

“My plea for clemency; Leonard Peltier”



Leonard Peltier #89637-132
U.S. Penitentiary, Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

January 20, 2009

Re: Leonard Peltier;
My plea for clemency

To Whom It May Concern:

What follows are the reasons why I believe I am entitled to serious consideration on my pending petition for executive clemency.

Please forgive the length of this message, but it is important to provide as much information about my case as possible and the reasons why I should be set free.¹

Although I am now approaching my thirty-fourth year in federal prison *I am guilty of only being an Indian. That's why I'm here.*² *But I've never regretted that I was one of those who stood up and helped protect my people.*³ *And, I would like to say with all sincerity—and with no disrespect—that I don't consider myself an American citizen.*⁴

1) I was convicted in Federal Court in April 1977, and given two consecutive life sentences for the first-degree murder and aiding and abetting in the murder of FBI Special Agents Jack Coler and Ronald Williams.

During my trial the Government contended that on June 26, 1975, Agents Coler and Williams, who were in separate late-model Government sedans, followed a vehicle they believed contained a fugitive named Jimmy Eagle. Eagle and others were wanted at the time on charges of armed robbery and assault with a deadly weapon. The agents followed the vehicle onto the property of the Jumping Bull family on the Pine Ridge Indian Reservation in South Dakota. Neither the FBI nor Agents Coler or Williams knew I was on the Reservation at the time.⁵

I had recently returned to Pine Ridge to join other members of the American Indian Movement (AIM) because of the turmoil caused by conflicts between AIM,

the Pine Ridge tribal government, full-bloods versus traditionals and the Government (FBI).

2) At that time, I knew there was an outstanding warrant for my arrest from Milwaukee, Wisconsin for an attempted murder charge involving two off-duty police officers. I had served five months in jail but had jumped bail and fled the State.⁶ I would like you to know I was later acquitted of those charges.⁷

3) The Government's "facts" alleged that I had been driving a vehicle (a Chevrolet suburban with two young Indian passengers, Norman Charles and Joe Stuntz) and that we stopped at a distance and began firing at the agents while they were both in an open field about a hundred yards away, and that the agents began firing back to defend themselves. During the shooting, other AIM members from our camp in a nearby ravine also joined in and shot at the agents from another location.⁸ The shooting didn't last long and Agent Coler's right arm was nearly severed. Agent Williams was wounded three times. The witnesses testified that the three older Indians, Darrell Dean (Dino) Butler, Robert (Bob) Robideau and myself then went down to the wounded agents. The jurors saw many crime scene and autopsy photos showing that someone had shot Agent Coler in the head and then a second round blasted away his jaw, both at point-blank range.⁹ Agent Williams, they said, had a "defensive wound," because he had raised his hand to protect himself or deflect the rifle muzzle pointed at him. His fingers were blown through his face and the back of his head.¹⁰ This was all highly prejudicial for the jury to see.

4) The Government claimed that the weapon used to kill the Agents was my Colt AR-15 (referred to as the "Wichita AR-15") and supposedly linked to me because I was the only one among the AIM members with such a weapon. Extractor marks from this assault rifle, the Government said, were a match to a shell casing found in Agent Coler's open trunk as well as 114 others.¹¹ The Court of Appeals later claimed that "When all is said and done, however, a few simple but very important facts remain. The casing introduced into evidence had in fact been extracted from the Wichita AR-15. This point was not disputed..." and, "The trial witnesses unanimously testified that there was only one AR-15 in the compound prior to the murders, that this weapon was used exclusively by (me) and carried out by (me) after the murders."¹²

The testimony the jury heard placing me at the murder scene was from young Indian witnesses who were threatened and coerced by the FBI. The three critical Government witnesses who placed me, Dino and Bob at the agent's vehicles after the initial shooting had ended, said on cross-examination that they were threatened, intimidated, or physically abused in the initial stages of the investigation about their knowledge of the murders. "However, upon further questioning at (my) trial by the government attorney, they stated that the testimony they gave at the trial was the truth, as they best remembered."¹³

Two other witnesses (who were called by my defense team to refute testimony against me and to prove they were induced by the FBI to make false statements), later "...testified outside the presence of the jury that after their testimony at trial, they had been threatened by (me) that if they did not return to the court and testify that their earlier testimony had been induced by FBI threats, their lives would be in danger."¹⁴

I was fortunate the jury did not hear their later admissions as well.

