

# OPEN FIRE

## OR, THE FBI'S HISTORY LESSON

BY JUDY GUMBO CLAVIR AND STEW ALBERT

Rifles blaze. The solitary calm of the South Dakota plains is broken by a fierce exchange of gunfire. A shoot-out between FBI agents and Indians is tearing up the land. An old house caught in the crossfire is assaulted by tear gas and bullets. The dwelling belongs to an Indian couple who have just celebrated their 50th wedding anniversary. Men are dying. Two agents and an Oglala Indian will be dead by the end of this day, June 25, 1975.

Within 24 hours the FBI will launch a military-style invasion and occupation of the Pine Ridge Indian reservation, just thirty miles from the site of the Wounded Knee massacre almost a century before. The white invaders will treat Pine Ridge as if it were a hostile Vietnamese village. They will capture and eventually indict four Indians for murder.

"It was a cold-blooded ambush," FBI Public Relations Director Thomas Cole tells the press. The G-men were only trying to serve an arrest warrant, he explains. It's an open and shut case—murder in the first degree; the two FBI agents, Jack R. Coler and Ronald A. Williams, had been dragged from their car and ritualistically slaughtered.

It is the first time since the 1920s that two FBI agents have been killed in a single hattle. The air around the Bureau reportedly is thick with the anticipation of punishment and revenge. And how sweet it will be—capital punishment is once again legal. There will be a trial in U.S. District Court for two of the Indians but it is only a formality. After all, Dino Butler and Bob Robideau are members of the radical American Indian Movement (AIM). The defendants are a sure shot for the electric chair. Their lawyers are going to plead "self-defense," but when has it been permissible under any circumstances for an Indian to shoot at an FBI agent?

Cedar Rapids, Iowa (pop. 125,000) is in an uproar. The battle lines are drawn. An Indian encampment is being established on the outskirts of town for the avowed pur-

pose of assuring a fair trial. AIM is seeing to it that the white man will not try their two members in isolation.

Until trial time, the hottest summer excitement in Cedar Rapids had been a bicentennial paint job for the silos of the Quaker Oats factory. Fear of scalplings, lootings, and a white Christian city being put to the torch spreads faster than the acrid odor from the Quaker Oats chimneys—a John Ford western come to life.

Compounding the Indian invasion, a team of eastern Jewish lawyers descends, exuding sensual urbanity. Their titular head, whose presence would rival Sitting Bull's at a church picnic, is William Kunstler, "Wild Bill," the story goes, will do anything to win a case, and if he succeeds, the Indian hooligans will wind up looking like saints on the network news while they, the townspeople, will come off like corn-fed Nazis.

Everyone from District Court Judge Edward McManus to the bellhop at the Hotel Roosevelt Royale is predicting trouble, but early proceedings deny expectations. The courtroom proves a model of decorum. With alcohol and drugs forbidden in the Indian encampment, sweat lodges and sacred pipe ceremonies are the order of the day. In fact, the Indians seem

substantially less violent than the aging members of the Benevolent Order of the Eagles who are holding their convention at the Roosevelt downtown. Amidst much drinking and carousing, two of the more militant conventioners drop dead of heart attacks right in the hotel lobby. Many townspeople take note, and in the second week of the trial, friendly letters about the Indians and their attorneys begin to appear in the *Cedar Rapids Gazette*.

Meanwhile, the prosecution cannot produce a witness who claims to have seen either defendant kill anybody. Norman Brown testifies he saw the defendants firing at the agents but he thinks it was in self-defense. Wilfred Draper describes a conversation between the two defendants in which they had allegedly discussed the way in which they had killed the agents. Under cross examination, however, he admits that not only had he once lied to a grand jury but the FBI had threatened to indict him for the murder if he didn't testify at the Butler-Robideau trial.

The state's case looks shaky but the prosecution still has its star witness, James Adrian Harper.

A 35-year-old convicted felon with a rap sheet covering five states, Harper comes on cocky, like any good CB radio buddy. You wouldn't know to look at him that he is at this moment fighting extradition to Texas, where he had recently escaped from jail. Harper is as slick as the grease on his dirty blonde hair as he describes defendant Dino Butler's jail cell confession. (Harper happened to be locked up with Butler in a Linn County, Iowa, prison at the time.) Butler had been plotting a jailbreak, Harper says, and to gain his confidence Harper had disclosed his own prison escape from Texas.

