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Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Dawn Chirwa

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OA/ID Number: 17289

FolderID:

Folder Title:

Leonard Peltier Pardon [Folder 1] [1]

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Row:

108

Section:

4

Shelf:

7

Position:

1

File

THE WHITE HOUSE

WASHINGTON

October 4, 1995

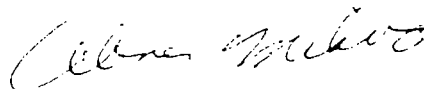
Dear Dr. Waters:

Thank you for your most recent letter to me.

Your letters eloquently express your strong views concerning Mr. Leonard Peltier's case. Please be assured that your letters will be among the materials available to President Clinton when he reviews Mr. Peltier's petition.

Again, thank you for writing on this important issue.

Sincerely,



Abner J. Mikva
Counsel to the President

Brenda L. Waters, M.D.
300 Blackberry Lane
Huntington, Vermont 05462

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence Received (YY/MM/DD) 95/09/22Name of Correspondent: Brenda L. Waters☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: FBI / AIM standoff re 1973

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU	Mikva	ORIGINATOR	95/09/22	MISS	C	95/09/22
CU AT 16	Krislov	Referral Note: A	950926			/ /
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ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"

Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

131923cu
September 18, 1995

Abner J. Mikva
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr Mikva:

Thank you for your letter dated September 5. I appreciate your intentions to reassure me that Mr. Peltier is receiving expeditious and fair consideration at the Justice Department. However, other supporters of Mr. Peltier have received the very same sentiment from you and others at the White House for months-even years. You and President Clinton should know that there is considerable FBI pressure on the Justice Department to keep Leonard in prison, despite the lack of evidence to prove his guilt. Did not the FBI fund a full page ad in the Washington Post, at the cost of \$40,000 to call Mr. Peltier a murderer? Mr. Clinton should know that the FBI is using the Old Testament rule of "an eye for an eye" with Leonard: They lost two men in the 1973 firefight and so they want AIM to lose two men as well. One was Joe Stuntz, an AIM supporter who was killed, and the other is Leonard. So Leonard languishes in prison based on coerced and falsified evidence.

Mr. Abner, I ask you, I plead with you, to learn what actually happened in Pine Ridge in 1973. Learn of the terrorism that was meted out to the Natives, under Dick Wilson and supported by the FBI. Learn about Anna Mae Aquash, a brave woman who dared to stand up for her people and who was shot in the head, had her hands cut off and sent to the FBI. Learn of these things, Mr. Abner! Was her death ever investigated? Were her murderers ever brought to justice? Were the assaults and murders of AIM supporters that occurred in the Pine Ridge Reservation in the early seventies ever investigated? No.

I realize that we cannot right all the terrible wrongs which our Government has committed on this country's native peoples. But we can give Leonard his justice. We can recognize that both his extradition and court proceedings were based on falsified evidence. You, Mr. Abner, need to convince the President to commit an act of courage: Give Leonard executive clemency. The president need not wait and should not wait for the Justice Department. This branch of our government has not dealt with the Indians in a consistently equitable manner nor can we expect it to reverse its position on Leonard.

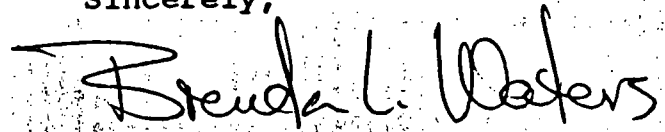
But President Clinton can do the right thing. Is there no one who will stand up for truth and justice for the sake of truth and justice? Is there no one?

Please Mr. Abner, encourage Mr. Clinton to act bravely and

give Leonard his justice. It would be a proud moment for his presidency and for this country. You know as well as I do that we cannot count of the Republicans on this, we can only count on Mr. Clinton.

Please, Mr. Abner, for the sake of decency, do this thing that I have asked.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Waters". The signature is written in dark ink and is positioned above the typed name and address.

Brenda L. Waters, M.D.
300 Blackberry Lane
Huntington, Vermont 05462

Encl

802-434-3522

CHRONOLOGY OF THE CASE OF LEONARD PELTIER

February 27, 1973: AIM members, supporters, and traditional Indians are surrounded by the FBI during a meeting at Wounded Knee, SD, leading to a 72 day stand-off.

May 9, 1973: Occupation of Wounded Knee ends. Oglala, SD requests AIM protect the community.

June 26, 1975: FBI agents Jack Coler and Ronald Williams, as well as 150 other law enforcement officers and vigilantes, attack a Native American camp at Oglala, SD, resulting in the deaths of Coler, Williams, and AIM member Joe Stuntz.

November 25, 1975: Dino Butler, James Eagle, Leonard Peltier, and Bob Robideau are indicted by the Federal Grand Jury for the deaths of Coler and Williams, to be tried before Judge Edward McManus in Cedar Rapids, Iowa.

February 6, 1976: Leonard Peltier is arrested in Canada.

May 11, 1976: FBI presents falsified testimony to Canadian Court to extradite Leonard Peltier.

June 18, 1976: Canadian Justice W.A. Shultz, not knowing FBI testimony is false, finds sufficient evidence to extradite Leonard Peltier

July 16, 1976: Dino Butler and Bob Robideau are found innocent by reason of self-defense.

December 11, 1976: Leonard Peltier's extradition is ordered by Canadian Justice Minister Ron Basford; Leonard Peltier is moved from Vancouver, BC to Rapid City, SD. The Leonard Peltier Defense Committee is organized by Steve Robideau and others.

March 16, 1977: Trial of Leonard Peltier begins before Judge Paul Benson in Fargo, ND, having been arbitrarily moved from Judge McManus' court because of Benson's pro-FBI attitude. Peltier is unable to present evidence of self defense.

April 18, 1977: Leonard Peltier is convicted.

— *April 19, 1977:* Leonard Peltier states to friends that, 'the government lied and we will prove it.'

June 2, 1977: Leonard Peltier is sentenced to two consecutive life sentences in federal prison by Judge Paul Benson.

September 14, 1978: US 8th Circuit Court of Appeals affirms Peltier's conviction.

April 4, 1984: US 8th Circuit Court of Appeals orders an evidentiary hearing concerning newly discovered evidence previously withheld, including FBI perjury and the manufacture of the 'murder weapon'.

October 1-3, 1984: Evidentiary hearing heard in Benson's court. Despite FBI's admitted perjury during the trial, Judge Benson denies Peltier's request for a new trial.

File

THE WHITE HOUSE
WASHINGTON

October 2, 1995

Dear Mr. Green:

Thank you very much for your letter to President Clinton regarding the executive clemency petition of Mr. Leonard Peltier. The President has asked me to respond to your letter on his behalf.

As you know, the Department of Justice currently is in the process of reviewing Mr. Peltier's case. The White House has not yet received a recommendation from the Deputy Attorney General. The President cannot give full and proper attention to an executive clemency petition -- particularly in a case as complex as Mr. Peltier's -- until he receives the agency's recommendation.

Please be assured that your views, and those expressed by many others who support clemency for Mr. Peltier, will be included in the materials available to the President when the case comes before him.

Again, thank you for your letter to the President on this serious matter.

Sincerely,



Abner J. Mikva
Counsel to the President

John D. Green, Tribal Chairman
Elk Valley Rancheria Tribal Council
P.O. Box 1042
Crescent City, California 96851

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: JUNE 14, 1995

NAME OF CORRESPONDENT: MR. JOHN D. GREEN

SUBJECT: SUPPORTS THE RELEASE OF LEONARD PELTIER INTO
THE CUSTODY OF GRANDFATHER SEMU HUAUTE ANT
THE NATIVE AMERICAN PEOPLE OF THE U.S.

ROUTE TO: OFFICE/AGENCY (STAFF NAME)		ACTION ACT CODE	DATE YY/MM/DD	DISPOSITION TYPE RESP	C COMPLETED D YY/MM/DD
LORETTA AVENT	REFERRAL NOTE:	ORG	95/06/14	95/06/14	
ABNER MIKVA	REFERRAL NOTE:	RSI	95/06/14	C 95/06/14	
WAT 05	REFERRAL NOTE:	A	95/06/20		
	REFERRAL NOTE:				
	REFERRAL NOTE:				
	REFERRAL NOTE:				

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:F INDIVIDUAL CODES: _____

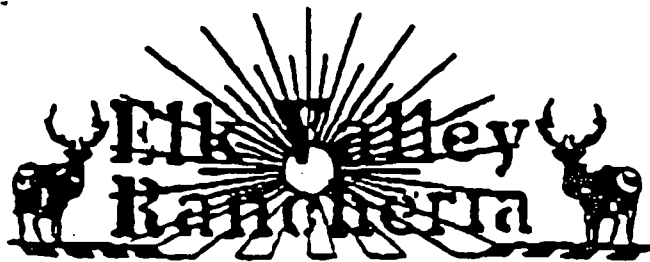
IG MAIL USER CODES: (A) _____ (B) _____ (C) _____

*ACTION CODES:	*DISPOSITION	*OUTGOING	*
*	*	*CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC-REFERRAL	* OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	* CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
I-INFO COPY/NO ACT NEC		* OUTGOING	*
*R-DIRECT REPLY W/COPY *			*
*S-FOR-SIGNATURE			*
*X-INTERIM REPLY			*

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

SCANNED

50



P.O. Box 1042
Crescent City, California 95531
(707) 464-4680

115525

June 5, 1995

Honorable President Bill Clinton
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Dear: President Clinton,

The Tribal Council and members of the Elk Valley Rancheria, in Northern California, are in support of the release of Leonard Peltier into the custody of Grandfather Semu Huaute and the Native American people of the United States.

This release can be obtained through executive clemency for Leonard Peltier. The Tribal Council respectfully requests that Leonard Peltier be granted executive clemency. Indigenous peoples all over the world are interested in and observing the progress of this case in the United States. Native American young people are being impacted in their development by this case.

June 23, 1995 will be the twentieth anniversary of the arrest of Mr. Peltier. Open the gates of communication between the Native American people and our government. Arrange for meetings with Attorney General Janet Reno, Pardon Attorney Margaret Colgate Love, Grandfather Semu Huaute, Rolling Thunder and Wallace Black Elk to seek peace, compassion and understanding, and work for the release of Leonard Peltier.

Thank you.

John D. Green, Tribal Chairman

Elk Valley Rancheria Tribal Council.



VOICE: (707) 464-4680

FAX: (707) 464-4519

FAX TRANSMISSION



DATE 6-6-95

TO: President Clinton, Attorney General
Janet Reno, Pardon Attorney M. C. Love

FAX NUMBER: _____

FROM: Maryann Hatfield, Manager

PAGES (including cover) 2 (if you do not receive all pages please call 464-4680)

COMMENTS: Letter in support of release
of Leonard Pettie

**EXCLUSIVE
REPORT**

LEONARD PELTIER'S TROUBLED MARI

JULY 1995

Outside

Dream Towns

**Where to Find It All:
A Real Job. A Real Life.
And the Big Outdoors.**

**The Greatest
Bike Racer in
the Universe**

**The Best Beaches:
Wild, Secluded,
and Hasselhoff-Free**

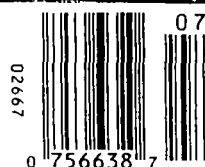
**The 40-Minute
Lunchtime Workout**

**11 Featherweight Shoes
for the Backcountry**

**Tim Cahill Spearfishes
with Buddha**

**Burlington, Vermont, where the
women are strong, the men are
handsome, and everyone recycles**

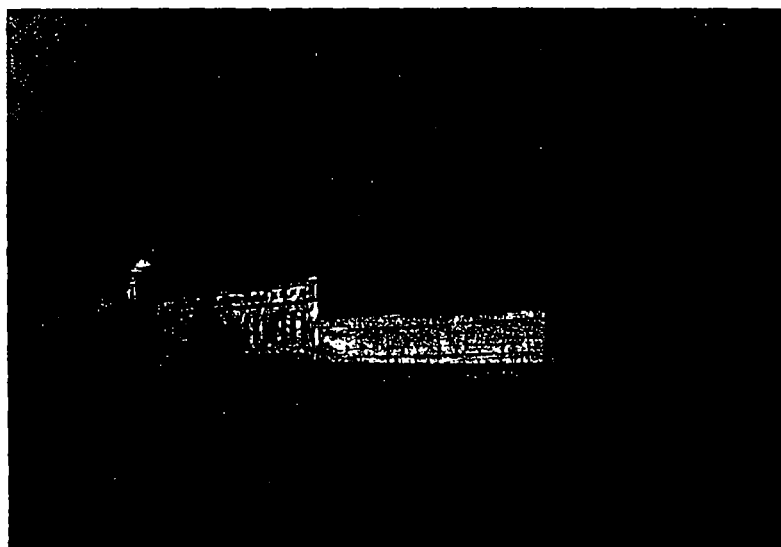
U.S. \$2.95
CANADA \$3.50



The Martyrdom of

LEONARD PELTIER

HE BECAME A RALLYING CRY FOR CENTURIES OF OPPRESSION AGAINST HIS PEOPLE, ONE OF AMERICA'S MOST POTENT POLITICAL SYMBOLS. BUT NOW, 20 YEARS AFTER THE MURDER OF TWO FBI AGENTS THAT PUT HIM IN PRISON FOR LIFE, HE'S MORE IMPORTANT AS A LEGEND THAN AS A MAN, AND THE LEGEND HAS BEGUN TO UNRAVEL.



PHOTOGRAPHS BY RAYMOND MEEKS

BY SCOTT ANDERSON

IN THE SHADOW OF THE HIGH WESTERN WALL OF LEAVENWORTH PENITENTIARY, THERE IS A LARGE FIELD SURROUNDED BY A TEN-FOOT-HIGH CHAIN-LINK FENCE. WITHIN THIS ENCLOSURE, FIVE BISON GRAZE.

§ AT ONE TIME THIS BLUFF OVER THE MISSOURI RIVER MARKED THE EDGE OF THE WESTERN FRONTIER, THE BEGINNING OF A VAST AMERICAN PRAIRIE. TODAY, THE PRAIRIE IS PLANTED IN CORN, THE FIVE BISON ARE MERE CURIOSITIES, AND THE BLUFF IS HOME TO THE MOST FAMOUS PRISON IN AMERICA. § BY ODD

coincidence, Leavenworth's best-known inmate is also something of a reminder of the old plains, a man whose ancestors were long ago forced off this land. He is a 50-year-old Chippewa Sioux named Leonard Peltier, the most controversial and potent symbol of a violent civil-rights struggle waged in this country more than two decades ago. Serving consecutive life sentences for the murder of two FBI agents in the summer of 1975, Peltier has been behind bars for the past 19 years. If the U.S. Parole Commission has its way, he'll stay there for at least 14 more.

When he is led into the visitor's room in his prison khakis, Peltier hunches forward slightly, his broad shoulders rolling. He is a powerfully built man, and there is something in his loping gait, in the opaque gaze of his dark eyes, that lends him a vaguely predatory air. The impression doesn't last, however. In person, Peltier is genial, given to easy laughter, and the tough-guy aura is muted by the erosions of age: White hair streaks his ponytail and mustache, and a softness has settled about his middle. When he speaks, it is in the delicate, rounded accent of his native North Dakota and barely above a whisper.

"If you have to be in prison, it's really not that bad," he says of Leavenworth. "I was at Marion [in Illinois] until 1985, and that was hell, a 23-hour lockdown. After Marion, Leavenworth is almost like getting parole."

Peltier's days follow a drearily predictable course: wake up at 6:30 A.M., breakfast, then off to a 29-cent-an-hour janitorial job in the prison recreation center. After lunch, he spends part of the afternoon in the yard playing handball—"I'm pretty good for an old guy," he laughs—or in the art room working on his oil paintings, which sell among Hollywood cognoscenti for as much as \$5,000 a canvas.

For more than two hours, Peltier patiently answers all the familiar questions about a story he has told countless times before—questions regarding his involvement with the American Indian Movement, the chain of events that led him to the Pine Ridge Reservation in South Dakota that deadly summer of 1975, the trial that put him away for life, and the futile legal battle that his supporters have waged since. At the heart of this epic is his version of what happened in a now infamous pasture above White Clay Creek on the Jumping Bull property near the village of Oglala. Peltier tells his story in a dispassionate voice; perhaps, having lived with that day for 20 years, he can no longer put much emotion into it.

Toward the end of our conversation, I ask a question that, under the circumstances, borders on the cruel: "How would you spend your first day out?"

Peltier thinks for a moment. "I know it won't be the way I'd like," he says. "I'll have to talk to my supporters and to the press and all that, but what I'd like is to just walk out, get in a car, and have someone drive me 30 miles out into the country. I'd like to

get out and just walk, alone, be alone for a while to let it all sink in. And then, being a man with normal sexual urges..." He laughs. "Well, maybe I'll do that first, then take my walk."

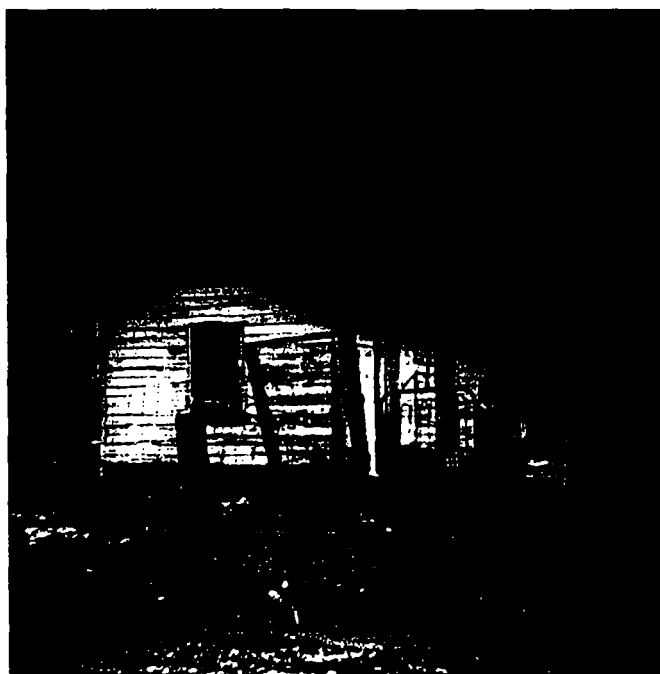
His smile fades, and he stares out a barred window.

