



No Parole Peltier Association Newsletter

P.O. Box 54667 Cincinnati, Ohio 45254-0667

Volume 08-11

"In the Spirit of Coler and Williams"

December 2008

In this edition:

- Peltier Update
 - Still no Mr. X, Part II
 - No word yet on public parole hearing or transfer
- Helping a student debate the Peltier matter
- Thanks for your support and best for the holidays

Dear NPPA supporters:

Peltier Update

It's no small wonder that Peltier has not followed through with his claim that "the shooter wants everyone to know his identity" (September Newsletter). No surprise that the long-standing lie of Mr. X has not been resurrected. He took that step, but apparently thought better of it, and stepped back. We're still waiting.

No further word yet on two other fronts: Peltier's pending transfer to another facility and his first public parole hearing in nearly two decades. Curiously, Peltier, Solano, and the LPDOC have been uncharacteristically quiet on both these issues.

Helping a student

On December 5th a high school student in the Midwest asked for assistance for a debate in his government class concerning Leonard Peltier. What follows is the response provided him on 12/7/08 (I was later informed that he had won his debate):

Dear _____:

I will provide you with guidance so you can intelligently debate Peltier's conviction and ultimate guilt with your classmates, but you will need to spend the time and become familiar with the facts yourself. I would suggest printing out the

various references and highlighting them into an organized response on the various issues. This is not a complicated case at all but it does have a long history; hopefully you'll be able to cover the matter over several class periods. No one can logically debate Peltier during one class.

There is one very important distinction and bit of advice when debating Peltier: It will become apparent that much of what you'll hear in Peltier's defense is grounded on opinion and emotion, so it's essential that you base your knowledge and responses on the facts and the record. That way your arguments will have weight.

Also, we can't un-ring the bell. His supporters cannot retry Peltier and neither can we. That's over and done, however, the process has gone its full course and Peltier has had more appeals than perhaps most other inmates. Every single detail of his conviction has been explored in excruciating detail (yes, even those with absolutely no merit whatsoever—the frivolous ones). Was the Peltier prosecution perfect, perhaps not, criminal cases rarely are neat and tidy; this isn't television, the movies or Perry Mason. But we can examine the record and that will answer all the lingering questions for those who care to pay attention to them.

Peltier has used as a justification for his conviction that he has been singled out by a vengeful and repressive government that needed to punish someone for the deaths of their agents, and that this is just a continuation of how Native Americans have been treated for hundreds of years. In that regard it is very important to stay focused on the events of June 26, 1975; shooting and wounding two agents caught by surprise in an open field and then murdering them at point blank range does not justify Peltier's actions, nor rise to self-defense.

Below is a summary of some issues that relate to Peltier's conviction and his guilt. There are many more and there is a search feature on the NPPA home page where you can seek other source information if necessary.

Extradition:

Much has been made of the credibility of Myrtle Poor Bear and the affidavits she provided leading to Peltier's extradition from Canada (she did not testify at his trial). The final word on this has to come from the Canadian Government. Please see the 1999 letter from the Minister of Justice to our U.S. Attorney General, Janet Reno. It states in part "The record demonstrates that the case was fully considered by the courts and by the then Minister of Justice. There is no evidence that has come to light since then that would justify a conclusion that the decisions of the Canadian courts and the Minister should be interfered with."

<http://www.noparolepeltier.com/canadaletter.html>

Old Cowboy boots:

Many claim this all started over the theft of an old pair of cowboy boots and that the agents had no right to be on the Reservation. FBI agents have jurisdiction on Indian reservations; it's a matter of law. There was a serious crime, kidnapping, assault with a deadly weapon and theft, for which arrest warrants were issued and Special Agents Coler and Williams were searching for the fugitives. That, of course, was in 1975; but please look ahead and see that the victim was reinterviewed in 2005 and confirmed the incident. "Mr. Schwarting stated that during this episode he was put in fear for his life, was cut several times by Hobart and still carries the scars to this day."

<http://www.noparolepeltier.com/faq.html#17>

The prosecutor admits that the government can't prove who shot the agents:

Peltier and the LPDC have used a quote, completely out of context, to raise the specter that all of a sudden the government can't still prove its case. Peltier used the quote from Assistant U.S. Attorney Lynn Crooks during one of his oral arguments on appeal, "But we can't prove who shot those agents." By itself, this would be a damaging comment, but how about looking at the record and the entire quote: "Well, undoubtedly, it wouldn't but I have no doubt whatsoever that we still would have convicted him. I think the best precedent that one can point to is the recent murder of our two marshals. We have exactly the same kind of situation. But we can't prove who shot those agents." (8th Circuit Court of Appeals, 1993).

