

VOLUME XIII

{2608}

FRIDAY MORNING SESSION

April 1, 1977

9:00 O'Clock, A.M.

Whereupon, the following proceedings were had and entered of record on Friday Morning, April 1, 1977, at 9:00 O'Clock, A.M., without the jury being present and the defendant being present in person:

THE COURT: Are there any matters to be considered before the jury enters?

THE COURT: You may proceed.

MR. HULTMAN: Plaintiff calls Angie Long Visitor.

ANGIE LONG VISITOR,

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HULTMAN

Q Would you state to the jury your name, please.

A Angie Long Visitor.

Q Angie, maybe you could put this mike closer.

And where do you live?

A Oglala.

Q And where in Oglala?

A In Oglala housing.

Q Have I ever had an opportunity to talk to you about the {2643} matters that happened on the 26th of June of 1975?

A I don't think so.

THE COURT: Speak up a little bit so we can hear you.

A I don't think so.

Q (By Mr. Hultman) You have on one other occasion testified concerning events that happened on the 26th of June under oath, have you not?

A Yes.

Q And is that in 1975?

A Yes.

Q Sometime in November?

A (No response.)

Q I want to take you back to the month of June of 1975 and ask you where were you living at that time?

A Jumping Bull's.

Q And when you referred to Jumping Bull's, would you explain to the jury what it is you mean by Jumping Bull's.

A Cecilia and Harry Jumping Bull's house.

Q And I would ask you to look --

THE COURT: Just a moment. Defense counsel did not hear the answer to the question. Would the reporter read it back.

(Whereupon, the last answer was read back.)

Q (By Mr. Hultman) I would like to have you turn and look at the exhibit Angie, that is behind you here in the courtroom {2644} and it's been marked as Government's Exhibit No. 71. On that exhibit you will see a highway which is marked U.S. Highway 18 and you will see some various objects up here on the exhibit, something in the shape of a rectangle that says, "Jumping Bull Hall," and there are other residences that you see here and I ask you if you generally recognize what is portrayed on Government's Exhibit 71?

A Yes.

Q Speak up just a little louder so that everyone can hear.

You recognize the area that's portrayed on this map?

A Yes.

Q And what is that area?

A Jumping Bull's.

MR. HULTMAN: I think that answer was Jumping Bull's, Your Honor.

Q (By Mr. Hultman) Now you then recognized the general area here as being Jumping Bull's, is that right?

A Yes.

Q And where was it that you lived in Jumping Bull's? Could you describe the house that you lived in or slept in at that time?

A In the green house.

Q A little green house.

MR. HULTMAN: Counsel hear the response at all?

{2645}

MR. TAIKEFF: Just barely. Would the Court mind if Counsel moved over to the other side?

THE COURT: You may.

MR. TAIKEFF: Thank you, Your Honor.

Q (By Mr. Hultman) Now would you show us, show the jury with this pointer on this map, if you can, by looking at some rectangles that appear on the map which previously have been testified to to represent houses in this area where the green house is that you have just testified to.

A Right here (indicating).

MR. HULTMAN: Let the record show that the witness has identified the green house.

Q (By Mr. Hultman) Now about how long had you lived there?

A About seven years.

Q And was there anyone who lived with you at that time?

A My husband, my kids.

Q And how many children did you have, do you have?

A Three.

Q Three youngsters. Did you have three at that time?

A Yes.

Q Now who lived, was there anybody else that lived in any of the houses that are represented here on Government's Exhibit 71 which is the Jumping Bull property, anyone that lived in the house next to where you lived?

A My grandma and grandpa.

{2646}

Q What are their names?

A Harry and Cecilia Jumping Bull.

Q Would you describe what kind of a house or what color of a house they lived in?

A It's a white house.

Q Now could you point out for the --  
Could you point out to the jury which one of those houses it is,  
Angie?

A Right here (indicating).

MR. HULTMAN: Let the record show that she pointed out the house  
that is referred to as the "white house."

Now you are here under subpoena, are you not?

A Yes.

Q Were there any other houses in that same general area that  
anybody lives in during the period of time?

A Wanda Sears right there (indicating).

Q Is that the point here? Wanda Sears you say lived at that  
house during that time. Who lived in the Wanda Sears house besides  
Wanda Sears?

A Wanda and her kids.

Q Was there any other person that lived there at that time?

A No.

Q Now was there anybody, and I'm talking about generally now,  
I'm not talking necessarily the very day, whether people were there or  
not. Do you understand my question? I'm just asking {2647} if people  
lived in this general period of time in any of these houses, then  
we'll get to the exact day. Was there anybody that lived in any of  
these other houses up in this area next to the house, the green house  
you said you were in and the grandparents, the Jumping Bulls? Did  
anybody live in this house that's located here on this exhibit?

A No.

Q What kind of a house was that, do you remember?

A A log house.

Q A log house. All right.

Now there is another building of some kind shown over here in  
this area. Did anybody live in that house?

Q Then up here is an object called "Jumping Bull Hall." Do you  
recognize that?

A Uh-huh.

Q Was there anybody that lived in that house?

A No.

Q Now I'm going to take you to the -- well, at that same period of time was there anybody else that lived in the total area of Jumping Bull's property that you had seen prior to the 26th of June, 1975?

A Just around there?

Q No. In the whole area, including down by, along the stream or in the woods or anywhere on the property.

{2648}

A Yeah. Up there (indicating).

Q When you say, "Yes, up there," to what area are you referring?

A Tent city.

Q Now there were some people then that lived in some tents, is that right?

A Yes.

Q Do you remember and could you tell the jury who it was that lived in the tents during that time?

A Give the name?

Q Yes. Could you tell the name or names of any persons that you recall.

A Leonard Peltier.

Q Would you describe him to the jury. Would you describe his appearance, as you recall.

MR. LOWE: Your Honor, we could not hear the response over here.

MR. HULTMAN: The reporter would read the response back.

(Whereupon, the following answer was read back: Answer: Leonard Peltier.)

MR. LOWE: Could the witness turn around if they're not actually using the chart, while they're not using it and turn around. It would help us hear.

MR. HULTMAN: I'm going to have to come back to the {2649} chart quickly. I'll do my best to do that, Your Honor.

{2650}

Q (By Mr. Hultman) And would you describe this person to us?

A He is just sitting right there.

Q Pardon?

A Sitting right there.

Q All right -- did counsel hear the response -- and would you indicate where you met --

MR. LOWE: (Interrupting) If that was an identification of Mr. Peltier, we will stipulate that she made an identification of Mr. Peltier. I didn't know what it was, that's all.

MR. HULTMAN: Let the record so show.

Q (By Mr. Hultman) Now, was there anybody else that lived in the tents that you recall?

A Bob Robideau.

Q All right, and would you for the jury --

THE COURT: (Interrupting) Did you get that response?

MR. TAIKEFF: Just barely. Of course, I know the answers, I am able to pick it out. I don't know whether every juror is hearing the answer.

THE COURT: Are you jurors able to hear the witness? All right, proceed.

Q (By Mr. Hultman) Would you describe Bob Robideau to the jury?

A No, I can't.

{2651}

Q All right. You knew him well enough to know his name, is that right?

A Yeah.

Q All right. Now, were there any others that lived in the tent area?

A Dino Butler, Neelock.

Q All right. Just take it slow for us.

Could you describe just in a general way Dino Butler?

A Medium tall is all.

Q You knew him well enough to know his name, is that right?

A Yes.

Q And you know him well enough that you would recognize him if you saw him today, is that right?

A Yeah.

Q All right. Is the same true with Mr. Robideau, with Bob

Robideau?

A Um-hum.

Q Now, you mentioned then another name, and what was that, who was that?

A Neelock.

Q All right, and would you describe Neelock to us, do you know her by any other name?

A No.

Q All right. Would you describe Neelock to the jury, please; would you tell us about how old she was, for example?

{2652}

MR. TAIKEFF: Your Honor, perhaps I could assist. Would Mr. Hultman be interested in knowing if some of these people are in the courtroom?

MR. HULTMAN: No. I have no particular reason for anybody to stand up in the audience at this particular time.

Q (By Mr. Hultman) You knew her well enough to recognize her, is that right?

A Yes.

Q And you would know her well enough to recognize her today, is that right?

A Yes.

Q All right. Who else was living in the tent area?

A Jean.

Q Jean, and could you tell the jury anything about Jean, I mean, where she was from?

A No.

Q Or anything at all about her?

A No.

Q All right. Was she associated with anybody in particular?

A No.

Q For example, any of the men or anything?

A No.

Q All right. Do you recall any other persons that lived in the tent area, were there any other women that you recall?

{2653}

A Lynn.

Q All right. Lynn, do you know her by any other name or any additional name?

A No.

Q Was she -- do you relate her to anybody else in any way?

A No.

Q All right. Do you know anything about her or where she was from or what tribe she belonged to?

A No.

Q All right. Were there any other women that you recall that lived in the tent area?

A No.

Q All right. Now, were there any other men that you recall that lived in the tent area or boys or young men?

A Joseph Stuntz.

Q All right. Joseph Stuntz. Did you know Joseph Stuntz enough at that time to recognize him?

A Yeah.

Q All right. Do you know where he was from, what tribe he belonged to?

A No.

Q All right. Were there any other men?

A Norman Brown.

Q Norman Brown, do you remember anything about him, what tribe he possibly came from?

{2654}

A No.

Q All right. Do you remember any other young men or men who lived in the tent area?

A Norman Charles.

Q Norman Charles. There were two Normans then, is that right?

A Yes.

Q And did you know what tribe or where he came from?

A No.



Q All right. Would you know him again if you saw him, be able to recognize him?

A I don't know.

Q All right. Were there any other men or boys that you recognize that lived in the tent area?

A No.

Q Had you -- about how long a time had you seen, for what period of time had you seen these persons that you have just identified?

A How long?

Q Yes, how long had you known them or had you seen them, do you remember the first time that you saw them approximately?

A No.

Q Had you seen them, had you known them very long?

A No.

Q About how long had you known them?

{2655}

A About a weeks two weeks.

Q All right. Now, prior to -- where was it that you first saw them or met them, was it on the Jumping Bull property?

A Yes.

Q All right. Had you at any time to your knowledge before the week or two on the Jumping Bull property, had you ever seen to your knowledge any of these people before?

A What do you mean?

Q Had you ever seen them or known them before that time?

A No.

