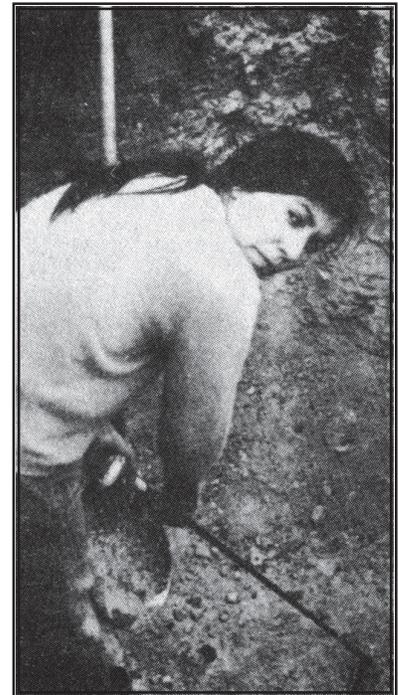


# A Report on the Case of Anna Mae Pictou Aquash

By: zig\_zag48@hotmail.com  
February 2004



- **Statements from AIM, Peltier, NYM & Graham Defense Committee**
- **Excerpt from *Agents of Repression***

## Contents

### **Report on the Case of Anna Mae Pictou Aquash**

Update & Background	2
Counter-Insurgency & COINTELPRO	3
Once Were Warriors? AIM	5
FBI Version of Events	6
Trial of Arlo Looking Cloud	7
John Graham's Version of Events	8
Position on Death of Anna Mae Aquash	9
Position on Informants & Collaborators	10
Conclusion	11

### **Statements**

AIM Colorado, April 3/03	12
Peltier on Graham Arrest Dec. 5/03	13
NYM on Graham, Feb. 7/04	14
Peltier on Kamook Banks, Feb. 10/04	15
Graham Defense on Looking Cloud Trial, Feb. 9/04	16
Peltier Lawyer on Looking Cloud Trial, Feb. 7/04	18
Excerpt: <i>Agents of Repression</i> , Chapter 7	20

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Note: Organizers should 3-hole punch this document and place in binder for additional information to be included.

# **A Report on the Case of Anna Mae Pictou Aquash, the Trial of Arlo Looking Cloud, John Graham, AIM, & FBI Counter-Insurgency**

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## **Update and Background**

Anna Mae has long been a symbol of Indigenous resistance and the ideals of the American Indian Movement, to which she belonged. She was a Mik'maq from Nova Scotia, Canada, and one of the most prominent women members of AIM. She had participated in the occupation of the BIA offices in Washington, DC, in 1972, and the siege of Wounded Knee, 1973. On Feb. 24, 1976, her frozen body was found near Wanblee, on the Pine Ridge Indian Reservation in S. Dakota.

At first, the FBI and its official coroner, WO Brown, attempted to pass the death off as a Jane Doe who had died of exposure. Brown's coroner reports were routinely used to minimize or conceal the cause of deaths resulting from police/paramilitary attacks during this period.

Claiming they were unable to identify the body, her hands were cut off & sent to an FBI lab in Washington, DC, for fingerprint analysis. Still unidentified, her body was buried in Pine Ridge on March 2, 1976. The next day, the FBI Identification Division revealed the body to be that of Anna Mae Aquash. On March 5, her family in Nova Scotia was notified, and they immediately demanded a second autopsy. This was performed by an independent coroner who immediately found a .32 cal. bullet in the back of her head. She had been shot execution-style.

For over 20 years, it was generally believed that Anna Mae had been killed either by paramilitary death squads then active on Pine Ridge, and/or the FBI. Aquash had been only one of over 60 members of the American Indian Movement (AIM) to be killed in S. Dakota in the 1970's by police, FBI, and paramilitaries.

Shortly after Aquash had been identified, the FBI denied any involvement in her killing (despite the attempted cover-up), and speculated that perhaps she had been killed by AIM as a suspected informant. These allegations were not considered credible, as it was well known that the FBI was still then engaging in counter-insurgency operations against AIM. Nor is the Aquash case the only one in which the FBI & media have accused AIM of killing as a 'suspected informant' (i.e., Ray Robinson, a black civil rights worker, along with Jeanette Bissonette, both believed to have been killed by GOONS).

In the early 1990s, police re-newed their investigation into Aquash's death. One of the main investigators was Robert Ecofee, a BIA police officer in Pine Ridge during the '70s period, and one of the first Natives to become a US Marshall. Ecofee has been described as an "Oglala GOON" (p. 236 *Agents of Repression*), who also testified in Peltier's 1977 trial.

Working with the FBI & police in Denver, new evidence was developed in the Aquash case. By 2003, four grand juries had been convened. On March 30, 2003, the FBI formally laid charges against two suspects: Arlo Looking Cloud and John Graham. Both were AIM members in the '70s, and just 20 years old in 1975.

Looking Cloud was arrested almost immediately on the streets of Denver, where he had lived as an alcoholic & a vagrant for many years. During his imprisonment, Looking Cloud was reported to have "behaved erratically" (Fournier, *The Province*, Dec. 5/03). From most accounts, Looking Cloud is weak and vulnerable to pressure by police and the FBI.

John Graham, a Tutchone from the Yukon region, a 'Canadian' citizen, was not arrested until Dec. 1/03 in Vancouver, Canada. Graham now faces extradition to S. Dakota. This process is set to begin March 1, 2004.

On Feb. 3 – 6, 2004, the trial of Arlo Looking Cloud for his role in the alleged execution of Anna Mae Pictou Aquash in Dec. 1975, was held in Rapid City, S. Dakota. After just four days of trial, and

seven hours of deliberation, the jury returned a verdict of guilty for aiding and abetting. He is to be sentenced April 23, 2004. The charge carries a mandatory 25-year life sentence.

The FBI case is based largely on the alleged confessions of Arlo Looking Cloud, allegedly told to others over the years, & in a video-taped confession to police in April, 2003.

During Looking Cloud's 2003 video-tape confession, he states that he is still under the influence of alcohol; despite this, investigators continue their questioning and even have him sign statements.

The FBI's version of events has always been based on rumors within AIM that Anna Mae was a suspected informant. Candy Hamilton, a friend of Aquash, reports that it was common for people to be suspected of being an informant at this time (*CBC The Fifth Estate*). Over the years, many people had in fact informed or gave evidence to police. It is a common practice of police and the FBI to use informants & collaborators. In 1975, Douglas Durham was exposed as an FBI infiltrator who worked at the highest levels within AIM. Despite this, it was never the practice of AIM to punish, let alone execute, informants or collaborators.

Today, the FBI version of events has taken on the appearance of truth, bolstered by confusing & contradictory statements from former AIM leaders, and testimony from government witnesses & informers (also former members of AIM). Added to this are the demands from Anna Mae's two daughters for justice & convictions of those responsible, one of whom is herself an RCMP officer.

Due to the nature of the charges against her alleged killers (Arlo Looking Cloud and John Graham), and because of the success of FBI disinformation, many in our own movement have distanced themselves from this case. They refuse to take a stand, let alone investigate the matter, and this *reveals the extent to which they've accepted the FBI version of events*.

At this time, the strategy of the FBI is to destroy anything positive associated with AIM (and by extension all Indigenous resistance), to further undermine the case of Leonard Peltier (falsely convicted in the 1975 killing of two FBI agents in S. Dakota), and to turn Aquash from a symbol of this resistance to one of injustice.

Out of this process, the FBI will emerge as heroes who solved the murder-mystery of Anna Mae Aquash, while Indigenous resistance will be smeared as the work of assassins and thugs. Only by erasing the memory of struggle can this be done, for even a brief glimpse at recent history clearly shows who the real assassins & terrorists are: the FBI & the US federal government.

## **Counter-Insurgency & COINTEL-PRO**

Contrary to a public statement released by Anna Mae's daughters, Denise and Deborah Maloney Pictou, on Dec. 19/03, that their mother's death was "not a consequence of political unrest or violence," the killing of Aquash was only one of scores of deaths in Pine Ridge in the 1970s. It was, in fact, a war-zone. Nor was Aquash the only execution-style killing to have occurred.

A similar death occurred to Sandra Wounded Foot in 1976. The 15-year old was shot in the head execution-style and her body dumped in a remote area of the reservation by BIA police officer Paul Duane Herman, Jr., who pled guilty to manslaughter charges and was sentenced to just 10 years in prison.

Between 1973-75, an estimated 67 AIM members or associates were killed in S. Dakota, during a reign of terror carried out by a corrupt tribal president (Dick Wilson), supported by US government authorities.

Among these authorities was the FBI, who helped organize & equip the paramilitaries used by Wilson to maintain control. They were known as GOONs-- Guardians of the Oglala Nation. Along with Bureau of Indian Affairs (BIA) police, the GOONs were responsible for scores of killings, assaults, arson, etc. Their main target was AIM.

