched

Yet another chapter of the Vietnam War is unfolding in Madison, Wisc., where Dwight Armstrong is awaiting sentencing for second-degree murder in connection with the 1970 bombing of a University of Wisconsin war research facility in which a researcher was accidentally killed. Armstrong, 25, was arrested in April in Toronto, Ont., after having spent some time in Canada underground. He is the third person to go to trial for the bombing: his older brother Karleton, who was picked up in Toronto in 1972, got 23 years; and David Fine got seven years. Dwight's lawyers are hoping for a relatively light sentence, considering Carter's various amnesties. More information from Armstrong Defense Committee, Box 962, Madison, Wisc., 53701.

Women Guinea Pigs . . .

Massachusetts correctional and mental health authorities are trying a new tack in their assault on the rights of women prisoners they consider to be potentially "dangerous." For the past couple of years they have been attempting to transfer them to an all-male psychiatric institution, but because of adverse publicity they are now in the process of creating a federally-subsidized "Intensive Care Unit for Emotionally Disturbed Women" at Worcester State Hospital. This unit, scheduled to open in the Fall, will likely serve as a laboratory for testing experimental psychiatric techniques and be used as the ultimate threat to prisoners and mental patients in other institutions (Stay in line or you'll go to Worcester). Potential "patients" are already being screened for enrollment. Opposition is being coordinated by the Coalition To Stop Institutional Violence, P.O. Box 1, Cambridge, Mass. 02139.

French Anarchists Languishing

More than two years after they were picked up for questioning in connection with the International Groups of Revolutionary Action (GARI), three young French anarchists are still under detention, with no indication of when they will even face trial. The three, Michael Camilleri, Mario Ines Torres and Jean Marc Rouillon, were picked up in the sweep that followed the wave of protest across Europe over the 1974 execution of Spanish anarchist Puig Antich. GARI has claimed responsibility for kidnapping a Spanish banker in Paris and successfully negotiating a \$250,000 ransom and the reading of all their demands over Spanish TV. Write to the three prisoners at Prison de la Sante; 42 rue de la Sante; 75014, Paris France; or contact the Comité d'Informations sur les Detenus des ex-GARI, Martin BP4098; 31030 Toulouse, France.

One Step Forward, Two Backward . . .

Jay Weiner, the 22-year-old former sportswriter jailed for refusing to talk to a Philadelphia grand jury about the Patty Hearst case, has won his release after four months. Weiner was ordered sprung after he convinced a judge that he would never talk, and therefore it would be senseless to keep him behind bars—possibly an important legal precedent. . . . Meanwhile, a New York grand jury investigating bombings attributed to the Puerto Rican Armed Forces of National Liberation (FALN) have imprisoned two women associated with the Hispanic Commission of the Episcopal Church in an obvious attempt to stifle church involvement in the Puerto Rican cause. The two women, Maria Cueto and Raisa Nemikin, face 14 months behind bars for refusing to talk. More information from the Grand Jury Project, Room 1415, 853 Broadway, New York, N.Y. 10003. Also see *Open Road*, issue no. 2 (Spring 1977).

U.S. Prisons Crammed . . .

"What we're seeing is a massive counterattack against programs like probation that allow offenders to remain in the community. The climate has shifted in favor of punishment." That's how Harvard criminologist Lloyd Ohlin explains the all-time high figures in 1976 for prisoners in U.S. federal and state institutions. The totals reached 249,000 behind bars, an increase of eleven per cent over the previous year. Every state except California, which has instituted new parole procedures, showed increases in prison populations.

CNT Militant Sprung . . .

Fernando Carballo Blanco, 52, the longest-serving political prisoner in Spain, has been released by the "liberal" Juan Carlos regime. Carballo Blanco, a life-long working class militant and anarchist, was sentenced to 30 years in 1964 after being accused of involvement in a plot to assassinate Franco. Since his release he has been actively involved in the rebuilding of the CNT, and he addressed the CNT rally of 40,000 militants on March 27 in a Madrid bullring (see article this issue).

Meanwhile, Spanish draft resister Manuel Escariz Magarinos remains in custody despite Juan Carlos' vaunted amnesties. Magarinos was drafted in October, 1975, and decided to become a conscientious objector in July, 1976, after coming into contact with a CO support group that was on a hunger strike in support of another CO. He has since been confined to a tiny cell with three other prisoners for 23 hours a day, and his lawyer has been arrested for trying to defend him. Demonstrations in his support have been held in several Spanish cities. He can be contacted at 2nd Regimiento de la Infanteria Mercanizada, Wad-Ras 55, Paseo de Extremadura, Madrid, Spain.