Q Now, I wish to take you to the morning of the 26th of June of 1975, and I want to ask you late in the morning were you in the Jumping Bull area somewhere that morning?

A Yes.

Q And would you tell the jury where it was that you were late in the morning at the time some things began to happen?

A Right there (indicating), grandma and grandpa's house.

Q All right. What were you doing?

A I washing dishes.

Q All right. What, if anything, happened that came to your attention, did you have an occasion to look out your window at any time?

A No.

Q All right. What was it that came to your attention that morning for the first time?

{2656}

A Well, we heard something, firecracker or something.

Q All right. Where was it that you heard something like firecrackers?

A I was in the house.

Q All right. Do you recall where the sound came from in any way, what general direction?

A No.

Q All right. What, if anything, then did you do?

A Well, my husband ran out. He heard the sound too.

Q Was he in the house with you?

A Yes.

Q All right, and what, if anything, did you do next?

A Well, he told me to go see. The kids were playing outside, so I went outside.

Q All right, and what did you do next?

A I looked over and I seen them two FBI cars standing there.

Q All right, and where was it that you saw the two FBI cars standing?

A Down below the house.

Q All right. Could you on the map here show the jury where it was approximately that you saw the two FBI cars?

A (Examining) About right here (indicating).

MR. HULTMAN: Let the record show that she has identified a point that is between the areas of where two objects are located and along the road or trail that is {2657} indicated on Government's Exhibit 71.

Q (By Mr. Hultman) Now, you indicated in response to my question just in general that you saw, when I asked you what, if anything, did you see next, you responded "two FBI cars", is that right?

A Yes.

Q Now, had you seen those cars at some time earlier that morning?

A No.

Q You had not seen those cars at any time?

A No.

Q Earlier that morning?

A No.

Q How is that you recognized them as FBI cars?

A Because nobody has new cars around there.

Q All right. Is there anything else about them that led you to the conclusion they were FBI cars?

A Aerials.

Q Aerials?

A Yes.

Q And is that a conclusion then you drew at that time, that they were FBI cars, is that right, for the reasons you have stated?

A Yes.

Q Was there any other reasons that caused you to conclude {2658} at that time that they were FBI cars?

A Nobody has cars like that.

Q All right. Is that a general conclusion in the area, that new cars with aerials of that kind are FBI cars?

A Yes.

MR. LOWE: Your Honor, counsel is getting awfully leading. I would ask the witness to be asked interrogatory questions. Objection.

MR. HULTMAN: I think, your Honor, this witness, I think by her demeanor, is such that I think it is difficult for counsel and he ought to be given a little latitude. I don't think I have been leading. It is the first question in any way a response to an answer she has already given, but I will withdraw the question.

MR. LOWE: The witness may be nervous. She is answering carefully. She is trying to answer directly. She has not shown an inability to answer, and I will ask that counsel not ask leading questions.

MR. HULTMAN: I will do my best.

THE COURT: Very well.

Q (By Mr. Hultman) When you came out of the house, did you see or observe anything else other than the two FBI cars?

A No.

Q Did you see any people at any time?

A No.

{2659}

Q What, if anything, did you do next?

A Well, after I see them two cars down there, I ran back in and told my husband.

Q All right, and what, if anything, did you do next?

A I grabbed my kids and ran.

Q Now, what, if anything, then did you see when -- if anything, when you left the house?

A Nothing.

Q Did you see any persons at all?

A No.

Q Did you hear any firing?

A I don't remember.

MR. LOWE: I didn't hear the response if there was a response.

THE COURT: The reporter will read the response.

(Answer was read by the reporter.)

Q (By Mr. Hultman) Do you recall having previously testified at a Grand Jury proceeding under oath and having been asked similar question?

A Yes.

MR. LOWE: Your Honor, could the witness face this way when she is not actually directing her attention to Government's Exhibit 71? We could hear and perhaps the jury could hear then.

Q (By Mr. Hultman) Did you respond at that time with {2660} reference to a similar question, I am asking you now?

A Would you say that again?

Q Did you give some answers at another time under oath just in response to a general question as to whether or not you had seen any

persons at this time or heard anything, do you remember giving some answers at another time?

A In the Grand Jury?

Q Yes.

A Yes.

Q And do you recall what your testimony was at that time?

A Seen three persons.

Q All right, and who was it that you saw?

A Joseph Stuntz.

Q All right, and where was it that you saw Joseph Stuntz?

A By the wood pile.

Q All right, and would you point out to the jury here where it was that you saw Joseph Stuntz -- you referred to a wood pile.

Would you point out to the jury as best you can where it was that you saw Joseph Stuntz?

A (Indicating).

MR. HULTMAN: All right. Let the record show that she is pointing out an area which is between the white house and the green house and to the west of the green house and on the edge of what has been marked on {2661} Government's Exhibit 71 as the crest of the plateau, a line which runs in that general area.

Q (By Mr. Hultman) Now, what, if anything, was he doing at the time you saw him?

A He was just laying there,

Q All right, and did he have a weapon of any kind?

A I don't know.

Q Do you recall at any time in the past, under oath in response to general questions of the kind I am asking you now, recall at that time whether or not he had any weapon or not?

A I don't remember.

Q You don't remember, is that right?

A No.

Q Now, if you did on that occasion, would your memory have been better then than it is today?

A Yes.

Q All right. Would you tell the jury what Mr. Stuntz was doing?

MR. LOWE: I am sorry. I could not hear the response. If counsel will have the witness turn around when she is not at the blackboard, we might be able to hear this.

THE COURT: The reporter will read the answer.

(Answer was read by the reporter.)

Q (By Mr. Hultman) What was Mr. Stuntz doing when you saw him, and when was it that you saw him, where were you when you {2662} saw him?

A I was running across the field.

Q All right. You were running across the field, you say, is that right?

A Um-hum, yes.

Q All right, and what was he doing at the time you saw him?

A He was just laying there.

Q All right. Did you see anybody else?

MR. LOWE: Excuse me, your Honor, it was not audible.

MR. HULTMAN: Counsel, could you come around here?

MR. LOWE: No. Counsel, I have got a table, and I am writing on it. You are required to ask the witness in such a way we can all hear. I don't mind the witness turning when need be, but I would like to hear the response.

MR. HULTMAN: Would the reporter read back the response?

(Answer was read by the reporter.)

MR. LOWE: Thank you.

Q (By Mr. Hultman) Who else did you see?

A Norman Charles.

Q And where was Norman Charles when you saw him?

A He was with Joe.

Q Pardon?

A Laying with Joe.

{2663}

Q He was laying with Joe. All right, was that at the wood pile?

A Yes.

Q And at the point that you previously pointed out, is that

right?

A Yes.

Q Who else did you see?

A Robert, Bob Robideau.

Q And where was it that you saw him?

A By our house.

Q All right. Would you point out on Government's Exhibit 71, where is it that you saw Bob?

A (Indicating) Right there.

Q All right. Now, was that a point between the green house and an object that looks like an automobile, is that where it was?

A Yes.

Q All right. What was he doing?

A He was standing there.

Q And was there anything you remember about him at that time?

MR. LOWE: If she is finished with the chart, can she please turn around? Thank you.

Q (By Mr. Hultman) Do you remember anything about his appearance at that time?

A He had a ski mask on.

{2664}

Q And you had seen him before, is that right?

A Yes.

MR. HULTMAN: All right.

MR. LOWE: Excuse me. Before that, I object to the question as too vague.

Q (By Mr. Hultman) Well, it is obvious if you had seen him before that time, that occasion, that moment, is that right?

A That morning?

Q That moment that you are just testifying about, you had seen him on earlier occasions, had you not -- in your earlier testimony you said that you had known a person by this name during the general period of a couple of weeks, is that right?

A Oh, yes.

Q All right. So it is somebody you had seen before, that's all I

am asking -- is it?

A Yes.

Q All right. Now, did he have any weapon?

A Yeah, he did.

Q All right. Would you describe it to the jury?

A I don't know.

Q All right. Just tell us in general terms what it looked like.

A I don't know. I can't --

Q (Interrupting) You know the difference, Angie, between a small handgun, a pistol, and a gun that's shoulder fired, {2665} just in size?

A I think it s a big gun.

{2666}

Q All right. Would it be one that would be like this than like this (indicating)? Is that a fair conclusion?

A Yes.

Q All right. Now, where, describe to the jury where the ski mask was and where it was on him at that time.

A It was on his face.

Q All right. It was pulled down over his face; is that correct?

A Yes.

Q Now, you mentioned Norman Charles, and I don't know whether or not I asked you, did he have a gun when he was with Joe?

A I don't think so.

Q All right. Now, what if, did you hear any firing of any kind?

A Where about?

Q I'm asking you to tell the jury where it was, if you heard any firing.

A I can't. I don't know where.

Q You don't remember at this time, is that --

A Yes.

Q All right. Do you remember at any time being asked a similar question and giving a response concerning hearing firing in the vicinity of the trees?

A No.



Q What other object did you see if any during the time that {2667} we're talking about? Did you see any other automobiles?

A We seen a red and white van.

Q All right. And where was it, would you point out on the map where it was you saw a red and white van.

A Right here (indicating).

Q All right. Is that in a general area where on the map now there is sort of a diamond in the road and a letter "P"? Is that the general area you're pointing to?

MR. LOWE: Your Honor, I think Mr. Hultman misspoke. It's not a diamond it's a "Y".

MR. HULTMAN: Well, Counsel, the object drawn, the "Y" constitutes a diamond. Now, if you want to call it a "Y" I'll be delighted to call it a "Y".

Q (By Mr. Hultman) Did you just now point at a point which is indicated by a "Y" in the road and thus a diamond as represented in the center and the letter "P"? Is that where you just now pointed, right here (indicating)?

A Yes.

Q All right. Had you seen that car before? That van, red and white van before?

A No.

Q Had you seen it on any other day prior to the time you're now testifying to?

A No.

Q Did you know whose car it was?

{2668}

A Used to belong to Sam Loud Hawk.

Q And who is "Sam Loud Hawk"?

A What do you mean "Who is Sam Loud Hawk"?

Q Well, do you know him by any other name?

A No.

Q Do you recall, have you ever in response to a similar question under oath, remember responding who this person is by another name?

A No.

Q Is it anybody in the courtroom here?

A No.

Q Is anybody in the courtroom here to your knowledge or from your previous testimony, you've indicated that you knew that had that car?

A Yes.