"Then I'd go back to North Dakota. I'd see my family, see my kids. And then I'd eat a pheasant, a wild pheasant. I'd stuff it with wild rice..."

Peltier's face slowly changes, tightens into a pained grimace. It is the sort of pitiful pose that convicts everywhere are adept at striking, but this is different. For the longest time, he is simply oblivious to my presence.

"You have to understand," he says finally. "I didn't kill those agents. I didn't order anyone to kill those agents. I'm an innocent man." It's the third time he's said this to me, and each time he has stared directly into my eyes, unblinking, as if hoping through the force of his gaze to reach those who control his fate.

Then he says it again: "I'm an innocent man."



Just off the commercial strip of Iowa Street in Lawrence, Kansas, stands a row of stores largely hidden from view by a Food 4 Less supermarket. Taped to one door is a photocopied picture of Leonard Peltier; SPIRIT OF CRAZY HORSE INC. is emblazoned in black on the plate-glass window. This tiny two-room office, less than an hour's drive from Leavenworth, is the international headquarters of the Leonard Peltier Defense Committee.

The operation is run by Lisa Faruolo, a slight, dark-haired 28-year-old from New York. In Defense Committee literature she is also Leonard Peltier's fiancée, but there seems to

be some divergence of opinion on that point.

"We'll just wait and see what happens when he gets out," says Faruolo noncommittally. In 1991, Faruolo and a college friend, Michele Vignola, boarded a bus for the two-day trip to eastern Kansas. Their plan was to meet Peltier and perhaps help out the Defense Committee for a couple of months. They're still here.

"I'm not some silly college girl," Vignola says, "and I'm not naive. But I know for an absolute fact that Leonard is innocent, that he was framed, and I don't know how I could just pack up and leave here until justice is done."

To an outsider, it would seem that there is little to sustain these women: Money is always tight, and the legal setbacks come with depressing regularity. But perhaps the hardships are offset by a sense of being part of something larger than oneself, for the Leonard Peltier saga is played out before the world.

HARDENED BY INJUSTICE: PINE RIDGE, WITH ITS RAMSHACKLE HOUSING (ABOVE); THE NEIGHBORING BADLANDS (RIGHT). LEAVENWORTH PENITENTIARY (PRECEDING PAGE).

THE GREAT IRONY IS THAT THE STORY THAT HAS BROUGHT PELTIER WORLD-WIDE ATTENTION MAY KEEP HIM IN PRISON FOR A LONG TIME TO COME.

On the 20th anniversary of the gunfight that led to his imprisonment, Peltier remains at the center of one of the most enduring controversies in American justice: Did a vengeful Federal Bureau of Investigation, desperate to put someone behind bars for the murder of two of its agents, railroad an innocent man? A great many people think so. Moreover, in locking Peltier away for life, did the government orchestrate yet another miscarriage of justice in its checkered relationship with American Indians? Inevitably those who support Peltier have come to see his case as a litmus test in which one's opinion about Peltier becomes a measure of one's willingness to atone for the sins of the past.

As part of a more general exorcism of that past, many continue to question the alleged inconsistencies in the government's evidence against Peltier. Over the past 20 years, numerous high-profile lawyers have worked on his behalf, and his case has brought appeals from Amnesty International, Desmond Tutu, a former Archbishop of Canterbury, and more than 50 U.S. congressmen and senators. Dubbed "America's political prisoner" by leftist groups around the world, Peltier has been compared to Nelson Mandela and Martin Luther King Jr. He's even been nominated for a Nobel Peace Prize.

In turn, journalists continue their pilgrimage to Kansas in a steady stream, and Hollywood has helped make Peltier a household name. Oliver Stone is planning a movie based on him. Robert Redford and Michael Apted have made a sympathetic documentary, *Incident at Oglala*, and Apted has also directed a feature film, *Thunderheart*, inspired by his story.

All of which raises a question: What is it about Peltier that so doggedly haunts our national consciousness and keeps attracting new supporters to his cause?

On one level, it's simple: Many people sincerely believe that Peltier is innocent. On another, he has come to personify one of the great lost causes of the seventies, the dramatic rise and fall of the American Indian Movement, a grassroots organization launched in the late sixties that sparked a resurgence of Indian pride on reservations and in cities throughout America. AIM, in the view of its supporters, carried the promise of a unified Indian nation, until it was brought down by the heavy-handed tactics of federal law enforcement officials, with Peltier a victim of this larger conspiracy. On this expanded stage, he assumes a much grander role: that of martyr in a complex passion play.

It's this image of a deeply wronged Peltier that also first attracted me to his story. But to truly understand what had happened to him, I felt it was necessary to go back, both to the events that led to his imprisonment and to the most famous and influential book about his case, Peter Matthiessen's *In the Spirit of Crazy Horse*. To a remarkable degree, Matthiessen's version has been widely accepted as the definitive account, as well as the starting point for most of those who have turned their attention to the Peltier story.

But as I reexamined that story—visiting Peltier and his supporters, interviewing his law enforcement foes, reviewing thousands of pages of trial transcripts and FBI documents, studying the Matthiessen book and the other works it inspired, and traveling back to the Pine Ridge Reservation—a very different Leonard Pel-

tier began to emerge. Moreover, I discovered that some of the central tenets of the story are now starting to unravel. On the eve of the 20th anniversary of the murders, at a time when the Defense Committee is beginning to feel increasingly optimistic about a possible commutation of Peltier's sentence, some of his old colleagues in the American Indian Movement have taken to attacking one another publicly, calling up old ghosts and striking at some of the key points on which the Peltier and AIM legends have been built.

Most damaging of all is the doubt cast on Mr. X, a disguised and unidentified man whom Matthiessen interviewed in 1990 and who claimed that it was he, not Peltier, who killed the FBI agents. When a videotape of that interview aired on *60 Minutes* in 1991, it gave new impetus to the free-Peltier movement. But now Dino Butler, an AIM member and one of Peltier's fellow defendants, has leveled a startling charge against the veracity of both Matthiessen and Mr. X while criticizing those who, he feels, have separated Peltier from his Indian supporters.

"Leonard is taking direction from other people now," Butler recently told Kim Caldwell of *News from Indian Country*, a national bimonthly newspaper based in Hayward, Wisconsin. "He's a desperate man.... Because he's insecure and isolated, separated from the people, it's easy for him to give in.... He listens to other people. People who are telling lies about him and about what really happened at Oglala."

At the end of my reexamination of his case, I, too, have come to regard Peltier as something of a victim, if not of shadowy government conspirators, then at least of those who promulgate his martyrdom—and who may be prolonging his imprisonment as a result. One thing is fairly certain: Peltier will probably never win his freedom as long as what happened in that pasture at Jumping Bull remains shrouded in myth. And as long as Leonard Peltier continues to be more important as a symbol than as a man.

Pine Ridge Reservation, a beautiful, desolate parcel of earth nearly the size of Connecticut, is home to about 15,000 Oglala Sioux. It is a land hardened by both climate and history, a place of bitter winters and blanching summers, its most famous landmark a cemetery on a windswept hill where the bodies of 146 of the Sioux slaughtered in the Wounded Knee massacre of 1890 lie in a mass grave. Today, the chain-link fence encircling this burial pit is festooned with hundreds of funeral ribbons, and Oglala children tend two crude souvenir stands at the foot of the hill.

The small towns that dot this extraordinary land are an odd amalgam of tar-paper shacks alongside tidy subdivisions of federally built homes, of rusting automobile hulks and trash-strewn wasteland next to sleek new high schools, recreation centers, and post offices. While some reservations have prospered in recent years, the brutal realities of poverty remain at Pine Ridge: unemployment estimated at between 45 and 73 percent, endemic alcoholism, and an infant mortality rate that's among the nation's highest.

The dismal scene is especially poignant in light of the Sioux's history. So unyielding were they to white expansion in the West that the federal government finally made peace in the Fort Laramie Treaty of 1868, ceding the western half of South Dakota to the Sioux in perpetuity.

Forever lasted seven years, until gold was discovered in the Black Hills and white prospectors flooded in, thus sparking another war

**NOTHING BUT THE SOUND OF CICADAS AND THE WIND:
ANGIE LONG VISITOR STANDS ABOVE THE INFAMOUS PASTURE.**

"I WAS THERE," PELTIER SAYS. "I'VE NEVER DENIED THAT. BUT WE WERE ATTACKED, AND WE HAD A RIGHT TO DEFEND OURSELVES, SO I FIRED BACK."

between federal troops and the "hostiles." Before it was over, General George Custer and his troops would be annihilated at Little Big Horn, Big Foot and his tribe would be massacred at Wounded Knee, and the Sioux Nation would be reduced to a few scattered reservations across the northern prairies. For Sioux warriors, this cruel history would never be forgotten, their humiliation given permanent reminder by the "white faces" carved into Mount Rushmore in the sacred Black Hills.

Given this legacy, it was not surprising that Pine Ridge became the crucible for the "new Indian war" of the seventies. In this struggle, Indian activists under the AIM banner clashed not only with state and federal governments, but with local tribal leaders and reservation bureaucrats, leading to an explosion of violence.

"It did not start out that way," says Robert Grey Eagle, an Oglala Sioux originally from Pine Ridge. "I believe when AIM first began, everyone on the reservation was for AIM."

Now general counsel to the Prairie Island Reservation in Minnesota—and still a supporter of AIM's ideals—Grey Eagle remembers the profound impact AIM had on Pine Ridge in the early seventies. "If nothing else, AIM restored a sense of pride and self-esteem to Indians. Here were people, primarily city Indians, who were coming back to the reservation and talking about recovering our heritage, returning to a more traditional way of life. I remember I was 17 when I first met [AIM leaders] Russell Means and Clyde Bellecourt and Dennis Banks and saw how proud they were of being Indians. They were singing Indian songs, wearing traditional dress, trying to speak the Indian language—all things we had been prevented from doing—and I was very attracted to that."

A more jaundiced view is offered by Tim Giago, another Oglala Sioux from Pine Ridge and the publisher of *Indian Country Today*, the largest-circulation Indian newspaper in the country, based in Rapid City. "Yeah, the AIM city Indians brought a lot to the reservation," Giago says, his voice heavy with sarcasm. "Like dope, like disrespect for law and order—and a lot of the young guys on Pine Ridge jumped on the bandwagon."

In Giago's view, AIM's initial success was largely the result of having caught the attention of the "eastern liberal press."

"They came off as very traditional," Giago says, "but they knew very little about traditions. I remember that, for a long time there, Russell Means was going around with this beaded headband that he thought was the sign of a Sioux warrior; finally, one of the elders took

him aside and told him only women wore headbands like that."

Beyond such missteps, however, AIM quickly achieved something that had eluded American Indians for nearly a century: a sense of common purpose, of a greater Indian nation. Members of tribes throughout the United States and Canada joined, and many came to the hot zone of Pine Ridge. One of them was Leonard Peltier, a

Chippewa Sioux who had been raised on the Turtle Mountain Reservation in North Dakota.

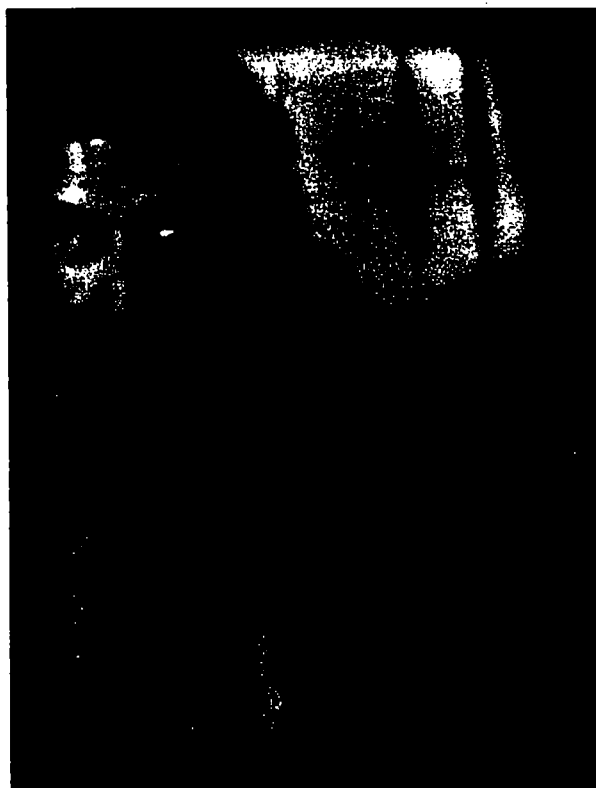
Peltier's résumé was fairly typical for an AIM member. Born in 1944, he dropped out of school at 14 and escaped the crushing poverty of Turtle Mountain for the brighter prospects of the West Coast. He spent the next decade scraping by in the "red ghettos" of Oakland, Portland, and Seattle, finding occasional work as a construction worker and mechanic before his political awakening in 1970. After participating in several AIM rallies and peaceful "actions" on the West Coast, he came to the attention of Dennis Banks and was taken on as a trusted lieutenant—not as a tactician or an orator, but as muscle.

When AIM organized the "Trail of Broken Treaties" march on Washington in November 1972, Peltier went along as a bodyguard for Bob Free, one of AIM's Northwest leaders,

and was assigned to security detail when AIM seized and ransacked the Bureau of Indian Affairs headquarters. After arranging a deal with the Nixon administration—no prosecutions and safe passage from the capital—most of the AIM protesters set out for a showdown with the tribal authorities at Pine Ridge. Peltier, however, was not among them. Instead, he went to Milwaukee, where he had a confrontation with two off-duty police officers that would irrevocably change his life. The authorities argue that it is the forgotten key to what happened in the Jumping Bull pasture.

The precise details of the encounter at the Texas Restaurant in the early-morning hours of November 22, 1972, remain in dispute. Ron Hlavinka, then a Milwaukee police officer, claims that Peltier pointed a Beretta pistol at his stomach and twice tried to fire. Peltier claims he was set up. Wherever the truth lies, the episode ended with Peltier being arrested on charges of attempted murder.

It would be nearly two years before the Milwaukee police would run a ballistics check on Peltier's Beretta and discover that



**THE SHACKLED MARTYR, THE SHACKLED MAN:
LEONARD PELTIER (ABOVE); TWILIGHT AT PINE RIDGE (RIGHT)**

PELTIER'S CASE IS SEEN AS A LITMUS TEST; ONE'S OPINION ABOUT IT IS A MEASURE OF ONE'S WILLINGNESS TO ATONE FOR THE SINS OF THE PAST.

it had been inoperable, and five more years before Peltier would be acquitted on the attempted murder charge. But that verdict would come too late to help Peltier, for he made a fateful decision in the interim. Released on bail, he quietly slipped out of Milwaukee in the spring of 1973, ultimately becoming a federal fugitive with a felony warrant hanging over his head. It marked the beginning of a two-year odyssey that would eventually lead him to Pine Ridge and to the meadow above White Clay Creek.

From the town of Pine Ridge, Highway 18 turns northwest and follows White Clay Creek for the 15-mile run to the village of Oglala. Three miles before Oglala, a plowed field marks the beginning of the Jumping Bull property.

From the highway, Jumping Bull looks much as it did in 1975. Three small houses are visible a few hundred yards away, on the far side of the plowed field and scrub. Just below these homes is another stretch of level land, a concealed pasture of perhaps ten acres. This lower pasture, where the FBI agents died 20 years ago, feels forgotten, a treeless stretch of meadow grass, the only sounds those of cicadas and the wind.

"I was there that day," Peltier says. "I've never denied that. But we were attacked, and we had a right to defend ourselves, and so I fired back. And that right there is where my life was ruined."

After jumping bail in Milwaukee, Peltier returned to Pine Ridge to find a radically changed political landscape. In February 1973, AIM warriors had seized the village of Wounded Knee, setting off a 71-day siege by state and federal authorities. Among its demands during the siege, AIM sought to oust Pine Ridge tribal president Dick Wilson, who, it charged, ruled by corruption and terror. In the aftermath of "Wounded Knee II," Wilson's armed supporters, the Guardians of the Oglala Nation—a poor choice of names, for the vigilantes were instantly stuck with the acronym GOON—went to battle against the AIM warriors, sparking the Pine Ridge "civil war." By the time Peltier returned, the sides were locked in a deadly cycle of drive-by shootings and arson attacks.

Complicating the scene was a sudden influx of outsiders, for Wounded Knee II had catapulted AIM into the American consciousness. Pine Ridge was now a national law enforcement priority, the FBI office in nearby Rapid City doubling in size to 12 agents, while Indian militants and white wannabes flocked to South Dakota to take part in the renaissance of Indian activism. These outsiders added to the tensions on a reservation quickly sliding into anarchy.

As for Peltier, it wasn't long before he showed up on law enforcement radar. On October 21, 1973, two BIA policemen at Pine Ridge were monitoring the funeral of Pedro Bissonnette, a local AIM leader who had been shot to death by a BIA police officer, when their patrol car came under sniper fire. Unhurt, the officers got the license number of the car that sped away; it came back as registered to Peltier.

Leaving Pine Ridge shortly after the Bissonnette funeral, Peltier returned in 1975. "The [AIM-allied] tribal elders sent out an appeal for warriors to come to Pine Ridge," he says, "because the GOONs were just taking over—killing people, terrorizing women and children—and the police and FBI were helping them do it. I went to defend my people."