By this time, the FBI had also targeted AIM with a counter-insurgency campaign entitled COINTEL-PRO (Counter-Intelligence Program). This involved the use of surveillance, informants, police arrests, assaults, break-and-enter, planting evidence, frame-ups, imprisonment, and executions of

movement members, and especially organizers. The goal of COINTEL-PRO was to destroy organized resistance movements *by any means necessary*.

COINTEL-PRO had its roots in the anti-communist campaign of the 1950s (when the Cold War began). Its first targets were communist & socialist groups. In the 1960s, new liberation movements emerged around the world. US involvement in Vietnam and the fierce resistance of the Vietnamese people contributed to a climate of insurgency & rebellion.

In the US, the black civil rights movement transformed into organized resistance. An important organization to emerge at this time was the Black Panther Party. The Panthers were quickly targeted by the FBI, who launched sophisticated and often deadly COINTEL-PRO operations against them.

One common tactic was to foster inner-group divisions & hostilities. False communications were sent between members, including allegations of betrayal by other members, or death threats. Under conditions of deadly repression, these kinds of rumors took on far greater importance; unchecked, they often led to bitter divisions, assaults, and in some cases death.

Another tactic was to label genuine members as informants, agents, or collaborators. This was known as a “bad-jacket” or “snitch-jacket.” Having such a label attached could result in interrogations, divisions, paranoia, assaults, and even death.

Often, the FBI would use informants to spread rumors and plant evidence on targeted individuals. During raids & arrests, target individuals would be continually released with little or no bail. In jail cells, information might be ‘slipped’ that certain individuals were working with the police.

In March, 1971, FBI offices in Media, Pennsylvania, were raided by militants who discovered classified documents detailing the nature & extent of COINTEL-PRO. Government inquiries were held and the FBI stated that it officially rejected it as a doctrine.

At this same time, AIM became the primary target of the FBI’s ongoing COINTEL-PRO. AIM’s national leadership was based in the mid-west, including S. Dakota. Amidst government plans to secure large deposits of uranium on Pine Ridge, AIM became embroiled in the Lakota struggle for sovereignty, symbolized in the 71-day siege at Wounded knee, 1973.

It was at this time that Wilson declared war on AIM and the GOON reign of terror began. It did not subside until the June 26, 1975 shoot-out at Oglala, when two FBI agents were shot & killed, along with one AIM member (Joseph Stuntz Killright). As a result, Pine Ridge was militarily occupied by heavily-armed FBI agents who conducted an extensive man-hunt for the insurgents. FBI agents have themselves declared that revenge was a main motivator at this time.

On this same day, the corrupt tribal president Dick Wilson signed away a portion of the reserve known as the Sheep Mountain gunnery range, now known to contain one of the largest deposits of uranium in the US. It is widely believed that the shoot-out was an *intentional* incident to divert attention away from Wilson’s activities.

In contrast to the resources devoted to the death of the two FBI agents, scores of other deaths went uninvestigated and/or were brushed off as accidents. While the world heard about the FBI deaths, little was heard about the ongoing campaign of terror on Pine Ridge, where shootings and even fire-fights were frequent, almost *daily* occurrences.

Eventually, Leonard Peltier was tried and convicted for the deaths of the two FBI agents and remains in prison to this day, the longest held Prisoner of War in the US. Two other defendants, Dino Butler & Bob Robideau, were found not guilty on grounds of self-defense in a separate trial. To this day, the FBI has continued to wage a campaign against any efforts to obtain Peltier’s release through court appeals, parole, or clemency.

While the FBI hunted for Peltier, they focused on Anna Mae as a possible link. She was not present during the Oglala fire-fight, but the FBI believed she would have information about it or know the location of Peltier. After an interrogation in Pierre, S. Dakota by agent David Price, Anna Mae alleged that Price had threatened her, saying she would be dead within a year for not co-operating. Ron Williams, one of the FBI agents shot dead at Oglala, was a close friend of Price.

Several months later, her body was indeed found. Price was himself one of the first FBI agents on the scene. The FBI brushed it off as a Jane Doe, death from exposure. Former FBI regional director Norm Zagrossi has himself stated it “looked like a cover-up” (CBC *The Fifth Estate* interview, see also “Chapter 7: Assassinations & ‘Bad-Jacket’s,” in *Agents of Repression*, Churchill & Vanderwall).

## Once Were Warriors? The American Indian Movement

AIM was one part of a renewed phase of North American Indigenous resistance, but it became a potent symbol of this period. Wounded Knee '73 has long been seen as an awakening for our people, and it has continued to inspire present generations of Indigenous people.

Following this awakening, however, darkness descended upon the movement as the FBI and GOONS unleashed a violent and deadly campaign. Many men and women were killed. Anna Mae was only one death of many during this period.

As noted, many movement members were suspected of being informants at one time or another. Anna Mae was herself suspected of being one. This rumor had been fueled by her frequent arrest and then release by police. She also appeared to be present or linked to police raids, and these increased suspicions about her. *This is a standard tactic used to attach "snitch-jackets" on targeted individuals.*

Despite this, many AIM veterans present during this time state they never believed these rumors, that she was in fact one of the most trusted members of AIM.

This sentiment is perhaps the only one expressed by all factions of AIM and which all agree on. Overall, the positions of former AIM leaders are both confusing and contradictory:

- Russell Means was a prominent leader of AIM in the 1970s. Today, he's a Hollywood actor, writer, & public speaker. Means has publicly stated prior to the 2003 indictments that the FBI knew who killed Anna Mae, that they had all the evidence & testimony necessary, and demanded that they "arrest all the suspects" (CBC *The Fifth Estate*, 2000).

Following Looking Cloud's Feb./04 conviction, Means called it a travesty of justice, saying he was disappointed that S. Dakota had not risen above the level of "Neanderthalism." What side is he on?

- John Trudell was also a former spokesperson for AIM and is today a well-known poet & musician. He has, for several years, repeated hearsay evidence based on confessions reportedly told to him by Looking Cloud. In the CBC *The Fifth Estate* interview, Trudell publicly names John Graham as the shooter. During Looking Cloud's Feb./04 trial, Trudell gave this same hearsay evidence as a government witness against both suspects.
- Bob Robideau, a member of Northwest AIM and co-defendant with Dino Butler for the '75 Oglala shoot-out, has released a statement applauding the guilty verdict for Looking Cloud. He encourages John Graham's extradition, conviction, and sentencing to life in jail.

According to Robideau, the suspects should be banished to the hands of our enemy as punishment for what they did. At the same time, he drops hints as to who ordered the killing, and that this person had just recently experienced the "devastating impacts" of an FBI informant (is he referring to Dennis Banks & the Durham case?).

Despite this, Robideau fails to say that it is the FBI & the US government who are ultimately responsible for not only Anna Mae's death, but many, many, others. If, as alleged, Anna Mae was executed by AIM members, it was the direct result of FBI strategies to *destroy their movement*. That was (and is) the purpose of COINTEL-PRO.

Overall, there appears to have been a complete breakdown in any principle of non-collaboration with the enemy among AIM's former leadership. Not only are some giving testimony and pointing the finger at former comrades, they're also pointing fingers at one another for involvement in the alleged conspiracy to kill Anna Mae (i.e., Dennis Banks, Aquash's former lover, and Vern Bellecourt). Whatever the truth of these allegations, they are clearly the result of bitter and hostile divisions. On top of all this, there is Kamook Banks, an admitted government informant who revealed she has been paid \$42,000 for her efforts.

In the 1991 documentary *Incident at Oglala*, a similar pattern of confusing & contradictory positions is seen in relation to the June 26, 1975 shoot-out. In the film, an unidentified shooter known only as "Mr. X" is presented as the real killer of the FBI agents. Bob Robideau gives a long, detailed description

of Mr. X's actions that day. In response to this, John Trudell states "My personal feeling is that if someone wants to state that they did it, they shouldn't make a game out of it, they should just come out and do it."

In contrast to all these, Leonard Peltier has been the only one directly associated with these events who has maintained any semblance of principles. In response to the Mr. X story in *Incident at Oglala*, Peltier acknowledges it but states:

"I can't & will not say anything about it. For me to testify against anybody, or even mention... to try & get someone else in trouble is wrong, and I won't do it. It's against my beliefs, it's against my religion, my culture; it's against everything that we have fought for and stood up for... what we were told by our elders what a warrior society is all about. It's the only thing I got left in life... I got my dignity & self-respect, & I'm gonna carry that with me. Even if I die here, that's just my fate." (*Incident at Oglala*, 1991).

In response to the arrest of John Graham in Dec. 2003, Peltier stated:

"When we talk of sovereignty, we must be willing to solve our own problems and not go running to the oppressor for relief" (Dec. 5/03 statement).

In response to the Looking Cloud trial, Peltier stated:

"The Arlo Looking Cloud trial was nothing more than an indirect presentation of another Myrtle Poor Bear to discredit AIM and myself, and to extradite John Graham... If you want to know who is responsible for Anna Mae's death, just look around and see who else has been irresponsibly pointing fingers at proven warriors. This kind of behavior is doing the dirty work of the FBI and the corporate entities that seek to control or own Native lands and resources..." (Feb. 10/04 statement).

