



No Parole Peltier Association Newsletter

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"In the Spirit of Coler and Williams"

December 2009

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Dear NPPA supporters:

Dear Leonard:

The two letters sent to Leonard Peltier, dated 9/15/09 and 10/10/09 requested that he post the US Parole Commission's *Notice of Action* on his website and an offer to provide him with a transcript of the July 28th parole hearing if he would authorize a release under FOIPA, respectively. As of today he has not responded. We will patiently await his reply and report to NPPA supporters in January.

Another Dear Leonard:

During the course of providing the other side of the Peltier saga there have been many people who have made the journey all the more significant. A longtime follower of the Peltier case recently sent his own letter to Leonard. He was able to eloquently summarize the past three decades far more succinctly and poetically than I could. Dan Moran sends a letter from the heartland to Lewisburg with an insight to see these issues clearly and reduce them to their salient points; enough so that even Leonard Peltier can understand them.

Please see Dr. Moran's letter.

Correction; or perhaps not:

Last month's newsletter pointed out Peltier's and the LPDOC's fundraising failures by reporting how poorly the "raffle" of one of Leonard's paintings was going; selling less than 100 of the 500 tickets just days before the end of the "auction." It's a little confusing mixing a *raffle* and *auction* for the same event, but in any case, in the LPDOC's October 8th Newsletter they reported:

“Thank you all for the overwhelming response to our raffle. We exceeded our fundraising goals and identified supporters in key strategic states and legislative districts. Unfortunately, there could be only one lucky winner, Peggy Harman of New Mexico. Congratulations, Peggy, and better luck next time for everyone else.” (Emphasis added.)

First, congratulations Peggy Harman of New Mexico, we’re certain Leonard’s original artwork will be a welcome addition to your collection and only increase in value. Right.

Either we owe Leonard an apology for the fundraising slight, or at least a retraction. And we certainly will, providing, of course, we have some proof.

Since the LPDOC, as they so often state, is a “Non-profit North Dakota Corporation”¹ they should provide is exactly what the final total of “raffle” tickets sold for this painting. If, the response was in fact “overwhelming” and Leonard informs his gracious supporters, for instance, that he sold all 500 tickets for a total of \$5,000, or 400, or even 300, we owe Leonard an apology and will do so in the very next newsletter.

It is not to make light of this, because this is no joking matter: Peltier offers that “donations” are tax-deductible, and they are not. He has been raising funds by making people believe he is some sort of charitable entity. Fact is, no one knows how much money is involved or where, or to whom, and for what benefit, it may go. Supporters should know how and where their money is being spent by Peltier. But he wouldn’t dare tell them the truth about this dark little secret. Please see the following for more details about whether Peltier and the LPDOC are involved in a scam or a fraud:

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

Norman Brown; More than just a footnote:

In preparation for the next Editorial Essays #51 “The Smoking Gun,” and #52 “Critical witnesses,” it was necessary to make a more detailed review of the Peltier trial transcripts. One of those referenced was Norman Brown, then a young AIM participant who was inextricably woven throughout the events on the morning of June 26, 1975. Norman was a crucial, albeit damaging, witness at Peltier’s trial and was relegated to a footnote, but his importance in the Peltier matter was far more significant. Please see the text of the footnote that follows:

Footnote:

(Transcript references are contained within braces, e.g. {123}, to the closest preceding reference.)

During his testimony as a prosecution witness, Norman Brown was declared a hostile witness by the government; “He is without any question a hostile witness

if there ever was one.” {1389}. Initially there was concern about personal contact between Brown and Leonard Peltier “(Brown) approached the defendant, they embraced, shook hands. There was an exchange of words, lasted approximately five seconds or eight seconds or so, and they parted. And that was the extent of it.” {1388}. Brown was granted immunity thus protecting him from prosecution as long as he testified truthfully and the government couldn’t otherwise prove he perjured himself. He took his oath on *the sacred pipe* acknowledging that it was “...administered in a form calculated to awaken his conscience and impress his mind with this duty to do so.” {1392}. Brown was fifteen years old when the shootings occurred at Jumping Bull and had known Peltier and the others in the AIM camp for some time. Brown was from the same Nation as Mike Anderson and Wish Draper and characterized Draper as “...quiet and stays to himself. That’s about all.” {1406}.

