

Edward Woods  
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June 18, 2009

Mr. Isaac Fulwood, Chairman  
Attn: Stephen J. Husk, Case Operations Administrator  
United States Parole Commission  
5550 Friendship Blvd.  
Chevy Chase, MD 20815

Re: United States v. Leonard Peltier (inmate #89637-132)

Dear Mr. Fulwood:

I am honored to have been selected as the representative of the Society of Former Special Agents of the FBI at Leonard Peltier's upcoming parole hearing.<sup>1</sup> I am providing your office, in advance of the hearing, additional critical elements regarding Peltier's guilt, to request that he not be considered for parole, and that I be permitted to address the board at the hearing.

Peltier's guilt since his 1993 hearing has only deepened in view of a number of statements he and others have made in the public domain.

The commission is certainly familiar with the facts surrounding the events of June 26, 1975 on the Pine Ridge Indian Reservation, South Dakota, Peltier's 1977 trial and conviction in Fargo, North Dakota and his numerous denied appeals. There is no question that the legal record speaks for itself, and all of this history was reviewed and presented to your office in a May 29, 2009 letter from the United States Attorney for the District of North Dakota.

I would not be able to add significantly to that very thorough review of Peltier's legal history, however, there have been a number of instances and statements from Peltier and others since his conviction, and beyond the legal record, that I would offer to the commission as further proof of Peltier's unequivocal and unrepentant guilt.

**1) Pancakes and hot coffee:** Peltier has offered several alibis for the events that morning, all of which are significant and further support the notion of his consciousness of guilt.

In his 1999 autobiography, Peltier originally claimed he had been in the

cc: Mr. John Dunkleburger, Case Management Coordinator, USP Lewisburg, Lewisburg, PA 17837  
cc: Mr. Scott Erskine, Society of Former Special Agents of the FBI, PO Box 1027, Quantico, VA 22134

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<sup>1</sup> Encl. 1: Please see enclosure for additional background information.

“makeshift tent city” on the Jumping Bull property eating “pancakes...followed by several cupfuls of scalding hot black coffee,” but that “...was cut short by the staccato sound of gunfire.” He went to the area while “bullets snapped at (his) heels as (he) ran...” and saw “two cars, those shiny ones that always meant trouble for Indians...parked askew from each other in a field out toward the road, maybe a hundred and fifty yards away.” “(He) **fired off a few shots** above their heads, not trying to hit anything or anyone.” He was joined by “...a few other brothers...” who also fired their rifles “...at those two unknown and unannounced **interlopers** who had come **roaring** onto the Jumping Bull property without warning.”<sup>2</sup> (Emphasis added)

That’s how Peltier originally described the initial events, and for many years, also claimed he and the others knew who actually killed the agents; **Mr. X**.

2) **Mr. X**: For a number of years Peltier said this individual, who he claimed was driving a red pickup truck and was on a mission to deliver dynamite to the AIM camp that day, was spotted and followed by the agents. It was Mr. X, Peltier claimed, who fired on the agents while other AIM members joined in, and after the agents were wounded, Mr. X. then went down to their vehicles and shot them both in the face, leaving the scene in the red pickup.<sup>3</sup>

In 1988, the actor, Robert Redford, produced and narrated the film, Incident at Oglala, The Leonard Peltier Story.<sup>4</sup> In the film, Peltier’s co-conspirator, Bob Robideau, points into the distance and described how he saw Mr. X shoot the agents at point-blank range and drive away in the red pickup. His narrative is explicit, compelling and cannot be misinterpreted, nor can Peltier’s next cameo statement:

This story is true. But I can’t and will not say anything about it. For me to testify against anybody or even mention—try to get somebody else in trouble—is wrong. And I won’t do it.

This lie, offered by two of the three principle subjects unraveled in 1995 when the third subject, Dino Butler, came out publicly and said:

...that the Mr. X idea would not be used because it was a lie, and That it was all totally false. Totally untrue. That never happened.<sup>5</sup>

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<sup>2</sup> Leonard Peltier, Prison Writings; My life is my Sundance. (St. Martin’s Press, 1999) 123-125.