Although AIM's leadership were courageous, intelligent, & charismatic entertainers (as we can now see), they weren't soldiers. Furthermore, they were promoted by their people, who believed in them and what they stood for, during a time of intense repression. But times change, and so do people. Today, they appear corrupted by the fame, money, status, & power which AIM gave them. This explains their total lack of principled behavior in regards to Looking Cloud, Graham, etc.

Considering that FBI COINTEL-PRO operations were successful enough to turn comrades against one another to the point where they killed each other (i.e., among the Black Panthers), then it's not surprising to realize they were also able to turn members *against their own movements & people*.

"This 'bad-jacketing' technique, well known in prisons where guards are adept at turning members of a group against each other, also creates a pressure point. When a man is abandoned by his comrades because of a rumor slipped into the prison grapevine, when suspicion and rancor suddenly replace old loyalties, it is easier to turn him into a stoolie, the co-operative, compliant informer" (Jo Durden-Smith, quoted in *Agents of Repression*, p. 51).

## **FBI Version of Events**

This is the standard version now promoted by a variety of sources, including the FBI, police investigators, media (inc. Paul Demain of *News From Indian Country*), and former AIM leaders (inc. Trudell and Robideau):

On Dec. 10/75, Aquash was at the house of Troy Lynn Yellow Woods in Denver, Colorado. According to her, Graham and Looking Cloud, along with Theda Clark, arrive and take Aquash in a red Pinto car.

According to Angie Janis, Graham and Looking Cloud removed Aquash tied up on a board. Lynn Woods has stated Aquash was upset and did not want to go.

The four then drive to Rapid City, S. Dakota. According to Candy Hamilton, Aquash is at the offices of WKLD (Wounded Knee Defense Committee) on Dec. 11/75. She appears upset but is not restrained. Aquash is taken to different apartments then to the home of Cleo Marshall/Gates & Dick Marshall on the reserve. They arrive late at night and leave Aquash in a room with Cleo, who states that Aquash does not appear to be in fear or danger. They want to leave Aquash there but Cleo refuses, having heard that Anna Mae was a suspected informant.

From here, it is alleged, Aquash was taken to a desolate road and shot in the back of the head. The orders to kill her were made during a phone call to an unidentified senior AIM leader (either Vern Bellecourt or Dennis Banks, according to some).

The FBI allege the motive was that Aquash had inside information on the Oglala shoot-out, was suspected of being an informant, and had to be executed to protect others.

## **Trial of Arlo Looking Cloud**

Arlo Looking Cloud was arrested March 2003 in Denver, Colorado. Shortly after his arrest, he made a video taped confession, still under the influence of alcohol (stated in transcripts). Looking Cloud was until then an alcoholic living on the streets. When one investigator (Pictou-Branscombe) located Looking Cloud in 1994, he was drunk and throwing up (CBC, *The Fifth Estate*).

Looking Cloud's confession reflects the FBI's version except in one important detail: Looking Cloud claims he had no idea what was going on until the very end, when Aquash was killed.

Looking Cloud's version is that he went to the house in Denver to drink. While there, he was asked to help drive to S. Dakota. Aquash was not tied up, and conversation during the trip did not reflect what was allegedly occurring at the time. They went to Rapid City & then to Pine Ridge. On the desolate road, the car stopped. Graham then took Aquash out of the car and walked a short distance. Theda motioned for Looking Cloud to go out also, but he remained in his seat. Aquash was on her knees praying, then Graham shot her in the back of the head and returned to the car.

Looking Cloud claims he thought he would be killed next, but then Graham passed him the gun and he emptied it.

During his trial in Feb./04, despite the video tape confession, Looking Cloud entered a plea of not guilty. The prosecution called 23 witnesses, including John Trudell and Kamook Banks. Much of the testimony focused on Leonard Peltier as part of the government's attempt to build their case (that Anna Mae was a suspected informant, once interrogated & even threatened by Peltier).

A main source of this info was Kamook Banks, the former wife of Dennis Banks for 17 years. During cross-examination, she admitted to being an informant who wore bugs to record meetings and was paid \$42,000. (Banks really knows how to pick 'em: the agent Doug Durham was Banks' right-hand man, head of personal security and confidant).

On August 21/03, the *Rocky Mountain News* reported that several tapes related to the case were accidentally destroyed by Denver police (see Sarah Huntley & Karen Abbot, "Police Mix-Up Destroys Evidence," *Rocky Mountain News*, August 21/03). It is now believed that these tapes were alleged to have contained "confessions" made by Looking Cloud in the presence of the informer Kamook Banks (for which only transcripts were provided, along with Kamook's testimony).

In 1975, it was revealed that Banks' and Aquash had had an affair, and Kamook was devastated by this (CBC, *The Fifth Estate*). The day after this, according to Kamook, Aquash was allegedly taken by Peltier, Dino Butler and Bob Robideau and questioned.

All three were part of Northwest AIM, one of the most trusted AIM chapters. All three state that this is what occurred, and all three did not believe she was an informant. During Kamook's testimony, she stated that Aquash told her Peltier had put a gun to her head. Kamook also stated that Peltier confessed to her how he had killed the two FBI agents (see Peltier's response, Feb. 10/04 statement).

The FBI's version of events alleges that it was this type of hearsay evidence AIM sought to protect, that Aquash was suspected of being an informant, and was therefore killed.

Meanwhile, 29 years later, it is revealed that Kamook Banks is in fact a proven informant and collaborator. We must ask: when did this activity begin, and what role, if any, did Kamook Banks play in the events of 1975?

Other witnesses for the government presented hearsay evidence alleged to be confessions told to them by Looking Cloud, inc. John Trudell's testimony.

Looking Cloud's defense lawyer, Robert Rensch, called only one witness: FBI agent David Price. He was questioned for 10 minutes regarding the FBI's use of informants, and if Aquash was ever one. He

denied that she was. In contrast, the prosecution called 23 witnesses. After 4 days of trial by government witnesses and informants, the jury deliberated for 7 hours and returned a verdict of guilty for aiding and abetting.

Looking Cloud is to be sentenced April 23, 2004.

Although other lawyers, inc. Leonard Peltier's, offered to act as defense, this was rejected by the judge and instead a government-appointed lawyer was used.

- Considering these factors, this appears to be a classic FBI trial with little evidence and manufactured testimony involving informants & collaborators. No credibility can be attached to this trial and its outcome. The case is to be appealed by the defense.

## **John Graham's Version of Events**

Prior to his indictment and arrest in 2003, John Graham had been approached by FBI agents at his home in the Yukon, beginning in the mid-90s. During four separate visits, he claims the FBI offered him immunity to testify against former AIM leaders. He refused, and the FBI threatened him with charges of murder, rape, and kidnapping in the death of Aquash.

Graham has always maintained his innocence. He states that he was in Denver and did escort Aquash, along with others, to S. Dakota. That this was done at her request as she feared for safety. This version reflects Cleo Marshall's testimony at the Looking Cloud trial, during which she stated that Aquash was not tied up and did not appear to be in immediate danger. Graham claims Aquash was a friend and that he never believed the rumor she was an informant. She was left at a house on the Pine Ridge reserve where she believed she would be safe. At this time, she was a fugitive from the FBI, whom she had claimed threatened to kill her. Graham then returned to Denver and never saw her again. Graham believes that it was the FBI who did in fact kill her.

On Dec. 1, 2003, John Graham was arrested in Vancouver, Canada. His arrest was the result of actions by Kelly White (a former AIM member and host of a local Native radio show), who brought the police to him. Graham had been living in Vancouver since 2000. During this time, Ms. White had conducted a public campaign against Graham, inciting others to punish him while offering no credible information at all related to this matter. Graham was held in a pre-trial center for several weeks before being granted bail.

A determining factor in his bail was the support of his family & friends in the Yukon. This support included the vice-chief of the Assembly of First Nations (Yukon region), the Grand Chief of the Council of Yukon First Nations, a Member of the Legislative Assembly and opposition justice critic, as well as a former justice minister for the Yukon.

His family sold a trap-line to raise \$12,000 for the bail. With the help of contributions, the total bail of \$25,000 was raised. As well, five persons had to sign a \$10,000 liability should Graham become a fugitive.

Graham is now in Vancouver under house arrest. His next court appearance is scheduled for March 1/04 at the BC Supreme Court, at which time his extradition hearing will begin.

## **Position on the Death of Anna Mae Pictou Aquash**

### **AIM's Alleged Execution of Aquash**

During the 1973-75 reign of terror on Pine Ridge, the overwhelming number of casualties were AIM members & associates. Although they defended themselves with arms when necessary/possible, *AIM was not a military force nor were they 'assassins'*. If they were, the GOONs would have suffered far greater casualties and they probably would've been decapitated (Wilson).

This does not mean AIM had no military capability. As shown during the siege at Wounded Knee '73, AIM was able to engage in armed resistance. An important part of this was the presence of Indigenous veterans of the Vietnam war, who had both combat experience & military skills.

