

Native American Struggles: Leonard Peltier and Norma Jean Croy

Editors

Leonard Peltier Update

United States federal agents threatened the life of a mentally disturbed woman, Myrtle Poor Bear, implying that she would have her hands cut off and worse if she didn't sign an affidavit saying that she was Leonard Peltier's girlfriend and that she saw him execute two federal agents. This affidavit was significantly different from the one she signed before being threatened, where she stated that she didn't know who Leonard Peltier was. Yet under international treaty law, the perjured affidavit is the one the FBI needed to extradite Leonard Peltier, an American Indian Movement leader, from Canada so they could fabricate some more of the same kind of evidence that would result in his being convicted and sentenced to two consecutive life terms of imprisonment. This illegal extradition from Canada was the basis for intervention in Leonard's third appeal by 55 members of the Canadian Parliament, who were represented by law professor Diane Martin before the Eighth Circuit Court of Appeals on November 9, 1992. This is the first time members of the Canadian Parliament have ever intervened in a criminal appeal in the United States.

A number of U.S. senators and representatives also have supported Leonard Peltier. Senator Daniel Inouye, Chairman of the Senate Select Committee on Indian Affairs, had asked President Bush to meet with him to discuss Peltier's case and the possibility of a pardon. Bush ignored the request, however; perhaps he was just too preoccupied with granting pardons to his criminal friends so that his own criminal activities wouldn't be further exposed in their appeal processes. Further, in October of 1992, Senator Brock Adams stated,

I remain hopeful that the upcoming hearing on Leonard Peltier's request for a new trial will be granted, and the American people will at last have all the facts presented fairly before an unbiased judge and jury. The thousands of pages of documents the Federal Government, to this day, refuses to release might well contain the answers that have eluded those who feel justice was not done in this case. What possible national security

grounds can be honestly invoked to withhold documents regarding the Peltier case? ...I strongly believe that a free society must demand accountability and responsible behavior from all citizens, including FBI agents....

At the November 9, 1992, hearing — the third appeal filed in Peltier's case over the past decade and a half — the primary issue raised by Leonard's attorneys is that the government's theory regarding Leonard's involvement in the case has significantly changed over the years as a direct result of the uncovering of evidence that exonerates Peltier. At the time of the trial, this evidence was knowingly withheld by the government to ensure that Leonard would be convicted and placed in prison for two consecutive life terms.

Peltier's attorney, Ramsey Clark (former U.S. Attorney General from 1967 to 1969), said the prosecution, which originally charged Leonard with personally executing the two FBI agents, has switched its theory to one of aiding and abetting. Lynn Crooks, the Assistant U.S. Attorney who prosecuted Peltier, agreed with Mr. Clark that the government has no evidence with which to link Leonard to the deaths of the agents. He is persistent, however, in his position that Leonard nevertheless should remain in prison.

Please support Leonard Peltier. His case symbolizes the continuing atrocities being committed against American Indians by the United States government. His exoneration would symbolize the American people's wish to right the wrongs that have occurred over the past 500 years.

What you can do today? Write letters to President Bill Clinton asking that he grant executive clemency to Leonard Peltier. Send copies of your letters to the address below.

Write letters to Senator Daniel Inouye supporting his efforts to free Leonard.

For more information on Leonard Peltier's case and what you can do to help, please contact the Leonard Peltier Defense Committee, P.O. Box 583, Lawrence, KS 66044; (913) 842-5774, FAX (913) 842-5796.

Free Norma Jean Croy, Political Prisoner

On July 16, 1978, the town of Yreka, California, was celebrating the weekend with a street fair and dance. Norma Jean Croy, a 24-year-old Shasta indigenous woman, was also enjoying the weekend along with some friends and relatives. They were visiting from home to home, laughing, watching films, and relaxing on a hot summer evening. Then they decided it would be good to go get some *pufitch* (deer) that night at her grandma's place out in the country.