5) To be honest, *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.*¹⁵ *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*¹⁶ *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.*¹⁷

Although that has been my contention since this all happened, not even my biographer, Peter Matthiessen (see below) believed it. He 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."¹⁸

But in any case, their agents were dead, we feared for our lives and fled the Reservation.

6) For anyone to be fully informed about my alleged crime there is one element surrounding the agents' deaths that I need to explain. My biographer, Peter Matthiessen, wrote a national bestseller about my case and the FBI's war on the American Indian Movement entitled In the Spirit of Crazy Horse. (I have of course adopted that phrase as my lifelong call to arms.) The book almost didn't survive because after its release by Viking Press in 1983 Peter was sued by an FBI Agent and a former Governor of South Dakota for libel and it was tied up in the courts for eight years. We won, but I was "the main victim of these intimidation suits...and was deprived of (my) main organizing tool in (my) fight for justice."¹⁹

Peter Matthiessen conducted hundreds of interviews and compiled extensive research to tell my complete story, and I have encouraged everyone to read this book and find the truth.

Peter did touch on an important aspect of the killing of the agents which the prosecutors used against me during my trial concerning Jack Coler's devastating arm wound. The Government said he had been at the back of his car 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.²⁰ Ron Williams was the one using his radio²¹ to call for help and trying to explain where they were pinned down and being shot from, but he was also wounded three times and "...had thrown his gun 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."²² Peter's kindest words for these two invaders that day 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."²³

After the initial shooting ended, the agents were then shot in the face with a high powered rifle. The jury accepted the Government's tale that I did it.

But, of course, I didn't kill the agents so none of this is relevant. I was still wrongfully convicted because I was an Indian.

Knowing I would be unjustly accused of the Agents' deaths, I fled to Canada.

7) My two AIM co-defendants would be arrested separately in September; Dino Butler on the Rosebud Reservation (where the FBI located Agent Williams's service revolver²⁴), and Bob Robideau in Wichita when the station wagon he was driving caught fire and exploded. In that vehicle were Agent Coler's rifle²⁵ and the AR-15 the Government said belonged to me and that had been matched to shell casings at Jumping Bull.

8) While making my way north, on November 14th, I was involved in a shoot-out with an Oregon State Trooper when the motor home I was riding in was pulled over. Under the seat of the motor home was a paper bag that contained Agent Coler's FBI handgun and on the paper bag the Government said they found one of my fingerprints.²⁶

Because of all the weapons, ammunition, explosives, and hand grenades found in the station wagon that exploded in Wichita and the motor home from Oregon, the court described them as "traveling arsenals."²⁷

I believe that is unfair because we had to protect ourselves.

As a result of a massive federal investigation called *Resmurs* (Reservation Murders), I was named to the FBI's Top Ten Most Wanted list. I knew they would stop at nothing to punish someone, anyone, especially an Indian, for the agents' deaths.

9) I did make it to Canada but was arrested two months later by the RCMP and while fighting my illegal extradition, Dino Butler and Bob Robideau were tried without me in Cedar Rapids, Iowa. They were acquitted after arguing self-defense. The jury apparently believed that it was acceptable to shoot FBI Agents

who wandered onto private property and who were then wounded and shot to death. It shouldn't matter that it took the jury five-days to reach a verdict and twice reported they were deadlocked, or that the judge allowed Dino and Bob to put the entire Government on trial for the past four-hundred-years of broken treaties and persecution of Native Americans. And then, after the Government rested its case, the judge took a ten-day recess to attend a judicial conference giving the defense team ample time to prepare to attack the government's case against them. My AIM compatriots were freed and the FBI and Government were held to a much higher standard than we had ever hoped for.²⁸

10) My extradition to the U.S. was partly based on affidavits from an Indian woman, Myrtle Poor Bear, whom I did not know but claimed that I killed the agents. The FBI intimidated her and kept believing her lies and used those lies to have me extradited from Canada. Although, I do have to admit that Poor Bear was deemed not to be a credible witness by both the Government and my own attorneys and she did not testify against me at trial.²⁹ However, this matter was finally settled in 1999 with a letter from the Canadian Minister of Justice to U.S. Attorney General Janet Reno that stated "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."³⁰

Isn't it evident that the FBI had gotten to the Canadian authorities as well?