Overall, AIM symbolized the re-emergence of warrior culture in *spirit* more than *form*, and lethal force was rarely used except in self-defense. This shows both discipline and a realistic understanding of the balance of power; in a sustained military campaign, AIM could not survive.

Despite the exposure of numerous genuine informants, inc. Douglas Durham, no collaborators were ever punished, let alone executed. Aquash is not the only death in which the FBI has alleged AIM was responsible (i.e., Bissonnette & Robinson).

- The assertion that AIM executed Anna Mae as a suspected informant is therefore without substance, based on the group's methods & history.

### **Who Killed Aquash? The FBI**

Until the mid-90s, any theory that AIM killed Anna Mae was rejected as yet more proof of FBI lies & disinformation. At this time, however, FBI & local police had begun a renewed investigation into her killing. One of the initiators of this was Bob Ecofee, a BIA police officer & GOON stationed on Pine Ridge in the 1970s. Ecofee also testified in the 1977 trial of Peltier, reinforcing the FBI's version of events. Along with four grand juries (in which witnesses are called & forced to testify) and the media, the FBI began to widely promote its allegations in the case of Aquash.

- The objective of the FBI has always been to destroy AIM. Considering the context of the time, and statements by senior FBI agents (i.e., Zagrossi in the CBC *The Fifth Estate*), the FBI was clearly motivated by feelings of revenge and retribution in its campaign against AIM. Aquash was an obvious target with which to strike at the heart of AIM.
- The current campaign against AIM seeks to further exploit the death of Aquash by crushing anything positive associated with AIM, and by extension all Indigenous resistance.
- Given the vindictive nature of the FBI's ongoing campaign against Peltier (which even Looking Cloud's trial was used to perpetuate), and the climate of the post-Oglala firefight in which two FBI agents were shot and killed, along with the FBI's death threat reported by Aquash, and the attempted cover-up of her cause of death, *the allegation that it was in fact the FBI who killed Anna Mae has more credibility than the FBI's version of events.*
- Even if, as alleged, Aquash *was* executed because she was a suspected informant, this is the direct result of the FBI's COINTEL-PRO, which instilled fear, paranoia, and deadly divisions in movements.
- Those ultimately responsible for Aquash' killing are without question the FBI & US federal government. This must be made clear, *irregardless of who actually pulled the trigger* (i.e., FBI agents, BIA police, GOONs, or even AIM members).

## Position on Informants & Collaborators

Informants, collaborators, rats, snitches. These are ugly words with negative implications. Some people would rather not think about such ‘unpleasant’ things. Nevertheless, those engaged in resistance must understand the role and nature of informants & collaborators.

Informants are persons in a group, or associated with it, who give information to our enemy. They may be genuine members who turn against the group, or people who enter the group with the intent to gather information. The term informant is usually applied to civilians recruited or cultivated for this purpose (i.e., a cop who infiltrates a group is not an informant, he/she is a cop).

Collaborators are persons who work with or in some way assist our enemy. They may provide information, but may also take a more active role.

The most common method of recruiting informants is to *find people with problems*. These could be financial, drug addictions, legal charges & possible imprisonment, mental or emotional problems, etc. Also recruited are group members who are isolated or who feel betrayed by the group. All of these are potentially vulnerable to pressure.

Money itself can be a motivating factor for someone to turn informant, and in many cases it is the primary motive for informants over extended periods of time.

Why are informants and collaborators so despised and shunned? Because they have violated a sacred trust and a principle. That principle is simple: do not betray others to our common enemy. By doing so, a person loses our trust. But these are philosophical matters.

In practice, informants & collaborators are dangerous because of the *sensitive* and *intimate* knowledge they may have of individuals and groups. This is why they are used by police agencies. The passing of such information to enemy forces can, and does, result in casualties. It is a common charge in both military and civilian legal codes, usually referred to as *treason*. It is most frequently punished with death.

It is also common for resistance movements engaged in combat to punish and execute informants and collaborators. Why? Because they contribute to casualties, repression, demoralization, and defeat. It may be an unpleasant part of conflict, but it is a reality that cannot be ignored. A movement which does not defend itself is doomed to defeat.

- In the Aquash case, it has been asserted that even if Aquash *was* an informant & was therefore killed by AIM, this is inherently wrong and therefore the shooter(s) must be punished. In principle, is the execution of a woman, believed to be an informant, an acceptable practice?

If we agree that under conditions of war, collaborators are in fact executed in order to defend the group & individuals, then we must accept this *irregardless* of whether or not that person is a man or a woman. The act of collaborating does not distinguish itself based on one’s sexuality.

Therefore, the claim that Anna Mae’s death is inexcusable because she was a woman, “informer or not,” is not correct in either principle or in practice.

There are many important lessons to be drawn from the case of Anna Mae Pictou Aquash, who died either as a direct, or indirect, result of FBI counter-insurgency operations against AIM. These lessons include the following:

- Our enemy is armed and dangerous, and actively works to destroy our movements *using whatever means necessary*.
- Collaborators & informants lead to casualties, demoralization, and eventually defeat. These activities must be discouraged & seen as unacceptable for members of our movement to engage in.

## **Conclusions**

### **We must neutralize our enemy's attack and turn it against him.**

- Ultimately, it is the FBI & US federal government who are responsible for the death of Anna Mae Pictou Aquash, along with many other Indigenous persons, in S. Dakota during the 1970's.
- Based on the principle of non-collaboration with our enemy, we must defend John Graham and oppose the attempt to extradite him to S. Dakota by US authorities.
- The turning over, or abandonment, of members of our movement to the courts & prisons of our enemy, for trial & punishment, must be rejected & denounced.
- The FBI is not neutral. For over 30 years it has carried out counter-insurgency operations against AIM & other resistance movements. These operations have involved assaults, imprisonment, informants, infiltrators, psychological warfare, and deadly force.  
In regards to criminal cases, it is well-known that the FBI have manufactured evidence, intimidated witnesses, submitted false affidavits (i.e., Peltier's 1976 extradition from Vancouver), and engaged in smear & disinformation campaigns, against AIM.
- This campaign can be used to educate our people on this important chapter in our history. It can reveal the true nature of our enemy, and the methods which they use. It can also serve to renew the campaign to free Leonard Peltier, while at the same time expanding our movement.

## **In the Spirit of Crazy Horse,**

**Zig-Zag,  
February, 2004**

### *Sources*

CBC *The Fifth Estate*, "The Silent Execution of Anna Mae,"  
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*Incident at Oglala,*  
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*Agents of Repression: the FBI's Secret War Against the Black Panther Party and the American Indian Movement,* by Ward Churchill & James Vanderwall, South End Press, Cambridge MA 1988, 2000

# **American Indian Movement (AIM) Of Colorado Position On The Arrest Of Arlo Looking Cloud In The Murder Of Anna Mae Pictou Aquash**

April 3, 2003

In the twenty seven years since the unforgivable murder of our AIM sister, Anna Mae Pictou Aquash, the federal authorities could have, and should have solved this case. With the recent arrest of Arlo Looking Cloud, we caution the news media and the public not to form quick and unfounded conclusions in this matter. We would like to make a few points about this painful, troubling and complex case.

\* The murder of Anna Mae Aquash was unjustifiable, and justice demands that those who are responsible for ordering and carrying out her murder be held accountable. Anna Mae's memory, and peace of mind for her daughters (who live in Canada), requires a just resolution of this case.

\* Arlo Looking Cloud is entitled to a presumption of innocence. No charges have been proven against him, and the burden continues to rest with the government to prove its case against him. He has been a member of our Indian community for many years, he is descended from some of the most heroic and honorable leaders of the Lakota Nation, and for years he was a respected member of AIM in Denver.

\* The role of the federal government of the United States in the murder of Anna Mae cannot be denied or concealed, regardless of the outcome of any criminal trials for Arlo Looking Cloud, John Graham, or others.

\* Anna Mae Aquash was killed as a direct consequence of the FBI's Counter-Intelligence Program (COINTELPRO ) operations against the American Indian Movement in the 1970's. Currently, the determination of who murdered Anna Mae remains unproven, what is not unproven is that Anna Mae was targeted for "neutralization" through the FBI's notorious COINTELPRO efforts to destroy AIM. What is known is that through COINTELPRO, the FBI deliberately placed infiltrators and operatives in AIM to promote suspicion and disinformation. Anna Mae was the victim of a "bad jacket" (sometimes known as a "snitch jacket") where FBI operatives suggested that she was an informant for the police. The FBI's express objective was to convince other AIM members of the need to eliminate Anna Mae as a "security risk," either by expelling her from the movement, or by more drastic means.

\* Whatever the outcome of Arlo Looking Cloud's trial, the fact is that justice also demands an expose of the methods that were used, and continue to be used, by the FBI and other police agencies that contributed to the murder of Anna Mae.

\* It is alleged that Looking Cloud murdered Anna Mae. One thing is obvious to us. In 1975, at the time of the murder, Arlo Looking Cloud was an individual member of AIM. Whatever decisions were made in the FBI to target AIM and to target Anna Mae, would not have been made by Looking Cloud. Neither, if, as has been alleged by the U.S. Attorney, the decision to kill Anna Mae was made by a rogue group in AIM's "leadership," it would not have been made by Looking Cloud either.