Q Who was it?

A Sam Loud Hawk.

Q All right. But anybody else by any other name that you know?

A No.

MR. LOWE: Your Honor, can we go to the sidebar, please?

THE COURT: You may.

(Whereupon, the following proceedings were had at the bench:)

{2669}

MR. HULTMAN: Your Honor? I'm trying to be just as fair as I can. And I will go the Grand Jury testimony specifically --

MR. LOWE: Keep your voice down.

MR. HULTMAN: -- if I have to, but the Grand Jury testimony is that she specifically --

MR. LOWE: I must object to him speaking so loudly.

MR. SIKMA: Oh come on, John, we can hear you clear across the courtroom.

MR. HULTMAN: She specifically said Leonard, and I've been trying in a way as fair and as honest as possible to have her elicit her testimony without going back and having to use the specific words in the testimony from the previous Grand Jury.

MR. TAIKEFF: I understand that I think in doing it or attempting to do what you just described you may have left the impression whether there was any one in the audience about whom she had previously testified was Sam Loud Hawk. It left the impression in my mind, being as objective as I could under the circumstances, and it may have been very well left in the mind of jury. She previously testified Leonard and Sam Loud Hawk are the same person. She has never given the testimony because in fact they are not the same person. And all I think we want to do is make sure that you clarify that in some way,

either through the witness or making a {2670} statement to the Court in the presence of the jury, that it is not your intention to suggest that she ever testified previously that the defendant was known by the name of Sam Loud Hawk.

MR. LOWE: Do you have a page in the Grand Jury transcript that you are referring to?

MR. HULTMAN: I'm referring to exactly page 17 of the transcript.

THE COURT: If you're trying to impeach her on the answers that she has now given why are you not using the transcript?

MR. HULTMAN: Well, Your Honor, I've been trying not to get to that point unless we absolutely had to. I think maybe now we are at that point. But I -- as noticed. But when I come back and ask maybe a more clarifying question she will then respond and respond --

MR. LOWE: Let me just show, Your Honor, I think it's very significant that in the testimony the only thing she said is down here (indicating). There's no area in there where she says Leonard Peltier, or made an identification of Leonard Peltier because he was not in the Grand Jury. Now, there have already been discussions about Leonard Crow Dog and there may be other Leonards. All I am saying is that the Grand Jury testimony does not identify Sam Loud Hawk or the owner of the vehicle as Leonard Peltier, and any such {2671} representation would be inaccurate.

MR. HULTMAN: Your Honor, she then goes on to describe the person. But I think they call him Leonard, and then she goes on and describes Leonard as curly hair and on and on.

MR. LOWE: Well, I'm saying it is incorrect to say and refresh her memory whether she said Sam Loud Hawk was Leonard Peltier because she did not say that. That's why we asked to come up here.

MR. HULTMAN: I'll go to the transcript at this point, Your Honor.

(Whereupon, the following proceedings were had in the courtroom in the hearing and presence of the jury:)

Q (By Mr. Hultman) Angie, do you recall at another time under oath you being asked this question:

"Question: You previously, you mentioned previously red and

white Chevy van. You pointed on the map where it was marked. Do you know who owned this car, this van?"

"Answer: Yeah."

"Question: Pardon?"

"Answer: He used to be a guy used to own it. His name is Sam Loud Hawk. But I think they call him Leonard. He fixed it up and he owned it."

"Question: Leonard?"

"Answer: Yes."

{2672} "Question: And then could you describe Leonard for me?"

Do you remember those questions and those answers being previously given?

A Say that again once.

MR. HULTMAN: Would the reporter read back the, or I could read it back if it would be easier.

THE COURT: Reporter will read back the response.

(Previously quoted questions and answers read back: "Question: Angie, do you recall at another time under oath you being asked this question: "Question: You previously, you mentioned previously a red and white Chevy van. You pointed on the map where it was parked. Do you know who owned this car, this van? Answer: Yeah, Question: Pardon? Answer: He used to be a guy used to own it. His name is Sammy Loud Hawk. But I think they call him Leonard. He fixed it up and he owned it. Question: Leonard? Answer: Yeah. Question: And then could you describe Leonard for me?

"Do you remember those questions and those answers being previously given?")

A Yes.

Q (By Mr. Hultman) Who's the Leonard you are referring to?

A Leonard Peltier.

Q All right. Now, at the time we are talking about I want to ask you whether or not there were any people in the white house {2673} other than the people you have already described, that being your husband and your children. Was there anybody else in either the green house or the white house during the time we're talking about now?

A No.

Q Was there anybody in this house (indicating) that's noted or been referred to as the log cabin?

A No.

Q Were there any women and children in this house over here or men?

A No.

Q Were there any men, women or children in Jumping Bull Hall?

A No.

Q Were there any men, women or children in the house or residence that's located here and has been referred to earlier by you?

A Yes.

Q And who was there?

A Wanda Siers and her kids.

Q And was there anybody else besides Wanda Siers and her children there?

A No.

Q Now, beyond the people that you have just described, you and your husband and your children and Wanda Siers and her children, were there any other people that lived or stayed in {2674} any of these houses, in any of those houses at this time as you knew that morning?

A No.

Q Now, I'm going to direct your attention to, you indicated that you saw two FBI cars down here (indicating). Would you describe the two FBI cars for the jury, and would you describe them one at a time, please.

A One was brown and white. Tan, tan and white.

And the other one was dark green.

Q All right. And did you see any persons in the general vicinity of the two cars you described?

A One was in the green car.

Q All right. And would you describe to the jury where it was you saw the person in relationship to the green car

A He was in a green car.

Q All right. And did you see any other person?

A The other FBI.

Q And where was he?

A He was kneeling right beside his brown and white car.

Q All right. And do you remember anything else about the cars themselves?

A What do you mean?

Q Just anything in particular, do you recall that you may have observed about the two cars other than that they were cars?

A No.

{2675}

Q All right. Now, would you tell the jury if you can recall what was the general direction that either of the cars was pointed, by reference to where you were and where they were. Can you indicate what direction either of the cars was pointed if you recall?

A One was pointing towards that way (indicating).

Q Could you, here on the map, come down and show us the direction as you are now saying.

A Well, one was parked this way (indicating) and the other one was parked right beside it.

Q All right. There are two objects here right now. And let us assume for a moment that they are two cars. Were they pointed in the general directions that the two cars or objects that are there now at the present time?

A No.

Q Would you show us then, would you move them as best you recall and show us how they were pointing?

A (Indicating).

Q All right. Now, would you tell us as you looked, would you go back, would you tell us which car, which color was the car that was pointed towards you or in your general direction? Do you recall what that car looked like from your memory?

A That brown and white one.

Q The brown and white one, all right.

And so it was the other car then that was pointed, {2676} the green car in the other direction; is that right?

A Yes.

Q All right. Now, what if anything did you do next?

A What do you mean?

Q Well, I believe we were in the area and you said that you were leaving the general area, and as you left you saw a car, a red and white van parked here, right?

A Yes.

Q Now, did you see or view anything in that area?

A No.

Q Did you hear any firing of any kind going on anywhere?

A No.

Q From the time that you were outside of your house do you recall hearing or seeing any firing of any kind?

A When I came out of the house I seen one FBI He was kneeling. I heard one shot.

Q All right. And where did that shot come from if you know?

A The FBI.

Q Is this the only shot of any kind that you heard?

A I heard one and I heard some more, but I don't know how many.

Q All right. You heard one shot from the FBI. Do you recall how it is you know that the one shot came from where the FBI was?

A Because it sounded from there.

{2677}

Q All right. It sounded from there.

Did you see somebody at that very time?

A I seen the FBI kneeling by his car

Q And by which car was he kneeling, if you recall?

A By the brown and white.

Q The brown and white car; is that right?

A (No response.)

Q And where with relationship to the brown and white car was he kneeling?

{2678}

A About on the side.

Q And with relationship to the side, which side? Could you

remember which side it was?

A The left side.

Q The left side.

Would that be the left side of the car itself, is that what you mean by the left side?

A On this side (indicating).

Q Would you point out on Government's Exhibit 71 which side. You have a car there. Would you point out which side on the map so we all understand.

A Over in here (indicating).

MR. HULTMAN: Let the record show --

Q (by Mr. Hultman) Do you remember any other firing? You say you heard some other shots. Do you recall where they came from?

A I don't remember.

Q Pardon?

A I don't remember.

Q Do you remember anyone else doing any firing during that time?

A No. Did you at this time or during this period of time see any other persons other than the ones that you have testified to up until now? Do you recall seeing any other person?

{2679}

A No.

Q Do you remember seeing any persons leave the area during the time that we're now talking about?

A No.

Q Do you remember seeing any other cars in the general area of Jumping Bull's other than the ones we've talked about up to this particular time?

A No.

Q Were there any junked cars parked anywhere in the area?

A Yeah.

Q And where were the junked cars parked?

A Below our house. O And would you take the pointer and point out to the jury where those junked cars below your house were located.

A Right here (indicating).



MR. HULTMAN: Let the record show she has indicated the spot where there is a road and previously been identified as junked cars.

Q (By Mr. Hultman) Do you remember anything about the junked cars?

A No.

Q You had seen them before, had you not?

A Yes.

Q And you were generally familiar with them, is that right?

A Yes.

{2680}

Q I'm going to show you what has been marked by the defendant as Defendant's Exhibit No. 93 and I want you to look at the defendant's exhibit, first to look at the vehicle that's represented there and also look at the area, the ground, the scene, the view that is in the background of this picture.

A It's right below the house.

Q You recognize it as being right below your house, is that right?

A Uh-huh.

Q Have you seen that car before?

A It was standing there for a long time.

Q It was standing there for a long time, is that right?

A Just a junked car.

Q One of the junked cars?

A Uh-huh.

Q Do you remember about when it was that that car was put into the area of the junked cars that you're now testifying to?

A I don't know.

Q It was before this time, was it not?

A It was parked there for a long time.

Q It had been there for a long time prior to this, is that right?

A Yes.

Q Do you know whose car that was before it was parked there {2681} and had been there a long time?

A No.

Q I want you to think real hard and tell the jury whether or not, had you ever seen that car anyplace other than as one of the junked cars there?

A No.

Q Was the scene that is portrayed in Defendant's Exhibit No. 93 the place in which you last saw the vehicle that is represented there, is that the last place that you saw it?

A Yes.