<sup>3</sup> Peter Matthiessen, In the Spirit of Crazy Horse; The story of Leonard Peltier and the FBI’s war on the American Indian Movement. (Penguin Books, 1992) 575-584.

<sup>4</sup> Incident at Oglala, The Leonard Peltier Story, dir. Michael Apted, prod. Robert Redford, (Carolco films 1988, Miramax Films release, 1992). Peltier on scene quote. For a candid review of the film please see the online reference at <http://www.noparolepeltier.com/movie.html>.

<sup>5</sup> E.K. Caldwell, “Conversations with Dino Butler,” News from Indian Country 1995. Complete interview available online at <http://www.noparolepeltier.com/lie.html>.

Of major importance concerning this particular alibi was the significance that the defense attorneys at the Butler/Robideau trial in Cedar Rapids knew about the Mr. X story but:

“...it was decided that it was better to keep (Robideau and Butler) out of the area of the cars entirely, not only because of aiding and abetting [even minor involvement in the commission of a crime could invite prosecution on this charge] but because it might have been too hard for a jury to believe what really happened.”<sup>6</sup>

This would indicate that even the defense attorneys recognized a fabrication when they heard one.

Because the Mr. X alibi was destroyed by his co-conspirator, it is of little wonder why Peltier never mentioned either the red pickup truck or Mr. X. in his autobiography, Prison Writings.

**3) They died like worms:** There is no limit to the significance of Robideau’s statements concerning his involvement in the murder of Special Agents Coler and Williams and their impact on Peltier’s guilt and culpability. In a very real sense, these out-of-court and post-trial admissions amount to Robideau’s own testimony. Robideau has also changed his version of the events, first claiming self-defense at his trial and then that he personally killed the agents.

In a series of email exchanges with me, Robideau stated:

I am Mr. X...and I did kill them with honor befitting a warrior, but they died like worms.<sup>7</sup>

Here Robideau suggests that *he* was the alleged and phantom Mr. X who they had earlier claimed killed the agents. But he adds a damaging piece of singular information that perhaps further supports the sworn testimony at the 2004 Arlo Looking Cloud trial for the murder of Anna Mae Aquash.<sup>8</sup>

In October, 2005 I attended a meeting in NYC of a group of extreme anti-U.S. individuals where Robideau was the featured speaker. Before that group in response to one of my questions, Robideau stated:

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<sup>6</sup> Matthiesen 546.

<sup>7</sup> Robert Robideau, email to NPPA, June 2, 2004, 2:52am, also see Encl. 2; (available online at <http://www.noparolepeltier.com/debate.html#self>) (within section entitled “Peltier’s ultimate guilt”)

<sup>8</sup> Drew H. Wrigley, U.S. Attorney, DND, letter dated May 29, 2009 to U.S. Parole Commission, Chevy Chase, MD, section III, p.12. Sworn testimony of AIM participant Darlene Nichols quoting Peltier on his involvement in the killings of agents’ Coler and Williams; “He (Peltier) said the motherfucker was begging for his life, but I shot him anyway.”

“I killed the agents” (and if he were in the same situation) “Those FBI agents would be dead again.”<sup>9</sup>

To avoid any confusion on this point, the government’s argument at Peltier’s trial was that Peltier was the one who murdered the agents with the final point blank shots to the face (a theory that I also believe is correct), however, Robideau, over the years (since he had the protection against double-jeopardy), at times attempted to deflect guilt away from Peltier and onto himself. Robideau offered other versions of the shootings that are also not credible.<sup>10</sup>

Robideau’s statements, of course, made it very difficult for Peltier because at his trial witnesses placed the three older Indians, Butler, Robideau and Peltier at the agent’s vehicles after the initial shooting ended. They placed Peltier at the scene of the murders and he was also convicted of aiding and abetting under the alternate theories.

Robideau’s statements only serve to further support the fact that nothing in the entire history of this case has removed Peltier from the scene of the crime.