\* Justice for Anna Mae, then, not only demands exposure of the person or persons who pulled the trigger of the gun that killed her, but also exposure of the person or persons that ordered her death. It also demands the exposure of the COINTELPRO system, including the specific FBI agents and operatives, that precipitated the entire chain of events resulting in her murder.

The facts in this statement can be substantiated through the extensive research that has been conducted in the years since Anna Mae's death. Documents in this research include thousands of pages from the FBI's own COINTELPRO files, that have now been declassified. Colorado AIM will be glad to provide media with the citations and sources that prove our points above.

**Contact Glenn Morris (303) 871-0463**

## **Peltier Responds to the Recent Arrest of John Boy Graham in Vancouver, BC**

December 5, 2003

It is obvious to anyone who looks at the past few years with an open mind and a remembrance of COINTELPRO, that the FBI's program of misinformation and discrediting of activists is alive and well. I encourage all who come into contact with this finger-pointing behavior to also look at the person pointing.

Your commitment to a cause, for the most part has to include a dedication to non-combat with your own people. If you get caught up in a combative cycle you will spend most of your time fighting rumors and accusations and each other. When we talk of sovereignty, we must be willing to solve our own problems and not go running to the oppressor for relief.

Since the Patriot Act was passed, the government has gone back through records and is trying to re-file on anyone it can, in any way. If you look at the history of colonization world-wide, the oppressor always identifies the individuals within the resistance movement that they can buy off and starts funding them. They likewise start neutralizing their opposition by discrediting individual leaders by whatever means necessary; it is the old "Divide and Conquer" routine.

There are a lot of people in Indian Country claiming to know this or that about someone else. Ask for proof, if you're going to consider their words. All the rumor mongers have scenarios they've come up with to, in essence, set a trap for anyone willing to listen.

My father once said that our greatest weaknesses have always been booze, flattery and jealousy. If you look closely, you will find one or more of these at the foundation of the finger pointing. Growing up, I always heard my people say, "Ignore people's misstatements about you and live your life so that all can see your true character".

With today's technology of media, it has been found through surveys that a statement, whether true or not, is taken for truth if not countered within a 24-hour period. As the old saying goes, "A lie will travel around the world, while the truth is just putting its boots on". I have been in prison for over 27 years because of lies about myself, my people and my culture so I am sensitive to those who would make quick judgments without knowing the facts of a case. Notice that I say "knowing", not "believing".

I fear that John Boy will not receive a fair trial in the US anymore than I did. I must remind you, it is court record that the FBI lied to extradite me back to the US. I know that their behavior hasn't changed just as I know that Anna Mae was not an informant. As much as I want justice for Anna Mae, I likewise do not want an injustice to be enacted against one of our own in the name of crime-solving - so that some finger-pointing government lackey can get a feather in his cap.

The death of Anna Mae should be considered Indian Business- Indigenous Nation to Indigenous Nation. We still have within the framework of our culture the capacity to deal with our own problems and mete out the appropriate punishment, according to the offense. Anna Mae was a victim of the oppressor- any person who had part in her death likewise, in some form is and always will be a victim; for what person can ever feel good about the death of a beautiful young Indian woman, mother and activist for her people? Those responsible for her death, whether they pulled the trigger or not, must surely suffer strongly from their own fears as to want someone as her no longer among the living.

Some of my brothers and I once had a conversation about such possibilities and it was unanimous: we are not here to fight our own people and to take the life of even one of our own would discredit our cause. Likewise, it will not serve us to take the life of anyone. Our battles have always been in defense and to keep the enemy back while using the media to let average Americans know what was being done to our people in their name with their tax dollars.

Someone once said that you can measure the stature of a man by the size of his enemy. With that in mind, I say to our people,

"We have been and still are at odds with the most dangerous, well-funded, strongest military and political organization in the history of the world."

If you sometimes feel overwhelmed, as I sometimes am, then remember Geronimo, Crazy Horse, Sitting Bull, Osceola, Tecumseh and a host of others-you are in good company.

I am proud to be a Native American because my people before me stood up against overwhelming odds so that I might have a chance to exist. They were successful, as I am living proof. I pray to the Creator that the future generations will feel the same about us because we will stand up and will be successful and they will be living proof.

Stay Strong My Relatives.

In the Spirit of Crazy Horse,  
Leonard Peltier

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## **Native Youth Movement, Vancouver Chapter:**

### **Statement on the Arrest of John Graham**

February 7, 2004

*[This statement was released during a Feb. 7/04 Peltier Rally in Tacoma, Wa.]*

On Monday, December 1, 2003, John Graham was arrested in Vancouver, Canada. He is charged by the FBI with the 1975 murder of Anna Mae Pictou Aquash, a Mik'maq from Nova Scotia whose frozen body was found on the Pine Ridge Reservation, South Dakota.

Presently free on bail, John Graham faces extradition to the US.

At this time, the Native Youth Movement (NYM) Vancouver feels it necessary to state its position in regards to this case.

Anna Mae has been an inspiration and example to our movement for many years. She symbolized the warrior spirit and our people's determination to resist. This is also the legacy of the American Indian Movement, to which she belonged.

It was because of this spirit that AIM was targeted by the FBI's Counter-Intelligence Program (COINTEL-PRO) in the early 1970's, and why so many AIM members in South Dakota were killed during this period, including Anna Mae Aquash.

If, as alleged, her killing was ordered by AIM's leadership (under the pretext she was an informant), those ultimately responsible for her death are US government officials, including the FBI — for it was under their orders that a deadly counter-insurgency campaign was waged against AIM, which included portraying genuine movement members as informants.

This strategy was used to create paranoia and division, to turn members against one another (just as the FBI had done against the Black Panther Party). Anna Mae was herself the target of an FBI "bad jacket". FBI agents had threatened to kill her in the year prior to her death. When her body was found, despite being on an FBI wanted list, agents had her hands cut off for fingerprint analysis. During the first autopsy, the government coroner determined the cause of death to be exposure, somehow missing the bullet hole in the back of her head.

Leonard Peltier, we recall, was extradited from Vancouver in 1977 under false evidence provided to Canadian courts by the FBI. He was subsequently tried and convicted for the 1975 shoot-out at Oglala, South Dakota, in which two FBI agents were killed. During this same incident, the FBI shot and killed AIM member Joseph Stuntz Killright.

A basic principle of any resistance movement is non-collaboration with our enemy. As Peltier recently stated in regards to the arrest of John Graham:

“When we talk of sovereignty, we must be willing to solve our own problems and not go running to the oppressor for relief . . . We have been and still are at odds with the most dangerous, well-funded, strongest military and political organization in the history of the world [the US government].”

We must therefore oppose the attempt to extradite John Graham to South Dakota by US authorities, and denounce the efforts by certain individuals in our own community to facilitate this process.

In particular, we must clarify that Kelly White, a local (Vancouver) Native radio show host who has conducted an ongoing campaign against John Graham, has never been a leader, member, or advisor to the NYM. Furthermore, NYM Vancouver does not consider information provided by Ms. White to be credible.

In conclusion, no member of NYM was involved in the conflicts of the 1970s. We weren't there. We cannot say with certainty that John Graham did — or did not — kill Anna Mae. We have neither the information nor witnesses at our disposal to make such a decision.

What can be said is that Anna Mae Aquash, along with many others, died as a direct result of her commitment to the struggle for her people. She is an example of all we aspire to be as a resistance movement. She was a warrior, a veteran of the 71-day siege at Wounded Knee in 1973, a community worker who helped set up schools and camps. She promoted traditional culture and spirituality. She gave her life for us, knowing all along the consequences. That is why she is called a Brave-Hearted Woman.

Whatever the result of any trials conducted in the court rooms of our oppressor — the same ones' ultimately responsible for Anna Mae's death — we will continue to advance in our movement towards victory, inspired by her memory and her spirit.

Native Youth Movement, Vancouver Chapter

**We Are Wolves Not Sheep**

**nymchapter604@hotmail.com**

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## **Peltier's Reaction to Kamook and the Arlo Looking Cloud Trial**

February 10, 2004

**Hau Kola,**

First of all, I want to thank all those who have been standing up for the American Indian Movement and myself. The Arlo Looking Cloud trial was nothing more than an indirect presentation of another Myrtle Poorbear to discredit AIM and myself, and to extradite John Graham. I am an innocent man. The government knows that, and Kamook knows I am innocent as well.

On a personal note, Kamook's testimony was like being stabbed in the heart while simultaneously being told your sister just died. I cannot convey enough, the shock and hurt that I felt. Of all the fabrications that the government has used to keep me imprisoned, this one hurt so deeply. I would have laid down my life to defend Kamook and her people and I did risk it several times. If there has ever been a time during my 28 years in this hole that I have felt disheartened, it is now. I loved Kamook as my own family. I can't believe the \$43,000 the FBI gave her was a determining factor for her to perjure herself on the witness stand. There must have been some extreme threat the FBI or their cronies put upon her.