"I built a whole big story," Harper tells the court, smiling, "and Mr. Butler seemed to be impressed." So impressed, Harper says, that Butler told him confidentially that the Pine Ridge shoot-out was indeed an AIM ambush. As delivered by Harper, Butler's version of the shoot-out conforms



Defendants Butler and Robideau under guard

CEDAR RAPIDS GAZETTE

precisely to the FBI's scenario:

After numerous shots were fired and the agents bloodied by bullets, the two defendants had made their approach. One agent was unconscious, the other begged for his life: "I have friends who are Indians, and a family, and I don't want to die." But, according to Harper, "Butler told me he 'wasted' them anyway."

Throughout Harper's testimony Dino Butler had sat quietly. The powerful presence of both defendants was providing a magnetic attraction in the courtroom. They have waist-length black hair and wear colorful ribbon shirts, the traditional Oglala warrior's dress. Neither scared nor swaggering, the tall, slender Robideau and the shorter, powerfully-built Butler are stately, even amiable. But Harper's words are too damaging.

"I never told him a damn thing!" Dino Butler shouts angrily.

Persistent questioning by defense counsel cuts deeply into Harper's self-confidence. His voice turns raspy; sometimes mumbling, he is forced to admit a string of aliases, the commission of several ugly and petty crimes, and a dishonorable discharge from the Army.

Two of the men who shared a jail cell with Butler and Harper are subpoenaed. Both testify that Butler was "a sociable person," but when it came to his case, he was very tight-lipped. They never heard him confess to anything except the desire to get out of jail. And, since quarters were close in that cell, they believe that if Butler had made any confession to Harper they certainly would have heard it.

But if the state had recruited Harper by promising him that he'd never have to see Texas again, then perhaps the jury might be persuaded these two prisoners had been bought by the defense with similar promises of legal aid. Further refutation seems necessary and the defense has no aces up its sleeve.

That is, until Thelma Hess calls the office of Fred Dumbaugh, local counsel for the defendants. (When Judge McManus had asked Dumbaugh to join the defense team, Dumbaugh had wondered: "What the hell does a local counsel for Bill Kunstler do?" The judge had replied: "I guess when Kunstler is in contempt, you go to jail.") Mrs. Hess had a story to tell, and perhaps Fred would be interested.

This middle-aged Baptist missionary had known Harper for seven years. Harper had lived with Hess and her husband for a spell until just a month before when she had turned him over to the authorities because she felt he was going to "get in trouble" if he wasn't locked up.

But before he was arrested, Mrs. Hess testifies, Harper had told her: "I will do anything to avoid going back to Texas, even kill someone in jail here in Iowa so that they'll sentence me to life imprisonment and keep me away from the Texas Rangers. I'll waste a no-account, someone



FBI Director Kelley: "unaware"

who won't be missed, like a queer or a rapist, in jail and in front of witnesses."

Why had Thelma Hess come forward? Because, she explains, when she read about Harper's testimony in the *Cedar Rapids Gazette*, "I noticed that he said the Indian said he 'wasted' the FBI agent. Well, 'wasted' was James Harper's word for killing somebody. He told me he would 'waste' me if I ever told anybody about the deal, so I thought he must be making it up and that the Indian never said that."

Poor Harper. His deal was blown. A failed informer, Harper would in all likelihood be left to the tender mercies of the Texas Rangers after all.

The trial continues. Because the defendants are Indians and the corpses FBI agents, the defense team feels it is not enough simply to demonstrate that there has been no evidence introduced concerning who specifically had killed the agents. The defendants are facing two charges: one, that they killed the FBI agents; two, that they aided and abetted the killers. Both translate as first degree murder. Butler and Robideau have been placed at the scene of the crime, and one witness had watched them shooting at the agents. If the jury of seven white men and five white women is to acquit the militants, they must be convinced, the defense reasons, that the defendants—just as all the Indians on Pine Ridge—had good reason to fear the FBI: that it was the FBI who provoked the battle and the Indian inhabitants who had to defend themselves. If the jury was not made to understand the unique living conditions on the reservation—the state of siege provoked by the presence of the FBI—they might use their own law 'n order Cedar Rapids framework to judge the defendants guilty as charged.

