
¹ U.S. v. Peltier, U.S. Court of Appeals, Eighth Circuit, 585 F.2d 314, 1978; U.S. App. Decision, September 14, 1978, Decided. Introduction, ¶ 8 “The evidence against Peltier was primarily circumstantial. Viewed in the light most favorable to the government (footnote #3), the strongest evidence that Peltier committed or aided and abetted the murders is as follows....”

² U.S. v. Peltier, U.S. Court of Appeals, September 14, 1978, Decided. Ibid. I.A.1 “Milwaukee, Wisconsin incident”

³ Peltier 105-107.

⁴ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ 4 “Shortly before noon on June 26, Special Agent Williams, driving a 1972 Rambler, and Special Agent Coler, driving a 1972 Chevrolet....”

⁵ U.S. v. Peltier, U.S. District Court, DND, 553 F. Supp. 890, 1982 U.S. Dist. Decision, December 30, 1982, II.5 “According to the doctor who performed the autopsies...” And, “At trial, the testimony of two pathologists was presented. Dr. Bloemendaal testified that in his opinion Agent Williams’ gunshot....”

⁶ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ 7 “These wounds were not fatal. The agents were killed with a high velocity, small caliber weapon fired at point blank range.”

⁷ U.S. v. Peltier, U.S. District Court for the District of North Dakota, 609 F. Supp. 1143, 1985 U. S. Dist. Decision, May 22, 1985: Findings of Fact; ¶ 3 “The Wichita AR-15 rifle and the .223 casing found in the trunk of Agent Coler’s car were both part of...” and, ¶ 20 “Later examinations of the remaining .223 bullet casings submitted in connection with....”

⁸ U.S. v. Peltier, U.S. Court of Appeals, Eighth Circuit, 800 F.2d 772, 21 Fed. R. Evid. Serv. (Callaghan) 1017, 1986; U.S. App. Decision, September 11, 1986: Sections: “The .223 Casing,” and “The AR-15.”

⁹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.A. ¶ 7 “In the second place...” and, Leonard Peltier v. Joseph W. Booker, Jr., Warden, U.S. Court of Appeals, Tenth Circuit, No. 02-3384, November 4, 2003; Appeal from the United States District Court for the District of Kansas (D.C. No. 99-CV-3194-RDR), II “As noted above, the Commission’s....”

¹⁰ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.B.2.b.ii. “Jimmy Eagle. In addition to offering Eagle’s testimony, the defense also called two of the four cellmates who gave the allegedly fabricated statements to the government. Both witnesses affirmed the truth of their earlier statements to the F.B.I., and denied that the F.B.I. induced them to make false statements. There was thus no real proof that the F.B.I. solicited statements from the four cellmates. There was only proof that Eagle denied making the statements.” And, footnote, 15. “The two witnesses testified outside the presence of the jury that after their testimony at trial, they had been threatened by Peltier himself that if they did not return to court and testify that their earlier testimony had been induced by F.B.I. threats, their lives would be in danger.”

¹¹ <http://www.noparolepeltier.com/faq.html#17> online reference as follows: On 6/23/75 an incident on the Schwarting Ranch, near Batesland, Pine Ridge Indian Reservation, South Dakota, resulted in complaints and warrants issued for the arrest of Hobart Horse, Herman Thunderhawk, Teddy Pourier and Jimmy Eagle for theft and assault with a deadly weapon of victims Jerry Schwarting and Robert Dunsmore. Pourier was arrested on 6/25/75 and that evening, Norman Charles, was questioned by Agents Coler and Williams and BIA officers regarding the whereabouts of the other three fugitives. Norman Charles was with Peltier when he returned to the Jumping Bull property around noon, June 26, 1975 and would have recognized the vehicles and the two FBI agents who interviewed him the evening prior. Although this event has been trivialized by Peltier and others; on 1/17/05, Jerry Schwarting was re-interviewed: “Mr. Schwarting stated that during this episode he was put in fear of his life, was cut several times by Hobart and still carries the scars to this day.”