Q And it had been parked there for an extended period of time prior to the day we're talking about, is that right?

A Yes.

Q There is no doubt in your mind about that at all, is where, Angie?

A No.

Q Now in looking at Defendant's Exhibit 93, can you point out to the jury anything that's in the background of that picture that you recognize?

A Can't see anything.

Q Could you on the picture point out where it is that the green house is approximately located?

A Yeah. Right here (indicating).

Q Would you show the jury where it is approximately that the green house was located.

{2682}

A (Indicating.)

MR. HULTMAN: Let the record show that she is pointing to the point on the picture where the skyline and the ground come together and there is a fairly dark green area, is there not?

THE WITNESS: Uh-huh.

Q (By Mr. Hultman) And that's the point you were pointing at, is that right?

A Yes.

Q There's also some other junked cars in this picture, isn't there? You can see one on each side of this one, can't you?

A Uh-huh.

Q And that's the general scene, as you recall it, that you pointed out as being the area of the junked cars, is that right?

A Yes.

MR. HULTMAN: Your Honor, I don't know, is the Court going to take a brief recess at all this morning?

THE COURT: No.

MR. HULTMAN: Might I just take a moment, Your Honor. I'm trying to find a spot in the transcript and the pages are not numbered, that's why I'm having difficulty.

Q (By Mr. Hultman) I want to take you back where we were discussing the man that had the mask on. Do you remember we were talking, I asked you some questions about whether or not {2683} you saw any other person and we talked a little bit about that person?

A Yes.

Q Who was that?

A Bob.

Q Now I'm going to ask you whether or not under oath at a previous time you remember being asked this question --

MR. LOWE: Counsel, give a page number.

MR. HULTMAN: Page 12 of the transcript. I'm sorry, Counsel. Page 12.

Q (By Mr. Hultman) Your response was, "He had those stocking cap on with the little holes," and the question is, "Ski mask?" Answer: "A kind of, you know one of those on." Question: "It covers his face?" Answer: "Yes." Then this question. Do you remember this question being asked of you: "Was he firing at the FBI agents?" And then the answer: "Yes." Do you remember being asked that question and your answer?

A No. I don't remember saying that.

MR. LOWE: Your Honor, I'm sorry.

MR. HULTMAN: She doesn't remember having said it.

Q (By Mr. Hultman) At the time you were asked these questions and you answered these questions, you answered them truthfully and honestly at that time, did you not?

A But I don't, I don't, I never said that.

Q Now you understand, Angie, that you've said that today {2684} earlier you didn't recall, is that right?

A Yes.

Q Now all I'm trying to do is to go back and ask you whether or not you recall being asked this question and you giving an answer of that kind and you don't recall, that's what you have now said?

A Yes.

Q Is that right?

A Uh-huh.

Q And that's very honest and truthful. You're telling me the truth and the jury, are you not?

A Yes.

Q And it's true that you did your very best under oath previously to tell the truth, did you not?

A Yes. But I don't remember saying that.

Q And I'm not trying to say you did or you didn't.

Now at the time that you gave the answers at that time, that was a time which was in November of 1975 and the event itself was on the 26th of June, isn't that right? During the year 1975.

A Yes.

Q And would it be fair for me to conclude that the memory you had at that time in the year 1975 and what you may have responded in terms of any question, you would have had a better memory then than you have here at this time, is that a fair {2685} conclusion for me to draw?

A Yeah.

Q So that you're not saying that you didn't say this, you're saying you don't remember, is that what you're telling us?

A No. I never said that.

Q I'll ask you another question on the same page later. Question: "You are sure on the gentleman wearing the ski mask? He was firing at the agents?" Do you remember a question of that kind and your answer at the top of page 13 of the same transcript: "Yes." Do you remember that second question being asked and your answer at that

time?

A I don't remember.

Q Then you were asked a further question, question: "Now was the man who was standing with the ski mask and firing at the agents, do you know his name?" And your answer: "I think they call him Bob, I think."

A Yeah.

Q Now the man with the ski mask was Bob, there isn't any question in your mind about that, is there?

A No.

Q Does all of this in any way refresh your recollection as to whether or not anybody else was firing at this particular time on that day?

A No.

Q Now you testified earlier that some people lived in the {2686} white house but later there was no one there, isn't that right? You testified that, I believe it's the grandparents, the Jumping Bulls that lived in the white house during this period of time?

A Yes.

Q You also testified they weren't here on the 26th when these events took place, is that right?

A No.

Q Do you know where they were?

A They went to town.

Q And that's why you know they weren't there during this period, is that right?

A Yes.

Q Now was there anybody else who may have lived in the area anywhere that was gone that you knew were gone on the 26th?

A No.

Q Now we've covered some automobiles, or the word I've used, "an automobile." Were there any other vehicles or trucks or cars or pickups or vans, any other vehicles of any kind that you remember that morning during the time that I've been asking you questions about other than the ones that you've testified and mentioned to the jury?

A No. I never seen no cars.

Q I just want to make sure now so let me go over them with {2687} you. You said you saw two agents' cars down here, right?

A Yes.

Q And you indicated that you saw a red and white van --

A Yes.

Q --at this point, is that right?

A Yes.

Q And that was the red and white van you testified to here today?

A Yes.

Q That you had seen or knew was Leonard Peltier, isn't that right?

A Yes.

Q Now you said there was some abandoned junked cars down here.

A Yes.

Q Is that right? Including one that you've identified here.

Do you remember any other vehicles of any kind that were in the area? Were there any up in this area at all that you recall at all?

A The station wagon and the green car.

Q All right.

You recall a station wagon and a green car. Tell the jury about a station wagon and a green car.

A It was just an old junked station wagon.

Q An old junked station wagon. Had it been there for some time? {2688}

A Yeah. For a long time.

Q Would you point out to the jury where the old junked station wagon was at that time that had been there for quite sometime.

A (Indicating.)

Q All right.

And then you mentioned a green car, and where was the green car?

A Right here (indicating).

MR. HULTMAN: Let the record show that the junked car she referred to is generally to the south of the green house and a second

object, a car which is shown on Government's Exhibit 71 which is to the east and south of the green house.

Q (By Mr. Hultman) Now tell us about that particular car.

A It's just an old junked car, too.

Q That's an old junked car, too. Had it been sitting there for quite some time, too?

A Yes.

Q Now with reference to those cars, either one of them or both of them, I want to ask you, do you recall anyone in the vicinity of those cars doing any firing?

A No.

{2689}

Q Do you remember any more firing of any kind other than what you have testified to the jury?

A No.

Q Now, where did you go after you left the green house, white house area, would you point out on Government's Exhibit 71 where it was that you went, and could you use the pointer again and maybe start on Government's Exhibit -- first, the house that you were in, the general area that you were in, and then trace the direction, the general direction that you went?

A Right here (indicating).

Q Could you go down and maybe it would be a little easier?

A Me and my husband and kids ran across the field and went down to the little road that goes to the highway.

Q And then you went to the highway, is that right?

A Yes.

Q All right, fine, thank you.

Now, about how long a period of time was it from the time you first heard what you have testified to here as sounding like firecrackers, from that time until you left, about how long a period of time were you there that these events that you have testified to took place?

A About five or ten minutes.

Q All right --

MR. TAIKEFF: (Interrupting) Could I have that answer, please?  
{2690}

MR. HULTMAN: Five or ten minutes.

Q (By Mr. Hultman) And where -- did you see anybody then when you got to Highway 18?

A Yeah. There was a lot of cop cars going by.

Q All right. Did you talk to any of those people at all?

A No.

Q Was there any reason why you didn't talk to any of them on that day?

A Because they didn't stop.

Q Just didn't stop, all right.

Now, at the time you left, Angie, were there any other people back here (indicating), as far as you know, that you had seen other than the persons that you have testified to, were there any other persons?

A No.

MR. LOWE: I object to the form of the question, your Honor, as to the witness' previous testimony. The question is leading. I think a simple interrogatory question should be asked.

MR. HULTMAN: I asked a general question, if there were any other people she saw.

THE COURT: I am going to overrule the objection. There is a certain amount of leading that will be allowed on this witness.

Q (By Mr. Hultman) Were there any women and children in the {2691} area?

A No.

Q That you know of?

A No.

MR. LOWE: Your Honor, may we identify the area either by reference to something or by reference to a previous question or something? There has already been testimony that at least Angie and -- Mrs. Long Visitor and her children were in the white house and some in the Siers' house.

THE COURT: You may clarify your question.



MR. HULTMAN: That's the reason for my question.

Q (By Mr. Hultman) Did you see -- you said earlier that Wanda Siers and her children were in the house in which they live in, is that right?

A Yes.

Q And did you see them leave?

A I don't know. I didn't even look over there.

Q You didn't see anybody leave at the same time you did, or approximately the same time?

A No, I didn't see anybody.

Q Do you remember ever having been asked that question on any previous occasion and --

A (Interrupting) No.

Q When was it that you saw Wanda Siers and her children {2692} that day, where was it that you saw them and when?

A They were home.

Q That's what I am asking you. How do you know they were home?

A Because the door was open.

Q Did you see them at any time during the time that we are talking about here?

A No.

Q Did you see them that morning at any time?

A No.

Q So you don't know whether they were there or not that morning?

A I don't know. When they leave, they close the door. When they are home, their door is open.

Q Angie, I am just asking you whether or not that morning you saw anything other than their door being opened or closed.

A No.

Q All right. When you left in a hurry, as you left that morning, were you concerned about whether your door was open or closed?

A We closed it before we left.

MR. HULTMAN: I see.

I have no further questions, your Honor.

MR. LOWE: May we approach the bench, your Honor?

THE COURT: You may.

{2693}

(Whereupon, the following proceedings were had at the bench:)

MR. LOWE: As I think your Honor realizes from previous proceedings that we have been through, that there have been a lot of interactions involving this witness in this court and otherwise. She is obviously quite upset.

The issues of the Grand Jury testimony have come up here today, and how to deal with it will create some very significant tactical questions for the defense; and frankly, as to the types of questions that we would ask in this emotional state, I think it would be very difficult to get meaningful responses.

I would suggest and would urgently request your Honor to make an exception today and break away for lunch so that she can regain her composure and also to enable us some consultation so we may be able to tailor our cross examination -- to avoid upsetting her further -- perhaps on the basis of what her direct testimony has been.