11) I stood trial in Fargo, North Dakota in March 1978, but the judge did not allow me to prove the climate of fear that existed on the Reservation or the historical persecution of Native Americans. Instead, he limited my defense team to the events and circumstances surrounding the shooting and murder of the Agents. In other words, I didn't stand a chance. Before he sentenced me, I said, *You are about to perform an act which will close one more chapter in the history of the failure of the United States to do justice in the case of a Native American. After centuries of murder of millions of my brothers and sisters by white racist America, could I have been wise in thinking you would break that tradition and commit to an act of justice? And I feel no guilt. I have done nothing to feel guilty about! I have no regrets of being a Native American activist.*³¹

I got what I expected, two consecutive life sentences.

All my attorneys then began an aggressive appeals campaign including requests under the Freedom of Information Act.

12) One of the most troubling aspects of my conviction has been the matter of aiding and abetting: I know that *I was the last Indian left to railroad for the deaths of their two Agents and the Fargo jury had given me those maximum sentences*

*specifically for supposedly going up and personally murdering those Agents at close range with a high-powered weapon, not for the vague crime of aiding and abetting.*³² But, predictably, the Court of Appeals agreed with my trial judge saying that "...the direct and circumstantial evidence of (my) guilt was strong..."³³

But how can that be? Dino and Bob were acquitted of the same thing, so what crime did they commit? Doesn't that make them innocent? And yet I was convicted of aiding and abetting. Aiding and abetting who? Myself? If their jury said they were not guilty, how can I be guilty of what they didn't do? I just don't understand this and need someone to explain it to me. Although, the Court of Appeals did say something about "collateral estoppel."³⁴ But I also know the Government claimed they used the "dual theory" to convict me; that I either killed the agents myself or aided and abetted the other two.

I also claimed in one of my many later appeals that the prosecutor said he could no longer prove who shot the agents, but the Court of Appeals said my argument on that score was "fatally flawed."³⁵ But how can that be?

All this seems like it's just more excuses to persecute an Indian for the murder of these two agents.

13) During my appeals I was transferred at one point to the U.S. Penitentiary in Lompoc, California where I soon learned of a plot by the Government to have me assassinated. I had no choice but to plan an escape. One of my fellow Indian inmates was killed during our armed escape.³⁶ I was caught days later in possession of a semi-automatic rifle that matched spent cartridges at the scene of the escape."³⁷

*They had a trial and tacked seven more years onto my two consecutive lifetime sentences.*³⁸ They were determined to keep me incarcerated long enough so I would die in prison.

14) By 1980 I was serving time in Marion Penitentiary where I was blessed to be visited by the famous actor and activist, Robert Redford, who took an interest in my wrongful prosecution. He eventually produced and narrated the film, Incident at Oglala, which was based exclusively on Peter's book and told the story behind the agents' deaths and my innocence.³⁹

15) After I was convicted, my defense team began working on Freedom of Information Act (FOIA) requests. I know there are documents that the Government still possesses that would prove my innocence.

In the first batch of FOIA documents I received, was an October 2, 1975 FBI Laboratory teletype that my attorneys believed cast doubt on the key Government evidence against me (the Wichita AR-15 and the shell casing found in Agent Coler's trunk) and the trial testimony of an FBI Laboratory examiner.

However, the trial judge believed that the prosecutor "...had no duty to disclose them to defense counsel."⁴⁰ In other words it did not violate the Brady doctrine.⁴¹ The Court of Appeals disagreed and although they said, "We do not mean to imply that the October 2 teletype establishes that the motive or actions of any FBI agent or government prosecutor were improper,"⁴² they did send it back to the District Court for an evidentiary hearing.

In October 1984 there was a three-day evidentiary hearing with only the FBI Laboratory examiner as a witness. The judge again denied my motion stating that "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."