**4) Preplanned assault:** Peltier has offered the following as *one* of his versions of the events of that day taken from his autobiography, Prison Writings, published in 1999:

I can’t believe that the FBI intended the deaths of their own agents. Their sorry **excuse** has been that those two Agents blundered and **trespassed** onto the property that morning simply in order to arrest someone falsely accused of stealing a pair of used cowboy boots.<sup>11</sup> They didn’t even have a warrant for his arrest—nor does it jibe with the fact that **scores, even hundreds**, of FBI Agents, federal marshals, BIA police, and GOONS<sup>12</sup> were all lying in wait in the immediate vicinity. It seems they thought they’d barge in on that **phony pretext**, draw some show of resistance from our AIM **spiritual camp**, then **pounce** on the compound with **massive force**.<sup>13</sup> (Emphasis added)

Peltier made this outrageous allegation a full twenty-two years after his conviction for the agents’ murders knowing full well there was not a shred of truth to his shameful claim. But, in order to bolster his growing notoriety and the

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<sup>9</sup> Robert Robideau, direct quote from “Afternoon in solidarity with Leonard Peltier,” NYC Jericho Movement, NY, NY, October 23, 2005.

<sup>10</sup> Encl. 2, Robert Robideau, emails to NPPA, (also see online reference regarding other versions at <http://www.noparolepeltier.com/debate.html#self> within section entitled “Peltier’s ultimate guilt”)

<sup>11</sup> Peltier has repeated this “used (or old) cowboy boots” excuse many times. For a full review of the incident on the Schwarting ranch, near Batesland, and the re-interview of Jerry Schwarting by this writer on 1/17/05, please see the online reference at <http://www.noparolepeltier.com/faq.html#17>.

<sup>12</sup> Term referring to Guardians Of the Oglala Nation; individuals opposed to AIM and its activities.

<sup>13</sup> Peltier 113-114.

folklore that surrounds him, he needed this incident to be on such a grand scale that the entire weight of the government had to be directed against him. How else could the emerging myth of Leonard Peltier take shape as he became a martyr to a cause that he came to only two years prior to June 1975.

However, and of no minor significance, although that had been Peltier's contention, not even his biographer, Peter Matthiessen, believed it. Matthiessen said "...they (the agents) heard a warning shot or came under fire; if there is another persuasive explanation of the location and position of their cars, I can't find it."<sup>14</sup>

**5) Extradition from Canada:** Peltier has continuously maintained that he was illegally extradited from Canada based on fraudulent and coerced affidavits from Myrtle Poor Bear. Poor Bear claimed she knew Peltier and that he had killed the agents. However, as it later turned out, Poor Bear was deemed not to be a credible witness by both the government and Peltier's own attorneys and did not testify at his trial.<sup>15</sup>

The Poor Bear/extradition matter was finally settled in 1999 with a letter from the Canadian Minister of Justice to U.S. Attorney General Janet Reno stating "As I have indicated above, I have concluded that Mr. Peltier was lawfully extradited to the United States," and "That the record demonstrates that the case was fully considered by the courts and by the then Minister of Justice. There is no evidence that has come to light since then that would justify a conclusion that the decisions of the Canadian courts and the Minister should be interfered with."<sup>16</sup>

**6) White flag of surrender:** A crucial element, among many others, surrounding the agents' deaths was their attempted surrender. Peltier's biographer, Peter Matthiessen, wrote a national bestseller about this case and the FBI's investigation of the American Indian Movement entitled In the Spirit of Crazy Horse.

Based on his extensive research and interviews of the participants, Matthiessen touched on an important aspect of the killing of the agents concerning Jack Coler's devastating arm wound. At trial, the government demonstrated that he had been at the back of his vehicle when a bullet passed through the open trunk lid and nearly severed his right arm. He went down, was bleeding heavily and was probably going into shock and unconsciousness.<sup>17</sup> Ron Williams was the one using his radio<sup>18</sup> to call for help and attempting to explain where they were pinned down, but he was also wounded three times and "...had thrown his gun

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<sup>14</sup> Matthiessen 544.