If you want to know who is responsible for Anna Mae's death, just look around and see who else has been irresponsibly pointing fingers at proven warriors. This kind of behavior is doing the dirty work of

the F.B.I. and the corporate entities that seek to control or own Native lands and resources. All of those who took part in this abortion of justice in Rapid City should be ashamed. I would say more, but my emotions are overwhelming at the moment.

We as a people and a nation need to honor those who sacrificed for the people and not forget them as they become elders. In every generation we must stand strong. The enemy has many masks and the ideologies that drive it are centuries old now, the gluttonous appetite for money and power of those addicted. I will not give up and it's not over until it's over. Speak, organize, demonstrate, pray, help the poor and oppressed, be a good example, and most of all "don't ever give up!"

In The Spirit Of Crazy Horse,  
Leonard Peltier

Mitakuye Oyasin

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FOR IMMEDIATE RELEASE:

## **John Graham Defense Committee:**

### **Four-Day Trial Leaves More Questions Than Answers: Response to Arlo Looking Cloud Trial February 9, 2004**

VANCOUVER, British Columbia – The much-anticipated trial of Arlo Looking Cloud, a Native American man charged with the murder of a Canadian aboriginal woman, Anna Mae Pictou Aquash, concluded Friday, February 6th, with a verdict of "guilty".

The body of the native rights activist and member of the American Indian Movement was found on February 24, 1976, lying in a ravine in rural South Dakota. It was first ruled to be death by exposure, and later determined that she had suffered a bullet wound to the head.

The trial left more questions than answers, and for some a sense of disbelief that such a historic case could resolve so quickly.

"My concern with the trial is that it covers a murder which happened 28 years ago, and only required three days of testimony," said Bob Newbrook, a retired police officer who was involved with the arrest of Leonard Peltier. "If we thought the court would be a crucible for truth, we were very much mistaken."

"It was a typical South Dakota kangaroo court," said John Graham, the co-accused in this case. Graham has always maintained his innocence. He is living in Vancouver under house arrest, fighting extradition to the U.S. "What happened to Arlo proves there is no chance of a fair trial in the U.S.

"Looking Cloud's public defense attorney, Tim Rensch, called only one witness during the trial — FBI Special Agent David Price — who he questioned for a mere ten minutes to counter the Prosecution's 23 witnesses.

While Looking Cloud entered a plea of "not guilty", his Defense chose not to challenge the validity of Looking Cloud's alleged confessions, which witnesses recounted with frequent contradictions. The Defense asserted that while he admitted to being present at the crime scene, he was unaware that Anna Mae would be murdered and was therefore not responsible for her death.

"I was approached by Vernon Bellecourt and Arlo Looking Cloud's family to get into this case," said well-known attorney Terry Gilbert of the Centre for Constitutional Rights in New York. "They were unhappy with the local lawyer for a number of reasons, principally because he admitted that his client was present when Anna Mae's murder took place, and told the press this."

"There were few motions and no competency motion," observed Gilbert. "Looking Cloud was a homeless alcoholic for more than 20 years and vulnerable to manipulation by the detective in Denver who

was trying to make this case. I wrote Judge Pearsoll and offered to be appointed as co-counsel. He refused."

Looking Cloud did not take the stand at any time during the trial. A videotaped confession was played, during which Looking Cloud admitted to being under the influence of alcohol.

An FBI agent who was among the first at the crime scene testified that the body was found clothed in moccasins and a dress. This caused the Prosecution to interject, reminding their own witness that the body was found wearing blue jeans. The agent said he must have been mistaken.

Of the 23 witnesses called by the Prosecution, most simply recounted contradictory versions of Looking Cloud's alleged confessions.

One recounting described Arlo driving to the scene of the crime but staying in the car, while another described Arlo walking to where Anna Mae was allegedly shot. Other versions described Anna Mae as being tied up, while videotaped testimony showed Arlo flatly denying she had been tied up at all.

Anna Mae's eldest daughter, Denise Maloney, testified that in April 2002, she had received a phone call from Richard Two Elk who was the first person to claim hearing Looking Cloud's confession. Two Elk presented himself as Looking Cloud's brother. Paul DeMain, a journalist, allegedly vouched for Two Elk and convinced Maloney to hear Looking Cloud's confession, who was then put on the phone.

The Looking Cloud trial revealed, however, that Two Elk was not Arlo's brother. Two Elk's inconsistent and hostile testimony appeared to bring little value to the Prosecution's case, and at times inspired outright laughter from the gallery.

Another highly anticipated witness was Kamook Banks, the ex-wife of prominent American Indian Movement (AIM) activist Dennis Banks. Her testimony was barely relevant to Arlo Looking Cloud, instead condemning Leonard Peltier for allegedly bragging that he had killed two FBI agents during an earlier conflict between the FBI and members of the American Indian Movement.

The Prosecution asserted her testimony was required to demonstrate the knowledge Anna Mae possessed about the AIM leadership, thus showing motive for their ordering her execution.

Upon cross examination, however, it was revealed that Kamook Banks had received \$42,000.00 (USD) from the FBI to assist in building their case.

In a news release on February 7th, 2004, Barry Bachrach, the attorney representing Leonard Peltier asked, "Who was on trial? The majority of the testimony presented had nothing whatsoever to do with Arlo Looking Cloud, but prominent members of the American Indian Movement.

"There was not one iota of proof presented to support many witnesses' 'beliefs'. And for every witness presented, there are any number of other individuals who could be called to appear and who would tell very different stories," he stated.

"The public didn't hear about the shoddy investigation the FBI conducted into the death of Anna Mae Aquash, either. It took them 28 years to bring someone — anyone — to trial? The FBI is better than that. Everybody knows it."

The trial did serve as evidence to John Graham and his supporters that the FBI is continuing its campaign to brutalize and incarcerate members of the American Indian Movement, perhaps in an effort to cover up their own complicity in crimes of the past.

"I feel now, more than ever, that John must not be extradited," said Jennifer Wade, a well-known human rights advocate and founding member of BC's Amnesty International. "This feeling is based on all that has gone on in the Dakotas, with respect to the Leonard Peltier trial, and now the trial of Arlo Looking Cloud which shows that a conviction can be achieved on unreliable hearsay with so many discrepancies."

In light of the Looking Cloud trial, the John Graham Defense Committee and the Friends of John Graham are jointly calling upon Canada's Minister of Justice Irwin Cotler to stop extradition procedures against John Graham.

They are also calling for a complete and independent investigation into the FBI's involvement in the death of Anna Mae Pictou-Aquash, and the scores of malicious deaths in and around the Pine Ridge Reservation which remain uninvestigated.

For more information contact:

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## **Press Statement by Peltier Attorney Barry Bachrach:**

### **On the Trial and Verdict of the Arlo Looking Cloud Case**

February 7, 2004

Ladies and Gentleman of the Press,

A major occurrence in Rapid City last week. A trial, if that's what you want to call it. Many of you covered the murder trial of Arlo Looking Cloud. A 10-minute defense? Pretty sensational stuff. You didn't find what you were witnessing at all strange? I did. I mean, who was on trial?

The majority of the testimony presented had nothing whatsoever to do with Arlo Looking Cloud, but prominent members of the American Indian Movement (AIM) and my client, Leonard Peltier, in particular. Leonard Peltier or the AIM leadership, I would remind you, are not on trial for the 1975 murder of Annie Mae Aquash. They have not been charged with the crime, either, simply because there is no evidence against them. Only rumor, conjecture, and innuendo.

And that's all you were treated to in that courtroom this week. There was not one iota of proof presented to support many witnesses' "beliefs". And for every witness presented, there are any number of other individuals who could be called to appear and who would tell very different stories – that Annie Mae wasn't afraid of AIM, but the Federal Bureau of Investigation (FBI); she had stated this to various individuals on numerous occasions; and she had actually put such fears in writing. In 1975, she said she'd been told by investigators that she would be dead within the year if she didn't cooperate with FBI agents in framing AIM leaders and Leonard Peltier.

How credible are the witnesses in this case? Paid informants, for example, must immediately be called into question, as must others who have long been accused of fabricating evidence in the Peltier case and/or of playing some part in the murder of Ms. Aquash.

Ask yourself, too, what didn't come out at this trial.

During the 1970s, the AIM leadership was targeted by the FBI much like, as we have seen this week, they are targeted now. The Bureau's documented intent was to "expose, disrupt, misdirect, discredit, or otherwise neutralize" the AIM organization. The FBI had decided that Native Americans who were committed to uniting all Native Peoples in an effort to uplift their communities and promote cultural pride and sovereignty were "enemies of the State". Fact, not fiction.

Virtually every known AIM leader in the United States was incarcerated in either state or federal prisons since (or even before) the organization's formal emergence in 1968, some repeatedly. After the 1973 siege of Wounded Knee (SD), for example, the FBI caused 542 separate charges to be filed against those it identified as "key AIM leaders". This resulted in only 15 convictions, all on such petty or contrived offenses as "interfering with a federal officer in the performance of his duty". Organization members often languished in jail for months as the cumulative bail required to free them outstripped resource capabilities of AIM and supporting groups. Fact, not fiction.

