

Federal Misconduct Throughout Trial at Wounded Knee

By RICHARD LA COURSE
ST. PAUL, Minn. — (AIPA) —
“Governmental misconduct”
throughout the federal trial of
Russell C. Means and Dennis J.
Banks resulted in the granting of
a defense motion for dismissal
of charges against the two here
Sept. 16 by Federal District
Court Judge Fred J. Nichol at
the stormy conclusion of the
nation's longest and most bizarre
political trial in history.

Delivering a one-hour stinging
rebuttal to the chief federal pros-
ecutor and the Federal Bureau of
Investigation (FBI) and the Jus-
tice Department, Judge Nichol
said he was “pushed over the
brink” when the Justice Depart-
ment in Washington refused to
allow a shrunken jury to come
to a unanimous verdict in the
sometimes noisy trial which be-
gan last Jan. 8.

The prolonged trial reached
its final verdict stage Sept. 12
when a 12-member jury was se-

questered here. The following
days, however, the oldest of the
jurors, Mrs. Therese Cherrier,
suffered a “cerebral vascular ac-
cident” — a stroke — paralyzing
one cheek and a hand. Alternate
jurors had already been dismissed
by the judge, creating a legal
dilemma.

Three days later, the Criminal
Division of the Justice Depart-
ment notified Judge Nichol that
it did not desire to continue to-
ward a verdict with a jury of 11.
And Nichol at 3:00 p.m. Sept.
16 convened the jury, defend-
ants and lawyers before a packed
courtroom to announce his deci-
sion.

When Nichol adjourned the
court, defendants Means and
Banks embraced each other emo-
tionally, then hugged members of
the legal defense team, relatives
and friends.

The jubilant duo then met
friends and the press outside the
heavily protected court building,

and a victory party attended by
most of the jurors and the Minn-
eapolis-St. Paul Indian commu-
nity and sympathizers went into
the wee hours of the morning
at the nearby St. Paul Holiday
Inn.

Nichol earlier had told the
court he was dismissing the five
remaining charges against Means
and Banks because his “deepest

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Wounded Knee ..

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hope and expectation have been dashed" by the conduct of the federal government. Nichols gave the following four reasons:

- Witness Alexander Richard (Oglala Sioux) had given testimony in court "completely contradicting" statements he had given on an earlier FBI affidavit, and the FBI had concealed that affidavit from the court;

- Witness Louis Moves Camp (Oglala Sioux), who had barely missed a rape charge in River Falls, Wisc. enroute to the trial in the company of two FBI agents, was the subject of a "cover-up" by the FBI and Chief Prosecutor R. D. Hurd "who intentionally misled this court";

- Illegal involvement of the U. S. military by the federal government during the Wounded Knee occupation, including covert support services and domestic surveillance. Said Nichol: "We don't want the military running the civil affairs of this country";

- Refused by the Justice Department "to permit this case to go to verdict" constituted Nichol's fourth stated reason for dismissal of the five charges against the two men of conspiracy, one count of burglary related to theft to trading post items, and three counts of assault against federal officers. Nichol last Aug. 7 and on Aug. 9 had dropped five other federal counts against the pair.

"The only good thing I'm going to say about the Department of Justice is that they made a decision," chided Nichol, who added, "It's been a bad year for justice — a bad year for justice."