**THE LEONARD PELTIER CASE: STUDY GUIDE**Stephanie Wood, University of Oregon

**Place-based considerations**:

How do the histories of North and South Dakota help us understand the Peltier case—both what led up to it and its judicial outcome? What was the nature of Peltier’s family life and his schooling—Wahpeton Indian School (ND) and Flandreau Indian School (SD)--and how might these have shaped his eventual embrace of the “warrior” lifestyle? How have non-tribal interests in real or potential extractive industries (gold, uranium, coal, and oil) affected tribal sovereignty in this region over the years? How did American Indian Movement activities in the Dakotas frighten the U.S. government and seemingly result in an “neutralization” project by the FBI in the 1970s? Are feelings divided, locally, about AIM? about the Peltier case? Why or why not?

**Primary sources / questions**:

What is the Freedom of Information Act (FOIA), and what does the FOIA packet about Leonard Peltier contain?

Note that Scott Anderson's essay is NOT a primary source, but a secondary source, a review and interpretation of the Peltier case. Do you think that Anderson’s analysis of the Peltier case (*Outside*, July 1995) might have affected President Clinton’s reluctance to pardon Peltier? What are the strengths and weaknesses of Anderson’s interpretation of events?

Please review all the letters requesting that President Clinton commute the sentence of Leonard Peltier. Who wrote them? What points do they stress for arguing their case for clemency? What can you glean about the process involved (involvement of the Justice Department, length of time, how the government responded to letter-writers, etc.)?

One letter, dated Dec. 17, 1993 and written by Dan Hamburg (California respresentative to Congress, 1993–1995), includes a lengthy quote from Leonard Peltier. Hamburg describes Peltier's words as "harsh." What kind of window onto Peltier's state of mind in 1977, facing sentencing, does this quote provide? Would this letter have been convincing to Pres. Clinton with regard to commuting Peltier's sentence? Why or why not? Note that his signature appears again on a group letter from many members of Congress (pp. 60–61); would this one have held more sway, if any?

The three-page synopsis of the case that Robert Redford sent the governement (see pp. 54–56), is a secondary source, not a primary source. It is the point of view and interpretation of evidence that was at the heart of a documentary film, *Incident at Oglala* (trailer: https://www.youtube.com/watch?v=GpnfFe4wLa8), which can be found on Netflix. What details does this synopsis provide that might have been helpful in seeking the commutation of Peltier's sentence?

As with the letter-writer Dan Hamburg, other authors will also require further investigation. For instance, who was Gerald W. Heaney (pp. 57–58) and why might his letter have been seen as having some weight in the potential commutation of the Peltier sentence? By the way, beware of the confusion between events at Wounded Knee II (February 1973) and the incident at Jumping Bull Camp at Oglala (June 1975); there is a symbiosis between the two events, certainly, but they did not happen simultaneously.

The letter by Senator Daniel K. Inouye dated June 11, 1992, sheds like on the risk that letter writers and their Native informants were taking by standing up on behalf of the commutation of Peltier's sentence. Senator Inouye argues that Eastern Cherokee law student Yvonne Bushyhead was not the person who persuaded him to support the Peltier commutation. (For more information on Bushyhead, see an essay she wrote about Peltier: http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1011&context=yjll .) What does Senator Inouye argue, in fact, was most influential in his decision to support the commutation? (The documentary he describes was by Steve Kroft and it aired in 1992 as part of CBS's *West 57th* news magazine.)

Note that the *National Law Journal* and *Washington Post* pieces (pp. 66–71) are NOT primary sources, as they review and interpret the evidence years after the case was tried. Nevertheless, we can consider their potential impact on the President's decision. Do you see these materials as potentially supporting or undermining the commutation?

Do tribal voices have equal weight with non-tribal voices in this packet? Whose voices are the few Native voices in this packet? Where are the Native voices from the Dakotas? Would allies, such as famous human rights promoters or the likes of actor Robert Redford, have been seen as carrying more weight?

The FBI documents in this file (pp. 81 forward) argue the loudest \*against\* commutation. Do you see potentially influential points in their materials?

**Sample “entry” question**:

What is the nature of the “evidence” that suggests Peltier is or is not guilty of murder?

**Sample “essential” question**:

What does the Peltier case illuminate about the history of U.S. government-tribal relations in the twentieth century?

**Sample “big idea”**:

The American Indian Movement (founded in 1968 in MN), Wounded Knee II (Feb.-April 1973), the battle at Jumping Bull Camp in Oglala (June 26, 1975), and the conviction of Leonard Peltier (1977) all cast light on an important 20th-century struggle for greater indigenous rights and cultural preservation. But we also see internal factionalism and the external federal suppression the movement confronted.

**Sample “enduring understandings”**:

Whether innocent of murder or not, Peltier became a “potent political symbol” in the media and in grassroots struggles, a martyr and symbol of the U.S. government’s repression of Native people striving to defend their culture.

**A journey of healing**:

How might we derive healing from a case such as this? What positive take-away messages can we identify for our youth?