After Wounded Knee, AIM activities were forbidden on the Pine Ridge Indian reservation by the then Tribal Chairman Dick Wilson. Traditionalists were not allowed to meet or attend traditional ceremonies. Wilson hired vigilantes who called themselves Guardians of the Oglala Nation (GOONs) to enforce his rules. Fact, not fiction.

The three years following Wounded Knee are often referred to as the Pine Ridge "Reign of Terror" because anyone associated with AIM was targeted for violence. Their homes were burned and their cars were run off the road. They were struck by cars, shot in drive-by shootings, and beaten. Between 1973 and 1976, over 60 traditionalists were murdered. Pine Ridge had the highest murder rate in the United States, people! Fact, not fiction.

And now we're supposed to believe, I take it, that the lives of these 60 or more human beings are somehow less significant than that of Anna Mae Aquash? Yes, we want justice for Anna Mae, but what about the many others? Don't they deserve justice, too?

In almost every case of violence, witness accounts indicated GOON responsibility, but nothing was done to stop these bloody events. On the contrary the FBI, the agency responsible for investigating such violence, supplied the GOONs with weaponry and intelligence on AIM. The FBI, in fact, looked the

other way as the GOONs committed crime after crime against members as well as supporters of AIM. Fact, not fiction.

Yet, there was no mention of these facts during last week's trial. That means only part of the story was told. A very small part.

The public didn't hear about the shoddy investigation the FBI conducted into the death of Anna Mae Aquash, either. It took them 28 years to bring someone – anyone – to trial? The FBI is better than that. Everybody knows it.

Why did the FBI not find the bullet hole in the back of Anna Mae's head, or the blood on the back of her jacket? These things were immediately discovered by means of an independent autopsy. Fact, not fiction.

Why did the FBI rule the cause of death instead as "exposure"? Fact, not fiction.

Why did the FBI find it necessary to sever Anna Mae's hands, when the agents on the scene – in particular, David Price, who testified this week – should have been able to identify the body of a woman with whom they were well acquainted? Anna Mae's body lay frozen in a gully when found. Winter in South Dakota. The body was too decomposed, they say. "Unidentifiable." Fact, not fiction.

And why then was a photo of Anna Mae's severed hands later used to frighten another Indian woman into signing several false affidavits against Leonard Peltier? Why was Myrtle Poor Bear told that the same would happen to her if she failed to cooperate with the FBI and the federal prosecutors? Fact, not fiction.

On the basis of these fabricated affidavits, a Canadian court was convinced to extradite Peltier to the U.S. for trial. Bob Newbrook, a retired police officer who arrested Peltier in Alberta in 1976 recently stated, "Canada should have learned from the Peltier case that it cannot trust U.S. evidence presented against American Indian activists." Newbrook said he has thoroughly investigated the Peltier and Aquash cases and has come to regret his role. "I'm haunted by the fact that I now think we seized an innocent man, with no valid Canadian arrest warrant, based on false evidence from the U.S.," he said.

Warren Allmand, a former Canadian justice minister, and the judge who later extradited Peltier said they would never have agreed to his extradition had they known affidavits and evidence presented by the U.S. were false.

Despite its carefully contrived image as the nation's premier crime fighting agency, the FBI then as now (and you have only to look at the U.S. Patriot Act to know this is true) functioned primarily as America's political police. This role includes not only the collection of intelligence on the activities of political dissidents and groups, but often counterintelligence operations to thwart those activities. At its most extreme dimension, political dissidents have been eliminated outright or sent to prison for the rest of their lives. These activities are well documented. Fact, not fiction.

Many activists were "neutralized" by intimidation, harassment, discrediting, and a whole assortment of tactics, including "snitch jacketing" where the FBI made the target look like a police informant or a federal agent. This served the dual purposes of isolating and alienating important leaders, as well as increasing the general level of fear and factionalism in the group. Just like the fear described in that courtroom last week. Yet, you heard agents of the FBI, deny there ever was such a thing as snitch jacketing, didn't you? This and other tactics used by the FBI also are well-documented. Fact, not fiction.

The trial was well-orchestrated – not to convict the man on trial, but to convict AIM activists and prosecute Leonard Peltier all over again (another violation of his constitutional rights, I would argue) in the court of public opinion.

The style and content of the articles being published last week (machine-gun-toting Indians?) focused on Peltier, specifically, who is due for a full parole hearing in 2008. These articles were reminiscent of articles published at the request of particular FBI agents during the campaign in 2001 to convince President Clinton to grant Mr. Peltier's petition for Executive Clemency. This is why Leonard Peltier has filed a civil suit against the FBI, naming former director Louis Freeh, current director Robert S. Mueller, and a dozen or so active and retired agents of the Bureau. Allegations contained in the suit include providing to the media as fact "numerous [...] knowingly false and unsupported accusations [...] against the Plaintiff designed solely to deny him the right to due process both before the [U.S.] Parole Commission and in petitions for Executive Clemency".

Nothing has changed, it seems. The only difference now is that the FBI and federal prosecutors are using a court of law to advance these false and unsupported accusations – when they know and have admitted twice before the appellate bench that they can't prove Peltier's guilt. They believe they're not culpable now because they are only indirectly providing false information to the press.

In our system of justice, trials are open and public. This is, in part, to guard against official misconduct and to ensure that only justice is done. In our mature society, this means that the print and electronic media are the witnesses to due process – the public’s eyes and ears, so to speak. This means that you have the responsibility to tell the truth, the whole truth. This means you must remain independent observers and guard against manipulation by the FBI and government prosecutors who fight only to win, not for the sake of justice. Might does not make right, ladies and gentlemen. And the end does not justify the means.

Barry Bachrach  
Attorney at Law

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**Excerpt from *Agents of Repression*, by Ward Churchill & Jim Vanderwall**

**Part III: The FBI on Pine Ridge, 1972-76**

**Chapter 7, “Assassinations & Bad-Jacketing”**

## ***The Execution of Anna Mae Aquash***

*Note: Excerpts do not contain footnotes, see Agents of Repression for documentation*

On February 24, 1976, the body of AIM member Anna Mae Pictou Aquash (a Micmac from Nova Scotia) was discovered near Highway 73, close to the Wanblee, in a deserted area of Pine Ridge. Her body was found by a Lakota rancher named Roger Amiotte in a wash on his land, some distance from the road. Atypically, FBI representation was provided to the BIA police contingent (and sheriffs deputies) who assembled at the scene shortly after Amiotte phoned the authorities. According to BIA investigators Doug Parisian and Nate Merrick, one of the four agents immediately dispatched by the Bureau to view what it would normally have chalked off as a “stray body report” was David Price.

SA Price knew Aquash well, having arrested her during the September 5th, 1975 FBI air assault on Crow Dog’s Paradise on the Rosebud Reservation (see Chapter 9). At the time, less than six months before, Price had run up to Aquash “You! You! I’m so glad I found you! I’ve been looking for you everywhere!” He subsequently interrogated her at some length in Pierre, S.D. as to the whereabouts of AIM leader Dennis Banks (sought on an interstate flight warrant) as well as Leonard Peltier and others sought in connection with the deaths of SA Jack Coler and Price’s close friend SA Ron Williams on June 26, 1975 (again, see Chapter 9). Unable to convince Price otherwise, Aquash—according to the FBI’s summary of the interview—finally laid her head upon a table and wearily announced that they could, “Either lock me up or shoot me. That’s what you’re going to do anyway, and that’s the two choices I’m taking.” According to statements made by Aquash to friends afterward, Price responded that she was correct, she wouldn’t “live out the year” unless she cooperated with the Bureau.

Upon her release from Price’s custody, Aquash wrote in a letter to her sister, “My efforts to raise the consciousness of Whites who are so against Indians in the States are bound to be stopped by the FBI sooner or later.” Not long after, she was arrested near Vale, Oregon in a motor home believed by the Bureau to have been vacated by both Banks and Peltier only moments earlier (see Chapter 12). SA Price is believed to have been one of the agents who appeared in Vale to hustle Aquash back to South Dakota on a federal fugitive warrant. As she left, she commented to a reporter that, “If they take me back to South Dakota, I’ll be murdered.” At about the same time, she confided to friends, “They’ll execute me. That’s what they do to Indians who fight for their people.”

Despite the fact that Price was obviously acquainted with Aquash’s physical appearance, he professed to be unable to identify the body lying in the wash on February 24. The remains were taken to the Pine Ridge hospital morgue, some 100 miles distant. The following day,

“[i]n accordance with normal procedures followed when an unidentified body is found on the reservation, an autopsy was requested by the BIA. No agents of the FBI were present when the autopsy was performed, but SA [Donald] Dealing, SA William B. Wood [Price’s partner], and SA David F. Price viewed the body at the PHS [Public Health Service] Hospital, Pine Ridge, South Dakota, prior to the autopsy, and SA John Robert Munis viewed the body after the autopsy.... the autopsy was performed by W.O. Brown, Scottsbluff, Nebraska, who stated in his initial report that the probable cause of death was due to exposure.”