William Muldrow, a specialist with

degrees in sociology and divinity who had served on the U.S. Commission on Civil Rights, is called to the stand. The defense is trying a daring tactic—to impeach the testimony of witnesses from one government agency (the FBI) by calling a witness from another government agency. Muldrow, a white man, had been asked by the federal government to go to the Pine Ridge Reservation after the shoot-out to report on its causes and prepare a general analysis of conditions there.

"A great deal of tension and fear exist on the reservation," Muldrow testifies. "Residents feel that life is cheap, that no one really cares about what happens to them, and that they have no one to turn to for help or protection. Acts of violence, such as the one in which the agents were killed, are commonplace. Numerous complaints were lodged with my office about FBI activities."

Kunstler poses a hypothetical question. "What would be the expected reaction of a group of Indians living in an isolated area of the reservation when they heard gunshots and observed firing by unknown persons from unmarked vehicles?"

The prosecution objects and is overruled.

"It seems only logical," Muldrow answers, "that people in such a position would take immediate steps to protect themselves."

The key phrases in Muldrow's testimony are "fear" and "isolation." The Indians, he notes, live in scattered clusters with very poor means of communication. There are few telephones and the police are unreliable. In this atmosphere, fear of the outsider, especially a white, is overwhelming. Sole support comes from family and friends.

Prosecutor Hultman tries to discredit Muldrow's testimony, but the soft-spoken Protestant minister insists he has no axe to grind for AIM. After the prosecution has concluded a strenuous cross-examination, Judge McManus breaks precedent to ask Muldrow several questions, "for my own information." Muldrow describes the 70% unemployment rate, the arid land which Indians are forced to farm, the white ranchers who control the best land on the reservation.

Judge McManus's inquiry is not directly related to the facts of the case. It seems the judge is sending a covert message to the jury—"Listen to Muldrow, not the prosecutor." McManus, at least, is beginning to see that this is no ordinary murder trial but a case involving fundamental issues of American history, economics and sociology.

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The road to Pine Ridge Reservation winds down from Interstate 90 at Kadoka. If you miss it, you must travel 200 miles to Rapid City, at the far western end of South Dakota, to find another road in. The trail from Kadoka intersects with Highway 18

Crawdaddy



WIDE WORLD

Dead G-men Jack Coler . . .

about 30 miles east of Wounded Knee. Highway 18 is the major route through the reservation, connecting Pine Ridge to the Rosebud reservation on the east and running through to the Oglalas' most sacred place, the spectacularly beautiful Black Hills. It is on this land, stolen from the Indians by Mormons more than a century ago, that sculptors carved huge white visages out of the sacred soil. If you visit Mount Rushmore you can feel a tremendous spiritual presence thousands of years older than the exposed white face of the mountain.

After an 800-mile journey from Cedar Rapids (Judge McManus had recessed the trial for ten days) we approach Pine Ridge in the dead of night. Traveling with us is Ethel Merrival, a 70-year-old tribal attorney, whose appearance had intrigued the jury.

Short, stocky, with long black braids, she had confirmed racial stereotypes of a "squaw," but at the same time presented an articulate view of life on Pine Ridge. Merrival said she had lived on Pine Ridge virtually her entire life (she has 50 grandchildren) and joined AIM in 1972, "when Raymond Yellow Thunder was killed by the goons. . . . The goons, Dick Wilson [former Oglala tribal chairman] and his cronies are a private army on the reservation. They take the law into their own hands. They are Indians but they are Uncle Sam's puppets. The BIA [Bureau of Indian Affairs] appropriates money to pay for these people. The FBI backs them up. The FBI even tried to proposition me, if I would tell them who shot the FBI agents. One FBI kept on doggedly asking me. He said he would forget my income tax, that he would give me a picture of himself in a bathing suit, that he would creep into my teepee.