Establishing Peltier’s whereabouts on the morning of June 26, 1975, Brown testified that Peltier lived in one of the houses owned by the Jumping Bull family {1408} and when asked if he saw Peltier when he arose that morning said “No,” “No, not when I got up, no.” {1425}. Brown equivocated under further questioning, however, stated that the first time he saw Peltier was; “No, it’s right, it’s right.” (identified on a trial exhibit map {1445, 1471, 1506, 1596}), “He’s the first one I saw shooting, {1597}” and that Peltier “Well, he was, he was laying down and he’d get up and shoot, and then he’d lay back down and get up and shoot, and lay back down,” from the vicinity of the “Y” intersection {1574} as well as the type of weapon Peltier was using; “It was like the one—looked like an M16,” and that Peltier took it with him when they fled the area after the shooting {1413, 1446, 1472}. Brown described in several areas of his testimony having seen the agents at their vehicles exchange gunfire with the others and he himself shooting at the agents; “And that’s when I started shooting back again” on three different occasions {1479, 1500-1504}. Brown also admitted shooting out the tires of two responding law enforcement vehicles {1488, 1495}. (Brown’s testimony concerning the red and white vehicle belonging to Sam Loud Hawk and operated by Peltier was cautious and vague, but he acknowledged that this vehicle was not in the camp earlier in the morning but that he saw it later during the shooting; “It was the first time when I was running up the hill.” {1514-1517—(Note: the transcript prior to {1516} appears to have at least one question and answer that run together, {1520}.) Brown stated that he was involved in one manner or another in the events on the morning of June 26th for; “It was about an hour, hour and a half.” {1499}. Brown’s answers to some defense questions were more precise than his direct testimony even correcting times he was interviewed by various FBI agents and the purpose of the AIM members encamped on the Jumping Bull property. {1562, 1566-1568, 1584-85, 1586, 1589}. The defense was given latitude by the court to pursue that line of inquiry {1589}. Brown remained under subpoena and was recalled later as a defense witness.

(Author’s note: 1. It is fairly evident that Brown saw much more of what happened that day than he was willing to admit. His admissions about the things he did see during the “hour, hour and a half” time frame, and moving as he did between the shooting area around the buildings at Jumping Bull and the AIM camp may have

allowed him to see things that he did not want to acknowledge, especially when it came to the murders of agents Coler and Williams. Brown's testimony established several critical elements for the jury: Peltier's possession of the only M16-like weapon in the camp, that Peltier was not initially in the camp that morning and that Peltier was first seen by Brown that morning firing at the agents. Brown's other admissions are compelling and support the notion that he took his oath on the sacred pipe to heart; shooting at agent's Coler and Williams on three occasions and shooting out the tires of responding law enforcement personnel; both serious crimes for which he had immunity. His direct testimony as a hostile government witness was damaging to Peltier which led to his necessary appearance as a defense witness. In order to allege or infer that Brown may have been intimidated or threatened by the FBI to provide previous false testimony before a federal grand jury, defense attorney, Taikeff, acknowledged that Brown had not provided false testimony during the trial {1608, 1613} but that it would be their intention to call Brown as a defense witness. {1614}. 2. During a sidebar argument {1608} Peltier attorney Taikeff claimed that the government did not pursue a line of questioning with Brown in order to preclude the defense from exploring an issue that related to Brown allegedly lying during his previous testimony before a federal grand jury. At issue was Brown's grand jury testimony that he had seen Peltier, Robideau and Butler at the agent's vehicles after the initial shooting ended. Taikeff claimed that Brown "...lied on the prior occasion because he was coerced into doing it by the FBI." {1609}. But that in the grand jury he "was not sworn on the pipe." "And he has not testified that way here only because he was sworn on the pipe and could not tell anything but the truth." {1608}. The court stated that Peltier could pursue that line of questioning during their defense case. It was agreed that Brown would be remain under subpoena to testify as a defense witness {1613}.)

Prior to Brown's defense testimony there was considerable argument concerning the scope of immunity he had been granted. {4739-81}. Peltier attorney Taikeff attempted to establish Brown's state of mind prior to, and when he testified, at the grand jury. It was evident that Brown's mother played an important part in that process. She was present during the interviews and accompanied him to the grand jury (but not in the grand jury room when he testified). His mother encouraged him to cooperate throughout: "Right beside me here. I don't know. She freaked out. She knew what was happening. She kind of tapped me and looked over there and she said, 'Why don't you tell them.'" {4803; and numerous other references). Portions of Brown's testimony before the grand jury was reread to him; that grand jury testimony was more detailed and specific than the basic premise of just seeing Peltier, Robideau and Butler down at the agent's vehicles. {4834-37}. If the intent was to demonstrate that Brown was coerced into saying what the agents wanted him to say before the grand jury, other than Brown stating that the agents kept repeating the same fact over and over, his admission of any fear, coercion, threats or intimidation was: "Were you afraid of the FBI when you were before the grand jury?" Answer, "Yes." {4841}.

(Author's note: At the end of Brown's testimony it was the jury's decision, as the trier of fact, which version of his explanation about whether he actually saw Peltier, Robideau and Butler down at the agent's vehicles after the initial shooting ended, was the factual one: Whether he only said in the grand jury that he saw the three of them (and that there were shots fired) because that's what the agent's said they believed he knew and expected him to say, or that he actually did either witness or may have comprehended that the three being at the agent's vehicles and hearing shots fired actually was the murder of the agents by either Peltier, Robideau or Butler. In the written record, the raw transcript, there were no strong indications of fear or coercion by the FBI to make him testify one way or the other. But the jury had to make that determination.)

Best for the Holidays:

Whatever you may celebrate, please have a healthy and happy holiday season and prosperous New Year.

“In the Spirit of Coler and Williams”

Edw. Woods

Ed Woods
NPPA - Founder

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¹ Please see a copy of the Certificate of Incorporation #24.780.200 dated April 30, 2008, of the Leonard Peltier Defense Offense Committee;
<http://www.whoisleonardpeltier.info/20080430certificate.htm>