<sup>15</sup> U.S. v. Peltier, U.S. Court of Appeals, Eighth Circuit, 585 F.2d 314, 1978; U.S. Ap. Decision, September 14, 1978, Decided. (Direct Appeal) II.B.2.b.i, and footnote #18.

<sup>16</sup> Encl. 3, letter dated October 12, 1999 from Canadian Minister of Justice A. Anne McLellan.

<sup>17</sup> Matthiessen 184.

<sup>18</sup> U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, 4 "Shortly before noon..."

down and stripped off his white shirt. Perhaps he waved it as a white flag of surrender; in any case, he apparently attempted to rig it as a tourniquet on the shattered arm of the downed Agent.”<sup>19</sup>

Regretfully, in the entire 646 pages of his book, Matthiessen’s kindest words for the murdered agents were “In a few wild minutes, Coler had received that shocking wound, and Williams could not or would not desert him—the details, the degree of bravery, the precise order of events are lost.”<sup>20</sup>

It would not be unreasonable to believe that Matthiessen’s conclusion is correct: Ron Williams attempted to surrender. He was severely wounded, his partner was gravely injured and perhaps near death and his training had not prepared him for this type of situation.

**7) Fundraising and charitable activities:** Peltier has continuously attempted to gain both political and personal benefit by claiming all sorts of awards, charitable activities (that have allegedly raised millions for the needy), benefits, scholarships, etc., and having been allegedly nominated six times for the Nobel Peace Prize.

Although fundraising is not indicative of guilt, Peltier and the Leonard Peltier Defense Offense Committee (and previously the Leonard Peltier Defense Committee) have engaged in questionable fundraising activities for many years. By their own statements, they clearly acted as an illegal Political Action Committee (PAC) and claimed that donations to the LPDOC would be tax deductible. Peltier and the LPDOC inform supporters that their 503(c)3 application (for recognized charitable and tax-deductible status from the IRS; e.g. an exempt organization) was “pending.” It remains that the LPDOC cannot be a 501(c)3 exempt organization because it is illegal if those funds are “...for the benefit of private interests, such as the creator (Peltier) or the creator’s family...” and that “No part of the net earnings of a 501(c)3 organization may inure to the benefit of any private shareholder or individual. A private shareholder or individual is a person having a personal and private interest in the activities of the organization.”<sup>21</sup>

Peltier’s claims (and there have been many over the years), of significant charitable activities cannot hold up to scrutiny as evident by his failure to specify any of these activities, and having never offered his own supporters any proof of the monies he has received, or where and how those funds have been spent. In other words, there have been many alleged claims, but no proof or accountability.<sup>22</sup>

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<sup>19</sup> Matthiessen 157-158.

<sup>20</sup> Matthiessen 545.

<sup>21</sup> See online reference at: <http://www.irs.gov/charities/charitable/article/0,,id=123297,00.html>

<sup>22</sup> For a review of Peltier charitable activities from 2004 to 2007, please see the online reference at: <http://www.noparolepeltier.com/debate.html#fraud>.

**8) Nobel Peace Prize:** Peltier's nomination for the Nobel Peace Prize is meaningless. Although the recipients of the Nobel Prize have made outstanding contributions in various fields, the nominating process is embarrassingly flawed. The fact remains that just about anyone can be *nominated*. Even the Nobel Committee recognizes this and seals the list of nominees for fifty years. However, whether Peltier was actually nominated is arguable, but the Nobel reference is undisguised and transparent in its purpose; to elevate Peltier far beyond what he deserves. A *Peltier Nobel Peace Prize* is an oxymoron and an insult to every legitimate recipient.<sup>23</sup>

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I would offer to the commission that Peltier's shallow attempts at notoriety at the expense of two agents murdered in the line of duty is shameful; that he has never displayed any meaningful remorse but only blamed the government for all his problems by couching them in terms of himself being a martyr. Peltier has not paid his debt to society or to the slain agents and has never taken any responsibility for his actions that sultry day at Jumping Bull. I would respectfully urge the commission not to consider Peltier for parole now or in the foreseeable future, and also consider that no matter what his classification at this time may be, he still owes seven consecutive years for his armed escape from Lompoc Penitentiary.