He was joined by his cousin, Bob Robideau, 29, recently released

from prison on a burglary conviction and wanted in Oregon for a parole violation, and Darrelle "Dino" Butler, 33, a prison friend of Robideau. Peltier, in the meantime, had added to his own problems with the law, having jumped bail on an illegal weapons charge in Washington State. The three arrived just as the civil war on Pine Ridge was reaching its high-water mark. (By the third week of April 1975, Pine Ridge would register six murders and 67 assaults since the beginning of the year, a staggering toll in a population of about 10,000 at that time.) Peltier, Robideau, and Butler set up camp on the property of Ted Lame, an AIM supporter who owned a ranch just off Highway 18 between the towns of Pine Ridge and Oglala—roughly two miles from the Jumping Bull property.

A central tenet in the argument for Peltier's innocence is the claim that the FBI in Pine Ridge was zealously hunting him down in the spring of 1975 as part of the agency's "neutralization" campaign against AIM leaders. How else to explain how the two FBI agents stumbled into Peltier's path on the fateful day of June 26, or why the FBI so quickly fingered him as their killer?

In fact, the final collision may well have been set in motion by two unrelated events: one a case of mistaken identity, the other a murder that remains unsolved to this day. It's a murder the mythologizers don't like to talk about much.

In the early-morning hours of March 26, 1975, Jeannette Bissonnette, sister-in-law of the slain Pedro Bissonnette, was parked in an empty field with a friend when two snipers opened fire on her car. Hit in the back, she bled to death before she reached Pine Ridge Hospital.

Since Bissonnette had been an AIM supporter, many assumed she was murdered by Wilson's GOONs, but a curious discovery led investigators in a different direction. Combing the murder site the next day, FBI agents found both 22-250 and .35 caliber shell casings. In the world of firearms, .35 caliber ammunition is a rarity, and the agents could not remember it ever being used on Pine Ridge before. Checking with sporting-goods stores within a 60-mile radius, they learned that only one person had bought .35 caliber ammunition in recent weeks, someone living on the Ted Lame ranch.

On the afternoon of May 30, two FBI agents drove onto the Lame ranch to question the residents about the Bissonnette murder. There they encountered two Indian men who were strangers to Pine Ridge and who refused to give their names. The agents also noticed that someone had dug a four-foot-deep trench, which to them looked much like a military-style bunker, on a hillside above the ranch.

If the FBI agents found their visit to the Lame ranch alarming, they soon lost the chance to investigate further. Within days, the Peltier group left South Dakota for AIM's annual conference, held that year in Farmington, New Mexico. When they returned to Pine Ridge in mid-June, they settled two miles down the road from the Lame ranch, on the Jumping Bull property. In the tree-shaded gully of White Clay Creek, they set up a new camp that would soon become known as Tent City.

As the FBI would claim after the June 26 shoot-out, the two

AN ENDURING REMINDER OF WAR:

A BURIAL PLOT BESIDE THE MASS GRAVE AT WOUNDED KNEE

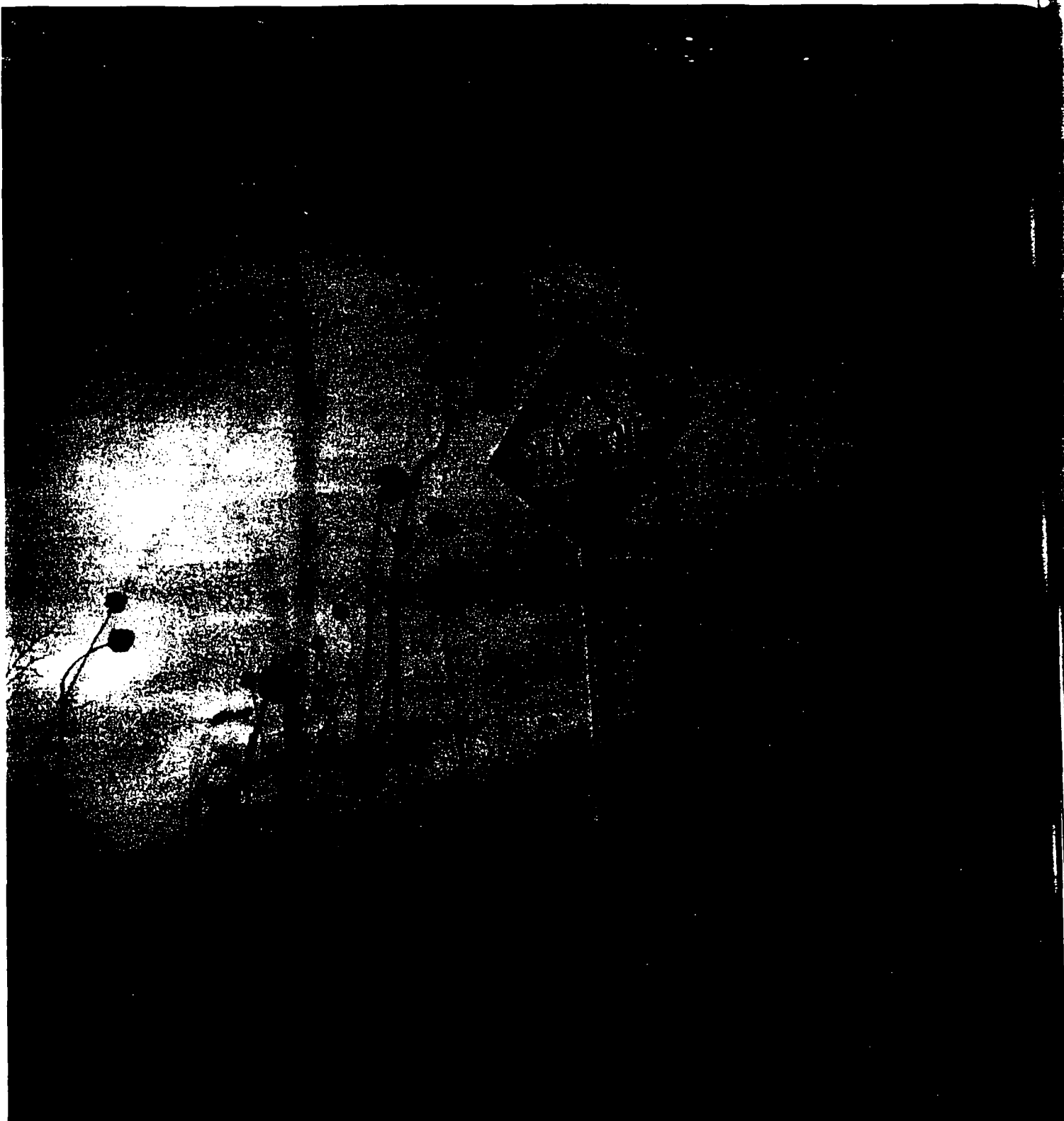


men they had questioned at the Lame ranch were Bob Robideau and Dino Butler. At the same time, they would find a possible clue as to why the group didn't like talking to police. Among the items recovered in Tent City, the FBI says it found several spent .35 caliber casings, fired from the same gun used to kill Jeannette Bissonnette.

Along with investigating the Bissonnette murder, by late June the FBI was also searching for a young Pine Ridge man named Jimmy Eagle, wanted for his role in the recent torture and robbery of two ranch hands. On June 25, having learned that a vehicle fitting the description of Eagle's red-and-white International Scout had been seen near Jumping Bull, FBI Special Agents Jack Coler

and Ron Williams cruised Highway 18, where they picked up for questioning three teenage Indians walking along the road. The boys, one of whom was carrying a rifle clip, said they were camping at Jumping Bull with a group of older Indian men, none of whom they would identify. The encounter clearly aroused the agents' curiosity about the goings-on at Jumping Bull.

Coler and Williams would never learn that a vehicle somewhat similar to Jimmy Eagle's had indeed frequented the Jumping Bull property, not a red-and-white International Scout, but a red-and-white Chevrolet van driven by the fugitive out of Milwaukee, Leonard Peltier. It was after this June 25 encounter between the FBI and the Tent City teenagers, the government



contends, that Peltier became convinced the authorities were closing in on him for the Milwaukee charge and planned a reception should they return.

The next morning, June 26, Coler and Williams were again patrolling Highway 18 in separate cars. At approximately 11:50 A.M., a number of FBI agents listening to their radios heard Williams say that he and Coler were following a red-and-white vehicle from a distance, that there were several Indian men in the vehicle, and that they appeared to have rifles.

"They're getting out of the vehicle," Williams then said, ac-

cording to FBI agent Gary Adams, who was listening in that day. A moment later, Williams's voice became urgent: "It looks like these guys are going to shoot at us!"

Almost instantly came the sound of heavy and sustained gunfire.

Tucked away in FBI and prosecutor files is a series of photographs taken in the Jumping Bull pasture on the evening of June 26, 1975. One shows Coler's bullet-riddled 1972 Chevrolet Biscayne with the two agents' bodies face-down on the ground along the driver's side. Two others are close-ups of the

"THE IDEA OF MR. X WAS BROUGHT UP," SAYS DINO BUTLER, "TO CREATE THIS LIE TO SHOW THAT SOMEONE ELSE PULLED THE TRIGGER."

agents' faces when their bodies were turned over. These photographs are ghastly, but from examining them and the small mountain of documents introduced at Peltier's trial—coroner and ballistics reports, as well as FBI field reports—it's possible to piece together a fair approximation of how Coler and Williams died. While Peltier's supporters vehemently disagree with the government's account of who actually carried out the murders, there is general agreement about the basic sequence of events that day.

In their pursuit of the red-and-white vehicle, the FBI agents got no farther than the middle of the pasture. By then, the men they were following had probably exited their vehicle, fanned out along the high ground above the pasture, and begun firing down at them. Trapped in the open, the agents couldn't retreat; scrambling from their cars and evidently using their doors for protection, they began firing back with their service revolvers as Williams radioed for help.

It was not a firefight in the traditional sense. Against long-range rifles, semiautomatics, and an AR-15 assault rifle, the agents had only their service revolvers and a shotgun close at hand—all virtually useless against targets 250 yards away.

Williams was hit first, a bullet passing through his left arm and lodging in his left side. Shortly after, Coler attempted to narrow the firepower gap by going for the .308 rifle in his car trunk. He apparently managed to get off one shot before a bullet, passing through the open trunk lid, nearly severed his right arm. Coler was now not only out of the fight, but bleeding to death.

Despite his wounds, Williams crawled back to his colleague, tore off his own shirt, and applied it to Coler's upper arm as a tourniquet. It appears that the agents now decided any further resistance was futile—between them, they had fired just five shots, while their cars had been struck 125 times, and they probably signaled their surrender to the men on the ridgeline. As they huddled on the driver's side of Coler's car, and even as their would-be rescuers were massing out on Highway 18, the brief battle reached its ugly end. At approximately 12:15 P.M., one or more of the gunmen came down through the pasture. One was armed with an AR-15, the civilian version of the military M-16.

Williams was apparently killed first. In a last gesture—either defiant or pleading—he managed to get his right hand over the mouth of the AR-15 just as it was fired. The bullet took away three of his fingers and entered his face from a distance of less than two feet, killing him instantly. The gunman then turned to the semiconscious Coler, shooting him in the head and throat.

For the lawmen who heard Williams's urgent radio call and rushed to the scene, June 26 was a long and frustrating day. With steady gunfire coming from Jumping Bull, they spent much of the afternoon pinned down on Highway 18, waiting for a flanking party that slowly made its way along White Clay Creek to approach the compound from behind. This party also found itself pinned just below the meadow, its repeated attempts to advance met by steady fire. It would be 2:30 P.M. before a BIA sniper in the flanking group got a bead on one of the shooters, Joe Stuntz Killright,

and dropped him with a single shot between the eyes, and two more hours before the missing FBI agents would be found dead in the pasture. At 6 P.M., the lawmen finally laid down a cloud of tear gas and stormed the Jumping Bull houses, firing through doors and windows as they went. The only Indian who remained was Killright, clad in Jack Coler's green FBI field jacket.

The others, authorities would soon learn, had begun to slip away from the compound after Killright's death, eluded the flanking party to cross White Clay Creek, and hid in a culvert beneath a dirt road. With police focused on the storming of Jumping Bull, the fugitives made a break for the southern hills. "We said a quick prayer," Peltier remembers, "prayed that we might live through this day. Then we started out."

Though fired on by distant police riflemen, the band escaped. In the coming days, they split into smaller groups and scattered across the country, setting off a nationwide manhunt that would last eight months.

Despite a wide range of potential suspects—authorities estimated that as many as 47 people were at Jumping Bull that day—the manhunt quickly focused on Peltier, Butler, and Robideau. A thumbprint lifted from the rearview mirror of the Chevrolet van matched a print of Peltier's on file in Milwaukee. Among the variety of spent ammunition were .35 caliber casings from the same gun used to kill Jeannette Bissonnette, and the FBI agents who had visited the Lama ranch now recognized Butler and Robideau from mug shots. What's more, police discovered that one Jumping Bull resident, a young mother named Angie Long Visitor, had witnessed at least part of the gun battle. Although Long Visitor didn't know the full names of any of the Tent City occupants, she gave the first names of three men she'd seen shooting at the agents, along with that of the driver of the van, a man she knew only as Leonard.

Even so, there was still a large hole in the FBI's case. If the government had placed Peltier, Robideau, and Butler at Jumping Bull, it still could not link any of them directly to the murders, as the man or men who had walked down the hill and executed the agents. For this, investigators hoped for a little help from the suspects, because someone had made a glaring mistake in the pasture: Missing were the agents' service revolvers and Jack Coler's .308 rifle.

When those weapons eventually did turn up, they became a crucial part of the case against Peltier, Robideau, and Butler. In September 1975, lawmen raided an AIM encampment on South Dakota's Rosebud Reservation, where they captured Butler and found Ron Williams's revolver. Soon after, Robideau and several of the younger Tent City inhabitants were captured when their weapons-laden station wagon caught fire on the Kansas Turnpike. Among the charred ruins were the AR-15 murder weapon and Coler's rifle. And when Peltier narrowly escaped capture in mid-November—fleeing into the woods during an exchange of gunfire with an Oregon state trooper who had stopped the RV that he and Dennis Banks were driving—police found Coler's revolver in a paper bag marked by Peltier's thumbprint. Also found were eight guns with erased serial numbers, a collection of hand grenades, and 350 pounds of dynamite.

**TWENTY YEARS LATER, THE QUESTION POSED:
ALONG HIGHWAY 18, NEAR THE VILLAGE OF PINE RIDGE**

Please turn to page 120

LEONARD PELTIER *from page 55*

From that point on, Peltier's luck went from bad to worse. Placed on the FBI's Ten Most Wanted list, he escaped to Canada, where he was captured by the Royal Canadian Mounted Police in February 1976. Ten months later, having lost his final appeal against extradition, he was returned to the United States in handcuffs.

Back in the visiting room at Leavenworth, Leonard Peltier sighs and gives a quick, rueful smile. "Looking back at it now, that was a huge mistake," he says, "If I hadn't fought the extradition and just come back, I'd be a free man now."

He may be right, for in the midst of his protracted extradition battle, the trial of Robideau and Butler was separated from his and transferred to Cedar Rapids, Iowa. Led by William Kunstler, the flamboyant civil rights lawyer who had defended the Chicago Seven, the defense team presented a virtual historical primer on the white oppression of American Indians and argued that its clients had only fired in self-defense. The all-white jury acquitted Butler and Robideau.

When Peltier's trial was heard by another

all-white jury in Fargo, North Dakota, in March 1977, matters were very different. Before Paul Benson, a strict-constructionist judge who dismissed as immaterial any testimony unrelated to the events of June 26, Peltier faced a far more daunting task than Butler and Robideau.

What's more, there was a greater array of physical evidence placing Peltier at the scene of the killings. The prosecution produced Angie Long Visitor—absent from the Cedar Rapids trial—as well as two of the younger Tent City inhabitants, who testified to having seen Peltier walking toward the wounded agents with the AR-15 just moments before the fatal shots were fired. Also damaging was testimony from the Canadian Mounties who had arrested Peltier in Alberta. During the drive to the Edmonton jail, one of them, Corporal Ralph Charles Tweedy, had asked Peltier the circumstances surrounding the FBI agents' murders. "They were shot," Tweedy said his prisoner replied, "when they came to a house to serve a warrant on me."

Peltier's statement was a serious self-inflicted wound. It enabled prosecutors to suggest a strong motive for the killings: that Peltier thought Coler and Williams

had come to arrest him on the Milwaukee fugitive warrant. And whether Peltier had personally fired the execution shots or simply abetted the crimes, he would still be guilty of murder. After ten hours of deliberation, the jury found Peltier guilty on two counts of first-degree murder. Sentenced to two consecutive life terms by Judge Benson, he would not be eligible for parole for at least 30 years.

Between the time of the Jumping Bull murders and Peltier's conviction, a great deal had changed in Indian America. The civil war on Pine Ridge had abated after Dick Wilson was replaced by Al Trimble, a more conciliatory tribal chairman. AIM was in eclipse, riven by power feuds, its ranks thinned by purges and arrests. And the national media seemed to be losing interest. Whereas the siege at Wounded Knee and the murder of the FBI agents had been front-page news across the country, few newspapers gave more than passing coverage to Peltier's trial. Peltier, it seemed, was destined to become just another forgotten lifer tucked away in a prison cell.

But his story was about to be discovered by one of America's most acclaimed writers, who would produce what many consider the definitive work on Peltier, one

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embraced by eager journalists and filmmakers from around the world. What would emerge from this was a reincarnated Leonard Peltier, one of America's greatest living martyrs.

Announcing the March 1983 publication of *In the Spirit of Crazy Horse*, Viking Press issued a release that promised readers, "This chilling, controversial book makes clear that Leonard Peltier is only one of the victims in the ruthless quest for land, minerals, and money that the government and industry have pursued at the expense of the Indians for the last 150 years."

Hype aside, *Crazy Horse* was a curious book, with a casualness toward documentation that bordered on the cavalier. And while Matthiessen made few claims of objectivity—in the acknowledgments, he thanked Peltier, Robideau, and Peltier's lawyer for having "inspected" the manuscript—there was one detail that was not mentioned in the book. In October 1980, before signing with Viking Press, Matthiessen entered into a financial agreement that gave half of his advance and future royalties to the Leonard Peltier Defense Committee in return for exclusive access to Peltier.