Dr. Brown was the same pathologist to whom Delmar Eastman had rushed to the body of Pedro Bissonette in the middle of the night some two and one-half years previously and to whom the FBI had turned when an autopsy was needed on the body of Joe Stuntz Killwright on June 25, 1975 (see Chapter 9); on both Brown had reached findings “confirming” police reports subject to serious debate.

The body was then tabbed as “Jane Doe” for interment in a common grave. According to the FBI,

“...no identification could be made locally through normal procedures. As is standard in such cases, a decision was made by SA Thomas H. Green to have Dr. Brown sever the hands of the unidentified body in order to send them to the FBI Identification Division for positive identification purposes.”

As WKLDOC attorney Bruce Ellison points out, such practice is hardly “standard” because “in order to make this kind of identification, you’ve got to have a pretty good idea of who you’re looking for.” In any event, as is noted in a Congressional report, “the BIA [buried] the body on March 2, 1976, prior to the identification. March 3, 1976, the FBI Identification Division, Washington, D.C., identified the body to be that of Anna Mae Aquash.”

On March 5, the Bureau notified Aquash’s family in Canada that she had died “by natural causes.” The family immediately contacted WKLDOC attorneys in Rapid City and inquired as to whether it would be possible to obtain a second autopsy; Ellison went to work to gain authorization to exhume the body. According to the Bureau’s version of events:

“Prior to receiving any information that Ms. Aquash’s relatives desired a second autopsy, on March 4, SA Wood contacted Assistant U.S. Attorney Bruce W. Boyd, Rapid City South Dakota, in order to institute proceedings to obtain a Federal Court order for exhumation and re-examination of the body....An affidavit requesting exhumation was completed on March 8, 1976, and U.S. District Court Judge Andrew Bogue, Rapid City issued the exhumation order. However, exhumation was delayed after an attorney for Ms. Aquash’s family [Ellison] contacted the Rapid City FBI Office that day and requested a pathologist of the family’s choosing be present during the second autopsy.”

The U.S. Commission on Civil Rights, after investigating the affair, concurs with some of the Bureau’s statement, but notes that the affidavit submitted by Wood indicated that the FBI sought exhumation for “purposes of obtaining complete X-rays and further medical examination. X-rays had not been considered necessary during the first examination.” This is noted as a “remarkable oversight,” given that the initial FBI 302 report filed by one of the four agents on the scene states that, “Because of the distance of the body from the road, [name deleted] also noted that the cause of death may....be manslaughter.” Under the circumstances, murder would be a more logical suspicion and, in either event, any suspicion of foul play should have triggered an exceedingly thorough autopsy which would have included complete X-rays.

Ellison arranged for a Minnesota pathologist, Dr. Garry Peterson to represent the family and, in an about-face, the Bureau decided that he should run the second examination absent an “official,” governmentally-retained coroner. Hence, upon Peterson’s arrival:

“....on March 11, 1976, the remains of Ms. Aquash were exhumed. Through X-ray examination, conducted by PHS personnel [at Pine Ridge hospital] and Dr. Peterson, it was determined a bullet had entered the skull. FBI SM Wood and J. Gary Adams were present during the X-ray and subsequent pathological examination of the body. The bullet was recovered from the skull at the time of the second examination by Dr. Peterson.”

Even before the X-rays, Peterson “noticed a bulge in the dead woman’s left temple and dry blood in her hair,” clearly visible to the naked eye even after interment and exhumation; further, “he could see the back of the head had been washed and powdered.... a .32 calibre bullet accounting for the bulge in

the temple. There were powder burns around the wound in the neck. Anna Mae Aquash.... had died from a bullet shot at close range into the back of her head.”

The U.S. Commission on Civil Rights officials who investigated the FBI handling of Aquash’s death termed it “incredible” that the wound:

“...was not reported in the first autopsy and [this] gave rise to allegations that the FBI and/or BIA police had covered up the cause of her death. The fact that officers of both agencies examined the body in situs, wrapped in a blanket beside the road and far away from any populated area....lends credence to these allegations in the minds of many people. Hospital personnel who received the body at the hospital [on February 24] reportedly expected violence because of the blood on her head.”

The Commission report goes on to observe that, “[Many people] are of the opinion that Anna Mae Aquash had been singled out for special attention by the FBI because of her association with AIM leader Dennis Banks and the knowledge she may have had about the shooting of two FBI agents [in the Oglala firefight; see Chapter 9) on the Pine Ridge Reservation last summer.” The report concludes that “what was at the very least [an] extremely indifferent and careless investigation of the Aquash murder, [has helped to create a situation] many residents feel reveals an attitude of racism and antagonism on the part of the FBI toward Indian people.”

The question was also taken up in Congress, where a truly amazing interchange occurred between James Frier of the FBI’s Criminal Investigation Division and two Congressional committee members, clearly demonstrating that Indian interpretations of FBI sentiments were hardly ill-founded:

**Mr. Tucheovich:** Well, has the FBI made any effort to investigate why a person performing an autopsy could not distinguish between a gunshot wound and exposure as a cause of death?

**Mr. Frier:** Well, it’s very difficult to say why a doctor misidentifies a cause of death....No, we did not do an investigation as to why he misread the cause of death.

**Mr. Tucheovich:** Do you have any plans to do so, to initiate such an investigation?

**Mr. Frier:** No sir. It is extremely removed from the time [this testimony occurred in 1981], and I don’t think anything would come of it.

**Mr. Edwards:** How do you know, if you just asked him, he wouldn’t say somebody— and I’m not saying who—talked him into it or bribed him or something?

**Mr. Frier:** Sir, I can’t say. I really don’t know what his excuses or reasons for missing the identification were. And I really don’t know what follow-up was done as to why he did it so poorly....However, we [the FBI] had no involvement at all, and our investigation has been as aggressive as possible in this case.

**Mr. Edwards:** Well, I’m sure it has been a pain in the neck to you; and it has been to this committee, because we get a lot of mail on it. So we wish somebody would question the doctor. Was he drunk, or what happened? It would be very interesting to know.

In the same hearing, the Bureau itself neatly contradicted Frier’s testimony that the FBI had “no plans” to pursue the Aquash investigation further, by fending off queries as follows: “Because the investigation into Ms. Aquash’s death is still active and pending, information which would interfere with that investigation has not been disclosed.”

While researching a book on the life and death of Anna Mae Aquash, Johanna Brand did pose a few of the relevant questions to Dr. W.O. Brown. The pathologist, who acknowledged performing “30-35 autopsies per year on the reservation” (as contracted by the FBI and BIA police), “netting him earnings of about \$20,000” annually during the critical period, wanted to know: “Why all the interest in this case? So they found an Indian body—so a body was found.” As to the magnitude of “errors” in the matter, the good doctor merely replied rhetorically, “Everybody makes mistakes. Haven’t you made mistakes?” And finally, despite the clearly and immediately fatal nature of the gunshot wound at issue, he continued to insist that, “The bullet may have initiated the mechanism of death, the proximate cause of which was frostbite.”

All of this lends considerable substance to the observation of Linda Huber of the Washington, D.C. law firm Tigar, Buffone, and Doyle, offered in a letter to the Congressional committee before which Frier testified: “The Aquash matter raises an abundance of troublesome questions.... It seems that what is going on is, at the very least, a studied attempt on the part of officials at FBI headquarters to avoid knowing what happened in the field.” The answer to Huber’s implicit “Why?” may well have been touched upon by the committee itself when it came full circle back to the issue of SA David Price’s knowledge of Aquash:

“SA Price had had personal contact with Ms. Aquash in the past and assisted in photographing the body at the PHS morgue on February 25, 1976... SA Price’s previous contacts with Ms. Aquash occurred when he interviewed her in connection with an FBI investigation in the early spring of 1975 and again in September 1975...[on the latter occasion] she was arrested....by agents of the FBI, one of whom was SA Price.”

The committee report offers SA Price a feeble retort to the obvious by accepting at face value his assertion that “he was unable to recognize the body as that of Anna Mae Aquash due to its decomposition.” Such a conclusion is virtually untenable: the morgue photos—pictures that Price himself helped take—reveal a face easily recognizable. David Price, it seems, “missed” recognizing Aquash in precisely the same fashion that W.O. Brown “missed” a .32 calibre hole in the back of her head and the blood that was leaking out upon his morgue table. As WKLD DOC attorney Lew Gurwitz put it at the time, “There is a strong possibility of complicity by the FBI in the death of Anna Mae Aquash.”

**End Excerpt**

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**In the Spirit of Anna Mae Pictou Aquash!**

**In the Spirit of Total Resistance!**

**Free Leonard Peltier!**

**Stop the Extradition of John Graham to S. Dakota!**

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**For Info:**

• **[freepeltier.org](http://freepeltier.org)**

• **[grahamdefense.org](http://grahamdefense.org)**

▪ **see documentary film,  
*Incident at Oglala (1991)***

▪ **read *Agents of Repression*,  
by Ward Churchill & Jim Vanderwall,**