¹² Term referring to Guardians of the Oglala Nation (GOONs); Tribal members and supporters opposed to AIM and its activities.

¹³ Peltier 113-114.

¹⁴ 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) 544.

¹⁵ Matthiessen 184.

¹⁶ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ 4 “Shortly before noon....”

¹⁷ Matthiessen 157-158.

¹⁸ Matthiessen 545.

¹⁹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.B.1. ¶ “On September 5, 1975....”

²⁰ U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.B.1 ¶ “As we stated above....”

²¹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ #8 “Peltier was stopped. . . .” I.A.2. Ontario, Oregon, “On November 14, 1974, Oregon State Police stopped two vehicles near Ontario, Oregon: a motor home and a Plymouth station wagon. Peltier was one of the occupants of the motor home, and fled the scene, turning to fire at the state trooper. Upon searching both vehicles, Oregon authorities recovered from the motor home Special Agent Coler’s revolver in a paper bag bearing Peltier’s thumbprint, and from the station wagon several shell casings that had been fired from Coler’s revolver.” I.B. Unrelated robbery of ranch house: “The government introduced testimony that on or about November 14, 1972, a .3030 rifle and a pickup truck were stolen from a residence near Ontario, Oregon. Peltier’s fingerprints were found in the residence. When Peltier was apprehended in Canada, he had in his possession the .3030 rifle stolen from Oregon. “

²² U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.2.A. Evidence of Flight, ¶ “We hold that. . . .” “First, Peltier fled the scene of the crime immediately after its commission. His actions in Oregon were a continuation of that immediate flight. Second, the fact that the motor home and station wagon were traveling arsenals linked by communication devices and code words designed for avoidance of arrest was significant evidence of Peltier’s state of mind.” and I.B.1. Wichita, Kansas.

²³ “The Resmurs Case; The investigation of the murders of FBI Agents Jack Coler and Ronald Williams,” FBI, Minneapolis Division, http://minneapolis.fbi.gov/history_peltier.htm, (last accessed 3/10/09); “The Cedar Rapids Trial,” ¶7 “At the conclusion of the government’s case against Robideau and Butler, the judge recessed the trial for 10 days to attend a judicial conference.”

²⁴ Matthiessen 312.

²⁵ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.B.2.b.i, and footnote #18.

²⁶ Canadian Minister of Justice A. Anne McLellan, to U.S. Attorney General, Janet Reno dated October 12, 1999, available online at <http://www.noparolepeltier.com/canadaletter.html>

²⁷ Peltier 238, 240.

²⁸ Peltier 162.

²⁹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.B.4. ¶2 “Secondly, the direct and circumstantial evidence of Peltier’s guilt was strong and, in our opinion, the admission of these additional exhibits did not prejudice the defendants chances for acquittal.”

³⁰ Leonard Peltier v. G.L. Henman, Warden, U.S. Court of Appeals for the Eighth Circuit, 997 F.2d 461, 1993 U.S. App. Decision, July 7, 1993; II., ¶2, “Peltier’s arguments fail because their underlying premises are fatally flawed.”

³¹ Peltier 164-168.

³² Leonard Peltier v. Joseph W. Booker, Jr., Warden, U.S. Court of Appeals, Tenth Circuit, No. 02-3384, November 4, 2003; Appeal from the United States District Court for the District of Kansas (D.C. No. 99-CV-3194-RDR); I.B. Mr. Peltier’s escape from Prison.

³³ Peltier 167.

³⁴ Incident at Oglala, The Leonard Peltier Story, dir. Michael Apted, prod. Robert Redford, (Carolco films 1988), Miramax Films release, 1992. For a candid review of the film Incident at Oglala please see the online reference at <http://www.noparolepeltier.com/movie.html>, as well as the film’s relationship to the book In the Spirit of Crazy Horse by Peter Matthiessen at <http://www.noparolepeltier.com/response.html#4>.

³⁵ Scott Anderson, “The Martyrdom of Leonard Peltier,” Outside Magazine July. 1995.

³⁶ Alan M. Dershowitz, “Agents and Indians,” Book review of *In the Spirit of Crazy Horse* by Peter Matthiessen, New York Times Book Review Sunday, March 6, 1983.