To be sure, a number of troubling details

still surrounded the Peltier story. Among the affidavits used to win Peltier's extradition from Canada were those of a woman named Myrtle Poor Bear, who had expanded her firsthand "knowledge" of Peltier's guilt with each telling. Finally deemed "utterly incompetent," she was dropped from the prosecution witness list.

There was also confusion over precisely what type of vehicle Coler and Williams had followed onto Jumping Bull. Conflicting descriptions by FBI agents who listened to Williams's radio messages raised the possibility that there had been another—perhaps even several—vehicles similar to Peltier's van at Jumping Bull that day. In addition, there were a number of smaller inconsistencies in the government's investigative files—a badly worded ballistics-test telex, slightly contradictory field reports from different FBI agents—that, taken as a whole, could suggest the authorities had gone out of their way to link Peltier to the murders.

Why would the FBI railroad an innocent man? Matthiessen argued that the hunt for the agents' killer was merely secondary to a larger, darker effort to crush AIM and neutralize its leaders. In *Crazy Horse*, a new Leonard Peltier emerged. No longer one of

Dennis Banks's lieutenants, he was cast as a leader in his own right, a man prominent enough to warrant government persecution. Given this new persona and the fact that the government was monitoring a number of AIM leaders, the darker milestones of Peltier's life took on a new shine. The incident at the Texas Restaurant was no longer a random run-in with two off-duty cops, but an orchestrated setup. Peltier's decision to jump bail was not an indication of fear or guilt, but a brave act of political defiance. Similarly, the speed with which investigators linked Peltier to the Jumping Bull murders was a reflection not of the evidence against him, but of the investigators' zeal for railroading him. As for those eyewitnesses who testified against him—Angie Long Visitor, the Tent City teenagers, the Canadian Mounties—they too were woven into a convincing tapestry of governmental connivance and coercion.

Beyond the particulars of the Peltier case was the larger conspiracy against AIM and its supporters. Of course, the average reader had no way of knowing when truth was stretched to fit theory. For example, Matthiessen wrote that an elderly Pine Ridge resident named James Brings Yellow died as a result of the FBI's practice of



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"bursting into houses and threatening and scaring people," yet according to his death certificate, Brings Yellow died from septic shock brought on by an acute infection of the liver and gall bladder. In connection with the 1979 arsonist's attack on the Nevada home of AIM leader John Trudell, in which five of his family members were killed, no reader was likely to argue with Matthiessen's theory that "the atmosphere of anti-AIM violence encouraged by the FBI may well have given courage to the unknown killers." That is, unless they knew that Nevada fire marshals established that a faulty chimney, not arson, had caused the tragedy.

Even more remarkable was the rehabilitation of AIM. The more unsavory actions linked to the organization were passed over quickly or, in some cases, passed off as government criminality. Matthiessen suggested a government frame-up in the conviction of AIM member Richard Marshall for the "still unexplained" March 1975 murder of Martin Montileaux in the Longhorn Bar in Scenic, South Dakota, pointing out that the case against Marshall was "weak and contradictory." Unfortunately, Marshall's martyr status suffered a setback in 1984 when he confessed to the murder (an em-

barrassing development that Matthiessen would address in the 1991 edition of *Crazy Horse* with a short note and the comment, "I was sorry to hear that the confession had been genuine.")

And then there was his treatment of the February 1976 execution-style murder of Anna Mae Pictou Aquash, an AIM activist who was found on a remote corner of Pine Ridge with a bullet in her head. In *Crazy Horse*, Matthiessen hinted at the worst possible motives for the FBI's delay in identifying Aquash's body and for an inept first autopsy, and gave great room to AIM members' claims that the FBI had been involved in Aquash's murder. Far less space was devoted to the fact that Aquash had come under suspicion within AIM of being an FBI informant, that she had been "questioned" by a number of AIM members (including Peltier) about these suspicions, and that just before her murder she told a number of people she feared for her life. In the fall of 1994, the Aquash case was reopened in South Dakota, and investigators are now focusing their attention on several of her former AIM colleagues.

Above all, there was Matthiessen's über-conspiracy theory: that Peltier and AIM

had to be destroyed in order to open up the uranium beds of western South Dakota for exploitation by energy industrialists, land that would fall under Indian control if AIM were able to reestablish the authority of the 1868 Fort Laramie Treaty. The problem with this theory was that no court had ever seriously considered restoring the 1868 treaty and, even if one had, there were hardly any uranium deposits in the area worth extracting.

At least one person warned Matthiessen of the dubiousness of this claim before his book ever came out. After reading a draft of *Crazy Horse* in April 1982, James Leach, a Rapid City lawyer who had defended a number of AIM members, sent a 22-page letter to Matthiessen listing the factual inaccuracies he had discovered.

"At page 3 of the manuscript," Leach wrote, "you state that Leonard was pursued so vigorously mainly because of the 'underlying issues of politics, history and economics,' and 'in particular' because of the 'threat to the massive energy development of the Great Plains posed by a treaty signed in 1868...' I've seen this kind of statement many times before, without any evidence to back it up, and therefore I read it skeptically.... I found references at a

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number of points in the manuscript, but at no point did I find any evidence.... If indeed this were the reason for the persecutions of Leonard Peltier, wouldn't there be some evidence of it?"

Later in his letter, Leach was even more blunt: "Although you haven't asked, I'll give you my views on why Leonard has been so vigorously pursued: because he participated in a shoot-out with FBI agents at the conclusion of which two agents were executed." Despite Leach's reservations, the land-grab thesis remained, as did the map showing extensive exploitable deposits of coal and uranium, including many in places where the most recent U.S. Geological Survey study, as well as a Department of Energy survey, had not found them.

Taken as a whole, what Matthiessen had constructed was a vast subterranean network of conspirators—not just FBI agents, prosecutors, and judges, but apparently county coroners, stenographers, fire investigators, and Canadian Mounties—all working in concert to destroy an AIM lieutenant because he and his movement dared, in some intangible way, to threaten the interests of white corporate America.

When the book was published, not

everyone was persuaded. Writing in the *New York Times Book Review*, Harvard law professor Alan Dershowitz asserted that Matthiessen is "utterly unconvincing—indeed embarrassingly sophomoric—when he pleads the legal innocence of individual Indian criminals.... Matthiessen not only fails to convince, he inadvertently makes a strong case for Mr. Peltier's guilt. Invoking the clichés of the radical left, Mr. Matthiessen takes at face value nearly every conspiratorial claim of the movement, no matter how unfounded or preposterous. Every car crash, every unexplained death, every unrelated arrest fits into the seamless web of deceit he seems to feel woven by the FBI and its cohorts."

But this was a minority opinion. By and large, the publication of *Crazy Horse* was met with glowing reviews. "The first solidly documented account of the U.S. government's renewed assault upon American Indians," the *Chicago Sun-Times* wrote. "Meticulously researched," the *Boston Globe* proclaimed, "a courageous document." The book moved at least one reviewer, Nick Kotz of the *Washington Post*, to quivering indignation: "By the time I had turned the final page, I felt angry enough....to want to shout from the

rooftops, 'Wake up, America, before it's too damned late!'"

Most readers seemed to agree. Even though *Crazy Horse* disappeared from bookshelves in early 1984, withdrawn under the weight of two separate libel suits (filed by an FBI agent and the former governor of South Dakota), it helped spark the free-Peltier movement, transforming the obscure AIM activist into an international cause célèbre. More important, Matthiessen's book remained the starting point for a worldwide body of journalists and filmmakers who turned their attention to the Peltier-AIM story. And when *Crazy Horse* was reissued in 1991—the last of the libel suits finally dismissed on the grounds that the First Amendment upheld an author's right "to publish an entirely one-sided view of people and events"—there had been a startling new development in the Peltier saga that seemed to authenticate Matthiessen's claims: the emergence of Mr. X.

The first public glimpse of Mr. X—his face concealed by sunglasses, his head wrapped in olive-colored bandages—came in a *60 Minutes* segment on Peltier in 1991, followed by a cameo in the

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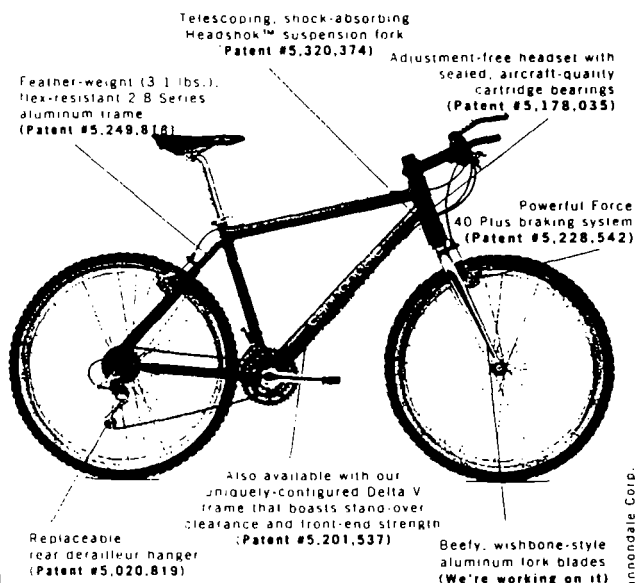
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"LEONARD IS A DESPERATE MAN," SAYS BUTLER. "HE LISTENS TO PEOPLE WHO ARE TELLING LIES ABOUT HIM AND WHAT HAPPENED AT OGLALA."

documentary *Incident at Oglala*. As *60 Minutes* reporter Steve Kroft noted, "The man behind the mask seems intimate with every detail of the shoot-out."

According to Mr. X, it was his red-and-white pickup, not Peltier's red-and-white van, that Coler and Williams followed onto Jumping Bull that day, as he and another AIM member attempted to deliver a load of dynamite to Peltier and Butler. When one of the agents opened fire, Mr. X said, he and his confederate fired back and then hastily drove down to a cabin on the property and began unloading the dynamite, leaving the shoot-out in the hands of Peltier and company, who had scrambled up from Tent City. The fateful moment, according to Mr. X, came when they attempted to flee, returning to the pasture at about 12:15 P.M.

"The death of those agents was brought about by their wrongful behavior, not mine," said Mr. X in the *60 Minutes* segment. "I did not choose to take their lives. I only chose to save my own."

Hopping out of the truck, Mr. X said, he approached the wounded men, hoping to persuade them to surrender, when one of the agents suddenly raised his pistol and fired a shot. "At that point, I did not give him a chance to fire again," he said. "I fired as soon as I saw him. I immediately and spontaneously fired at the other fellow and hit him also." The agents now dead, Mr. X got back into the truck and, with his companion, sped away from Jumping Bull, somehow eluding the police who were already gathering on Highway 18.

It was a story that neatly filled the various gaps in the government's account: the different vehicle descriptions reported by the FBI agents listening to their radios as well as the confused report of a red-and-white vehicle attempting to leave the compound at 12:18. But despite his having apparently supplied the missing link, the "proof" of Peltier's innocence, mention of Mr. X causes curious unease among some in the Peltier camp. When I pursued the matter with Bruce Ellison, Peltier's attorney, he was clearly not eager to discuss it. "I don't know what to make of the Mr. X business, really," Ellison said, "and since Leonard's appeals are pretty much exhausted, it doesn't have

much bearing on his case at all—just a whole separate deal."

Perhaps the unease stems from the patent absurdity of Mr. X's story. For one thing, there is the grisly but telltale evidence of Coler's and Williams's wounds—more specifically, Williams's shorn three fingers, not inflicted by an approaching killer firing randomly, but a contact wound that occurred with Williams's hand on the barrel. Then there is the question of what happened to the dynamite that Mr. X allegedly delivered; it was never found by investigators, and the Peltier party certainly didn't carry it off as it fled.

To the question of why he and the others at Jumping Bull that day had never before mentioned the existence of Mr. X, Peltier says, "We all took an oath that we would never betray anyone, so for me—or anyone else—to expose him would have been an act of treason. I wouldn't even ask him to come forward now—and I hope he doesn't come forward—because they still wouldn't let me go, and it would just mean he'd go to prison too."

But there is one more unsettling detail to the Mr. X story. Neither *60 Minutes* nor Robert Redford actually interviewed the mystery gunman; rather, both obtained a tape of an interview conducted by Peter Matthiessen. That interview was arranged by Bob Robideau, Peltier's old codefendant, and was taped by Oliver Stone, who owns the film option to *In the Spirit of Crazy Horse*. And despite the *60 Minutes* reporter's assertion that Mr. X seemed "intimate with every detail of the shoot-out," it was the same intimacy that anyone could have developed from reading Matthiessen's book.

No matter. Watched by 26 million viewers, the *60 Minutes* broadcast further cemented the image of Peltier as a tragic symbol of injustice.

Elsewhere, the mythmaking continued to accelerate—and to be increasingly divorced from reality. In their 1992 documentary *Incident at Oglala*, Redford and Apted dutifully followed the path laid out by Matthiessen, adding a few cinematic flourishes of their own. These included "reenactments" to show a variety of red vehicles leaving Jumping Bull and the use of a video clip of FBI agents conducting an

evidence search in the Jumping Bull pasture—walking virtually shoulder-to-shoulder as they canvassed the area—to illustrate the bureau's zealous military-style manhunt for the killers.

Writing in the January 1992 issue of *Esquire*, Matthiessen not only glossed over the execution-style nature of the FBI agents' deaths, but moved their bodies from Jumping Bull to Wounded Knee, 20 miles to the east, while merging the events of 1975 with those of 1973. After asserting that the FBI agents had been killed in a shoot-out at Wounded Knee, Matthiessen went on to explain that "American Indian activists had occupied Wounded Knee, demanding, among other things, a federal review of the Treaty of 1868, which guaranteed the return of the Black Hills to the Lakota Sioux. The government's military response resulted in the firefight that left dead men on both sides and put Peltier in jail." When I contacted Matthiessen to ask him about this and many other matters, he declined to be interviewed, but such a conflated rendering of events suggests a stunning development: In just 20 years, the Peltier story has so entered the realm of myth that apparently its architects no longer feel the need to adhere to the most rudimentary of facts.

On the surface, it might appear that little has changed on Pine Ridge in the past two decades. At Jumping Bull, Angie Long Visitor still lives in a small house on the crest of the bluff, the fallow pasture remains an unruly expanse of meadow grass, and the spot where Joe Stuntz Killright died is still shaded by a clump of small pines.

But there have been changes. At least in part because of AIM's calls for reform, federal Indian policy has been overhauled, the once vast authority of the Bureau of Indian Affairs partially supplanted by the increased clout of local tribal councils. At the same time, curbs on the powers of tribal chairmen will, with any luck, prevent a potentate like Dick Wilson from turning a tribal government into a family business or a tribal police force into a private army. With these changes, the rifts that once divided Pine Ridge have largely healed. Although it is still beset with a host of social

ills, former AIM warriors and former GOONs once again live side by side, even work together on the tribal council. A new casino has brightened the economic outlook somewhat, although many remain dubious of the promoters' claims that it will eventually create 400 jobs.

Today, AIM has fractured into two opposing camps, National AIM and the AIM Confederation, which periodically hurl insults and accusations at each other. While some local chapters are still active, the dream of a united national movement seems lost forever, many members falling away in frustration over the incessant feuding and internecine rivalries. The charismatic leaders who once commanded headlines—Dennis Banks, Russell Means, John Trudell—now play a peripheral role.

But if the old battles have quieted on the reservation, they are still being waged in Rapid City, 90 miles to the north. Here, Bruce Ellison, Peltier's attorney, remains in the vanguard of the crusade.

"How can I ever give up?" Ellison asks over breakfast at a downtown hotel. "Once you see all the injustices that the federal government carried out—not just against Leonard, but against AIM, against the Indian people—how can you walk away from that? I will never let this rest until Leonard is out and justice has been done."

For several minutes, Ellison discusses one of the major planks in the Peltier defense: the varied descriptions that FBI agents gave of the vehicle Coler and Williams were following onto Jumping Bull. When I point out that such confusion seems understandable—after all, Williams's radio messages were not taped, so the agents were working only from memory—he smiles wryly and leans over the table. "But they were taped," he says. "We've been told there was a tape recording, and that the FBI deliberately suppressed it."

Ellison won't reveal the source of this explosive new revelation, and the conversation quickly moves on to other aspects of the conspiracy.

Coming away from my meeting with Ellison, I'm struck yet again by a strange irony: All the most visible and tireless proponents of the ongoing Peltier crusade—Matthiessen, Ellison, the filmmakers, the earnest young people in Lawrence, Kansas—are not Indians, but whites. It's an irony that Robert Grey Eagle, the former Pine Ridge AIM member, noticed a long time ago.

"I think from the very beginning, we—both AIM and Indians in general—were

hurt by a lot of white outsiders who came in, attached themselves to our cause, and ended up using the Indian movement for their own purposes. Maybe they didn't do it deliberately, but that was the result, and it is still going on. They are not letting these old wounds heal, and I resent that."

Even worse, says Grey Eagle, is the subliminal message being communicated to American Indians: "I reject this idea that we, as Indians, are helpless victims and that the only heroes our children have to look up to are men in prison. I don't believe that. I find that an extremely condescending message."

It is a message that has been, and continues to be, rejected by other Indians. On the 20th anniversary of the Jumping Bull murders, the Peltier-AIM myth has suffered two massive blows, administered by none other than Peltier's old codefendants Bob Robideau and Dino Butler.

In the fall of 1994, the long-dormant investigation of Anna Mae Aquash's murder was rekindled when U.S. Marshal Robert Ecoffey, a Pine Ridge native and former BIA policeman, presented new evidence to a South Dakota grand jury. While rumors circulated that a high-ranking former AIM leader was the chief suspect, the first public finger-pointing came at the most unlikely of settings: a poetry reading at Salt of the Earth, a bookstore in Albuquerque, New Mexico, on December 3, 1994. As John Trudell, the former AIM national director, read from his new book of poems, *Stickman*, Bob Robideau suddenly rose from the audience to accuse Trudell of complicity in Aquash's murder.

