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## Review of *Ghost Dancing the Law: The Wounded Knee Trials* by John William Sayer

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**Ghost Dancing the Law: The Wounded Knee Trials.** John William Sayer. Cambridge: Harvard University Press, 1997. ix+310 pp. Notes, index. \$29.95 cloth (ISBN 0-674-35433-8).

Word Wars: American Indian Movement agenda versus the United States judicial system. In a smoothly written analysis of the 1974 trial of Russell Means and Dennis Banks for “criminal acts” committed during the 1973 occupation of Wounded Knee, John Sayer provides an evocative chronology of events and ideals that influenced the St. Paul trial. Woven through-

out the narrative are parallel examples of historic revolutionary movements and leaders, a device allowing readers to compare and contrast the possibilities and pitfalls inherent in ideological revolutions. Set in the turbulence of Watergate and media hysteria, the Wounded Knee trials lead Sayer to ask how influential the press is in bringing public opinion into the courtrooms of America.

The crux of the argument centers on the ethical question of ends and means. Within legal strictures, the defense strategy included three objectives: to cultivate positive images for the media, to introduce the 1868 Treaty with the Sioux, and to portray the trial as an indictment against the government's treatment of Indians. In its turn, the prosecution sought to demonize and condemn the defendants as common criminals.

Fortunately for the defense, corruption by individuals in the Department of Justice, Federal Bureau of Investigation, and prosecution diluted the charges brought against Means and Banks. Among the many abuses were illegal telephone eavesdropping, witness tampering, and cover-ups by the Department of Defense, the FBI, and the Bureau of Indian Affairs. By embracing the 1868 Treaty, the defense incorporated cultural, spiritual, and American Indian political elements into its arguments. For instance the *Wanag Waci*—Spirit Dance (Ghost Dance), a Sioux means of restoring the richness of their former life—became important symbolically for the courtroom and the media. Russell Means reminds all of us that injustices perpetrated by the government's violation of the Treaty and the subsequent ruthless 1890 Wounded Knee massacre are not forgotten by Indians. Indeed, 1973's events could reoccur unless American Indian people are given full sovereignty derived from aboriginal rights and full benefits covenanted by treaties.

Judge Nichol dismissed the case. Ultimately, though, dismissal deprived the American Indian Movement of judgement by peers: the jury, and in this sense our national government, retained its negative attitude towards Indians and found further excuses to ignore rights accorded by the 1868 Treaty. State governments, in turn, were emboldened to infringe on Indian rights.

Sayer draws on many sources, including oral histories (from thirty trial participants, though not Russell Means), defense committee records, and trial transcripts, to inform his study. Among the newspapers cited are the *Rapid City Journal*, *Sioux Falls Argus Leader*, and the *St. Paul Pioneer*. Without a bibliography, though readers must search through eighty pages of Notes and Index for citations.

Sayer's narrative of the 1974 trial offers a superb description of the inner workings of the American justice system, including its deleterious effects on American Indians unfortunate enough to enter its bounds. This book will enrich readers with interests in American Indian history, culture, and politics, and those seeking enlightenment on the Wounded Knee trials. **Tahunska Tanka (Leonard R. Bruguier)**, *Institute of American Indian Studies, University of South Dakota*.