She is sitting there crying and sobbing, and that is no mental state for us to have such an important witness on cross examination. It is shortly after noon already; and while this would be earlier than your Honor's practice, I think under these circumstances, with such a critical witness, that it would warrant it; and we would {2694} respectfully ask that we break for lunch now and let us start cross examination after lunch.

MR. HULTMAN: Your Honor, I strongly resist. Every time during this trial requests have been granted. They have been accommodated. I think it is only fair that counsel proceed and will not delay this trial. She is in a state to answer and respond to the questions. She has on direct examination displayed the same emotion.

I submit that we will get a more fair and more honest response from this witness in the courtroom now than we would at a time, at a later time when this witness again, your Honor, is kept, as she has been from the very beginning as the Court knows the record on this without counsel's stating it, placed in a posture where she has to face the very people that are here in this room. That's what is going

to happen again the minute she walks off that witness stand, and it is for these reasons that I strongly resist that we take any recess other than at the normal time, and that counsel proceed with his questioning.

MR. LOWE: May I have just a moment to consult?

(Counsel confer.)

MR. LOWE: Your Honor, I understand the concern that Mr. Hultman expresses, and I take no exception with him holding that concern. That is not in any way contradictory of the concern that I express, and in order to meet his {2695} concern we would ask that this witness be simply designated a material witness, if you want to, or whatever the Court wants to do, and have her have the lunch hour under the supervision of the Marshal's Service, if necessary, but to give her the time to regain her composure. She is obviously upset. She is sobbing. Let her have lunch in the custody of the Marshals.

However, if you want to do it, the Court could rule that nobody shall have any contact with her over the lunch hour, not to have conferences with her or allow anybody to interfere. I think it is quite reasonable rather than to have her sitting here sobbing hysterically --

THE COURT: (Interrupting) The record may show that she is not sobbing hysterically. You are exaggerating. She is emotionally upset obviously, but not to the extent you have described.

MR. LOWE: She is sitting over there crying.

THE COURT: You may proceed with your examination, and if it appears that she is in no condition to answer, then I will consider your request.

MR. LOWE: Then, your Honor, we ask for a brief moment to be able to confer because there are some very significant tactical questions we have to deal with prior to going to cross examination, as to which areas to go, particularly of this Grand Jury testimony.

{2696}

THE COURT: You have had this Grand Jury testimony -- I do not know how long?

MR. HULTMAN: An extended time.

MR. LOWE: The point is: It was used on direct, and we must decide how we should respond to it.

THE COURT: You are capable of responding. You may proceed.

MR. LOWE: All right, sir.

(Whereupon, the following proceedings were had in the courtroom in the presence and hearing of the jury:)

CROSS EXAMINATION

By MR. LOWE:

Q Mrs. Long Visitor, can you hear me from there?

A Yes, sir.

Q I am going to ask you if you could speak up so that we can all hear what your answers are. Take whatever time you need, but when you do make your answer, if you could speak loud enough so we can all hear, it will help to get your testimony before the jury.

I believe you indicated that you lived in the green house which you identified on Government's Exhibit 71, and am I correct in saying that you have lived there for seven years?

A Yes.

Q Was it actually in that house or just in the cluster of houses that you lived for seven years?

{2697}

A Well, I stayed there seven years. I haven't lived in that house for seven years.

MR. LOWE: I am sorry, your Honor. Could you speak a little louder? Try and talk into the microphone. It will magnify your voice a little, and I can hear.

Q (By Mr. Lowe) Would you tell me again whether the seven years was all in that house or just in the Jumping Bull area?

A Just in the Jumping Bull area.

Q Jumping Bull area, and during the seven years that you lived there, were there times when you observed FBI Agents on the Reservation?

A No.

Q Was that the first time that you ever saw what you believed to be FBI Agents on the Reservation?

A Yes.

Q Are you familiar with the BIA Police who are on the Reservation?

A Yes.

Q If I use the word or the term "goons", do you know what I mean, or do you have an understanding in your mind what the word, "goons", refers to?

A Say that again.

Q If I talk about goons on the reservation, do you know what I am talking about?

A Yes.

{2698}

Q Did the goons -- did you see goons from time to time or people who were pointed out to be goons or people who you believed to be goons?

A Say that again.

Q All right. Do you know any people on the Reservation that you believe are goons?

A Yes.

Q Do some of the goons have new cars?

A Yeah.

Q I am sorry?

A Yes.

Q Do some of the goons who have new cars have aeriels on their cars?

A Yes.

MR. HULTMAN: Your Honor, I would object at this time. First of all, it is beyond direct examination, but I am objecting not really primarily for that reason, but for the reasons that there has been no foundation showing on the basis for this question as to specifically in time and place what new cars it is, where and who, you know, who is it that is this "goon", so I am objecting for that reason, indefinite foundation of any kind.

MR. LOWE: Your Honor, this witness has testified on questions from the Government, that she sighted these cars as FBI agents. They

had new cars and had aerials. {2699} I think it is proper for me to ask if there were other cars that she saw that had aerials, many new cars, that didn't belong to FBI Agents. That's perfectly proper cross examination.

THE COURT: You may continue.

MR. LOWE: May the reporter read back the last question and answer? I didn't hear the answer. I think that would be the simplest way to deal with it.

(Question and answer were read by the reporter.)

Q (By Mr. Lowe) Now, you answered Mr. Hultman, I believe he asked you a question about the time of the shooting and who were in different houses around the Jumping Bull Area; and I would like to ask you, first of all, if you knew a person named Wilford Draper?

A No.

Q Did you know anybody named "Wish"?

A Yes.

Q Was Wish living in the Jumping Bull area?

A Yes.

Q I am sorry.

A Yes.

Q Do you know where he was living?

A Down at Tent City.

Q Isn't it true, Mrs. Long Visitor, that from time to time people stay in different houses in the Jumping Bull area who {2700} were among the different people you have talked about here this morning?

A What do you mean by that?

Q Maybe I will have to be a little more direct.

A Say it again.

MR. LOWE: Can I have a moment, your Honor?

THE COURT: Very well.

(Counsel confer.)

Q (By Mr. Lowe) Isn't it true that some of the people who lived or who you have described as living in Tent City actually stayed in one or more of the houses up near where you lived from time to time?

A No.

{2701}

Q Now, you said that Leonard Peltier lived in the tent area?

A Yes.

Q And I'll ask you whether Leonard Peltier ever lived in the log house or stayed in the log house, and I don't mean lived there necessarily, but stayed overnight in the log house?

A Yes.

Q Pardon?

A Yes.

Q I'm sorry, I didn't hear it.

A Yes.

Q Yes. And in fact he stayed there on more than one night, didn't he?

A Yes.

Q Do you know who Jean Day is?

A Yes.

Q Will you tell the jury who Jean Day is.

A Jean Day is Leonard's girl friend.

MR. LOWE: May Mr. Taikeff approach the witness with a photograph, Your Honor?

THE COURT: He may.

MR. TAIKEFF: 158.

Q (By Mr. Lowe) Mrs. Long Visitor, in front of you we have just put a piece of paper that has a copy of a photograph, and {2702} it's identified as Defendant's Exhibit 158. And I will ask you it that is a picture of anybody you know?

MR. HULTMAN: Could I take a look at it, Counsel?

MR. TAIKEFF: I'll show it.

A No.

MR. HULTMAN: She's responded.

MR. LOWE: I'm going to ask additional questions. If you want to see it you'd better look at it now because I'm going to ask her additional questions.

(Mr. Hultman viewing Defendant's Exhibit 158.)

Q (By Mr. Lowe) You indicated that that is not a picture of anyone you know. In order to be specific is that a picture of Jean Day?

A No.

Q Do you know who Myrtle Poor Bear is?

MR. HULTMAN: Well, now if it please Your Honor, I'm going to object. Clearly this witness has asked and answered this question emphatically. Now, counsel is trying to bring particular names into the record after it's been clearly established, and I say it's improper.

She has answered to the very best of her ability and responded to a specific picture and to a specific question. And I object now, it being repetitious

THE COURT: Objection is sustained.

The witness has testified that it's not a picture of {2703} anyone she knows.

MR. LOWE: I think it's important, Your Honor, to establish -- I think she answered before there was an objection that it was not a picture of Jean Day, and that's the only other question I'm going to ask about it.

THE COURT: She also stated in response to your question that that is not a picture of anyone she knows.

Q (By Mr. Lowe) Do you know a person named Myrtle Poor Bear

A No.

Q To your knowledge has anybody named Myrtle Poor Bear ever been on the Jumping Bull Reservation, excuse me, the Jumping Bull area during the seven years you lived there?

A No.

Q You talked about a person who had a ski mask on, I believe who you observed?

A Yes.

Q And I believe in response to Mr. Hultman's questions he asked, you said that he had a long weapon, or a rifle instead of a short weapon or a handgun; is that correct?

A Yes.



Q I show you what has been marked as Government Exhibit 34-AA and I ask you if this in any way resembles the gun that you saw this person using?

A No.

Q Mr. Hultman read to you certain portions of a transcript {2704} with regard to this person that you saw wearing a ski mask. He only read certain portions of it and I want to read additional portions to you and see if you also stated this information at that time.

"Question: --

MR. LOWE: And, Mr. Hultman, I'm on page 13 at the top if you'd like to follow. I'll try and identify pages and line numbers for you. Line 2.

"Question: Now, was the man who was standing with the ski mask and firing at the agents, do you know his name?"

"Answer: I think they call him Bob I think."

"Question: Bob?"

"Answer: Yeah."

"Question: Do you know his last name?"

"Answer: No."

Q (By Mr. Lowe) Now, do you remember whether on the date you were in the Grand Jury you knew his last name, or was that correct that you did not know at that time?

A I didn't know his last name.

Q Have you found out since that time that a person named Bob Robideau was arrested and involved in this case in some way?

A Yes.

Q Is that where you found the name Robideau and is that the source of your saying that the last name of that person was Bob Robideau?

{2705}

A Yes.

Q Now, on page 14, line 15.

"Question: Had you seen this Bob with the ski mask before?"

"Answer: No, I didn't see him. I don't know how he looks. I know

he is kind of slim and he had a vest on."

"Question: He had a vest and a ski mask?"

"Answer: Yes."

"Question: What else can you tell me about his physical description, what he looked like?"

"Answer: He had long hair."

"Question: Long hair?"

"Answer: Yeah. That's all I can say."

"Question: About how tall?"