Peltier attorneys pursued a meaningless and frivolous appeals issue and the court told them, in a nice way, that their position was misguided. The court said, "Peltier's arguments **fail** because they are **fatally flawed**." and, "It is impossible to conclude that, by this unartfully phrased statement, 'We can't prove who shot those agents,' to abandon one of the two theories upon which the government had tired the case and upon which the case was submitted to the jury. (Please read the entire decision <http://www.noparolepeltier.com/997.html>, it's not difficult to follow or understand.)

The "two theories" they refer to are that Peltier either killed the agents himself, or if he did not, he aided and abetted in their murder.

Aiding and Abetting:

Peltier and others have claimed that the charge of Aiding and Abetting was an afterthought by the government and added later; that's simply not true. From his wanted poster in 12/3/75 (eventually adding him to the FBI's Top Ten Fugitives), Aiding and Abetting was listed. Please see the wanted flyer

<http://www.noparolepeltier.com/images/warrant.gif>

Peltier was charged, indicted, tried, convicted and sentenced for, among other things, Aiding and Abetting. Ironically he eventually proved that he finally understood the significance of this by referring to the murder of Anna Mae

Aquash when he stated “Those responsible for her death, whether they pulled the trigger or not...” <http://www.noparolepeltier.com/debate.html#right>

Ballistics and the Wichita AR-15:

This relates to the .223 shell casing found in the trunk of agent Coler’s vehicle and later linked to the AR-15 belonging to Peltier.

Background and to summarize this issue:

After conviction Peltier applied under the Freedom of Information Act (FOIA) for any documents in the government’s possession regarding his conviction. One document released to him was an October 2, 1975 FBI Laboratory teletype relating to the examination of shell casings located during the crime scene search.

It’s important to understand that under the—rules of discovery—existing at that time, this report was not required to be turned over to Peltier prior to trial. However, after Peltier’s attorney’s received it there were several court actions:

All these decisions are on the NPPA website and numbered accordingly: 5) Peltier applied to have his sentence vacated (set aside) because of “newly discovered evidence” (the FBI Lab teletype). This was denied. 6) He appealed to the 8th Circuit Court of Appeals. The appellate court reviews the facts and sends it back to the District Court for an evidentiary hearing. 7) A three-day hearing is held, and 8) the District Court denies Peltier’s motion again. “The Court concluded as a finding of **fact**, what the word “different” in the October 2, 1975 teletype meant, and denied Peltier’s §2255 motion based on an alleged violation of Brady.” Peltier appeals again to the 8th Circuit Court of Appeals, and 9) the appellate court reviews all the evidence in great detail and concluded “When all is said and done, however, a few simple but very important facts remain. The casing introduced into evidence had **in fact been extracted** from the **Wichita AR-15**. This point is **not disputed**; although the defense had its own ballistics expert, it offered **no contrary evidence**.”

Peltier appealed to the U.S. Supreme Court which reviewed his appeal and denied certiorari. In other words, throughout all this there were no constitutional violations of Peltier’s rights.

So, to sum this up briefly, if Peltier supporters took the time and effort to review the record it would be very clear that this evidence was valid and supported his conviction. People much more knowledgeable of the law than any of us, reviewed these facts in minute detail (they took the time to examine the entire record) and came to logical conclusions. Peltier supporters are entitled to their own opinions, but they are not entitled to their own facts (Vincent Bugliosi).

Also note that none of this has anything to do with Peltier’s innocence, only whether the government proved its case beyond a reasonable doubt; which it

had. The fact remains that Peltier was represented by very competent counsel throughout, had every opportunity during the trial (and on later appeals) to challenge the evidence and witnesses against him, however, the jury is the trier of fact, they are the ones who decide how much weight and credibility is given to the testimony they hear and evidence they see. They heard, and believed, that after the shooting and the agents were mortally wounded, that the three older Indians, Dino Butler, Robert Robideau and Leonard Peltier went down to the agents vehicles and Coler and Williams were then shot in the face at point-blank range (Ron Williams was still alive at least and attempted to either deflect or protect himself from the muzzle of the rifle, however, his fingers were blown through the back of his head). The top of Jack's head was shot and then his jaw was blown away with a second blast. Brutal. Graphic. True, and hardly a matter of self-defense.