I also "...had an independent firearms expert present in the courtroom at the hearing, but he was not called to testify."⁴³

I appealed and the Court of Appeals denied me relief, again. They said that based on the "Bagley test," "...we cannot say that it is reasonably probable that (the jury) would have been sufficiently impressed by these possibilities to have reached a different result at trial."⁴⁴

And, of course, continuing the Government conspiracy to deny my rights and freedom, the U.S. Supreme Court in 1978 and 1987 refused to hear my case.⁴⁵

My battle to obtain all the documents in the Government's possession continues to this very day.

"At some point, the Courts must remedy the acknowledged Government misconduct in the prosecution of (me) and stop the farcical merry-go-round of injustice that surrounds (my) case." "Indeed, if the Government did not have something to hide, it would be agreeing to produce these over 30 year old documents in their entirety, instead of vigorously trying to continually hide documents created during an indisputable less than honorable time when our Government engaged in many wrongful acts to quell domestic dissent, including the dissent of the American Indians and, more specifically, the dissent of AIM and (me)."⁴⁶

Predictably, we lost that case as well. Just another example of how the Government is keeping the Red Man down.

16) I know there may be some confusion about my alibis on the day of the shootings, so I would like to clarify them:

I know I originally said that I had been in the *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. I went to the area while bullets snapped at my heels as I 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. I fired off a few shots above their heads, not trying to hit anything or anyone. I 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.*⁴⁷

That's how I had described the initial events, and for many years, we claimed we knew who killed the agents.

He was someone on a mission for AIM to deliver dynamite to the Reservation that day. We referred to him as Mr. X and he was driving a red pickup that the agents had spotted and followed. Mr. X fired on the agents, other AIM members joined in, and after the agents were wounded, Mr. X. went down to their vehicles and shot them both in the face.⁴⁸ That was our story.

In Robert Redford's film *Bob* Bobideau described how he saw Mr. X shoot the agents at point-blank range and drive off in the red pickup. Also, while being personally interviewed in the movie, I said, *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.*⁴⁹

But, in 1995 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."⁵⁰

To make matters worse, in recent years Bob Robideau changed his version as well and has—on many different occasions—claimed credit for personally killing the agents. He said "I am Mr. X (which is no lie) and I did kill them with honor befitting a warrior, but they died like worms."⁵¹ And, "I killed the agents," and if he were in the same situation "those FBI agents would be dead again."⁵²

Bob's statements, of course, made it very difficult for me because at my trial witnesses placed the three of us at the agent's vehicles after the initial shooting ended. They placed me at the scene of the murders and I was convicted for aiding and abetting.

Because of what Dino and Bob have said, that's probably why I never even mentioned Mr. X or the red pickup truck in my autobiography.

I need to admit also that the defense attorneys at Dino's and Bob's trial knew back then about the Mr. X story but "it was decided that it was better to keep us 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.”⁵³

So, I really didn't have an affirmative defense or an alibi for that day. One judge allowed Dino and Bob to use self-defense, but another robbed me of that opportunity at my trial. Witnesses placing me at the scene of the murders and my codefendants didn't help much later on either.

17) There was a time when I really believed that President Clinton was going to set me free, and I must admit that when it appeared that he wouldn't grant me clemency (and of course he didn't), I did refer to him as a “sleazebag.”⁵⁴ Actually, I referred to all politicians as sleazebags; but I really didn't mean it, I was angry and disappointed that we weren't able to get his complete attention and cooperation.

I know many people would understand my plight because *after four hundred years of betrayals and excuses, Indians recognize the new fashion in racism, which is to pretend that the real Indians are all gone.*⁵⁵

I have felt the sting of racism in this country, as have other minorities, and we can agree that the Government and white America still exact their pound of flesh.

I pray to Wakan Tanka, “The Great Spirit,” that anyone reading this message will be moved to ignore my obvious guilt and help set me free.

“In the Spirit of Crazy Horse”

Leonard Peltier⁵⁶

¹ All direct quotes by Leonard Peltier, either from primary sources or public statements, are set forth in *italics* and footnoted.