"Answer: Oh, about 5-5, 5-6 I would say. I don't know how tall that is."

"Question: If I can help you on height I will stand up. I am 5-9 1/2. Does that help you to remember the height of this Bob with the ski mask?"

"Answer: I think about that tall."

"Question: As tall as me?"

"Answer: Yes."

"Question: Taller than 5-6 then?"

"Answer: Yeah, I would say."

"Question: What color was the ski mask?"

{2706}

"Answer: Black, blue, dark blue."

"Question: Dark blue?"

"Answer: Yeah. I will say that kind of dark."

"Question:

A solid color?"

"Answer: Yeah."

"Question: What color was the vest?"

"Answer: Brown."

Q (By Mr. Lowe) Do you recall being asked those questions and give those answers, or does that help to refresh your recollection?

A Yes.

Q I'm sorry?

A Yeah.

Q You are saying "yes"?

A Yes.

MR. LOWE: Now, on page 23, Mr. Hultman, I'm going to ask the next question.

Referring to line 6.

"Question: I don't believe I asked you to give a weight for Bob, the individual wearing the ski mask. Could you give a weight for him?"

"Answer: About, anyway he is a kind of light, 120."

"Question: Do you know his approximate age?"

"Answer: No, I don't. About, he is, I think he is around 20, 21 I will say."

{2707}

"Question: What hair color?"

"Answer: Light brown I will say."

Q (By Mr. Lowe) Does that refresh your recollection, or do you remember giving those questions and answers at that time?

A Yes.

Q All right. Now, let me ask you something about the Grand Jury testimony. When you gave that testimony where were you located? What town, if you will tell us.

A Rapid City.

Q Rapid City?

A Um-hum.

Q And in what building were you in?

A Federal building.

Q And do you remember if there's a particular kind of room that, was it a courtroom, small office, or what kind of a room was it?

A Grand Jury room.

Q And who was in the room while you were being questioned? I don't mean by name necessarily, but that, just types of people. If you know the names, give the names.

A There were a lot of people there.

Q First of all were there grand jurors in there?

A Yes.

Q Do you remember how many, about just an estimate? Was it {2708} just -- give a rough estimate of how many there were of grand

jurors.

A Probably nineteen.

Q Pardon?

A About nineteen.

Q Nine to ten, is that what you are saying?

A Nineteen.

Q Nineteen. Thank you.

Was there a court reporter?

A Yes.

Q How about United States Attorneys or Assistant United States Attorneys or other Government attorneys? Were there any of them in the room?

A I can't remember who was all there.

Q I ask you if you can remember anybody in particular that you see in the courtroom here who was in the grand jury room with you?

A That man there (indicating). He's the --

Q Which one are you referring to? What color suit does he have on?

MR. HULTMAN: Let the record show that the transcript, it shows counsel Mr. Sikma. If you just would have read his name you would have had the response.

MR. LOWE: I'm trying to be fair and not lead the witness in suggesting answers to --

{2709}

MR. HULTMAN: We would stipulate that that is the name that does appear in the transcript along with other counsel.

MR. LOWE: Will you stipulate that Mr. Sikma and Mr. Cutler who were Assistant United States Attorneys who were present and interrogating Mrs. Long Visitor in front of the grand jury?

MR. HULTMAN: One or the other were asking questions, that's correct.

MR. LOWE: May I ask the witness whether Mr. Clayton was also present?

MR. HULTMAN: That I do not know. I haven't, I didn't see his name in the transcript. You read it.

MR. LOWE: Mr. Sikma can probably solve it for us and tell us.

MR. SIKMA: Your Honor, Mr. Clayton was not there. Mr. Cutler and myself were in the grand jury room.

MR. LOWE: Thank you.

MR. HULTMAN: As stated in the transcript which you have in front of you.

Q (By Mr. Lowe) Mrs. Long Visitor, were you permitted to have an attorney in the room with you while you were being questioned?

MR. HULTMAN: Now, if it please the Court I object and I request to approach the bench.

{2710}

THE COURT: You may approach the bench.

(Whereupon, the following proceedings were had at the bench:)

MR. HULTMAN: Your Honor, I think it's wholly improper for the question first of all to be asked. He's now prejudiced the jury to something that now is within the jury's mind that there's something improper that took place as far as those proceedings.

This counsel knows one, that there's no counsel present in the grand jury room. Clear prejudice to this jury by making a statement that he made as a matter of law. Secondly, he also knows that this particular witness was a witness who refused to testify in that grand jury. That she had counsel all through the proceedings that took place. Mr. Tilsen was there, all kinds of proceedings took place. She had counsel available to do anything any time that she needed, and I object strenuously on the record, Your Honor, that this conduct and this question was totally improper. And I'd like the jury to be so admonished.

MR. LOWE: I have no objection to either the Court or Mr. Hultman or myself, I'll bring it out, bring out the facts of whatever counsel might have been available outside of the courtroom of the grand jury room. It's entirely proper in showing the pressure on this witness and to cast doubt on credibility of what she may have said there. Her state of {2711} mind, whether she was being, whether she was in a state of terror or whether she was -- what the state was to whether she had counsel present. There's nothing improper, and I don't suggest

anything improper by the question.

I don't mind the Court instructing the Grand Jury that that's a normal procedure. I'm only seeking properly to show who was present and to show what assistance if any she had, and what state of mind she had. Now, I'm not trying to cast any questions about it being improper, and I don't think that can be derived from my question,

(Whereupon, the following proceedings were had in the courtroom in the hearing and presence of the jury:)

THE COURT: Counsel have indicated that when this witness appeared before the grand jury she was advised by an attorney outside of the presence of the grand jury and was represented by an attorney. Jury is advised that under the procedures according to law a witness before a grand jury is not entitled to an attorney in the grand jury proceedings itself.

MR. LOWE: Thank you.

THE COURT: The court is in recess until 1:30.

(Recess taken.)

{2712}

#### AFTERNOON SESSION

April 1, 1977

Whereupon, the following proceedings were had and entered of record on Friday afternoon, April 1, 1977, at 1:30 o'clock, P.M., the defendant being present in person:

THE COURT: The jury may be brought in.

You may proceed.

You're short a witness?

MR. LOWE: We are short a witness or have a short witness.

THE COURT: Counsel approach the bench.

(Whereupon, the following proceedings were had at the bench:)

THE COURT: I'm informed the witness is still having lunch at the Soup 'n Such.

MR. HULTMAN: I can't verify anything, Your Honor, have no knowledge.

MR. TAIKEFF: Neither do we. We stayed in our office throughout the lunch period.

MR. CROOKS: We did see her over there but she was there when we left.

MR. LOWE: Did anybody think to tell the witness what time to be back?

MR. CROOKS: I'm not sure.

MR. TAIKEFF: She may have heard the Court say "in {2713} recess. I don't think she comprehends everything being said to her.

MR. CROOKS: Here she is now.

(Whereupon, the following proceedings were had in the courtroom in the hearing and presence of the jury:)

CROSS-EXAMINATION CONTINUED

BY MR. LOWE:

Q Mrs. Long Visitor, I wonder if you would try to keep as close to the microphone as possible to make it easier for all of us to hear, then you would not have to strain your voice.

Are you a little bit nervous on the witness stand today, Mrs. Long Visitor?

A Yes.

Q We'll try and ask the questions so that you can understand them the first time. If you don't understand, just ask and I'll speak slower or I'll state the question again.

You stated that on June 26 on the day that the shooting took place you were in your grandparents' house which is called the white house, is that correct?

A Yes.

MR. LOWE: May I approach the witness, Your Honor?

THE COURT: You may.

MR. LOWE: Excuse me, Your Honor.

Q (By Mr. Lowe) I show you a transparency marked Defendant's Exhibit 161. This is just a sketch map and I will tell you that {2714} it is a sketch map which is generally the same as Defendant's Exhibit, excuse me, 71 which is behind you here except that it's a picture of a smaller copy of that and I'll ask if you will first of all just look at it and see if you recognize that just as you recognize the map behind it. Take a minute or two and look at it.

A All right.

Q Okay?

A Uh-huh.

Q There is a place here just the same as it's marked up here where it says, "residences." I'll ask you if you can identify in your own mind and say whether the building that I'm pointing to right now, let me just put a circle in purple around this building, if that building is not the building here which is marked as the "white house"?

A It is.

Q And is that the building you were in when you and your husband took your children and left the area?

A Yes.

Q Now what I'd like to ask you, a little bit more orientation, this area up in here, can you identify and see is the same area marked up in the upper right-hand portion of Government Exhibit 71 as the tent area?

A Yes.

Q And you recognize the various roads that are shown on this {2715} exhibit as they are marked on here also, do you?

A Yes.

Q And this little thin line here which reads, "crest of plateau," the same thin line is marked on that map, isn't it, or appears to be?

A Yes.

Q Will you take this purple ink pen, starting at the purple circle where you say you began and just draw as best you can recall the route that you and your husband and your three children used when you left the area that day. You might want to take a moment and study it, then when you've decided go ahead and just mark it in purple.

A (Indicating.)

Q All right.

And at that point you started running out of diagram.

You've drawn, now is that an accurate, as accurate as you can recall the general route that you and your husband and your children



took when you left the area on June 26th?

A Yes.

Q Thank you.

MR. LOWE: Your Honor, I would offer this as Defense Exhibit 161 in evidence.

MR. HULTMAN: The Government has no objection.

THE COURT: 161 is received.

{2716}

Q (By Mr. Lowe) So the jury can see, the purple line is the line you marked on there, isn't that right?

A Yes.

MR. LOWE: For the information of the Court and the jury, these pens that we are using are permanent and they are not water soluble or anything so this is a permanent mark on this exhibit in case anyone wondered about different exhibits we may have.

Q (By Mr. Lowe) Now when you left the area on that day, were you frightened?

A Yes.

Q Did you and your husband and your children run?

A Yes.

Q Did you run the whole way out of the area that you have marked?

A Yes.

Q Did you see anybody else while you were running away?

A No.

Q Did you see Mike Anderson while you were running away?

A No.

Q Do you know who Mike Anderson is?

A Yes.

Q After you ran away on June 26th, what was the first time that anybody contacted you from the government, FBI agent or BIA police officer or anybody like that to ask you questions {2717} about what may have taken place on the day of the incident?

A The U.S. Marshal I think.

Q The U.S. marshal?

A Yes. Uh-huh.

Q How long; in days was that after you left your house on that shoot-out day?

