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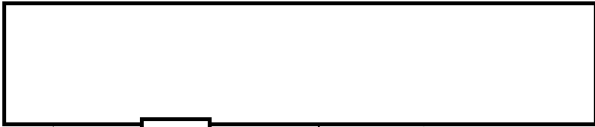
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MCRP

Russell Charles Meares

1-17-76

R2097



10-5-76

R2097

MCRP



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11/1/76

R-214

2
J

MCRP
Dennis James Bents
R-58 11/17/76

"TREAT AS ORIGINAL"

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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Director Sec'y	_____

Transmit attached by Facsimile - PLAINTEXT

MAY 30 1974

Priority *urgent*

TELETYPE

To: *Director, FBI*
Attn: John C. Gordon, Rm 2266, Date: 5/30/74
Gen. James (Unit, GID)

From: *[Redacted]*
Subject: *[Redacted]*

Transmitted *RFB*
Initials *[Redacted]*

Wounded Knee related.

- Fingerprint Photo
- Fingerprint Record
- Map
- Newspaper clipping
- Photograph
- Artists Conception

Special handling instructions:

*On portion of transcript
means of a number of cases pertaining
to the incident involving attempt
to enter & make citizens arrest of
[Redacted] 5/29/74. Two of [Redacted]*

Head carry to supervisor, Gordon

Approved: *[Signature]*

*filed with [Redacted] on
this date. [Redacted] 6-11-74*

[Redacted]

SA [Redacted] SA [Redacted]

MCT-24
REC-40

89-2881-1

18 JUN 4 1974

CH 38

EX-115

ENCLOSURE

[Signature] - GORDON

58 JUN 14 1974
258

b6
b7C

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNIS BANKS,

Defendant.

CR73-5034
CR73-5052

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL MEANS,

Defendant.

CR73-5035
CR73-5053

TRANSCRIPT OF TRIAL PROCEEDINGS

BEFORE

HONORABLE FRED J. NICHOL

MAY 29, 1974

VOLUME 76

ENCLOSURE

89-2881-1

1 correct?

2 A Yes. I saw it on the ground.

3 Q It was like a homeless phone lying on the ground?

4 A That's right.

5 Q You took it in, is that correct?

6 A That's right.

7 Q Now, the following night that phone wasn't on the
8 ground any more, was it?

9 A If I remember correctly, that's correct, it was not.

10 Q It was in an FBI truck, was it not?

11 A It was in a rental van.

12 Q A rental van?

13 A Yes.

14 Q Which the FBI was using, is that correct?

15 A Yes, I think so.

16 Q And you listened in then, too?

17 A Didn't hear you. Say again?

18 Q You listened in that night, too?

19 A Yes. It was on the tailgate of the truck.

20 Q Right. Then, the following night, didn't you listen
21 in again?

22 A It's possible that I did. I can't remember if I was
23 there the third night or not. It is possible.

24 MR. KUNSTLER: That is all,

25 Your Honor.

1 THE COURT: Very well. Any
2 redirect?

3 MR. HURD: No.

4 THE COURT: I guess you may step
5 down.

6 MR. HURD: Too many questions,
7 I am not going to pay off.

8 THE COURT: Mr. [redacted] you
9 want to step down.

10 (Witness excused.)

11 MR. HURD: Max Fritschel.

12 MR. BANKS: We are placing this
13 man under citizens arrest.

14 THE COURT: You do not. Wait.

15 Mr. Means and Mr. Banks, you --

16 MR. BANKS: Under Title 18,
17 U.S. Code.

18 THE COURT: Mr. Means and Mr. Banks,
19 nobody is arrested in the courtroom except for the --

20 MR. BANKS: We would like to
21 place him under arrest.

22 MR. MEANS: We would ask the
23 marshals to put him in custody.

24 THE COURT: You can make that
25 request to the marshals.

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b7c

1 MR. BANKS: Marshals, jail him.

2 THE COURT: Not in the courtroom.

3 MR. LANE: Your Honor—

4 MR. HURD: This is a show for the
5 press. I'm getting so sick of this stuff.

6 THE COURT: I might also add
7 that as far as arrests are concerned, witnesses
8 testifying in a court are exempt from arrest not only
9 in the courtroom but in the whole courthouse by
10 virtue of their being called.

11 MR. BANKS: Should we then go
12 outside at the back door and the front door?

13 THE COURT: I am not giving
14 permission for you to leave. If you have somebody
15 you want to send out to try to make a citizens
16 arrest, you can try.

17 Apparently you have got a lot of agents.

18 MR. LANE: Many concerned citizens
19 Your Honor.

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MR. HURD: I think the record should be clear that the Court isn't encouraging that.

THE COURT: No, I'm not encouraging that or inviting any citizens arrest.

MR. KUNSTLER: It is a right they have under the statute, Your Honor, whether you encourage it or not.

THE COURT: It doesn't prove that a citizens arrest should stick.

MR. HURD: Unless it's committed in their presence, an alleged felony is committed in their presence.

THE COURT: Now, Mr. Kunstler, that would be to that person testifying here in court is exempt from arrest.

MR. KUNSTLER: I'm not testing that, Your Honor. Your Honor said he passed no approval or disapproval.

THE COURT: I certainly am not.

MR. KUNSTLER: That is all.

THE COURT: If a person testifying as a witness is subject to being arrested because of his testimony by anybody that happens to be in the courtroom, we would never get anybody to ever testify.

1 to anything.

2 MR. LANE: The problem is, Your
3 Honor, that the defendants have to remain in the
4 courtroom and Mr. [REDACTED] flies to Los Angeles.

5 MR. HURD: If anybody takes this
6 serious, Your Honor --

7 MR. LANE: We think the
8 government is not acting serious and the citizens
9 have to act. I might say, I had made an arrest of
10 an FBI agent --

11 THE COURT: Not in a courtroom.

12 MR. LANE: In a police station.

13 THE COURT: Police station is not
14 a courtroom.

15 MR. LANE: I had a Rapid City
16 issue a warrant for his arrest --

17 MR. HURD: Your Honor, Judge,
18 that is a completely different --

19 THE COURT: I hate to ask,
20 Mr. Lane, what happened as a result of the citizens
21 arrest.

22 MR. BANKS: There was a lot of
23 clubbing of heads --

24 MR. HURD: We are getting into
25 everything that was said at --

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b7c

1 THE COURT: I don't know if it
2 makes any difference if we call another witness.
3 We might just as well secure now and I'll say, again,
4 ladies and gentlemen of the jury, please remember
5 as we are about to adjourn not to discuss this case
6 among yourselves or with others or permit anybody to
7 discuss this case in your presence. If anybody should
8 persist in doing so, please let me know who they are.

9 Also, while perfectly proper to reflect upon
10 the case, please do not make any prejudgment of what
11 your verdict may be on any matters concerning this
12 trial and, again, I would remind you not to read,
13 listen to or watch any television or any newspaper
14 reports about this trial or any matters connected
15 with this trial.

16 Court will be in recess, remembering
17 tomorrow morning I will work only in the morning from
18 9:30 to 12:30.

19 The Court will be in recess until 9:30
20 tomorrow morning.

21 (Court was recessed at 4:35 o'clock
22 p.m. May 29, 1974 to reconvene
23 May 30, 1974 at 9:30 o'clock a.m.)
24
25

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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CR. 73-5034

CR. 73-5062

UNITED STATES OF AMERICA,

PLAINTIFF,

vs.

RUSSELL MEANS,

DEFENDANT.

CR. 73-5035

CR. 73-5063

AFFIDAVIT
