

# Psychology Dept. aids in choosing AIM jury

By Ray Walden

The defense lawyers in the Wounded Knee trials, scheduled to begin next month in Lincoln, will have some help from the UNL Psychology Dept.

The department is helping the American Indian Movement (AIM) and the Wounded Knee Defense Committee with a study to determine what types of persons in the Lincoln area would be the most sympathetic to the 170 AIM defendants. The defendants are on trial for the occupation last spring of the area surrounding the Wounded Knee monuments.

The psychologists will look for distinguishing characteristics among registered voters who express certain opinions about AIM and Indians in general. The findings will be used by defense lawyers to select a jury most likely to acquit the defendants.

Use of social science techniques in jury selection has been made in conspiracy trials across the United States in the past three years. Special research teams led by sociologists Jay Schulman, formerly at Cornell University and the City College of New York, and social psychologist Richard Christie, a Columbia professor, helped the defense choose juries for conspiracy trials in Harrisburg, Pa., Camden, Ohio, and Gainesville, Fla. Those jurors on the whole voted for acquittal 34-2.

Schulman and Christie now are involved in the trial of AIM leaders Dennis Banks and Russell Means in St. Paul, Minn., and the upcoming trials in Buffalo, N.Y., of convicts allegedly involved in the Attica State Prison revolt.

Schulman is coordinating trial research in Sioux Falls, S.D., and Lincoln.

A Sioux Falls telephone survey was used by AIM lawyers to convince Judge Warren K. Urbom to move the Wounded Knee trials in federal court from there to Lincoln. The successful defense motion said the survey showed Indians could not receive a fair trial in Sioux Falls. The state charges still will be tried there.

A team of three persons involved in similar work in Sioux Falls and St. Paul, about 10 UNL students and two UNL assistant professors of psychology will begin a telephone survey Thursday in Southeast Nebraska counties. This area, which includes Lincoln, is the area from which jurors for the trials in Urbom's U.S. district court will be chosen.

The team met last week to organize the survey. There was some disagreement about the way in which subjects for the survey were chosen. Lincoln addresses were selected at random from a voter registration list donated by the Lincoln Democratic headquarters. In outlying counties, selection is at random from telephone books.

Urbom has ordered the federal government to pay surveyors \$2 an hour for their work, up to \$300 an individual.

The group's goal is to complete 1,000 interviews within about two weeks.

Assistant professor John Berman, the faculty member most involved in the survey, explained the Psychology Dept.'s interest in the trials.

First, the psychologists want to see how attitudes expressed in the telephone

questionnaire will match certain personal characteristics, such as religion, occupation, income and education. These are the same things to which the defense will refer during jury.

Second, they plan to redo the general survey after the trials. This is to determine what effects on attitudes publicity of the trial might have had and whether there will be a backlash in white opinions about Indians.

Third, they want to validate their method of jury selection. This will be done by interviewing the jurors after the trials to see which of the several rating systems used in selection most accurately predicted how they voted.

Along with Berman, assistant professor Bruce D. Sales is working with the trial researchers. Sales, a law school graduate, specializes in psycholinguistics.

He has been called by the defense in Sioux Falls to testify as an expert witness.

Berman said he and Sales, along with several students, will observe prospective jurors during the selection process. They will rate them on several personality characteristics and behavior traits. These ratings, combined with information from the survey and other sources, will be available to the defense lawyers.

In federal trials, the judge chooses the jury selection method. Usually the defense and prosecution are given a number of peremptory challenges (dismissal of jurors at the lawyers' discretion) to eliminate all but the final jury of 12.

This is where the information from the social scientists comes in. It will be used by the defense to choose which questions to ask prospective jurors. It also will be used as a guide to determine which jurors might favor the AIM cause and which might be hostile toward it.

In previous trials, statistics were not used as the only determinants of jury selection, nor is it likely that they will be in Lincoln. In the St. Paul trial of Banks and Means, the results of the community survey gave little useful information for predicting juror behavior, Berman said.

Means and Banks are two of the alleged leaders of the Feb. 27, 1973, takeover of the Pine Ridge Reservation town of Wounded Knee by about 200 militants—mostly AIM members. New media reports estimated that the size of the occupation force varied from more than 400 to less than 100 at the end of the 70-day siege.

During the incident two Indians were killed and several others, including a federal marshal, were wounded by gunfire.

The U.S. Department of Justice estimated that the government spent from \$5 million to \$7 million dollars to maintain 300 federal marshals, FBI agents and border patrolmen in the area.

Wounded Knee was the site of an 1890 massacre of 150 Indians camped there by the Seventh U.S. Cavalry.

The state trials in Sioux Falls involve 22 people alleged by the government to be connected with a Feb. 6, 1973, clash between Indian militants and authorities at Custer, S.D. The trials moved to Lincoln involve the alleged followers of Banks and Means at the Wounded Knee occupation.

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- Volunteer staff needed to deal with UNL Community problems—particularly housing. Rm. 117 Union at 2:30 p.m., April 24
- Director for next school year interviews. Rm. 117 Union at 3:30 p.m., April 25