First, they needed to get some food and other items at a local all-night store. It was near midnight. The clerk at the convenience store was working the night shift, hoping his application at the police department would be approved soon. It was still summer. It was hot. When Norma Jean, her brother, Patrick Hooty Croy,

and three of their relatives (ages 17–26) stopped at the store, the store clerk became verbally abusive, mistakenly accusing Hooty of short-changing him. Norma Jean and 18-year-old Carol Thom defended Hooty against this verbal onslaught. Hooty, not wanting any trouble, left the store. The clerk became physically abusive with Norma Jean and Carol. A scuffle broke out. Following the scuffle, a squad car rolled into the parking lot. One of those coincidences. The clerk yelled, “Get them.” And then came the chase.

“There’s a carload of Indians!” the police radio was barking orders across Siskiyou County. One cousin, Darrell, just waking up in the back seat, had the bright idea that he’d shoot out the headlights of the pursuing squad car. He picked up a .22 hunting rifle as Hooty drove the old Pontiac. By the time they reached Grandma’s, Darrell had managed to fire one bullet — but he hadn’t even hit the vehicle, much less his target.

When they got to Grandma’s, Norma Jean, Hooty, and Darrell fled into the hills. The other two, Carol and 17-year-old Jasper (who had been asleep) attempted to turn themselves in to the police. The police responded by beating Jasper and handcuffing him and Carol to a bush in the line of fire.

Fifteen squad cars and 27 officers came to the scene. The police wielded military-style semiautomatic weapons — M-16s, AR-15s, “riot” shotguns, and .357 magnum pistols — shooting at “anything that moved.” The Indians had a .22 hunting rifle and a handful of bullets. Memories of Captain Jack of the Modoc standoff against the U.S. Cavalry whispered in the air.

Norma Jean, Hooty, and Darrell continued to find cover in the sagebrush. Norma Jean got hit first, shot in the back. An officer got hit in the hand. Trying to surrender, Darrell was shot in the groin.

During a de facto cease-fire, Hooty approached the cabin to check on the well-being of his Grandma and elder aunt. There an encounter took place with Yreka police officer Hittson, who had been drinking prior to arriving on the scene. Hittson shot Hooty twice from behind as Hooty tried to get into the windows of the cabin. One bullet hit Hooty in the lower buttock and traveled down his leg, where it remains to this day. The other bullet entered through the back of his upper arm, bursting out the front. Hooty turned and shot one bullet from the .22, which hit the officer in the heart. The officer died almost instantly. Hooty crawled to some storage shacks by the cabin, seeking shelter. Several police officers opened fire with semiautomatic weapons. Twice they spewed the area where Hooty lay. Hooty miraculously survived.

By dawn, after the dust had cleared, it was discovered that the police had fired in excess of 200 shots at the hillside — only six shots had been fired by the Indians when they tried to put out the lights below.

Hospitals. Jail time. Trials. Penitentiaries. Jasper (a juvenile, who ended up tried in an adult court) got six years. Carol Thom was turned over to California Youth Authority and was separated from her baby daughter for over three years.

Darrell got six years. Norma Jean got life. Hooty got the death penalty.

That was a long time ago. Today all the Indians but Norma Jean are out of jail. Hooty, who after gaining international support when his case was presented by the International Indian Treaty Council at the United Nations, was granted a retrial by the California Supreme Court. Venue was changed based on the Indian-hating atmosphere of Siskiyou County. In May 1990, after languishing on death row for 12 years, Hooty was found not guilty by reason of self-defense.

With no release date, Norma Jean has been in prison for 14 years — a victim of a gross miscarriage of justice. Norma Jean, who remained unarmed throughout the racially charged encounter, is still behind bars. She has been to five parole hearings before the Board of Prison Terms, the latest hearing being this past July 16, 1992. Once again, her parole was denied. For information on how you can support Norma Jean's struggle for justice, write Norma Jean Croy Defense Committee, 473 Jackson Street, 3rd Floor, San Francisco, CA 94111 (415-986-5591).

...[H]ad Norma Jean Croy been tried in the case I heard, Norma Jean Croy would have been found Not Guilty.... I want the record to be clear that this is my judgment, my opinion, having heard the evidence in this case.

— Judge Edward Stem, Hooty Croy's
trial judge, May 1990, San Francisco