A About two days after.

Q And you say the U.S. marshal contacted you, or was anybody else with him or did anybody else contact you?

A There was another guy with him. I don't know who he is.

Q Did anyone identify themselves as FBI agents that were in that group?

A No.

Q Did you talk to anybody about the events that day or did they simply tell you something or give you something?

A No.

Q When was the first time that you ever talked to an FBI agent about that particular day?

A Two days after the shooting.

Q Two days after the shooting?

A (Witness nods affirmatively.)

Q Where did you talk with them?

A We was going back to our place and they stopped us.

Q I'm sorry. I didn't hear.

A We were going back to our place and they stopped us.

{2718}

Q When you say you were going back to your place, are you referring to the house, the green house that you have talked about earlier?

A Yes.

Q And was it in the general area of the houses that they stopped you?

A No.

Q Where was it?

A By Wanda Sears' house. The road.

Q All right.

And do you know the name of the agent who talked with you?

A Stull or something like that.

Q Stull?

A Yeah.

Q How long did that conversation take place? How long did he talk with you or you talk with him?

A About 20 minutes.

Q When was the next time that anybody from the FBI talked with you about that day? I don't mean in exact date. If you can say in rough terms approximately.

A The same two FBIs came to the house again.

Q About how much later?

A About a week later.

Q You said two weeks?

{2719}

A A week.

Q Week later.

And on that time how long did you meet with the FBI agents?

A We didn't talk to them.

Q What was the next time that you had any contact with the FBI?

A They came to the house twice but I can't remember every day.

Q On the occasion when you didn't talk with them how long were they actually there, do you recall?

A About five minutes.

Q And on the other occasion, do you remember?

A No.

Q Now about any times after that, were there any other times?

A I don't, I can't remember.

Q I believe you said it was two days later you came back to your house and the agents, Stull I think you said it was, talked to you. Did you actually get back to your house to stay there or visit there on that day?

A No. We made --

Q When was the next time after the shooting you actually got back to look in your house or stay in your house?

A We couldn't go back there for a long time. They wouldn't {2720} let us in.

Q Do you know about how long it was before you were next able to go back to your house?

A It was a long time. I can't remember how long.

Q Was it more than a week?

A Yeah. It was more than a week.

Q Was it more than a month?

A I would say about a month.

Q What about your personal belongings that were in the green house at the time you left on June 26th, were you able to get any of them or did they stay also?

A They stay there also. They wouldn't let us get anything out.

Q Did you have any clothing or other personal belongings located anywhere else or were they all in the green house?

A They were all in the green house. O When you finally did get back to your home, will you describe what you found in terms of the condition, first of all, of the green house in which you lived?

A Everything was messed up.

Q Was it messed up when you left on June 26th?

A No.

Q What about the condition of the house about any bullet holes or holes of any kind?

A There was so many bullet holes on the house.

{2721}

Q How about windows, what was the condition of the windows?

A They were all broken. Tear gas all over the house.

Q What about the inside of your house, were there any indications of bullets that were fired inside of your house?

A I don't know.

Q What about the conditions of your grandparents' house which was called the white house, what was the situation on the outside of that house, what did it look like?

A There was so many holes all around the house.

Q So you know what the holes were caused by, could you tell from

--

A Guns.

Q Had those holes been there before June 26th?

A No.

Q How about the inside of your grandparents' house?

A It was really messed up.

Q Was it messed up on June 26th when you left?

A No.

Q In what way was it messed up?

A Papers laying all over, dishes scattered all over the place, everything was messed up there.

Q There's tissues and water in front of you, Mrs. Long Visitor, if you need to use some and I'll wait until you're ready to proceed.

{2722}

Q (By Mr. Lowe) Inside of your grandparents house were there pictures on the walls?

A Yes.

Q Tell the jury what the condition of those pictures were?

A Well, the pictures that were hanging had bullet holes in them.

Q Where in the pictures were the bullet holes?

A I don't know, there were so many bullet holes in those pictures.

Q I am sorry, I didn't hear you.

A There were so many bullet holes in those pictures.

Q Were the bullet holes in some of the pictures directly in the faces of the pictures?

A Yes.

Q Was it obvious in looking at the pictures that the bullets were fired from inside the house rather than bullets coming through the walls?

A Yes.

MR. HULTMAN: I object. This is calling for an opinion and conclusion of the witness. There has been no foundation laid.

MR. LOWE: This witness saw these pictures. This is an opinion of a lay witness as permitted by the Federal Rules of Evidence. I asked her if she could tell. She did. I asked her when she was there -- it was obvious.

{2723}

MR. HULTMAN: I think an expert in the trial earlier has indicated there were many instances when he couldn't even tell.

THE COURT: Well, she has answered the question.

MR. LOWE: Your Honor, I am afraid I did not hear what the response was in the middle of the interruption. May we have the response read back?

MR. HULTMAN: If it please your Honor, I have a right to object and that doesn't constitute an interruption.

THE COURT: She answered "yes".

MR. LOWE: Thank you.

Q (By Mr. Lowe) Was there tear gas in your grandparents house?

A Yes.

Q Prior to leaving on June 26th, did one of your children have a doll?

A Yes.

Q Did you find the doll when you finally returned to your home?

A Yeah, we found it.

Q Will you tell the jury what the condition of the doll was?

A Well, it was pretty bad.

Q Were there any holes in it?

A Oh, yes.

Q Where were the holes?

{2724}

A There was on the face.

Q One on the face?

A Yes.

Q And could you tell what caused the hole?

A Probably a gunshot.

Q I am sorry?

A Gunshots.

Q Now, on June 26 you indicated you were in the white house, I believe, washing dishes. Am I remembering that correctly?

A Yes.

Q And I believe you said you heard a noise or something that

caused you to go outside and look. Am I correct about that?

A Yes.

Q When you got outside, you described seeing the two cars; and am I remembering correctly that you went back inside and said something to your husband?

A Yes. I said there were two FBI cars down there.

Q Is that what you said to him?

A Yes.

Q At that point did you and your husband your children immediately leave and run away?

A We didn't know what to do at first.

Q I am sorry?

A I said we didn't know what to do at first, just closed the door and stayed in there for awhile.

{2725}

Q O.k. Stayed in there for a minute or two or longer, could you tell how long?

A About two minutes.

Q About two minutes?

A Yes.

Q Then did you leave and immediately run away?

A Yes.

Q How long would you estimate it took you from the time you heard the noise to walk out and see the cars and walk back in to tell your husband?

A About a minute.

Q All right. Do you have any idea how long it took you to run from the house you were in out past the tent area?

A About 15 minutes.

Q O.k. Were you watching your watch at that time, or is that just a guess, an estimate?

A Just a guess.

MR. LOWE: May I approach the witness, your Honor?

THE COURT: You may.

Q (By Mr. Lowe) I show you what has been marked as Defendant's

Exhibit 78-A, a set of pictures; and I show you the third page, the photograph which has been marked as No. 3, and ask you if that is a picture of Norman Charles?

MR. HULTMAN: Could I see, counsel, so I might have an opportunity to interpose an objection?

{2726}

MR. LOWE: I thought you had seen that several times.

MR. HULTMAN: I don't know.

MR. LOWE: It is an exhibit you provided us.

(Counsel confer.)

Q (By Mr. Lowe) Again I show you Exhibit 78-A, Page 3, No. 3, and ask you if that is picture of Norman Charles?

A (Examining) I don't know.

Q You don't know?

A No.

Q O.k. Do you know what Norman Charles looks like?

A Yes.

Q Do you know who Sammy Loudhawk is?

A Yes.

Q Where does he live?

A In Oglala.

Q Does he have any particular relationship or has he in the past with your husband?

A They were related.

Q Do you know what he looks like -- you not only know him in the sense you are related, you have actually seen him and you know what he looks like, do you?

A Yes.

Q Do you know that this is Leonard Peltier sitting here?

A Yes.

Q Do you know that this is not Sammy Loudhawk?

{2727}

A No.

Q All right. Let me ask my question again. This is not Sammy Loudhawk, is it?



A No.

Q To your knowledge has Leonard Peltier ever used the name, Sammy Loudhawk?

A No.

Q To your knowledge has Sammy Loudhawk ever used the name, Leonard Peltier?

A No.

Q To your knowledge has Sammy Loudhawk ever used the name "Leonard"?

A No.

Q When is the last time you saw Sammy Loudhawk, if you remember?

A This past year.

Q This past year?

A Yes.

Q Thank you.

At any time on June 26, the day of the shooting, did you see Leonard Peltier?

A No.

Q I show you what has been marked as Government Exhibit 50-A and 50-B, and ask you to take a look at them and see if you have ever seen these items or ones that look like those?

{2728}

A Never seen them before.

Q Never seen them before?

A No.

Q Did you see those in the white house?

MR. HULTMAN: Well, now, I object.

MR. LOWE: I will withdraw the question.

MR. HULTMAN: The question he asked was if she had ever seen them. It is fairly obvious she has never seen them at any place any time.

MR. LOWE: I will withdraw the question.

Q (By Mr. Lowe) Mrs. Long Visitor, you described two little identification markers here as two cars that you saw on the period of time that you looked out from your house before you and your husband

left the area; and Mr. Hultman talked you through putting them where you wanted to put them to describe where they were; and I would like simply to describe them, I think, a little bit more precisely for the record; and you look and listen and make sure that I describe them accurately.

The car which is as we are facing Exhibit 71 is on the left, is a rectangular piece of what appears to be cardboard of some sort that says "SA Coler's car", and it has got what looks like a little gold emblem of an automobile on it; and if I understand how you have the front and back of the car, it is pointing with the headlights towards the top of Exhibit 71 generally, am I correct in that?

{2729}

A Yes.

Q And if you look at it directly it is pointing approximately in the direction of the log cabin, is that correct?

A Yes.

Q And if somebody were to sit in the front seat behind the driver's seat, the steering wheel of Special Agent Coler's car, the green car which is the little rectangle marked "Special Agent Williams' car", and has a blue symbol of a car on it, would be seen by the driver of the Coler car by looking out the right side of the car next to it, is that correct?

A Yes.

Q All right, and as I understand the way you have these positioned, the Williams' car was pointing with its headlights generally up towards the "Y" in the road like this (indicating), is that correct?

MR. HULTMAN: Your Honor, I don't have any objection as long as counsel will refer to the colored cars because she obviously doesn't know which is Coler's car and Williams' car. I have no objection if he asks what color car and what direction.