"What [Trudell] had to say was a bunch of crap," Robideau later told reporter Mordecai Spektor of *News from Indian Country*, "and it just made me more angry, so I got up...., condemned him, and said why I condemned him: because I felt he had something to do with the death of Anna Mae Aquash."

When Trudell made a statement regarding the Aquash matter, he did so on an Internet site known as NativeNet. "I have been given information that a Cointel [FBI counterintelligence] operation is being directed at me—to neutralize me," Trudell wrote. "I have been waiting for this attack. This appears to be it. Now my life is in jeopardy."

The sudden tumult around the Aquash case has also brought an about-face from Bruce Ellison, who has long alleged FBI responsibility in the Aquash murder. "I just think it would be nice," Ellison told a reporter from *The Circle*, an Indian newspaper published in Minneapolis, "if

[Ecoffey] were as concerned about the murders of the men, women, and children killed by the GOON squad as he is about the murder of Anna Mae."

But the movement is about to be hit by an even more embarrassing charge, this one made by Dino Butler, the last of the Jumping Bull defendants. In the spring of 1995, Butler broke a long silence and agreed to an extensive interview with Kim Caldwell of *News from Indian Country*; excerpts of the interview are scheduled to run throughout the summer.

While still steadfastly maintaining his and Peltier's innocence, Butler believes Peltier has been led astray by those who have rallied to—and helped shape—his cause. In particular, he singles out Matthiessen. The new edition of *In the Spirit of Crazy Horse*, he says, "talks about that me and Bob Robideau knew about this guy coming to the camp that day and that he was bringing dynamite to us, and that guy now claims that he is Mr. X. Well, there is no Mr. X. Those are all lies."

Even more stunning, Butler pinpoints the origin of Mr. X to a meeting of Peltier supporters in California that he and several veterans of the Jumping Bull shoot-out attended: "[The idea] was brought up about creating this lie about Mr. X being there and killing those men to raise support for Leonard's liberation, to create this lie to show that someone else pulled the trigger. The final agreement in that meeting was that the Mr. X idea wouldn't be used, because it was a lie."

Upon returning from a religious ceremony in South Dakota, however, Butler discovered that the Mr. X fable had become reality, that someone who had attended the California meeting had passed the story along to a writer for Oliver Stone, who at that time was working with Matthiessen to bring *Crazy Horse* to the screen.

For Dino Butler, at least, the whole Mr. X episode has left a bitter taste in his mouth and has led him to reevaluate those who carry the Peltier banner. "I lost a lot of respect for Peter Matthiessen as a writer and as a person I could trust," he says, "because he didn't verify this, and it put me and my family in jeopardy. He never made any effort to contact me and ask if this was true."

While it is still too early to tell what effect Butler's statements will have on Peltier's case, they underscore the increasingly bleak outlook for the man now concluding his second decade of imprisonment. They also underscore the final great irony in his bad-luck life: that the story that has brought him worldwide attention may keep him in

"LEONARD PELTIER, THE GOOD LORD WILLING, WILL NEVER SEE THE LIGHT OF DAY AS A FREE MAN," SAYS FBI SPECIAL AGENT O'HARA.

prison for a long time to come.

Out of interviews with the various FBI agents who have played a role in the Peltier case, a curious dichotomy emerges: indifference toward Leonard Peltier, perhaps even grudging sympathy, but an abiding contempt for the merchants of his myth.

In the view of Coler's and Williams's colleagues, freedom for Peltier means that the propagandists win, that history will judge them and their slain comrades as guilty of all the crimes of which they've been accused.

"It's ludicrous," says Doug Grell, an FBI special agent stationed in the Rapid City office for the past 19 years. "We framed Leonard Peltier? Well, if the government is trying to frame Leonard Peltier, we got awful lucky, didn't we? We just happened to pick a guy who was there and who admits to shooting at the agents. All they've done is keep the hatred going, throw mud on the reputation of good, honest men, and turn a convicted murderer into some kind of hero."

"I would like to let Jack and Ron rest in peace," says Nicholas O'Hara, the special agent in charge of the Minneapolis FBI office from 1991 to 1994, during which time he handled the Peltier case. "I would like to move on. But I am kept from doing that by all this material being manufactured by the Peltier supporters that challenges the integrity of our judicial system; this sense that we don't play fair, that we hide evidence, that we pressure or mistreat witnesses is just not true. Leonard Peltier, the good Lord willing, will never see the light of day as a free man."

So intent is the FBI on preventing such a possibility that, in the summer of 1994, director Louis Freeh took the unusual step of issuing a press release to denounce the commutation campaign, a move that many saw as a warning to a possibly wavering White House. "Leonard Peltier was convicted of a grave crime," the terse statement began, "and there should be no commutation of his two consecutive terms of life in prison."

This idea of Peltier being crippled by his supporters finds an echo in the thoughts of Dino Butler. "It's sad what's happening to Leonard today," he told Kim Caldwell. "I don't doubt that Leonard could be a free man, but it has to start with him. He has to

believe in himself first, instead of believing in all these lies and the people who are wanting to bring these lies to him.... Right now I think he's a prisoner...because he's allowed himself to become separated from his spiritual being and has become confused enough to believe the lies. He needs to get back to the truth."

During our last meeting at Leavenworth, I ask Peltier if he's ever thought of telling the government what it wants to hear. It catches him off guard.

"You mean tell them that I did it?" He becomes thoughtful, his dark eyes scanning the wall. "Sure I've thought about it...I've thought about it a lot. At times, it would seem so easy—you know, 'Yes, I did it, I'm sorry.' If I'd done that—lied like that—I'd have been out a long time ago. But then I remember that I'm doing this for my people, and that keeps me from doing it. I can't do it. What I'm doing is not really for me, but for them."

It's not altogether clear just who these "people" are, whether they're the residents of Pine Ridge, who seem to have largely forgotten Peltier's cause, or the greater Indian community that has long since turned away from AIM militancy, or that select group of people—mostly white men and women—who have made him their cause.

I start in on my battery of questions, seeking answers to contradictions I've found in his account of what happened at Jumping Bull. Peltier, always polite, patiently goes over the familiar ground one more time. When I ask about the guns he fired that day, he gazes up at the ceiling. "Let's see...I had a .30-30. I switched with Joe [Killsright] later on to a .303. I carried about two, three different weapons that day, somewhere in there being a .306. We had a .250 too...carried a .22 for a while."

When I ask who used the AR-15, the murder weapon, Peltier doesn't remember. "And what about the .35 caliber?" I ask, alluding to the weapon that had been used to kill Jeannette Bissonnette three months before the agents' deaths. "Who was using that?"

Peltier stares at me for a moment, and in his eyes I can almost see him trying to trace that gun back, not just to Jumping Bull, but further. For the first time, he bristles slightly.

"Look, I don't want to go through all of that again," he says, "who was where, who fired what gun, but I'll say it again: I didn't kill those agents, and no one I was with killed those agents. But we had the right to fire back at them. We were soldiers fighting a legitimate war, and we had the right to defend ourselves when we were attacked."

Sitting across from Peltier, it's hard not to feel sympathy for him now, a 50-year-old man with medical problems and graying hair, a father of seven who has already spent 19 years of his life in prison. Even after seeing the death photos of Ron Williams and Jack Coler, even after poring over the thousands of pages of documents and incriminating court testimony, I cannot see Leonard Peltier as anything other than a tragic figure, a victim of the martyrdom that now shackles him.

When our conversation veers back to the ordinary, the brief tension between us passes and Peltier becomes amiable again. He talks about his children, where they're living, what they're doing, how a couple of them are forever dunning him for money. "I try to be stern with them—'No, you've got to learn to be responsible, live within your means'—but I always end up saying, 'OK, but this is the last time.'" He laughs, shakes his head in self-rebuke.

At the moment, he is trying to arrange a transfer to the state prison in North Dakota, a site that will allow his children to visit more often and that, Peltier has been told, has views of the sweeping Dakota prairies. "At least I'll be able to see it," he says. "Even if I can't be out in it, at least I can see it."

At the end of our visit, before a guard takes him back to his cell, Peltier walks me to an electronic gate, the first of three I must pass through to reach the outside. I mention the bison that graze in the field beside the prison and ask Peltier if he's seen them. He smiles broadly. "Sure," he says. "They've been there for years. One of them died last year. The warden had it skinned, and he gave me a piece of it. I have it with me in my cell." □

Scott Anderson's most recent book is The Four O'Clock Murders (Dell). He won the 1993 Pope Foundation Award for Investigative Journalism and was a finalist for the 1994 National Magazine Award for reporting.

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ROBERT F. KENNEDY MEMORIAL

June 23, 1995

Honorable Bill Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to grant executive clemency to Leonard Peltier. Mr. Peltier has already served 18 years in federal prison for the 1975 murder of two FBI agents on the Pine Ridge Indian Reservation.

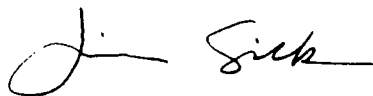
In light of the facts surrounding Mr. Peltier's conviction and continued incarceration, justice and internationally recognized human rights standards dictate that Mr. Peltier be given his freedom. These facts, with which you are familiar, include: the accretion of information that has cast increasingly serious doubt on Mr. Peltier's guilt; evidence of government misconduct in the investigation and prosecution of Mr. Peltier; the tense and highly politicized atmosphere surrounding the tragic events on the Pine Ridge Reservation in June 1975; the length of time Mr. Peltier has already served; and the apparent failure of the judicial system to achieve a just resolution of the case.

To exercise effective and credible leadership in the international community's struggle to prevent human rights violations, the United States must correct injustices at home. For this reason, too, we believe it is important that you ensure justice for Mr. Peltier by granting him his freedom.

We recognize that at this time of grave national concern about anti-government violence by extremist groups, clemency for someone convicted of murdering FBI agents may be perceived as politically difficult. However, we believe that justice -- and confidence that justice is possible -- is ultimately the best defense against extremist violence.

We urge you to act for justice and reconciliation by granting clemency to Mr. Peltier. Thank you for your consideration of this important issue.

Sincerely,



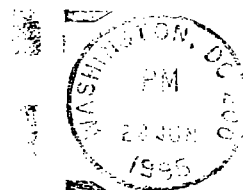
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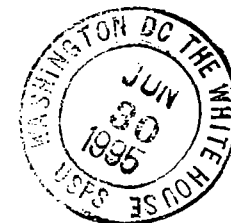
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The White House
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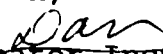


THE WHITE HOUSE

WASHINGTON

June 2, 1995

The Honorable Daniel K. Inouye
Vice Chairman
Committee on Indian Affairs
United States Senate
Washington, D.C. 20510-6450


Dear Senator Inouye:

Thank you for your letter to the President regarding the executive clemency petition of Mr. Leonard Peltier. The President has asked me to respond to your inquiry on his behalf.

The Department of Justice is still in the process of reviewing the lengthy record in Mr. Peltier's case. You and your Committee may be assured that Mr. Peltier is receiving a thorough analysis of all the issues raised in his clemency petition. The President will be in a position to give full and proper attention to the petition after he has received the Justice Department's recommendation.

Thank you again for your letter. The President appreciates your ongoing concern for this serious matter.

Sincerely,



Abner J. Mikva
Counsel to the President

cc: Margaret Colgate Love
Pardon Attorney
United States Department of Justice

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April 6, 1995

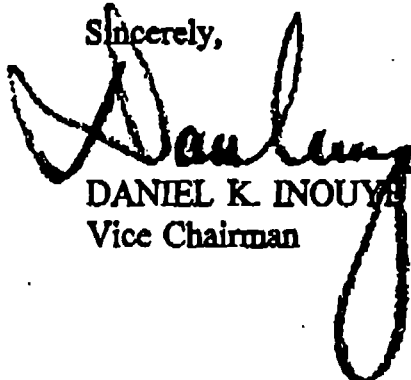
The Honorable William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. President:

I write once again to share with you the enclosed letters requesting review of the circumstances associated with the incarceration of Mr. Leonard Peltier, a Native American prisoner.

I very much appreciate your consideration of these letters of concern.

Sincerely,



DANIEL K. INOUE
Vice Chairman

Enclosures



U.S. Department of Justice

Pardon Attorney

500 FIRST STREET, N.W.
FOURTH FLOOR

Washington, D.C. 20530

TELECOPIER COVER SHEET
(202) 616-6070
FAX: (202) 616-6069

April 27 1995
DATE

10:40 A.M.
TIME

TO: Vicky Divoll

FROM: Margaret Colgate Love
Pardon Attorney

PHONE NO.: _____

FAX NO.: 202-456-2146

SUBJECT: Presidential Correspondence
1) Incoming letter from Senator Inouye
2) Memorandum about Presidential correspondence
3) Sample Congressional correspondence from Office of
the Pardon Attorney

NUMBER OF PAGES, INCLUDING THIS COVER SHEET 4

THE ORIGINAL OF THIS DOCUMENT WILL _____ WILL NOT X FOLLOW.

THE WHITE HOUSE
WASHINGTON

April 14, 1995

MEMORANDUM FOR KENT MARCUS *SM*

FROM: SUSAN BROPHY
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of the letter that was sent to the President from Senator Daniel Inouye (D-HI).

The President has requested that he see and sign every letter going to Capitol Hill. We did not want to fully answer the issues addressed in the Representative's letter without advice from your department; therefore, I am requesting that your office draft a response and return it to Jocelyn Jolley (WH-East Wing) within 48 hours.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Jocelyn at 456-7500.

Enclosure

*Call
Jocelyn*

11/2/2005



U.S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

MAR 31 1995


The Honorable Jack Reed
Member, United States House of Representatives
Garden City Center
100 Midway Place, Suite 5
Cranston, Rhode Island 02920

Dear Congressman Reed:

This responds to your letter of February 24, 1995, forwarding the letter of Campbell S. Violette, who currently is incarcerated at the Federal Correctional Institution at Loretto, Pennsylvania.

Mr. Violette filed a petition for commutation of sentence on December 15, 1994, and it is currently under active consideration. You may be assured that it will be carefully reviewed, and that Mr. Violette will be notified promptly when final action has been taken. Your views are appreciated, and they will be made part of his clemency file.

Sincerely,


Margaret Colgate Love
Pardon Attorney

5/8/95

ROUTE SLIP

**White House Correspondence
Room 94 - OEOB
Phone 456-7610**

TO: Vicki DeWoll

FROM: Jim Dorshkind / mwh for ext. 65460

- ☒ For your information only
- ☒ For appropriate action
- ☐ Please draft a reply and return within 5 days
- ☐ For your approval or suggestions
- ☐ ASAP please! This material is time sensitive

COMMENTS:

4.25. '95

PS and a
cc to Vicki
Dirrell
FBI
Inter-
Peggy
JAO
Stallb-
phs-

This is to thank the President's Council for so kindly answering the letter I wrote to Mr. Donskind about the Petition on behalf of Leonard Peltier.

Though it was a shock to find out that it was still in the review stage, I really appreciated knowing.

I pray and hope it will reach the President before the next election.

While I recognize - by the refusal to grant a new trial - that the entire judicial system wanted to avoid commitment.

That methods of dealing in secret with the assignment was difficult for the FBI with so much pressure to succeed in their task and not disappoint the Nixon Administration burdened as it was with the conviction that Indian protest against mining projects represented a threat to U.S. security! The secrecy necessary became quite a number of the U.S. Public agreed with the Indian viewpoint.

Once again, let me thank you.

Sheila C. Evans

Sheila C Evans
4748 W Sierra Vista Dr
Apt 124
Glendale, AZ 85301-4154

3.1 e

THE WHITE HOUSE
WASHINGTON

April 14, 1995

Dear Ms. Evans:

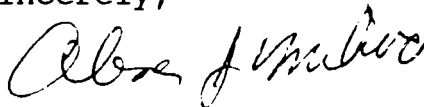
Thank you very much for your letter to Jim Dorskind regarding the clemency petition of Mr. Leonard Peltier. Mr. Dorskind has asked me to respond to your inquiry on his behalf.

Currently, Mr. Peltier's petition for commutation of his sentence is under review by the Justice Department. The Pardon Attorney conducts a painstaking and time-consuming review of each clemency petition. There is no standard time period for this process. Her review can often take many months, particularly in a case as difficult and controversial as Mr. Peltier's. When her review is complete, the Deputy Attorney General will forward a recommendation to the President. The President will then be in a position to give full and proper attention to the petition.

I can understand that you and Mr. Peltier's other supporters are concerned about a prompt resolution of his petition. Please be assured that the serious issues raised by his petition are being given close scrutiny by the Justice Department and will be given careful consideration by the President when he receives the agency's recommendation.

Again, thank you for your letter.

Sincerely,



Abner J. Mikva
Counsel to the President

Ms. Sheila C. Evans
4748 West Sierra Vista Drive
Apartment 124
Glendale, Arizona 85301-4154

6.06.95

SHEILA C EVANS
4748 W SIERRA VISTA DR
APT 124
GLENDALE, AZ 85301-4154

Dear Mr. DeLoach:

re. Freedom for Leonard Peltier

Those of us concerned about injustice and particularly in the case of Leonard Peltier, among us that there are many that have difficulty comprehending why there is such a long delay in granting presidential clemency since it is known now that there is and never has been any valid evidence as to who killed the two FBI agents Jack Coley and Ron Williams in the summer of 1975. And Mr. Peltier's extradition from Canada was only obtained by fraudulent evidence. Appeals for a retrial, review or hearings: NO

Even the 8th Circuit Court while there was a recommendation for executive clemency, expressed reluctance to further impure the FBI's! The FBI was (I suppose) carrying out instructions (in spirit of any means justifies the end) demands of the policy based on the (then) Administration's perception that Indian resistance to and protest against access to uranium & coal on the Pine Ridge Reservation in South Dakota represented a threat to - U.S. security! One of the advantages of mining and processing coal or uranium on any Indian reservation is that such operations are exempt from all environmental restrictions making such undertakings more profitable.