"In the Spirit of Coler and Williams"

Sincerely,

Edward Woods

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<sup>23</sup> For a review of the significance of Peltier's claim to Nobel Peace Prize nominations, please see online reference at: <http://www.noparolepeltier.com/debate.html#peace>.

(Encl. 1)

By way of my own background, I was a commissioned officer in the United States Army Special Forces (Green Berets), an FBI agent for nearly thirty years serving in Cincinnati and New York City, and presently the Assistant Chief Pilot and Director of Safety for a major corporate jet charter company. Although I never met Jack Coler or Ron Williams nor worked an Indian Country case, in April 2000 after meeting Jack Coler's youngest son I became involved in ensuring that information available to the public on the Internet from the then Leonard Peltier Defense Committee (now the Leonard Peltier Defense Offense Committee, LPDOC), and Peltier's public statements were not left unchallenged. There were many websites and Internet references that repeated inaccurate facts, provided misleading out-of-context quotes from the court record and made claims of government complicity in the prosecution of who they referred to as *political prisoner* Leonard Peltier. Many of Peltier's and the LPDC's statements denigrated the memory and sacrifice of Special Agents Coler and Williams. As a result, the No Parole Peltier Association (NPPA) and its related website [www.noparolepeltier.com](http://www.noparolepeltier.com) was created to provide a forum and a response to the spurious and often outrageous claims offered by Peltier and to ensure that Jack Coler's and Ron Williams' sacrifice was not in vain, and their memory honored.



Encl. 2

(Author's note: What follows is a series of emails received from Robert Robideau. There are others, however, these are the only ones relevant to the issue of the murder of Agents Coler and Williams and the matter of self-defense.)

**Statement from [Robert Robideau](#)  
In Response to the Arlo Looking Cloud Trial  
February 13, 2004  
(Excerpt)**

As far as I have ever been concerned the killing of the agents was justified, they were warriors acting out the orders of their superiors, shooting to kill. They were shot in the head at close range, but they were killed honorable. Because we too were warriors fighting in defense of our people and land I have no remorse for the actions we took against our enemies in the heat of this defensive action. A jury agreed with our actions, and rightly they should.

**==+=+== INTERNATIONAL FORUM of VIPs for PELTIER ==+=+==**

From: "American Indian Museum" <AMERICANINDIANM@TERRA.ES>

TO: INDIGENOUS WOMEN FOR JUSTICE 3/3/04

On this day I effectively resign as International Spokesperson for the Leonard Peltier Defense Committee and give my total support to the family of Anna Mae, Indigenous Women For Justice and all those groups and individuals who believe as I do that those that executed Anna Mae must be held accountable for their actions. Justice cries out for Anna Mae to all native people. (Email continues...)

----- Original Message -----

**From:** [AMERICAN INDIAN MUSEUM](#)  
**To:** [Ed Woods - NPPA](#)  
**Sent:** Wednesday, June 02, 2004 2:52 AM  
**Subject:** Re: Bob R..2

I have just read your convoluted statement that Paul was so good to publish for you.

Since it is primarily directed at me I will express myself face to face with the dog barking at his own shadow.

I have never denied shooting at the two agents, I have said that my bullet found it mark on one of the agents early in the fight, a killing wound according to the pathologist's report.

If it pleases you I am "Mr. X" (which is no lie) and I did kill them with honor befitting a warrior, but they died like worms.

Here is part of a taped conversation that Paul DeMain and I had:  
Robideau: So far as Mr. X is concerned I could have been Mr. X. These two agents did die and I have never denied this.

DeMain: Yes. I can come back because of the whole environment of mitigating circumstances. I could even come back if in fact you read a lot of the stuff I said. Now I have no problem with the accusation that given the fact the FBI manipulated, mitigated, jabrated or what ever...but all kinda of things. Lets talk about it a little bit more.