"We fear for our lives," she had told the jury. "Twice my house has been shot. My 14-year-old granddaughter was raped by a BIA policeman. He got her drunk and raped her. I tried to get him for contributing to the delinquency of a minor but even though I'm a tribal attorney it's a year-and-a-half later and nothing has happened."

She had visited the home of Harry and Cecelia Jumping Bull where the shoot-out had taken place. "I saw a baby doll that was riddled with bullets from the chest to the stomach."

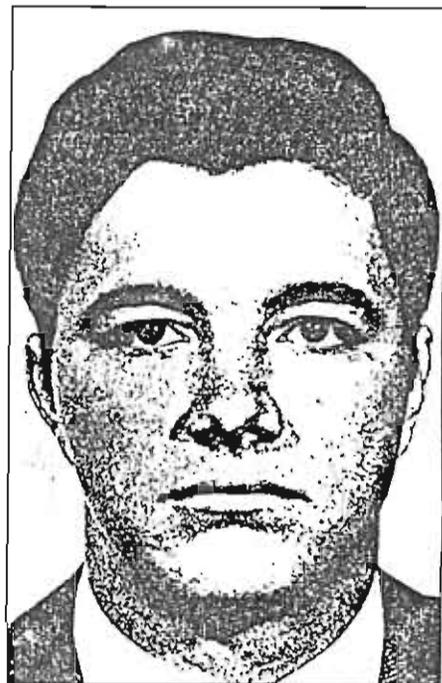
On the long ride from Cedar Rapids to Pine Ridge, Merrival elaborates: "I didn't tell the court how they shot into my living room when my children were in the front room. We had to comb some of the shot out of my granddaughter's hair, and other shots fell on an infant child. I have been assaulted by the goon squads myself."

She recalls Anna Mae Aquash, a young Canadian Miemac and AIM militant, whose partially decomposed body had been discovered at Wamblee, about 100 yards off the highway we were presently traveling on. "The FBI had told Anna Mae they'd kill her unless she cooperated with them," Ethel says. "She told a lot of her friends about this, and then she was found dead. The FBI had an autopsy and said she died of exposure. But her family had another autopsy and they discovered a bullet in her head. We all think the FBI put it there."

The Oglalas' land is surrounded by South Dakota but it is really like another country—a place whose poverty cannot be measured by the penury of Harlem or Watts. There are no movie theaters, newspapers or radio stations; the small cafe stays open for only part of the day and the largest source of employment is the BIA. Most Indians are on some form of federal dole and there is no rising class of hip Sioux capitalists getting rich because Oglala drums have become popular.

If you yawn you might miss the town of Pine Ridge, where one small supermarket, a police headquarters, a number of churches and a block of houses for bureaucrats create an eerie mirage. For a moment it looks like Main Street, USA, but soon you discover that the few houses and stores are shabby props with nothing behind them but wind, dust and dry plains.

The reservation itself is a rip-off ravaged by greed. The farms surrounding the Oglala community are rich with corn and cattle owned by wealthy farmers who are fast becoming John Birchers. (AIM has become one of the prime targets of the national Birch Society.) The choice land once belonged to the Oglalas and tens of thousands of Sioux were murdered before the government could turn the bloody soil over to these German and Irish immigrants from European despotism. The New Americans' promised land was a graveyard for Native Americans.



WIDE WORLD

. . . and Ronnie Williams: military minds

At the scene of the Wounded Knee massacre where the American cavalry, out to avenge Custer's incompetence, slaughtered thousands of surrendering Sioux, rests a collective grave. An Indian woman whose uncle was killed in the 1973 AIM-lead Wounded Knee occupation and whose great-grandparents died in the 1890 massacre, overhears a white tourist family discussing the original incident.

"They killed a lot of Indian warriors," says the father.

"Mostly women and children," the Oglala interjects.

"It's just history," replies the white man.

After experiencing Wounded Knee and its ghosts, the scene of the FBI confrontation seems more stark. The Jumping Bull house is hideously pockmarked by bullets. A washing machine in the backyard is inexplicably shot up; an old car is filled with gaping holes. How many agents fired at how many Indians and how did it start? Nobody on the reservation knows for sure but the betting is that the FBI was responsible in a provocative plan which misfired.