I think the record clearly shows also that upon my next question of her with relationship to which car was on which side, she made a response that in effect was different from where the two cars as we call them by name {2730} are placed. I just say I have no objection to

counsel asking what colored car was where and what direction and so forth, but to refer to them, counsel, as Coler's car and Williams' car, I think is not a proper way to examine the witness.

MR. LOWE: I don't think there is any confusion in the way I ask the question, but I will make sure the witness had it straight.

MR. HULTMAN: I want her to answer whatever car she was talking about, not Coler's and Williams', she doesn't know.

MR. LOWE: I think she understood the question. I will make sure.

Q (By Mr. Lowe) Is that color on this little symbol on the right-hand side --

MR. HULTMAN: (Interrupting) Well --

MR. LOWE: (Interrupting) May I ask the question without being interrupted?

THE COURT: Proceed.

Q (By Mr. Lowe) This little car shown on the right-hand of these two rectangles appears to be blue or blue-green, is that the way you describe it?

A Green.

Q Green, all right; and is that the car which was in the location shown on here with its headlights pointing generally {2731} up towards this "Y" in the road where there is a point marked "P"?

A Yes.

Q And is that the correct position of that car in relation to the yellow car, the gold car?

A Yes.

Q And is the gold car -- does that appear to be a gold or tan symbol of a car on that little rectangle, the way you look at it right now?

A Yes.

Q And is that the one that you described as being pointed generally in the direction of the log cabin where it is now?

A Yes.

Q And as these are now put here, as they were put here, I believe, by Mr. Hultman when he was doing the direct examination with you, is that the correct position of those cars as you saw them when

you looked at them?

A Yes.

Q Mrs. Long Visitor, on June 26th during the time that you were present there at the residences, did you see Wish at any time up there?

A No.

Q Did you see Wish at any time fire a gun on June 26th?

A No.

Q Do you remember being asked that question when you testified {2732} before the Grand Jury and giving a different answer?

A No, I don't remember.

MR. LOWE: All right, counsel, turn to Page 11. I am going to ask some questions.

MR. HULTMAN: I will have no objection as long as you read all of them that concern this particular matter.

MR. LOWE: I am going to read what I want to ask the witness. I am going to fairly. If Mr. Hultman wants to ask more on redirect examination, he is free to do that.

Q (By Mr. Lowe) I am turning now to Page 11, Line 9 -- I better back up a little bit so we can see where they were. me first line there, it says:

Question: Between House No. 6 and the point that is marked I on the map as letter "B", there is a wood pile?

Answer: Yeah, right here.

MR. LOWE: Mr. Hultman, may we stipulate so we don't confuse the Court or the jury, that there was a map used in the Grand Jury that had different letters and designations than Exhibit 71?

MR. HULTMAN: I believe it is the one, counsel, that you have got in as an exhibit.

MR. TAIKEFF: This one (indicating).

MR. LOWE: Fine, good.

MR. HULTMAN: Which is a reproduction.

MR. LOWE: May the witness have Exhibit 133? It may {2733} refresh her recollection while we are describing this.

(Counsel hands document to witness.)

Q (By Mr. Lowe) I will start over again.

Question: Between House No. 6 and the point that is marked on the map as letter "B", there is a wood pile?

Answer: Yeah, right here.

Question: And you saw two men laying there?

Answer: Yeah.

Can you point on Exhibit 71 to the area that we are generally talking about, Mrs. Long Visitor.

A The wood pile.

Q Pardon?

A The wood pile.

Q me wood pile. Where is that, generally just describe it with relation to one of the houses you have been talking about?

A (Examining).

Q Is it near one of those houses?

A It is between the white and the green house.

Q Between the white and the green house, and that's the same and white and green house we have been talking about in Exhibit 71, is it?

A Yes.

Q All right.

Question: And you saw two men laying there?

Answer: Yeah.

{2734}

Question: What were they doing?

Answer: They had guns and they were facing towards those two FBI cars.

Question: Would you describe these two men?

Answer: Well, one was Joseph Stuntz.

Question: Joseph Stuntz, o.k.

Answer: I think the other one, I think they called him "Wish", I think.

Question: Wish?

Answer: Yes.

Question:

A fellow named Wish was lying there with Joseph Stuntz?

Answer: Yeah. Those are the only two persons I seen.

Does that refresh your recollection, do you remember giving those questions and answers, or giving the answers, rather?

A No, I don't remember.

Q All right. Now, on Page 16 at Line 20, you were talking about, you just talked about the "Bob" with the ski mask, and you were asked: How about the other Indian named Wish?

Answer: I think I only heard one.

Question: He fired one shot?

Answer: Yeah.

Do you remember giving that testimony at that time?

{2735}

A No, I don't remember.

MR. LOWE: All right.

MR. HULTMAN: Your Honor, I rise now to enter an objection on the grounds that counsel has taken only out of context some very brief remarks, and thus by the question has left an impression that is a totally unfair one; that if the total remarks are taken in there to the context, there is a very clear explanation by this witness as to what that response is.

I object on the grounds that he selected to remove only for the questioned purposes a sentence or two which, out of context, leaves a totally misleading conclusion.

MR. LOWE: Your Honor, I would be very happy right now, and I would offer to interrupt my cross examination for the purpose of letting Mr. Hultman ask this Government witness questions out of the transcript that he thinks should be asked in addition to this, instead of waiting until redirect examination. I certainly think, as I pointed out before, Mr. Hultman can ask any questions he wants to on redirect. In order to meet this objection, I would ask that Mr. Hultman ask those questions and answers so he can bring out anything he wants as far as this information is concerned.

{2736}

MR. HULTMAN: May I proceed, Your Honor?

THE COURT: You may proceed.

MR. LOWE: If you would tell the page --

MR. HULTMAN: Would you just -- may I proceed, Counsel?

MR. LOWE: I thought you were going to read from the transcript.

MR. HULTMAN: Mrs. Long Visitor, do you remember during the course of the proceedings with reference to the people that you were asked questions about at another time in the proceedings being shown a large group of pictures and asked to identify which ones of those individuals were the particular ones, and particularly the ones that counsel has just now been asking you about? Do you remember selecting pictures as to who the person was that you had testified earlier and specifically the person that he's now asking you about?

THE WITNESS: I can't remember.

MR. HULTMAN: May I go ahead and proceed, Counsel?

MR. LOWE: I've invited you to read anything about that in here. I want to be open and fair and let the witness respond completely.

MR. HULTMAN: Do you remember from a large number of pictures, looking at a large number of photographs?

THE WITNESS: Oh, yes.

MR. HULTMAN: And from those photographs you picked out {2737} specific pictures that referred to the very people that you were talking about in the proceedings in that transcript, did you not?

THE WITNESS: Yes.

MR. HULTMAN: All right. Your Honor, I'll go back on cross-examination on the pictures specifically.

MR. LOWE: This is the Government's witness. This would not be cross-examination. Redirect.

Mr. Hultman has implied that I somehow fully misread to the jury by not reading parts of the transcript. I offered to have him read the portions that are pertinent. Do I understand that he chooses not to read those portions that were pertinent as to make an objection?

MR. HULTMAN: Yes. It's the remainder of the transcript that has to do with the specific identifications of the individuals that you have specifically talked to her about.

MR. LOWE: I thought you were going to read to her.

MR. HULTMAN: All right. That's the part which I said, and I

thought you would agree that you would wait on that, that I would take up.

MR. LOWE: All right. That's fine.

Your Honor, we'll still give Mr. Hultman the opportunity right now. We're through with our cross-examination

THE COURT: You may proceed with your redirect.

{2738}

REDIRECT EXAMINATION

BY MR. HULTMAN

Q All right. Mrs. Long Visitor, do you recall identifying pictures of persons as well as testifying that you knew those particular people in the grand jury proceedings? The people that you have been asked about and have answered questions about here today.

A Yes.

Q Who was it that, who were the two persons that were lying between the green house and the white house?

A Joseph Stuntz and Norman Charles.

Q Now, was there any question about that in your mind on the day that you saw them?

A What do you mean?

Q You've indicated to us here just now as to who those two people were. Is that because you remember them on that particular day?

A Yes.

Q There wasn't any doubt in your mind about it then, was it?

A No.

Q And there hasn't been any doubt in your mind since?

A No.

Q Now, you also mentioned that there was somebody with a ski mask; is that right?

A Yes.

Q And who was that?

{2739}

A Bob Robideau.

Q And where was he?

A He was standing by the station wagon.



Q All right. Now, there are, you mentioned there were two Normans; is that right?

A Yeah.

Q And was there also somebody, do you know what the names of the two Normans were at that time?

A Yes.

Q And what were their names?

A Norman Brown, Norman Charles.

Q All right. And you knew them then; is that right?

A Yes.

Q Now, did you also know somebody named Wish?

A Yes.

Q And was that Norman Brown or Norman Charles?

A No.

Q Now, my question now then is to you, was Wish at any time, did you see Wish at any time in the area on the hill to which you've testified?

A No.

Q Did you see anybody other than those you have specifically identified at the specific places that you've identified?

A No, no.

Q All right.

{2740}

MR. HULTMAN: I have no further questions.

MR. LOWE: May I just have a moment, Your Honor, please?

THE COURT: You may.

MR. LOWE: We have no further questions, Your Honor, for this witness.

THE COURT: You may step down.

MR. HULTMAN: May we approach the bench, Your Honor?

THE COURT: You may.

(Whereupon, the following proceedings were had at the bench:)

MR. HULTMAN: Your Honor, in light of the bond situation with this particular witness I would at this time move that her bond be released and --

MR. LOWE: We have no objection.

MR. HULTMAN: -- and she might be able to leave and proceed accordingly.

THE COURT: The material witness bond of Angie Long Visitor is exonerated and may be returned to the owners.

MR. LOWE: Do I understand she is no longer under subpoena to the Government either then?

MR. HULTMAN: That is also correct

THE COURT: And the witness is discharged from the subpoena.

MR. LOWE: Thank you, Your Honor.

{2741}

MR. HULTMAN: Thank you, Your Honor.

(Whereupon, the following proceedings were had in the courtroom in the hearing and presence of the jury:)

MR. CROOKS: If it please the Court the United States would next call Mr. Dale Parlane.

DALE ROBERT PARLANE

being first duly sworn, testified as follows:

DIRECT EXAMINATION