There was, indeed, a protest stand-off by Indians that held to their traditions and spiritual values and like-motivated members of the American Indian Movement (AIM) the stand-off at the little hamlet of Wounded Knee from the last days of February 1973 to the beginning of May '73 when the protestors hoped for negotiations with the Nixon Administration was indefinitely postponed because that Administration was beset with the Water-gate investigation - but for the 2 years following to the summer of 1975 there was constant surveillance and harassing of the traditional and AIM members; unannounced intrusions by FBI, groups especially trained, marshals, BIA & local police as well as the (BIA-paid) squad directed by Dick Wilson chairman of Pine Ridge (elected) tribal Council at whose hands the Traditional and AIM were often targetted - 40 Indians met their deaths which were not investigated - during that time no news media was allowed - all news reports were released ~~except~~ ^{only} through the offices

File

THE WHITE HOUSE
WASHINGTON

April 13, 1995

Dear Ms. Racanelli:

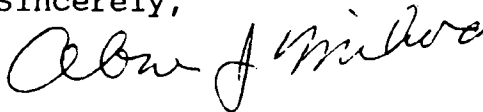
Thank you very much for your letter to the President regarding the clemency petition of Mr. Leonard Peltier. The President has asked me to respond to your inquiry on his behalf.

Currently, Mr. Peltier's petition for commutation of his sentence is under review by the Justice Department. The Pardon Attorney conducts a painstaking and time-consuming review of each clemency petition. There is no standard time period for this process. Her review can often take many months, particularly in a case as difficult and controversial as Mr. Peltier's. When her review is complete, the Deputy Attorney General will forward a recommendation to the President. The President will then be in a position to give full and proper attention to the petition.

I can understand that you and Mr. Peltier's other supporters are concerned about a prompt resolution of his petition. Please be assured that the serious issues raised by his petition are being given close scrutiny by the Justice Department and will be given careful consideration by the President when he receives the agency's recommendation.

Again, thank you for your letter.

Sincerely,



Abner J. Mikva
Counsel to the President

Ms. Jaye Ellen Racanelli
32 Crane Road
Huntington, New York 11743

30.301
Jaye E. Racanelli
32 Crane Road
Huntington, N.Y. 11743

President Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President;

Enclosed please find my letter dated January 11, 1995. Also enclosed please find the "reply" to that letter.

I do appreciate the fact that it was acknowledged as received, but it is still very important to me to find out what the status of Mr. Peltier's clemency application is.

Do not let this issue go ignored. The possibility of an innocent man in jail for life is a matter that needs immediate attention.

Sincerely,



Jaye Ellen Racanelli
March 13, 1995

Jaye E. Racanelli
32 Crane Rd.
Huntington, N.Y. 11743

President William Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President;

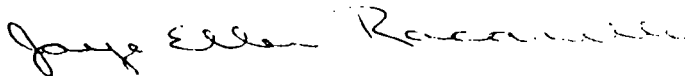
In January 1994, I wrote to you in regard to my concern over the case against Leonard Peltier, a Native American of the Pine Ridge Indian Reservation, who is currently incarcerated for a crime he may not have committed.

As of March 14, 1994, I received a letter from Marsha Scott saying Mr. Peltier's clemency application is pending before the Department of Justice.

Ten months have passed since that date and I would be very interested in the outcome of the recommendation by the committee.

I certainly hope you have had the opportunity to examine the facts and circumstances surrounding Mr. Peltier's conviction, and by now considered and implemented fair and just changes in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Jaye Ellen Racanelli".

Jaye Ellen Racanelli
January 11, 1995

THE WHITE HOUSE

WASHINGTON

March 14, 1995

Dear Ms. Vann:

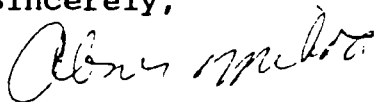
Thank you very much for your letter to Jim Dorskind regarding the clemency petition of Mr. Leonard Peltier. Mr. Dorskind has asked me to respond to your inquiry on his behalf.

Currently, Mr. Peltier's petition for commutation of his sentence is under review by the Justice Department. The Pardon Attorney conducts a painstaking and time-consuming review of each clemency petition. There is no standard time period for this process. Her review can often take many months, particularly in a case as difficult and controversial as Mr. Peltier's. When her review is complete, the Deputy Attorney General will forward a recommendation to the President. The President will then be in a position to give full and proper attention to the petition.

I can understand that you and Mr. Peltier's other supporters are concerned about a prompt resolution of his petition. Please be assured that the serious issues raised by his petition are being given close scrutiny by the Justice Department and will be given careful consideration by the President when he receives the agency's recommendation.

Again, thank you for your letter.

Sincerely,



Abner J. Mikva
Counsel to the President

Ms. Dee Vann
108 Esplanade #176
Pacifica, California 94044

January 30, 1995

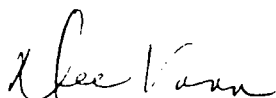
The White House
Washington, D.C. 20500

Attn: James A. Dorskind
Special Assistant to the President
Director of Correspondence &
Presidential Messages

Dear Mr. Dorskind:

Thank you for your letter of Dec. 1994 Re: Leonard Peltier. It is very difficult for me to understand that Mr. Peltier has been in Federal prison for about 19 years for nothing and yet it may take another six to nine months before the Department of Justice will send a recommendation to President Clinton! This man has spent the better part of his life behind bars and we still can't hurry up the procedure? I am apalled at this system. Man's inhumanity to man.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dee Vann".

Dee Vann
108 Esplanade #176
Pacifica, CA 94044

THE WHITE HOUSE

WASHINGTON

November 3, 1994

Dear Congressman Hamburg:

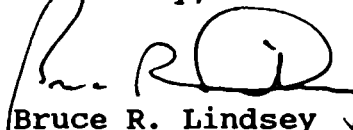
I recently had the opportunity to review the materials that you provided to us last year regarding Mr. Leonard Peltier. I thought I would bring you up-to-date on the status of his request for executive clemency.

The Department of Justice has established guidelines for handling the hundreds of petitions for executive clemency that are received each year. Petitions for commutation of sentence, such as Mr. Peltier's, are reviewed first by the Justice Department's Pardon Attorney. Her review is exhaustive and time-consuming, particularly in a case as complicated as Mr. Peltier's. When the Pardon Attorney's investigation of Mr. Peltier's case is complete, the Deputy Attorney General will examine her findings and forward a recommendation to the President. In making his decision, the President will consider the Justice Department's recommendation and any other information that has been brought to his attention concerning the case.

The White House and the Justice Department have received a large number of letters in support of Mr. Peltier from members of the Native American community, public interest groups and others who are deeply concerned about the case. In addition to your letter, other members of Congress have expressed their support for Mr. Peltier. You may be assured that all of these materials will be available to the President when he makes his decision on Mr. Peltier's commutation petition. Your letters, in particular, will provide an important perspective on the case.

Again, thank you very much for the time you have taken on this serious matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. R. Lindsey", written over a horizontal line.

Bruce R. Lindsey
Deputy Counsel to the President

The Honorable Dan Hamburg
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

MEMORANDUM FOR BRUCE LINDSEY WASHINGTON

FROM: LORRAINE MILLER
RE: REP. DAN HANBURG
DATE: DECEMBER 17, 1993

*Change
Is there a
change of appl.
pending?
Banc*

Rep. Dan Hanburg of California had the attached envelope delivered to me today with some information he wanted brought to the POTUS's attention.

Hamburg believes that the actor Robert Redford raised the issue with the POTUS at one point, personally. You should know that Reps. Don Edwards and Ron Dellums have been attentive to this issue for some time.

What Hamburg would like is for you to look into the matter, inform the POTUS of it's current status and see if the matter can be permanently resolved.

Please let me know if there is something you wish me to do to be of assistance.

Lorraine Miller
X6620

permanently resolved

DAN HAMBURG
1ST DISTRICT, CALIFORNIA
WASHINGTON OFFICE
114 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-3311

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEES:
PUBLIC WORKS AND TRANSPORTATION
ECONOMIC DEVELOPMENT
SURFACE TRANSPORTATION
WATER RESOURCES AND ENVIRONMENT
MERCHANT MARINE AND FISHERIES
ENVIRONMENT AND NATURAL RESOURCES
FISHERIES MANAGEMENT

December 17, 1993

President Bill Clinton
The White House
Washington, DC 20500

Dear Mr. President,

Before his sentencing on June 1, 1977 in Fargo, ND, Leonard Peltier (then age 32) made a lengthy statement to Judge Paul Benson which is excerpted below. His words are harsh, but certainly less so than the treatment afforded his people over centuries of abuse and injustice in this country. I urge you to read them with remembrance of statements both you and I have made in situations in which we felt oppressed by the System.

"...I stand before you as a proud man; I feel no guilt! I have done nothing to feel guilty about! I have no regrets of being a Native American activist--thousands of people in the United States, Canada, and around the world have and will continue to support me to expose the injustices which have occurred in this courtroom. I do feel pity for your people that they must live under such an ugly system. Under your system, you are taught greed, racism, and corruption--and most serious of all, the destruction of Mother Earth. Under the Native American system, we are taught all people are Brothers and Sisters; to share the wealth with the poor and needy. But the most important of all is to respect and preserve the Earth, who we consider to be our Mother. We feed from her breast; our Mother gives us life from birth and when it's time to leave this world, again takes us back into her womb. But the main thing we are taught is to preserve her for our children and our grandchildren, because they are the next who will live upon her.

No, I'm not the guilty one here; I'm not the one who should be called a criminal--white racist America is the criminal for the destruction of our lands and my people; to hide your guilt from the decent human beings in America and around the world, you will sentence me to two consecutive life terms without any hesitation...

If you were impartial, you would have had an open mind on all the factual disputes in this case. But you were unwilling to allow even the slightest possibility that a law enforcement officer would lie on the stand. Then how could you possibly be impartial enough to let my lawyers prove how important it is to the FBI to convict a Native American activist in this case? You do not have the ability to see that such conviction is an important part of the efforts to discredit those who are trying to alert their Brothers and Sisters to the new threat from the white man, and the attempt to destroy what little Indian land remains in the process of extracting our uranium, oil, and other minerals. Again, to cover up your part in this, you will call me a heartless, cold-

910 A WAUGH LANE
UKIAH, CA 95482
(707) 462-1716

299 I STREET
CRESCENT CITY, CA 95531
(707) 465-0112

710 E STREET
EUREKA, CA 95501
(707) 441-4949

817 MISSOURI STREET
FAIRFIELD, CA 94533
(707) 426-0401

1040 MAIN STREET
NAPA, CA 94559
(707) 254-8508

blooded murderer who deserves two life sentences consecutively...

Finally, I honestly believe that you made up your mind long ago that I was guilty and that you were going to sentence me to the maximum sentence permitted under the law. But this does not surprise me, because you are a high-ranking member of the white racist American establishment which has consistently said, 'In God We Trust,' while they went about the business of murdering my people and attempting to destroy our culture.'

To this address, the flustered judge retorted, 'You profess to be an activist for your people, but you are a disservice to Native Americans.' With that, he administered the harshest punishment at his disposal, sentencing Peltier to two consecutive life terms in federal prison. The defendant turned and exchanged a long look with his father, Leo Peltier, with whom he had never been close; both men looked stricken by the knowledge that it was now too late to make up for lost time."

Thank you for your consideration, Mr. President.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dan", with a long, sweeping horizontal stroke extending to the left.

Dan Hamburg
Member of Congress

THE WHITE HOUSE

WASHINGTON

November 3, 1994

Dear Robert:

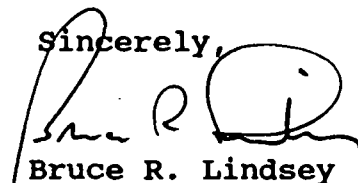
I recently had the opportunity to take a second look at the materials that you provided to us last year regarding Mr. Leonard Peltier. I thought I would bring you up-to-date on the status of his request for executive clemency.

The Department of Justice has established guidelines for handling the hundreds of petitions for executive clemency that are received each year. Petitions for commutation of sentence, such as Mr. Peltier's, are reviewed first by the Justice Department's Pardon Attorney. Her review is exhaustive and time-consuming, particularly in a case as complicated as Mr. Peltier's. When the Pardon Attorney's investigation of Mr. Peltier's case is complete, the Deputy Attorney General will examine her findings and forward a recommendation to the President. In making his decision, the President will consider the Justice Department's recommendation and any other information that has been brought to his attention concerning the case.

The White House and the Justice Department have received a large number of letters in support of Mr. Peltier from members of the Native American community, public interest groups and private citizens, such as yourself, who are concerned about the case. Please be assured that these materials will be made available to the President when he makes his decision on Mr. Peltier's petition. Your documentary film, in particular, will provide an important perspective on the case.

Again, thank you very much for the time you have taken on this serious matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce R. Lindsey", is written over the typed name.

Bruce R. Lindsey
Deputy Counsel to the President

Mr. Robert Redford
Suite E
1101 Montana Avenue
Santa Monica, California 90403

ROBERT REDFORD

December 8, 1993

Mr. Bruce R. Lindsey
Assistant to the President & Senior Advisor
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Bruce:

Though we haven't had an opportunity to talk since the day we visited on the set of "Sneakers," I am writing to you in an effort to bring to your attention a matter which will soon be presented to the President for consideration. I wanted to make sure that you were both aware of it and had background information prior to that happening.

Native American leader Leonard Peltier is currently completing his 17th year of incarceration for the conviction of the 1975 murders of FBI Agents Ron Williams and Jack Coler. Throughout his trial and subsequent incarceration, Mr. Peltier has maintained his innocence and has argued that he did not receive a fair trial. After an exhaustive analysis of the facts over the past 12 years, which included exhaustive research for a documentary I produced, I came away convinced he has never received a fair and unbiased hearing.

There is significant evidence to suggest that the original trial was tainted and, in fact, the Eighth Circuit Court of Appeals has previously stated that the FBI's conduct in the case had been "a clear abuse of the investigative process." (Also see April 18, 1991 letter from Judge Gerald W. Heaney enclosed.)

The federal government has conceded that it does not know and cannot prove who actually fired the fatal shots and now concedes that Mr. Peltier was merely an "aider and abettor," along with some 40 other persons who engaged in a firefight with the deceased agents. Two of these people were acquitted on grounds of self-defense and the rest were never charged with any crimes.

Mr. Bruce Lindsey
December 8, 1993
Page 2

Despite all of this, Mr. Peltier has been unsuccessful in all of his efforts to obtain a new trial, the most recent appeal denied by a three judge panel of the Eighth Circuit on July 7, 1993.

To really understand this case, I think it is important to understand the time in which it occurred, and the state of siege under which Native Americans on the Pine Ridge Reservation were living. From there, the critical and unbiased assessment of the facts are in order.

There are so many outstanding questions regarding due process accorded Mr. Peltier, admitted misconduct on the part of the federal government, and the Justice Department's role in the pursuit of this case. A fresh examination of this case would aid in the determination of whether or not justice is being served by the continued opposition to Mr. Peltier's efforts to obtain a new trial.

Unfortunately, all legal channels have been exhausted and the only hope now is that the President will provide this examination and subsequently consider the commutation of Mr. Peltier's sentence.

A formal commutation request was filed with the Justice Department on November 22nd. All I am asking is that the President, who I know is at least aware of this case, has an opportunity to thoroughly consider the matter.

To that end, I have enclosed a copy of "INCIDENT AT OGLALA," a documentary I did on the facts in the case as well as some brief background material, including a 3-page synopsis of the case and its outstanding issues. If you feel that screening the feature film at the White House for a larger group of people is in order, I will make sure a print is delivered immediately. Since I am editing a film I directed this summer and am between several locations, please call Joyce Deep at (213) 654-7032 and she will be able to find me and put me in touch with you in a timely fashion.

Mr. Bruce Lindsey
December 8, 1993
Page 3

Bruce, I am sincerely grateful to you for taking the time to read this and for anything you can do to make sure this request to the President for commutation is seriously studied before a decision is made. I am available and eager to talk with you or anyone you deem necessary on this matter as well as provide additional background on the facts if needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Encs.

"The only way to deal with the Indian problem in South Dakota," said William Janklow, then South Dakota deputy attorney general, "is to put a gun to American Indian Movement leaders' heads and pull the trigger." (Churchill and Vanderwall, *The Other Side*, p. 19).