² Leonard Peltier, *Prison Writings: My Life is My Sundance*. (New York: St. Martin's Press, 1999) 15.

³ Peltier 29.

⁴ Peltier 63.

⁵ 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, "The evidence against Peltier..."

⁶ U.S. v. Peltier, U.S. Court of Appeals, September 14, 1978, Decided. Ibid. I A. 1 "Milwaukee, Wisconsin incident"

⁷ Peltier 105-107.

⁸ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ "Shortly before noon..."

⁹ 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"

¹⁰ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ "These wounds were..."

¹¹ 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; ¶ "The Wichita AR-15 rifle and the .223 casing..." and, ¶ "Later examinations of the remaining .223 bullet casings..."

¹² 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: "The .223 Casing," and "The AR-15."

¹³ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.A. "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..."

¹⁴ 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."

¹⁵ <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."

¹⁶ Term referring to Guardians of the Oglala Nation (GOONs); Tribal members and supporters opposed to AIM and its activities.

¹⁷ Peltier 113-114.

¹⁸ 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.

¹⁹ Matthiessen 561.

²⁰ Matthiessen 184.

²¹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. Introduction, ¶ "Shortly before noon..."

²² Matthiessen 157-158.

²³ Matthiessen 545.

²⁴ U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.B.1. ¶ "On September 5, 1975..."

²⁵ U.S. v. Peltier, September 14, 1978, Decided. Ibid. I.B.1 ¶ "As we stated above..."

²⁶ 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. “

²⁷ 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.

²⁸ Matthiessen 279-315, Chapter 12, The trial at Cedar Rapids.

²⁹ U.S. v. Peltier, September 14, 1978, Decided. Ibid. II.B.2.b.i, and footnote #18.

³⁰ 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>

³¹ Peltier 238, 240.

³² Peltier 162.

³³ 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.”

³⁴ U.S. v. Peltier, September 14, 1978, Decided. Ibid. V. Collateral Estoppel. “Peltier was not a party to that proceeding, and may not invoke the doctrine of collateral estoppel.”

³⁵ 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.”

³⁶ Peltier 164-168.

³⁷ 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.

³⁸ Peltier 167.

³⁹ 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>.

⁴⁰ 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.”

⁴¹ Brady v. Maryland, 373 U.S. 83, 10L. Ed. 2nd 215, 83 S. Ct. 1194 (1963).

⁴² 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...”

⁴³ 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.

⁴⁴ 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...”

⁴⁵ 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.

⁴⁶ Leonard Peltier v. Federal Bureau of Investigation, U.S. District Court, District of Minnesota, Civil No. 02-4328 (DWF/SRN); Plaintiff Leonard Peltier's memorandum of law in opposition to defendant's motion for summary judgment, Filed June 12, 2006, (Conclusion).

⁴⁷ Peltier 123-125.

⁴⁸ Matthiessen 575-584.

⁴⁹ Incident at Oglala. Ibid., direct quotes, onscreen interview of Robert Robideau and Leonard Peltier.

⁵⁰ E.K. Caldwell, "Conversations with Dino Butler," News From Indian Country 1995. Interview available online at <http://www.noparolepeltier.com/lie.html>.

⁵¹ 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.

⁵² Robert Robideau, direct quote from a public gathering entitled "Afternoon in solidarity with Leonard Peltier," NYC Jericho Movement, NY, NY, October 23, 2005.

⁵³ Matthiessen 546.

⁵⁴ "Caged Warrior," Cover Story, Boulder Weekly, March 9-12, 2000; excerpted online at <http://www.noparolepeltier.com/speak.html>

⁵⁵ Matthiessen xxii.

⁵⁶ "To Whom It May Concern, "Leonard Peltier; My plea for Clemency" is intended as satire. However, it is factually accurate and based on direct quotes from Leonard Peltier, primary and secondary sources relating to his convictions and the legal history through court records. It is offered under two presumptions; that Peltier will or has applied for a Presidential pardon (clemency) from President Obama, and that he should be honest while recounting the truth of his conviction. In other words, while still professing his innocence in the face of the unmistakable evidence of guilt, he can still make his argument while being honest to the facts.