³⁷ U.S. v. Peltier, U.S. District Court, DND, Decision, December 30, 1982. Ibid. II. The standard of materiality in the absence of perjured testimony, (conclusion), ¶ “Because the alleged nondisclosures. . . .” “Assuming the documents referred to in the defendant’s petition were known by the prosecutor but not known by the defense counsel at the time of trial, the prosecutor had no duty to disclose them to defense counsel and the alleged nondisclosures do not amount to suppression.”

³⁸ Brady v. Maryland, 373 U.S. 83, 10L. Ed. 2nd 215, 83 S. Ct. 1194 (1963).

³⁹ U.S. v. Peltier, U.S. Court of Appeals for the Eighth Circuit, 731 F.2d 550, 1984 U.S. App. Decision, April 4, 1984, Decided, (conclusion), ¶ “We do not mean to imply. . . .”

⁴⁰ U.S. v. Peltier, Decision, May 22, 1985. Ibid. (conclusion), ¶ “Because the October 2, 1975, teletype, evaluated in the context of the entire record, would not have affected the outcome of the trial, and does not create a reasonable doubt that did not otherwise exist, Peltier has failed to establish constitutional error.”

Also, footnote 2.

⁴¹ U.S. v. Peltier, U.S. Court of Appeals, Eighth Circuit, Decision, September 11, 1986. Ibid. (¶ prior to Conclusion), “In the light of the full record...”

⁴² U.S. Supreme Court, October Term, 1978, No. 78-893. Peltier v. United States. C.A. 8th Cir. Certiorari denied; 585 F. 2nd 314. And, U.S. Supreme Court, October Term, 1986, No. 86-1900. Peltier v. United States. C.A. 8th Cir. Certiorari denied; 800 F. 2^d 772.

⁴³ Peltier 123-125.

⁴⁴ Matthiessen 575-584.

⁴⁵ Incident at Oglala. Ibid., direct quotes, onscreen interview of Robert Robideau and Leonard Peltier.

⁴⁶ E.K. Caldwell, “Conversations with Dino Butler,” News From Indian Country 1995. Interview available online at <http://www.noparolepeltier.com/lie.html>.

⁴⁷ Robert Robideau, email to NPPA, (available online at <http://www.noparolepeltier.com/debate.html#self> section entitled “Peltier’s ultimate guilt”), June 2, 2004, 2:52AM.

⁴⁸ Robert Robideau, direct quote from a public gathering entitled “Afternoon in solidarity with Leonard Peltier,” NYC Jericho Movement, NY, NY, October 23, 2005.

⁴⁹ Matthiessen 546.

⁵⁰ “Caged Warrior,” Cover Story, Boulder Weekly, March 9-12, 2000; excerpted online at <http://www.noparolepeltier.com/speak.html>