(It was later determined that the only other AR-15 weapons [capable of firing the .223 caliber round] present in the crime scene area [and which were fired and the shell casings collected as evidence] belonged to law enforcement personnel who responded to the scene after the initial shooting in an effort to rescue Agents Coler and Williams. There is no small wonder why the crime scene investigation located [one hundred and fourteen](#) (114) .223 shell casings[see court document <http://www.noparolepeltier.com/609.html#609>] accounting for a large number of the 125 bullet holes in the Agents' vehicles, which were matched to Peltier's "Wichita AR-15." Thirty-nine of these were introduced at trial as part of the Exhibit 34 series of evidence. This also included shell casings found in Peltier's own 1967 Ford Galaxy, one from the 1966, red and white, Chevrolet suburban in which Peltier was driving when he was followed by the Agents, and the .223 shell casing found in the trunk of Agent Coler's vehicle.)

Self-Defense:

For a complete review of the issue of self-defense please see <http://www.noparolepeltier.com/debate.html#self>

Peltier's guilt:

Would it not stand to reason that if Peltier was innocent his version of the events that day would have remained unchanged and consistent? They haven't: Peltier has changed his story of the events several times, fabricating lies.

At trial the issue of the infamous red pickup truck was given considerable review by the defense to contend that someone else, after the initial shooting and wounding of the agents, killed them and drove off.

This was no mistake by Peltier and was a consistent and deliberate lie for many years until one of their own, Dino Butler, said it wasn't true. Robert Robideau said he killed the agents and that they "died like worms." (Remember too, that Peltier

was convicted for Aiding and Abetting; the government's theory was that Peltier pulled the trigger, but if he had not, he was just as guilty as an aider and abettor. My personal opinion is as well, that it was Peltier and not Robideau who fired the fatal shots. But only five people know what happened in those final moments, and of course two of them are dead.)

Please see all the sections regarding the fictitious Mr.X. Mr.X was Peltier's only, repeat only, alibi.

<http://www.noparolepeltier.com/debate.html#factual>

<http://www.noparolepeltier.com/interview.html>

<http://www.noparolepeltier.com/lie.html>

All this is summarized at

<http://www.noparolepeltier.com/debate.html#factual>

The critical element of Peltier's guilt is based on the participants' collective statements and nothing in the entire history of this case has removed any of them, Peltier especially, from the scene of the brutal murder of two defenseless human beings.

There are other aspects, but then again, that's why there's fair amount of material on the NPPA website. And none of this has addressed the issue of the rampant folklore surrounding the Myth of Leonard Peltier or the tragically twisted excuse he offered for the deaths of FBI Special Agents Coler and Williams which was made clear in his book, Prison Writings. According to Peltier's perverse view, the entire purpose of the Incident at Oglala was a pre-planned paramilitary government exercise utilizing agents Coler and Williams as bait to draw out the AIM members into a firefight. This premise is beyond shameful,

<http://www.noparolepeltier.com/myth.html>, and is only added to by the ignorance of the coward Robert Robideau as he mindlessly and ignorantly tries to interpret an official government document in the "Sanctioned Memo."

<http://www.noparolepeltier.com/debate.html#critic>. But we can save those issues for another day.

I spent a couple of hours putting this outline together for you. Please read the references thoroughly, (you should probably spend at least six to eight hours reviewing everything) to have an understanding of the basic facts, and you should be able to make a clear and concise presentation of Peltier's rightful conviction and guilt.

If there are further specifics that I can assist with, please let me know. If I had the time I would offer to come to your school and discuss Peltier with your class. Otherwise, please let me know how it went.

“In the Spirit of Coler and Williams”
Ed Woods

NPPA Supporters:

Thank you for your continued support and please accept our best wishes for the holidays and whatever you and your families may celebrate; and for a healthy and happy New Year as we offer our prayers for the memory and sacrifice of Jack Coler and Ron Williams, their families and friends.

Best to all.

“In the Spirit of Coler and Williams”

Ed

Ed Woods
NPPA - Founder

This newsletter is provided to NPPA subscribers in place of the previous periodic emails sent through the bravenet.com listserv. Any individuals who wish not to receive this newsletter need only advise us and they will be removed. For those who desire to receive these updates as we approach this important phase in the Peltier matter, please forward the newsletter to others so they may also stay informed.