

Crucified in Kenya?

A Minneapolis lawyer is out to prove that Father John Kaiser did not commit suicide

When Father John Kaiser's body was found on a highway in Kenya in 2000, those who knew the Minnesota native were certain he'd been murdered. The Roman Catholic priest was in the midst of exposing rape charges against a high-ranking official and had made plenty of enemies within the government for his outspoken critiques of human-rights abuses. Kaiser even seemed to sense his life was in danger, once writing: "I want all to know that if I disappear from the scene, because the bush is vast and the hyenas many, that I am not planning any accident, nor, God forbid, any self-destruction." But despite the widespread suspicion surrounding Kaiser's death, both the Kenyan government and the FBI ultimately declared that the gunshots were self-inflicted, seemingly closing the book on the mysterious and sudden loss.

In a new inquest into Kaiser's death, however, lawyers in Kenya are working with Minneapolis attorney David Schultz of Halleland Lewis Nilan Sipkins & Johnson to uncover evidence that points away from the suicide theory. Schultz began volunteering on the case in the spring of 2003 after learning about it from former senator David Durenberger, a friend of Kaiser's, who called the firm looking for legal help.

The investigation is welcome news to Kaiser's family and friends, who hope to soon have proof of their worst suspicions: that the priest was murdered because of his dissent against the regime of then-president Daniel rap Moi.

"The family has known their brother and son and uncle for his entire life and they know that this is not in his character. The circumstances of the killing are very suspicious ... and here is someone who certainly did not shy away from controversy and who did anger a number of government officials — there's motivation there," says Schultz, who adds that as a Catholic priest, suicide was simply not an option. "There is certainly no question in the minds of the family and lawyers that this was not a suicide."

Throughout his 36 years in Kenya as a parish priest and seminary teacher, Kaiser was a vocal champion of social justice. He clashed with the government on several occasions, at one point publicly accusing high-ranking officials of inciting tribal land clashes that left thousands of natives homeless. Prior to his death, Kaiser was helping two of his parishioners come forward with allegations that they were raped at the age of 13 by the minister of state. After Kaiser's death, Schultz says, "that problem went away. The victims were no longer willing to come forward."

Kaiser died of a shotgun blast to the back of the head and was found in a ditch near his pickup truck. The FBI concluded in April 2001 that the death was "more consistent with suicide than homicide," based mainly on a medical examiner's interpretation of the autopsy results and the fact that Kaiser had allegedly been treated for manic depression 20 years prior.

Schultz says the evidence pointing to a turbulent mental health history is flimsy at best, adding: “What may or may not have happened 20 years ago has been inaccurately described and even if it had been accurate, it would have little to do with what happened in Kenya 20 years later. ... Even if you assume that’s true, and it’s not, is that sufficient reason for concluding suicide? Of course not.”

The FBI report also highlighted Kaiser’s behavior in the days prior to his death, noting that the priest was unable to sleep and was paranoid and emotional — signs that could be linked to depression. But Schultz argues that those symptoms were completely misinterpreted. “[The FBI] cited things like Kaiser thinking he was being followed and acting strangely, and they drew the conclusion that he was acting bizarrely. Well, there’s a perfectly obvious alternate conclusion, which is that he was being followed — after all, he did end up dead, shot in the back of the head.

“The report takes various pieces of evidence and looks at them as pointing in one direction when at a minimum they might point in precisely the opposite direction, and they’re just choosing to look at it one way,” Schultz says.

Those who believe Kaiser was murdered point to the fact that in countries with politically repressive governments, suspicious deaths and disappearances are not uncommon. Schultz cites the example of an incident a few years prior to Kaiser’s death, in which a man was stabbed, burned and then shot, and the government declared it a suicide. “There’s a long history in Kenya of murders being found to have been suicides by the government. ... It’s sort of hard to understand in this country, but [Kaiser] was somebody who was not afraid to take a stand against powerful people, and that can be very dangerous in other parts of the world.”

The inquest into Kaiser’s death, which began in September, is largely the result of a change in Kenya’s political landscape. When the FBI report pointing to suicide was released in 2001, Kenyan Attorney General Amos Wako agreed that the findings were definitive. Yet in April 2003, Wako called for the inquest “in the interest of ensuring that justice is not only done but seen to be done.” In those few years, President Moi and his Kenyan African National Union party were ousted from power, which Schultz says likely explains Wako’s about-face.

“One could infer that the attorney general is feeling more free to be honest and candid about the FBI report,” says Schultz. “The other alternative is that with a different government in power, maybe there’s a motivation to discredit Moi. We like to think of it as an objective thing, but the reality is that it’s a political issue too.”

Schultz and his colleagues are working closely with the attorneys in Kenya, but he says his office is definitely playing a secondary role. Most of the firm’s pro bono work on the case has involved tracking down witnesses in the United States, filing Freedom of Information Act requests and working to obtain help from government officials.

The Minneapolis team has hit its share of roadblocks trying to access sensitive information. Reports from the State Department have been heavily redacted, Schultz says, and the firm is still waiting for FOIA documents it requested more than half a year

ago — far longer than he says it ordinarily takes. Schultz has no speculation on why the FBI might be holding back, but he says the agency's explanations "aren't particularly convincing."

"It's not like we asked for all the documents relating to communist activity in the U.S.," he says. "We're asking for a pretty limited set of information, so it should be something they can easily provide. It's very frustrating."

Coming from a litigation firm, Schultz says his role in the case was another adjustment. "It's pretty limited, and we're just trying to support the people who are doing the real work in Kenya," he says. "We're glad to help in any way that we can, but of course it'd be really fun to be in the mix, to be on the ground in Kenya doing the work."

When the inquest began, Schultz said the goal was to offer new interpretations of the evidence that originally led the FBI to conclude Kaiser killed himself. Although he's hesitant to reveal any details, Schultz says the lawyers in Kenya have since uncovered fresh information and witness testimony that could prove Kaiser was murdered.

"The evidence that's going in at the inquest is new, it's different and it's fairly suggestive that this was not a suicide," Schultz says. "The job of the inquest is to arrive at the truth, the answer ... and I hope that's the result."

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