"The FBI knew AIM members were living there and they knew their intentions were peaceful," says Sam Running Horse, a neighbor of the Bulls, "but they don't want AIM organizing on the reservation. So they tried to be smart—they sent in these two agents to pick a fight and draw some fire, and then they were going to send in an all-Indian SWAT team as back-up. But the shooting was too heavy and the Indians were not going to go in there and die for a white man."

Running Horse's version makes sense—it would explain why the FBI agents did not retreat when they drew fire. Standing on the spot where the agents' bodies were found, we recognize several



AIM Pres. John Trudell: "sovereign nation" roads which could have provided an easy getaway; roads which, significantly, were missing from the prosecution's elaborate courtroom maps. Perhaps the unfortunate G-men stuck around because they had been promised reinforcements with M-16 automatic machine guns. The only other explanation is that they were drunk and/or crazy and thought a couple of white supermen could make any number of redskins cry for mercy; hallucinating John Waynes who died with their boots on.

"We're as natural to the land as the trees that stand outside your window," explains John Trudell, addressing a student audience at Coe Community College in Cedar Rapids. A Santi-Sioux and national secretary of AIM, Trudell is one of the organizers of the encampment.

"Three hundred and eighty-four treaties have been signed and 384 were broken. No one ever stood trial for breaking those laws. When a person is charged with committing a crime in your society he is not brought to our society to be tried."

Then Trudell quotes Dino Butler's opening statement at the trial: "We are members of a sovereign nation. We live under our own laws, tribal and natural."

Trudell and Butler have been to a lot of sweat lodges together. The "sweat" is a religious ritual, a process of purification. Inside a sweat lodge it is dark, except for glowing hot rocks on which water is poured four times accompanied by prayers and chants. In this place the ravages of alcohol, the most obvious legacy of the white man's domination, are steamed out of the body. This brings a closeness and awareness called the peace of the sweat. When you emerge, you feel like you are being born into a new world.

Each morning two sacred pipes are

brought to the defense table. These pipes are wrapped in woven cloth and buckskin. Tied to the outside are sacred eagle feathers and stalks of wild sage from the reservation. Each morning in front of the jury, Butler and Robideau fill their pipes with a mixture of tobacco and bark. The Indian defense witnesses swear on these pipes rather than the Bible.

AIM's spiritual leaders are medicine men who seek to revive traditional tribal religions. Rituals and discipline help AIM members overcome some of the confusion and self-hate forced on Indians by centuries of white culture. But AIM is also a political organization. In different parts of the country, AIM struggles for treaty rights, fishing rights and the defense of Indian culture.

"Our culture has been changed in such a way that it can never go back to what it was," John Trudell says quite somberly. "There's no place on earth that the Indian could lead the life of his choosing today. But oppressors and money are transient things. They come and go. The land is forever. As long as there is land, we will never give up."

Trudell, too, recalls the Micmac woman who was found murdered on Pine Ridge. Today, Anna Mae Aquash's body is hurried off Highway 18, the mound still visible from the highway on a spot between the camp where the shoot-out took place and the town of Pine Ridge. Also buried there is Joe Stuntz, the Oglala killed in the shoot-out, whose death, unlike that of the two FBI agents, has never been "solved."

"Anna Mae was a fighter," Trudell believes. "She used to say that 'As long as your skin is brown, you were born fighting.' The last time I saw her, she told me she'd speak to me in the rain."

The day before the verdict, it rained in Cedar Rapids.

As the end nears, Marlon Brando and Dick Gregory arrive at the Cedar Rapids airport. They have been traveling for some 30 hours because, for reasons known only to themselves, they went looking for the courtroom in Wichita, Kansas. Earlier, another sympathizer, Muhammad Ali, had almost gotten on a plane for Wounded Knee, South Dakota.

After bypassing the local press, Brando sits around the kitchen table at the defense quarters speaking through a mouthful of steak, Stanley Kowalski style, while Dick Gregory concocts fruit and vegetable drinks in the other room. "I'm going to treat Ali's blood clots with fruit juice," Gregory announces to a crowd gathered around the table in the aftermath of Ali's bout with the Japanese wrestler, Inoke.