⁵¹ U.S. v. Peltier, U.S. District Court, District of North Dakota; Crim. No. C77-3003, filed February 25, 2002. “Background: A brief sketch of the otherwise notoriously convoluted procedural history of this case is sufficient for the purposes of this motion. On June 1, 1977, following a five-week jury trial, Mr. Peltier was sentenced by Judge Paul Benson to two consecutive life terms in prison for the first degree murder of and aiding and abetting the first degree murder of two FBI agents. Mr. Peltier’s conviction and sentence was affirmed on direct appeal. See United States V. Peltier, 585 F.2d 314 (8th Cir. 1978), cert. denied 410 U.S. 945 (1979). In June 1979, Mr. Peltier filed a motion pursuant to Fed. R. Crim. P. 35 to reduce his sentence. Shortly thereafter, however, Mr. Peltier escaped from prison. See United States v. Peltier, 693 F.2d 96 (9th Cir. 1982). Once Mr. Peltier was captured, the court denied the Rule 35 motion on October 4, 1979. In April 1982, Mr. Peltier filed his first motion under 28 U.S.C. § 2255 for a new trial. This motion was denied in December 1982. See United States v. Peltier, 553F. Supp. 890 (D.N.D. 1982). Mr Peltier appealed, and on April 4, 1984, the Eighth Circuit granted a limited remand for an evidentiary hearing related to ballistics evidence used by the government during the trial. See United States v. Peltier, 731 F.2d 550 (8th Cir. 1984). Following that evidentiary hearing, the district court again denied Mr. Peltier’s motion for post-conviction relief. See United States v. Peltier, 609 F. Supp. 1143 (D.N.D 1985). Not surprisingly, Mr. Peltier appealed. Although the Eighth Circuit determined that the “prosecution withheld evidence from the defense favorable to Peltier,” United States v. Peltier 800 F.2d 772, 775 (8th Cir. 1986), the court ultimately affirmed he district court. See id. at 779-80. In 1991, Mr. Peltier filed another § 2255 motion alleging that during the oral arguments before the Eighth circuit in 1985, the government changed its theory of the case. Essentially, Mr. Peltier argued: *that the government tried him and he was convicted solely on the theory that he personally shot the agents at point blank range; and that during the oral argument before [the Eighth Circuit], the government admitted that his conviction could not be sustained on that theory.* Peltier v. Henman, 997 F.2d 461 (8th Cir. 1993). Mr Peltier’s motion was denied by the district court. The eighth Circuit affirmed, holding that (A) *The government tried the case on the alternative theories: it asserted that Peltier personally killed the agents at point blank range, but that if he had not done so, then he was equally guilty of their murder as an aider and abettor [; and] (B) [t]he government’s statement at the prior oral argument, upon which Peltier relies, was not a concession that the government had not proved that Peltier had not killed the agents personally, and that Peltier’s conviction could be sustained only on an aiding and abetting theory.* On November 1, 2001, Mr. Peltier filed instant motion seeking to renew his original Rule 35 motion for reduction of sentence. The crux of Mr. Peltier’s contention is that there have been several changes in circumstances since his original sentencing which should now be considered. Based on these changes, Mr. Peltier seeks to have his sentence reduced from two consecutive life sentences to two concurrent life sentences. (Discussion, The merits of the motion, and Conclusion, follow). Denied.”

⁵² <http://www.irs.gov/charities/charitable/article/0,,id=123297,00.html> Online IRS reference as follows: “A section 501(c)3 organization must not be organized or operated for the benefit of private interests, such as the creator or the creator’s family, shareholders of the organization, other designated individuals, or persons

controlled directly or indirectly by such private interests. No part of the net earnings of a section 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.”

⁵³ <http://www.noparolepeltier.com/debate.html#fraud> for online references regarding Peltier’s fundraising and alleged charitable activities.

⁵⁴ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Footnote #18.

⁵⁵ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Footnote #18, continued.

⁵⁶ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.B.2.i. ““Indeed, defense counsel, anticipating that she would be called as a witness for the government, described her in his opening statement as a “witness whose {F.2d 333} mental imbalance is so gross as to render her testimony unbelievable.””

⁵⁷ Leonard Peltier v. Joseph W. Booker, Jr., November 4, 2003. Ibid. II ¶ (last).

⁵⁸ Leonard Peltier v. Joseph W. Booker, Jr., November 4, 2003. Ibid. II ¶ “Previous federal court decisions provided the Commission with ample facts to support its conviction that Mr. Peltier personally shot agent Coler and Williams. We cannot hold that the Commission’s reliance on these decisions, nor its determination that the aggravating circumstances of this crime outweigh mitigating evidence presented by Mr. Peltier, constitute arbitrary and capricious action on the Commission’s part.”

⁵⁹ Leonard Peltier v. Joseph W. Booker, Jr., November 4, 2003. Ibid. II ¶ (second to last).

⁶⁰ U.S. v. Peltier, September 14, 1978, Decided. Ibid. V.5. “The appellate attorneys also seem...” “We have carefully examined the record in the trial court and on appeal, and have concluded that the defendant’s trial counsel were aggressive, capable, and informed, and engaged in sophisticated trial decisions on strategy.” “Peltier was equally well-represented at trial and on appeal.”