The rest of you letter is not worth comment.

your turn,  
Robert Robideau

----- Original Message -----

**From:** [AMERICAN INDIAN MUSEUM](#)  
**To:** [Ed Woods - NPPA](#)  
**Sent:** Sunday, October 31, 2004 4:20 PM  
**Subject:** Re: Question for Robert R...AIM camp

I thought that I already told you that I killed the agents, who were killed in self defense and I was acquitted accordingly. "People do have a right to defend themselves" according to Mr. Kelley. Several other government witnesses concurred.....as you very well know. In my opinion, if an apology is needed, it needs to come from the federal government to the people of Pine Ridge and those of use that were defending the community. Leonard will be free.

International spokesperson for the LPDC,

Robert Robideau

----- Original Message -----

**From:** [AMERICAN INDIAN MUSEUM](#)  
**To:** [Ed Woods - NPPA](#)  
**Sent:** Monday, November 01, 2004 9:55 AM  
**Subject:** Re: Question for Robert R...Self Defense 1

Who is Dodie? Peter's numbers are correct, as well as the rest of the story he wrote. He did not know any of us and had never been connected to the AIM at any time then or after. He is just some white writer that saw an injustice committed and wrote about it.

Well Ed, if you read the U.S. Commissioner Maldrow's reports as well as Dr. De Witt you would know the general conditions that prevailed at the time..... remember now these are government people. There did exist a climate of fear in all of the communities on Pine Ridge, as you will know by these reports and testimonies of various Oglala people. This is why we, members of AIM had been asked to go there.

I have never shot at an unarmed man in my life; and certainly not one that was unconscious or near to death. Sorry Ed, you are wrong on that point....your friends were really gong ho green berets. You would have been prod of them both with guns blazing away.....real John Wayne types.

It was self defense all the way to the end.....

----- Original Message -----

**From:** [AMERICAN INDIAN MUSEUM](#)

**To:** [Ed Woods - NPPA](#)

**Sent:** Tuesday, November 02, 2004 3:11 AM

**Subject:** Re: Question for Robert R...Self Defense 2

The shooting never stopped, it went on until almost nightfall. As you know there was a quick response by those other agents backing up the first two lead agents. It has been well established that the FBI began playing war games, just before and after Wounded Knee II. With the evidence found on Coler and Williams it is evident that they were playing too. The military type map information found in their position clearly indicates that they as well as agent Price and the rest who were working the Reservation knew that we had our camp on the Jumping Bulls. FOI information substantiates the agents intent and purpose against the AIM.

You know as well as I do that agents are trained to never relinquish their guns under any circumstances, and these two went by the book, they were real warriors, you would have been prod of them. We were just engaged in a war not of our choosing.....self defense.

----- Original Message -----

**From:** [AMERICAN INDIAN MUSEUM](#)

**To:** [Ed Woods - NPPA](#)

**Sent:** Tuesday, November 02, 2004 10:10 AM

**Subject:** Re: Question for Robert R...Self Defense 3

Taking into serious consideration the manipulations and fabrications of the evidence by the FBI surrounding this case I would advise caution when viewing the pathologist reports; and I would venture to say that any conclusions made on them alone is fool hardy. The Anna Mae case is a good example of the incompetence of one pathologist and his racism that prevailed in those times and places is a fact you might wish to take serious note of.

Your agents were not executed, they both had their proper guns in hand before they died. I don't recall that the government ever showed that they were executed either in my trial nor that outrageous spectacle that took place in Fargo, North Dakota.

Did you know that the Canadian policeman that arrested Leonard, now supports his freedom. Yes, this is in part because we have been able to clearly demonstrate that the FBI did fabricate evidence.....now is this the kind of justice you want to support in our country? Perhaps you should be asking your fellow agents questions about their methods of pursuing justice. You can't have it JUST HOW YOU WANT IT Ed. Equality and Justice for All.....or no one.....