"Ali's big dream is to be the world wrestling champion," Brando adds. "It's like the shoemaker who wants to be a carpenter." This once-muscular paradigm of Hollywood grace and beauty is now very overweight, his soul somehow imprisoned



Brando: "I will do anything . . ."

in a huge, Picasso clown-like body. "I'm going on a Dick Gregory fruit-juice diet as soon as I find the time," Brando declares unconvincingly.

"I will do anything I can to help any Indian," he declares. "No matter what their relationship to the law." Given his wealth and reputation, supporting the Indian cause is not a great sacrifice for Brando. But when he rejected the Academy Award for Best Actor in 1973 (for *The Godfather*) as a protest against Hollywood's caricaturing of Indians, it went beyond the call of conscience, or duty.

"When I gave up the Academy Award—which I *really* wanted," Brando reveals, perhaps for the first time, "that was a real sacrifice for me. But it was the least that someone in my position could do."

"I come to places like this to have personal contact and also because I am a celebrity. I attract media, which I try to focus in the Indian's direction. Lately I have shown up in some places where Indians were in trouble and the press ignored me. I do not think the media is involved in a government conspiracy against the Indians; it's just that the networks are involved in selling dog food, and they do not think Indians are commercial."

As he speaks, the paparazzi are eagerly preparing for his appearance the next day at the trial in town.

"When I go to a press conference I play the part of the concerned citizen. I put on a suit and act like a member of the establishment. Sometimes it works. I once called Henry Kissinger to complain about a matter involving the usual mistreatment of Indians, and he took the phone and spoke to me. He finds Indian demonstrations embarrassing to his foreign policy. It makes Americans look bad. So he listened to me

...d that time we got results. It pays to have someone around who can talk to Henry Kissinger."

Bill Kunstler, who cannot talk to Henry Kissinger, nods happily in agreement: this is his 57th birthday and everyone's celebrating. (Brando will play the role of William Kunstler in his forthcoming *Wounded Knee* epic.)

"I do not think we can write to our Congressmen to help the Indians," Brando says, continuing his monologue between bites. "It seems they are too busy. According to recent disclosures, most of our politicians are in bed most of the time." We all laugh but Brando turns serious again. "We are all oppressed. With some of us it's economic and with others it's existential and psychological."

The next day, Brando and Gregory come to court. When Brando steps forward to shake hands with the defendants, the federal marshalls block his path, so the actor retires to the back row of the spectators' section and sends a note of good wishes to Butler and Rohideau.

But, despite Brando's presence, it is FBI Director Clarence Kelley's testimony which makes the evening news: America's greatest actor is upstaged by a straight-faced former Kansas City cop.

At the beginning of the trial, Judge McManus had refused a defense request to subpoena Kelley—but there were to be further developments. When he died, agent Jack Coler was carrying secret Cointelpro papers plus maps of Indian territory with specific areas marked "bunkers." (Cointelpro was the name for the FBI's elaborate harassment campaign against "radical" groups in the late '60s and early '70s.) Apparently someone had been trying to make Coler think he was walking into a free-fire zone; far from being military fortifications, these "bunkers" are century-old root cellars which could not stop a BB pellet.

The judge, once shown the Cointelpro documents, reversed his decision and issued a subpoena for the FBI chief. Now Clarence Kelley was becoming the first FBI director to ever take the witness stand.

To most observers Kelley seems to be a man trying to testify with candor who really doesn't seem to understand what's going on in his own organization. For example, the director describes AIM as "a movement which has fine people. I think it has something worthwhile to offer, it is not un-American, subversive or otherwise objectionable." He is "unaware" and surprised to learn that his subordinates have listed AIM as a "terrorist" organization.

The defense presents Kelley with recent teletypes, originating from Washington, D.C., which link AIM to "planned" political violence, including the assassination of the governor of South Dakota, sniper attacks on tourists, demolition of Mount Rushmore and an assault on a

federal prison. Kelley denies that these messages were deliberate provocations, a continuation of Cointelpro under a different name. Kelley claims Cointelpro had been discarded by the bureau but admits there "wasn't a shred of proof" that any of the AIM events were ever intended.