This was the consensus of many law enforcement officials working on or near the Pine Ridge Indian Reservation during the 1970s. For Native American people, 1972 through 1976 is commonly referred to as the "reign of terror". During these years, Native people were subjected to terrorism beyond comprehension. The American Indian Movement (AIM) was established to bring hope to the people. These men and women banded together to fight for treaty and land rights, religious freedom, and cultural survival. Author Peter Matthiessen states in his book *In the Spirit of Crazy Horse*, "...that the warrior spirit had restored identity and pride to thousands of defeated people and inspired attempts to resurrect the dying language and culture." (xxiv) In 1972, Richard (Dick) Wilson was elected Tribal Chairman with less than 20% of the vote (but 100% support of the U.S. government). Native Americans began suffering atrocities at the hands of Wilson, his GOON Squad, and the FBI. Dick Wilson immediately began to misappropriate funds from the U.S. government to arm, equip, and pay a private army known as the Guardians of the Oglala Nation (GOONS). The FBI was well aware of the GOON Squad, and helped train these individuals to "keep peace" on the reservation. "And though threatened repeatedly with impeachment by his own Tribal Council (there were more signatures on one petition to impeach Wilson than people who had voted for him in the first place), Wilson was staunchly supported by the BIA and FBI as well; the Justice Department was only too happy to endorse this serviceable Indian who requested them to attack AIM members and offered the services of his own goons to do the job." (Matthiessen, p. 61)

However, during this time, many younger Indians, with the help of AIM and their elders, began returning to their traditions and culture. There was still some hope, but then the FBI quadrupled their forces on and near the reservation and the reign of terror was in full swing. By 1975 western South Dakota had the highest ratio of agents to citizens in the United States, and between 1972 and 1976 over 200 AIM members and supporters were assaulted or murdered. According to statistics, "the violent death rate, based on documented political deaths, on the Pine Ridge Reservation was 170 per 100,000 people in comparison to Detroit in 1974, then considered the murder capital of the United States which demonstrated a violent death rate, for all causes, of only 20.2 per 100,000." (Churchill & Vanderwall, p. 14)

In June of 1975, at the request of traditional leaders, AIM members arrived at Pine Ridge to set up a spiritual camp on the Jumping Bull Ranch to help protect people from the murders and beatings. On June 26th, 1975 two FBI agents, Ronald Williams and Jack Coler, followed a red pick-up truck onto the Jumping Bull property claiming to be in pursuit of Jimmy Eagle, a boy who had stolen a pair of used cowboy boots. The red pick-up stopped and the passengers got out. No one is clear as to who fired first, but at approximately 11:50 am the first record of the firefight erupting was heard over the radio at FBI headquarters. When AIM members at the camp heard the gunshots they thought they were under attack by the goons. AIM members rushed to the top of the hill and began firing to protect the elders, women and children who were housed in the area. By 12:30 pm "police reinforcements were coming from all directions, together with BIA personnel, FBI, white vigilantes, and local onlookers, and at least five roadblocks had been set up to secure the area." (Matthiessen, p. 179). Except for the deaths of agents Coler and Williams and AIM member Joe Stuntz, everyone escaped injury. The murder of Joe Stuntz has never been investigated, but the deaths of the agents launched the largest manhunt in FBI history.

On September 5, 1975 "approximately 100 agents in full combat gear, covered by four attack helicopters, surrounded and occupied the Running and Crow Dog residences on Rosebud engaging in arrests...and warrantless searches of both properties." (Churchill & Vanderwall, pg 18). Though many people were originally targeted, only four were indicted, Bob Robideau, Dino Butler, Jimmy

Eagle, and Leonard Peltier. Robideau and Butler were tried in Cedar Rapids, Iowa before Judge Edward McManus. The jury ruled self-defense and both defendants were acquitted on all charges. Noting the lack of evidence and significant amount of FBI misconduct, jury foreman Bollin stated about the government, "...I think if those guys would go back and look objectively at the evidence...I don't think they could come to any different conclusion..." (SR 114/CR 244/Bollin Interview).

Early on in the investigation it became clear that Leonard Peltier was the FBI's main target; a July 7, 1975 teletype received years after his trial revealed that the government had planned "to develop information to lock Peltier...into the case." After losing the Butler, Robideau trial all charges against Jimmy Eagle were dropped so that the "full prosecutive weight of the federal government could be directed against Leonard Peltier" (August 10, 1976 FBI Memorandum).

Leonard Peltier, feeling he would not get a fair trial in the U.S. fled to Canada. In 1976, he was fraudulently extradited back by the knowing use of false and contradictory affidavits signed by Myrtle Poor Bear, a woman with a long history of mental illness. Poor Bear later recanted stating that she had been threatened and coerced by the FBI into signing them.

After reaching conclusions unfavorable to the prosecution, Judge McManus was arbitrarily replaced by Judge Paul Benson. Judge Benson had a record of personal investment in Indian lands and a well known dislike for Native people. At trial, the FBI "set about fabricating a 'factual' basis of no tangible evidence whatsoever- that Williams and Coler had been killed by shots fired by a .223 caliber AR15 rifle." (Churchill & Vanderwall p. 294) The evidence produced was a single shell casing found in the trunk of Coler's car. From there the FBI testified that it could link the casing to the gun that Peltier allegedly carried on June 26th. Four years later, the October 2, 1975 teletype was released stating that the .223 casing was not identifiable with the alleged murder weapon. The second piece of evidence highly relied upon was a red and white van which was ostensibly linked to Peltier and mysteriously appeared during his trial while evidence of the red pick-up originally pursued onto the ranch was ignored and withheld from the jury. Today the radio communications of that pursuit are still being withheld.

Lynn Crooks closed his argument by stating:

I think my argument can be summed up in a very brief paragraph...We have proved the cold-blooded, brutal murder of two human beings ... We have proved beyond a reasonable doubt that Leonard Peltier was responsible for these senseless, brutal, cowardly murders...we proved that he went down to the bodies and executed these two young men at pointblank range. Ladies and gentlemen, that's murder in the first degree (trial transcript, 1977 p. 5019)

In 1981 Leonard Peltier's attorneys filed a Freedom of Information Act (FOIA) law suit which resulted in the release of some 12,000 pages of documentation. Another 6,000 pages were withheld under the guise of "national security". The receiving of the Oct. 2 teletype regarding the ballistics information led to the filing of an appeal before Judge Benson in 1982. "Since certain documents obtained also revealed what appear to have been improper pretrial meetings between the prosecution, the FBI, and Benson, the judge was simultaneously asked to remove himself from further involvement in the proceedings." (Churchill & Vanderwall, p 295)

Both requests were denied.

A new appeal was filed with the Eighth Circuit and on April 4, 1984 the appeals court reversed Benson's decision and ordered an evidentiary hearing on the ballistics evidence. The hearing was held in Bismarck, North Dakota in late October, 1984. Although the FBI admittedly perjured themselves and the prosecution failed to explain the conflict between the evidence and statements made during Peltier's trial, Judge Benson ruled that Peltier's conviction would stand.

Not surprised, the defense team went back to the Eighth Circuit and in "oral arguments heard before the court on October 15, 1985, prosecutor Lynn Crooks was forced to abandon his flamboyant assertions made at trial...Instead, as Crooks now admitted, the government didn't really

know who shot those agents. This he was willing to concede that the murder case conjured up against the defendant...no longer really existed." (Churchill & Vanderwall, p 298). Almost a year later, the court decided "We recognize improper conduct on the part of some FBI agents, but we are reluctant to impute even further improprieties to them" (US Court of Appeals, Eighth Circuit, October 11, 1986, p 16).

The judicial system had again left Peltier with a double life sentence for crimes the evidence cannot support. On October 5, 1987 the Supreme Court refused to review the case.

Judge Gerald Heaney, the Circuit Judge who wrote the 1986 decision, later wrote the President requesting, "favorable action...in the Leonard Peltier case..." because he felt "FBI used improper tactics in securing Peltier's extradition from Canada and trying the Peltier case" (April 18, 1991).

November 9, 1992 marked the final appeal for Leonard Peltier. The following statements were taken directly from the oral arguments transcript at p. 12. During these arguments prosecutor Crooks stated again "we don't know who shot those agents". When the court asked "What do you mean by 'know'?" there followed:

Crooks...we did not have any direct evidence that one individual as opposed to another one pulled the trigger...

Judge: That seems to me is quite significant, for it's one thing to say we don't know but if all you're saying is ...we do not have any direct evidence that it was Mr. Peltier who shot them, that's quite (a) different thing because your whole case...is based on circumstantial evidence.

Despite the clear invitation from the judge for the government to say it proved Peltier fired the fatal shots by circumstantial evidence, government counsel answered:

Crooks...we did not prove it...what we argued to the jury was quite simply that this man was a guilty participant in a murder... (please see original transcript closing statement by Lynn Crooks on p. 2)

Later he again explained the government's theory:

... We tried the case with facts available. Period. The facts available did not give us direct evidence as to who did the coup-de-grace. They simply didn't. It simply didn't. It wasn't argued simply because there was no direct evidence upon which we could make a factual argument. We argued inferences...but that's not the same thing as saying that we had direct evidence...that Mr. Peltier was the one that squeezed off the final rounds...

In the October 1986 decision, the Eighth Circuit Court of Appeals rejected Crooks' assertions concerning this aiding and abetting theory, writing "We could have resolved this issue without great difficulty if the government had presented the case against Peltier on the theory that he was an aider and abettor...but this is not the government's theory. Its theory, accepted by the jury and the judge, was that Peltier killed the two FBI agents at pointblank range..." (US v Peltier, p 7).

July 7, 1993 brought the most recent decision from the Eighth Circuit. Again, a denial. This decision rests on the following standards: arguments of misconduct either had been litigated before or should or could have been and that the government tried the case on alternate theories of close up murder, close up aiding and abetting, or long range aiding and abetting, thus completely abandoning and ignoring the conclusions of their own Circuit in two previous appeals. The court, in essence, has asked us to forget the reign of terror, the illegal extradition, the mental torture and coercion of witnesses, the perjury of FBI agents, the withholding of exculpatory evidence, the fabrication of a murder weapon, and the concession by the government prosecutor that there is no real evidence against Leonard Peltier.

The outcome states that Leonard Peltier was tried on an "either/or" theory though research of the case proves that this is completely false. He continues to serve twice his life in prison and persists in providing for his people, encouraging education, health, and economic reform. The Constitution should apply to all citizens. Why then does it not apply to Leonard Peltier?

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

CHAMBERS OF

GERALD W. HEANEY

UNITED STATES SENIOR CIRCUIT JUDGE

FEDERAL BUILDING

DULUTH, MINNESOTA 55802

April 18, 1991

Senator Daniel K. Inouye
United States Senate
Select Committee on Indian Affairs
Washington, D.C. 20510-6450

Re: Leonard Peltier

Dear Senator Inouye:

Unfortunately I did not receive your letter of February 1, 1991 until April 13, 1991. When I did receive your letter, I was visiting your state. Thus, this is my first chance to reply.

As you know, I wrote the opinion in United States v. Peltier, 800 F.2d 772 (8th Cir. 1986), and I sat as a member of the court in an earlier appeal, United States v. Peltier, 731 F.2d 550 (8th Cir. 1984). In the case I authored, our court concluded:

There is a possibility that the jury would have acquitted Leonard Peltier had the records and data improperly withheld from the defense been available to him in order to better exploit and reinforce the inconsistencies casting strong doubts upon the government's case. Yet, we are bound by the Bagley test requiring that we be convinced, from a review of the entire record, that had the data and records withheld been made available, the jury probably would have reached a different result. We have not been so convinced.

United States v. Peltier, 731 F.2d at 779-80. No new evidence has been called to my attention which would cause me to change the conclusion reached in that case.

There are, however, other aspects of the case that the President may see fit to consider in determining whether he should take action to commute or otherwise mitigate the sentence of Leonard Peltier. My thoughts on these other aspects result from a very careful study of the records of the Peltier trial and the post-trial evidence and from a study of the record in the Robideaux-Butler trial before Judge McManus in Iowa, a trial which resulted in the acquittal of Robideaux and Butler.

April 18, 1991
Senator Daniel K. Inouye
Page 2

First, the United States government over-reacted at Wounded Knee. Instead of carefully considering the legitimate grievances of the Native Americans, the response was essentially a military one which culminated in a deadly firefight on June 26, 1975 between the Native Americans and the FBI agents and the United States marshals.

Second, the United States government must share the responsibility with the Native Americans for the June 26 firefight. It was an intense one in which both government agents and Native Americans were killed. While the government's role in escalating the conflict into a firefight cannot serve as a legal justification for the killing of the FBI agents at short range, it can properly be considered as a mitigating circumstance.

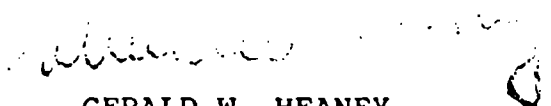
Third, the record persuades me that more than one person was involved in the shooting of the FBI agents. Again, this fact is not a legal justification for Peltier's actions, but it is a mitigating circumstance.

Fourth, the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case. Although our court decided that these actions were not grounds for reversal, they are, in my view, factors that merit consideration in any petition for leniency filed.

Fifth, Leonard Peltier was tried, found guilty, and sentenced. He has now served more than fourteen years in the federal penitentiary. At some point, a healing process must begin. We as a nation must treat Native Americans more fairly. To do so, we must recognize their unique culture and their great contributions to our nation. Favorable action by the President in the Leonard Peltier case would be an important step in this regard. I recognize that this decision lies solely within the President's discretion. I simply state my view based on the record presented to our court. I authorize you to show this letter to the President if you desire to do so.

Again, I am sorry your letter was not delivered to me at an earlier date.

Sincerely,


GERALD W. HEANEY

GWH:bn

Congress of the United States

House of Representatives

Washington, DC 20515

August 4, 1993

The Honorable Janet Reno
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Dear Madam Attorney General:

We are writing you regarding the case of Leonard Peltier. As you may know, Mr. Peltier was convicted of the 1975 murders of FBI Agents Ron Williams and Jack Coler, on the Pine Ridge Indian Reservation. He is currently in his 16th year of incarceration, serving two consecutive life sentences at the United States Penitentiary in Leavenworth, Kansas.

Throughout his trial and subsequent incarceration, Mr. Peltier has maintained his innocence and has argued that he did not receive a fair trial. There is significant evidence to suggest that the original trial was tainted. In fact, the Eighth Circuit Court of Appeals previously has stated that the FBI's conduct in the case had been "a clear abuse of the investigative process."

In addition, the federal government has conceded that it does not know and cannot prove who actually fired the fatal shots. Indeed, the government now concedes that Mr. Peltier was merely an "aider and abettor", along with approximately 40 other persons who engaged in a firefight with the deceased agents -- two of whom were acquitted on grounds of self-defense and the rest of whom were never charged with any crimes.

Despite these developments, Mr. Peltier has been unsuccessful in his numerous efforts to obtain a new trial. His most recent appeal was denied by a three judge panel of the Eighth Circuit on July 7, 1993. We understand his attorneys intend to appeal this decision.

We acknowledge that emotions run high with the Federal Bureau of Investigation on this case, involving as it does the tragic deaths of two FBI agents. However, it seems to us, given the many questions that have arisen about the due process accorded Mr. Peltier, that it would be appropriate for you, as Attorney General, to order a thorough, independent review of the case, the allegations of misconduct on the part of the federal government, and the Justice Department's role in the pursuit of this case.

Page 2
August 4, 1993

Such a fresh examination of this case would help to determine whether or not justice is being served by the continued opposition of the Justice Department to Mr. Peltier's efforts to obtain a new trial.

Thank you for your consideration of this case. We look forward to hearing from you.

Sincerely,

Don Edwards

Don Edwards, M.C.

Ronald V. Dellums

Ronald V. Dellums, M.C.

William L. Clay

William Clay, M.C.

Robert T. Matsui

Robert T. Matsui, M.C.

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Bill Richardson, M.C.

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Edolphus Towns, M.C.

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Matthew Martinez, M.C.

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Norman Y. Mineta, M.C.

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John Conyers, Jr., M.C.

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Eni F. H. Faleomavaega

Eni F. H. Faleomavaega, M.C.

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Dan Hamburg, M.C.

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Fortney Pete Stark

Fortney Pete Stark, M.C.

Jose E. Serrano

Jose E. Serrano, M.C.

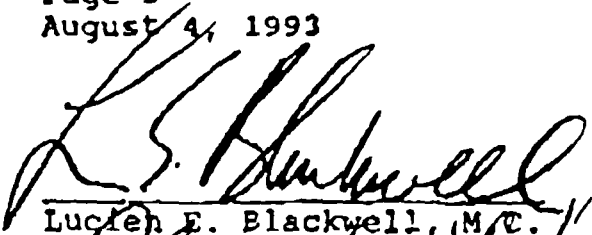
Elizabeth Furse

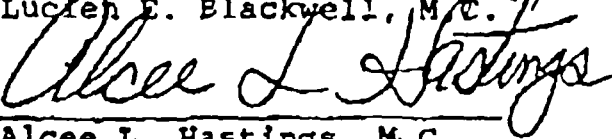
Elizabeth Furse, M.C.

Eleanor H. Norton

Eleanor Holmes Norton, M.C.


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August 4, 1993


Lucien E. Blackwell, M.C.


Alcee L. Hastings, M.C.

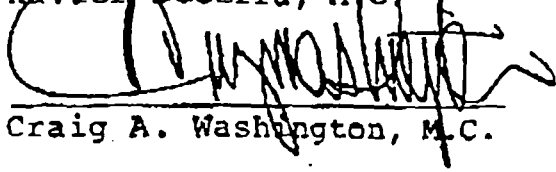

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STAFF DIRECTOR/CHIEF COUNSEL
DANIEL H. LEVINE, MINORITY STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-8450

June 11, 1992

The Honorable William S. Sessions
Director
Federal Bureau of Investigation
U.S. Department of Justice
Ninth Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Sessions:

I write to express my concern with regard to the actions last evening of two agents of the Federal Bureau of Investigation that are apparently related to my involvement in the matter of the incarceration of Leonard Peltier.

I am advised that Agent William Wood and Agent Matthew Schneck made an unannounced visit to a young Indian woman, Ms. Yvonne Bushyhead, last evening in her home and questioned her rather extensively about my involvement in Mr. Peltier's case. Among other questions, she was apparently asked how she had managed to secure my interest in the case, how she had persuaded me to become involved in the case, and how she had convinced me of Mr. Peltier's innocence.

The questions of the agents attribute a greater role to this young woman than is warranted, and in my view, the questions posed to her as to my involvement are unnecessary because such questions can and should be addressed directly to me. While I meet hundreds of people on a weekly basis, my records indicate that I have met Ms. Yvonne Bushyhead only once, when she accompanied two other people to a meeting in my office. However, my interest and concern with regard to Mr. Peltier's case arises not from that meeting, nor any contact with Ms. Bushyhead, but rather from my viewing of a West 57th broadcast of an interview with the prosecutor in the case who indicated with some considerable enthusiasm that the defense never requested the admission of exculpatory evidence which was in the possession of the prosecution.