When the defense asks if he considers these telexes "provocative," Kelley claims that law enforcement agencies are "becoming professional. . . . We are not stampeding to build up fortifications. These telexes are informative and positive."

"Why do your agents carry M-16 rifles on the reservations?" Kunstler wonders. "Why do they wear army jumpsuits?"

"I don't care who it is," Kelley responds. "If people's lives are threatened, they have a right to defend themselves."

"Exactly," answers Kunstler. "No further questions."

Following this, Senator Frank Church testifies that the FBI materials certainly did resemble Cointelpro documents and that such documents did put targeted individuals "in physical danger." The defense rests. The jury must know by now that the FBI was out to get AIM; but would they consider the shoot-out in this context or would they believe the prosecution's claims that whatever Cointelpro was, it had nothing to do with this case?

After closing arguments, the jury deliberates for four days and then sends a note to the judge—they are "hopelessly deadlocked." But over \$2 million has gone into this trial and Judge McManus wants a verdict. He orders the jury to go back and, without cutting the truth, bring back a decision.

The defense would consider a hung jury a victory and now they are scared. If the deliberations continue, how could the supposed few "friends" on the jury hold out against inherent racism? The prosecution apparently agrees with this view—they are after guilty verdicts and vigorously oppose the defense motions to dismiss the jury.

It's going to be a hung jury. The courtroom pros—lawyers, reporters, marshalls—all agree. The jury is out for another 24 hours. No verdict. The judge will have to call it quits.

Then it is announced. There is a verdict. For most of the defense team its arrival seems like the "angel of death." Kunstler drives to the courtroom, his gloom unyielding. With irrefutable logic he convinces almost all the passengers that the verdict will be "guilty."

"Some will come in crying and ashamed," he predicts. "They won't be able to look at Dino and Bob, but how can they hold out against the power of prejudice? It's just not possible; time wears a jury down. Maybe they don't hate Indians but they believe in law and order."

The friends and family of the defendants sit in the courtroom in hushed horror. Kunstler is increasingly despondent. The

prosecutors are tense but talk tough, seemingly confident.

The jury walks into the courtroom. For people who have been tied up in debate for five days, they seem jaunty. But the tension in the room is at the level of physical pain. The foreman hands the verdict to the judge, who reads it silently, impassively, then passes it to the court clerk.

"Not Guilty." The courtroom explodes with smiles, applause and tears. "Not guilty" on all four counts. Everyone at the defense table weeps. Kunstler, sobbing, embraces the two defendants.

The prosecutors are stunned. They have blown a hung jury, snatching defeat from the jaws of a draw. A row of FBI agents file out of the courtroom, pillars of stone, their revenge denied. Twelve white middle-Americans had just disowned them, and now their careers—and the diminishing prestige of the Bureau—hang in a balance that has suddenly shifted.

"You won't be able to get away with what you're doing much longer," John Trudell angrily addresses a row of police outside the courtroom, and they shrink back sullenly.

According to the foreman, Robert Bolen, it had been the consensus of the jury that "the government just did not produce sufficient evidence" of guilt. They had accepted the defense contention that an atmosphere of fear and violence existed on the reservation, and that the defendants could have been shooting in self-defense.

"We more or less determined [that it was] a case of one armed camp against another armed camp," the foreman explains. As for the "wasted" James Harper, "not one single person believed one single word of what he said."

In order for the jury to have reached this verdict, they must have thrown away a lifetime's worth of racist mythology about Indians and FBI agents. If we can understand what changed their minds, we may grasp what will change America. By and large, the people of Cedar Rapids approved of the verdict. It was a source of civic pride. Strangers in the street congratulated anyone connected with the defense team. On a local television station, one weatherman said, "It will be a fine night to celebrate the victory."

The day before the verdict, there had been a ceremony at the Rosebud reservation, which lies on Highway 18 just east of Pine Ridge. As the participants emerged from the sweat lodge, they saw four eagles come from the west, north, south and east. The eagles circled and then flew off in four directions.

"When I spoke to those people yesterday, they told me that Dino and Bob would walk the earth as free men," said John Trudell on victory night, his eyes dancing with joy. "We know how to call on a power that the government just doesn't understand."