Although it has been over thirty years since I served as a prosecutor, in my day defendants were entitled to confront all of the evidence against them and the prosecution was charged with producing all evidence, including exculpatory evidence. Accordingly, I found the statement of the prosecutor to be a surprising admission of his failure to

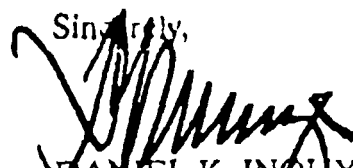
accord Mr. Peltier the due process to which he is entitled under the law.

Since that time, I have been presented with additional information that further compounds my concern that there were many irregularities in the extradition and prosecution of Mr. Peltier, and I have come to believe that it is our duty as officials of the United States government to assure that this case is reexamined and any failure in the according of due process is brought to light. If the action of the government at the time were fully consistent with the requirements of the Constitution and federal law, then there certainly can be no reason that would dictate against a reexamination of the government's conduct and Mr. Peltier's guilt or innocence. That is why I am concerned when I continue to receive reports from agents of the Federal Bureau of Investigation that there is a campaign being mounted within the F.B.I. to frustrate any contemporary scrutiny of the case.

With regard to the questions posed to the young woman regarding my involvement in Mr. Peltier's case, I am certain that you would agree that such questions or any questions related to my interest in the case would be better posed directly to me. As you know, my door is always open, and I would be happy to respond to any inquiries that the Bureau may have.

I look forward to hearing from you should the Bureau desire any further information about my interest in Mr. Peltier's case.

Sincerely,


DANIEL K. INOUE
Chairman

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MAJORITY-226-2881
MINORITY-226-4000

June 18, 1992

The Honorable William S. Sessions
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20535

Dear Director Sessions:

I have received the following information regarding an FBI contact with Ms. Yvonne Bushyhead, a Cherokee woman who has been involved in the Leonard Peltier case. On June 10, 1992, Ms. Bushyhead was contacted by two FBI agents at her home in Tahlequah, Oklahoma.

The two agents, William Wood and Matthew Schneck, according to the information relayed to me, had entered the home of Dudley and Sarah Brown -- where Ms. Bushyhead is staying -- indicating they wished to speak with Ms. Bushyhead.

While waiting for Ms. Bushyhead to arrive, the agents spoke of the American Indian Movement. They alleged that Leonard Peltier was carrying on illegal business in prison. Agent Wood stated that his work site was in Rapid City, South Dakota and he came to Oklahoma only to see Yvonne Bushyhead.

When Ms. Bushyhead arrived, Agent Wood asked her if Leonard Peltier had confessed any involvement in the killing of the FBI agents to her, or to anyone she knew. Agent Wood was aware that Ms. Bushyhead had actively worked on the Peltier case as a law student under the supervision of Peltier's attorneys, which raises a question about the propriety of interviewing members of a defense team about client communications.

Agent Wood asked Ms. Bushyhead to name the identity of the confessor ("Mr. X").

Agent Wood asked Ms. Bushyhead how she convinced Senator Inouye to take his current position on the Peltier case, which raises a question about intruding into protected communications with Congress.

CONFIDENTIAL

The Honorable William S. Sessions
June 18, 1992
Page Two

Agent Wood stated that he is still investigating and trying to solve the 1976 Anna Mae Aquash murder.

Agent Wood stated to Ms. Bushyhead that one or more threats had been made on Ms. Bushyhead's life. He told Ms. Bushyhead about the witness protection program. He refused to disclose any details of the threat to Ms. Bushyhead.

The statement about a threat against Ms. Bushyhead's life and the allusion to Ms. Aquash's murder, taken in the historical context of similar allegations by Myrtle Poor Bear that an agent William Wood told her of death threats, together made for a very unsettling encounter.

Agent Wood asked Ms. Bushyhead if there was anything he could say that would convince her that Leonard Peltier was guilty. He offered to have prosecutor Crooks speak with her to convince her of Mr. Peltier's guilt. Agent Wood stated that he is certain that Mr. Peltier is guilty and that the anonymous confessor is merely a ruse. Wood stated that he would call Ms. Bushyhead the next day to arrange for Ms. Bushyhead to speak with Crooks to convince her of Mr. Peltier's guilt.

I understand the deep emotional feelings still held at the FBI regarding the deaths of agents Ronald Williams and Jack Coler. Their killings were utterly wrong and unjustified. However, I hope that you can understand why I must bring this matter regarding Ms. Bushyhead to your attention and ask for a report on what happened. Was Ms. Bushyhead contacted by FBI agents Wood and Schneck? If so, what was the purpose and context of the contact and who authorized it? Was this the same agent Wood who obtained statements from Myrtle Poor Bear in 1976? Has there been a death threat against Ms. Bushyhead? If so, is the FBI investigating it?

I look forward to receiving a prompt response on this matter.

Sincerely,



Don Edwards
Chairman
Subcommittee on Civil and
Constitutional Rights

DE:jdaw

PINE RIDGE, S.D.

FIFTEEN YEARS AGO, on a June day when tensions on the Pine Ridge Reservation were as high as the sun beating down on the South Dakota prairie, two FBI agents and a Native American were killed in a bloody shootout in a bowl-shaped ravine covered with tawny grass.

Despite two trials and numerous appeals, there is no definitive answer as to who fired the fatal shots. What is clear, though, is that Leonard Peltier, the Chippewa Indian convicted of murdering the agents, has many supporters — including some prominent members of Congress — pursuing a presidential pardon.

According to the FBI at the time of Mr. Peltier's trial, he shot the agents at point-blank range on June 25, 1976, shortly after they entered the Jumping Bull Compound on the Pine Ridge Reservation in separate unmarked FBI cars with a warrant to arrest a young Indian for allegedly stealing a pair of cowboy boots. Relations between the government and Indians had been very strained since the 71-day Indian occupation of nearby Wounded Knee in 1973.

Both sides disagree over who began the shooting that day on the Jumping Bull Compound, but the agents frantically called for help, saying they were being fired upon by occupants of a vehicle the agents had chased onto the property. The FBI said the two men were ambushed by a group of heavily armed Indians and killed after surrendering.

Within hours after the radio

call, the compound was surrounded by more than 100 law enforcement officials. Witnesses said military helicopters hovered overhead, and ambulances and military tanks were parked on nearby Highway 16 during the four-hour emotionally charged exchange of gunfire.

Mr. Peltier — who denies he shot the agents but admits to being involved in the gunfire — escaped, eventually winding up in Canada, where he was arrested by Mounties in February 1976. In the spring of 1977, in a stormy five-week trial in Fargo, N.D., he was tried and convicted of first-degree murder. Two of Mr. Peltier's co-defendants were acquitted a year earlier, and murder charges against another were dismissed.

Despite the fact that Mr. Peltier has exhausted his appellate remedies, prominent members of Congress still want the 40-year-old Mr. Peltier either pardoned or given a new trial because several key documents that appear to cast doubt on whether he killed the agents were suppressed.

They're not alone.

Across the globe, 21 million Soviets, who consider Mr. Peltier a political prisoner, have signed a petition on his behalf. Several years ago Soviet President Mikhail Gorbachev reportedly asked President Ronald Reagan to release Mr. Peltier. And several high-ranking members of the Canadian Parliament want him returned to Canada, from where he was extradited in 1976 based on false affidavits that may have been the product of government coercion.

The arts community has gotten into the act as well. A documentary by actor Robert Redford and a movie by director



Celis Jumping Bull, now deceased, sits outside her Pine Ridge house, which was riddled with gunfire to

Conviction

BY JOAN M. CHEEVER



Native Americans protest outside the federal courthouse in St. Louis during Leonard Peltier's last appeal before the 8th Circuit.

Wounded Knee To Washington A Chronology

December 1890

— Wounded Knee Massacre of 300 Indians by the U.S. Cavalry.

June 25, 1976

— Two FBI agents and a Native American are killed.

Sept. 5, 1976

— FBI agents recover an AR-15 from the Rosebud Reservation.

Sept. 10, 1976

— FBI recovers an AR-15 near Wichita, Kan., said to be the murder weapon.

Nov. 25, 1976

— Messrs. Peltier, Robideau, Butler and Eagle are indicted.

Oliver Stone are in the works. "Little Steven" Van Zant has written and produced an as-yet unreleased rap music video of Mr. Peltier's ordeal. And the 1983 book based on the case, "In the Spirit of Crazy Horse," written by Pulitzer-Prize winning author Peter Matthiessen, will now finally go into its second printing after the U.S. Supreme Court in February refused to hear an appeal by an FBI agent whose \$28 million libel suit against the book's author was dismissed by the 8th U.S. Circuit Court of Appeals. *Price v. Piking Penguin*, 110 S. Ct. 1212.

In Fargo, the site of Mr. Peltier's five-week trial in 1977, the lawyer who prosecuted the case says the anniversary-related brouhaha is just much ado about nothing. Asst. U.S. Attorney Lynn E. Crooks says Mr. Peltier is a low-level "thug" in the American Indian Movement and a cold-blooded murderer.

But Sen. Daniel Inouye, D-Hawaii, chairman of the Senate's Indian Affairs Committee, disagrees with Mr. Crooks' assessment. In fact, the senator, along with U.S. Rep. Don Edwards, D-Calif., a former FBI agent and chairman of the Judiciary Committee's subcommittee on civil and constitutional rights, is leading the latest effort on Capitol Hill to free Mr. Peltier. In 1980, Mr. Edwards enlisted the support of 55 colleagues in filing an amicus brief asking the 8th Circuit to grant a new trial.

Mr. Peltier, who maintains his innocence, says he is not "setting my hopes too high" on efforts for a pardon. "I just hope

we can get something out of it," he says. "There are certainly enough issues that I didn't get a fair trial...I'm just happy the senator is looking into it."

A DARK LEGAL shadow continues to loom over Mr. Peltier's conviction.

The 8th Circuit judge who affirmed the conviction says he "continues to be troubled" over his ruling, and he sharply criticized the FBI's conduct.

In the courts, the case has languished for years, moving up and down the appellate ladder. But legally, it appears Mr. Peltier's case is at a dead end.

Defense attorneys are pinning their hopes on crucial FBI documents, which were suppressed by prosecutors and only released in 1981 after Mr. Peltier's defense attorneys filed a request under the Freedom of Information Act.

Mr. Peltier's lawyers, William Kunstler in New York and Bruce Ellison in Rapid City, S.D., say the withheld evidence would have shown their client was framed by the FBI. The FBI released about 12,000 pages of documents and continues to withhold at least 6,000 pages on grounds of national security.

The government's case against Mr. Peltier was based purely on circumstantial evidence. There were no eyewitnesses to the agents' killings, but medical experts testified that they were shot at point-blank



Fatal shooting.

Ervin Barry McKinnon

Feb. 8, 1976 — Mr. Peltier is arrested in Canada.

Feb. 14-February 1976 — Myrtle Poor Bear signs first two affidavits.

Feb. 28, 1976 — Anna Mae Aquash's body is found.

March 31, 1976 — Ms. Poor Bear signs the third affidavit.

July 18, 1976 — Messrs. Robideau and Butler found not guilty in Iowa.

April 18, 1977 — Mr. Peltier is found guilty in Fargo.

Sept. 14, 1978 — 8th U.S. Circuit Court of Appeals affirms conviction.

Early 1981 — FBI ordered to re-

Agent name deleted], contains different firing pin than that rifle used at RESMURS [reservation murders] scene." (Emphasis added.)

The teletype apparently contradicts the expert's testimony that he had not finished analyzing all the casings found at the scene at the time he wrote the teletype. He said he did not conduct the ballistics test on the shell casing found in the agents' car until December 1976 or January 1977, several months after he sent the teletype.

In his Feb. 10, 1976, report, the expert stated the .323 shell casing found in the trunk had been loaded and extracted from the "Wichita" AR-15, the gun found in a car that had been carrying Mr. Peltier's co-defendants in Wichita, Kan.

After the evidentiary hearing, upon return to the 8th Circuit on Oct. 18, 1984, prosecutors made startling admissions during oral arguments, among them:

• They do not know who killed the agents.

• They admit that the affidavits used in the extradition hearing were fabricated.

• And, unlike their position at trial, prosecutors say there was more than one automatic rifle on the compound the day the agents were killed.

Prosecutors said they are now proceeding on the theory that Mr. Peltier was an aider and abettor, rather than the killer.

One of the jurors in the Peltier trial, Arlene Josal, says she is

the shootings and that he executed these two human beings at point blank range."

Ms. Josal says she and other jurors based their decision on "the one" AR-15, linked to Mr. Peltier by witnesses and the .323 shell casing found in the agents' trunk. The soft-spoken Ms. Josal says she remembers only testimony about one red vehicle being at the scene — said to be Mr. Peltier's red-and-white van. That testimony directly contradicted withheld FBI reports that the vehicle being chased was a red pickup.

"There's no doubt. I think the FBI work was sloppy," says Ms. Josal. But, "I don't feel the FBI framed them."

NEVERTHELESS, defense attorneys maintain that additional FOIA documents support their frame-up theory.

Three weeks after the shootout, in a July 17, 1976, teletype from the FBI's Rapid City office to FBI Director Clarence Kelley and the directors of 11 FBI offices in surrounding states, agents were directed to follow several investigatory methods including, "Develop information to lock Peltier and Black Horse [said to be an acquaintance of Mr. Peltier] into this case."

In a June 30, 1976, FBI memorandum, an FBI agent assigned to the RESMURS investigation, instructed agents to "get together

viewing the record to determine if the verdict would have been different had the defense, during cross-examination, been supplied with the Oct. 3 teletype that appeared to rule out the .323 shell casing — what the court described as "perhaps the most important piece of evidence" — to the Wichita AR-15.

The appeals court said that had the teletype been introduced, there was only a "possibility" of an acquittal.

At the end of an opinion that included barbs at the FBI and prosecutors, Judge Gerald W. Heaney wrote: "There is a possibility that the jury would have acquitted Leonard Peltier.... Yet, we are bound by the Bagley test requiring that we be convinced, from a review of the entire record, that had the data and records withheld been made available, the jury probably would have reached a different result. We have not been so convinced." (Emphasis in original.) *U.S. v. Peltier*, 800 F.2d 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

In a recent telephone interview, Judge Heaney said the decision "continues to trouble" him, especially because "the FBI has not followed the law in its investigation and it is obvious they hadn't been responsive to the defendant's request for information." And on CBS' "West 57th" in April 1989, Judge Heaney said "the FBI was equally to blame for the shootout and that the entire responsibility can't be placed on Peltier."

Judge Heaney now says, nev-

of Convenience?

range with an automatic rifle. Several witnesses testified that Mr. Peltier was on the scene that day and had been seen shooting an AR-15. A February 1976 FBI lab report linked a shell casing found in the trunk of one of the agents' cars with an AR-15.

"The whole thing was a consummate fraud," says Mr. Kunstler. "Just think if the trial were conducted today... The FBI agent would have gotten on the stand and be confronted with a direct contradiction to his testimony. You don't think that would make a difference?"

Mr. Crooks, the only remaining Peltier prosecutor in the U.S. attorney's office in Fargo, calls the FOIA documents "garbage."

But a panel of the 8th Circuit said it thought the FOIA documents were worth reviewing. In 1984, they ordered the trial court to hold an evidentiary hearing to determine the meaning of a crucial Oct. 3, 1976, FBI teletype that seemed to rule out a particular automatic rifle, thought to be the murder weapon that was linked to Mr. Peltier. *U.S. v. Peltier*, 781 F.2d 800.

The language in that teletype appears to contradict the expert's final conclusion reached in the later February 1976 report linking the shell casing found in the car trunk to the murder weapon said to be in Mr. Peltier's possession.

The Oct. 3 teletype, sent from a ballistics expert who had earlier been ordered by his superiors to compare all of the .323 shell casings with the Wichita AR-15, said, "Recovered .323 caliber Colt rifle received from [Special

lease 12,000 pages of documents.

April 4, 1984 — 8th Circuit orders an evidentiary hearing concerning the previously withheld Oct. 2 teletype.

Sept. 15, 1985 — Amicus brief signed by 55 congressmen is filed.

Sept. 11, 1986 — 8th Circuit affirms Mr. Peltier's conviction.

April 29, 1989 — 8th Circuit Judge Gerald W. Heaney says on CBS' "West 57th Street" program that he was troubled by his decision.

June 12, 1990 — Mr. Peltier's lawyer, William Kunstler, meets with U.S. Sen. Daniel Inouye to discuss presidential pardon.

surprised at the prosecutors' comments. In an interview in April at her Fargo home, Ms. Josal said: "They're saying that? I'm surprised. There's no doubt in my mind that he pulled the trigger. He was with a group, but he did it."

Mr. Crooks, in closing arguments, said: "The evidence... indicates that Leonard Peltier was not only the leader of this group, he started the fight, he started

er and resolve any inconsistencies" before Mr. Kelley held a press conference in Los Angeles the following day. A transcript of that event reveals that Mr. Kelley referred to the suspect's car as a red pickup.

Despite the new documents and the government's admissions, the 8th Circuit on Sept. 11, 1986, issued a death knell to the Peltier defense. The high court affirmed his conviction after re-

orthless, he made that ruling because he was judicially handcuffed by Bagley. He says he came to his decision after reading the transcripts in both the trials of Robert Robideau and Darrell Butler (tried together) and Mr. Peltier. Judge Heaney, like U.S. District Judge Edward J. McManus, the Iowa judge who presided at the Robideau-Butler trial, says that because the

Continued on page 20



Eric Kristoffersen, Jon Mitchell, Billy Vera and Floyd Westerman sing at all-star benefit for Leonard Peltier. The arts community has been vocal in its support for the imprisoned activist.

Prosecutor Of Peltier Holds Firm

Continued from page 29

cases were severed from Mr. Peltier's, pending his extradition, Messrs. Robideau and Butler had a better defense — "the luxury of pointing the finger at Mr. Peltier."

Mr. Crooks agrees and says the prosecution had two additional witnesses not available at the time of the Robideau-Butler trial that sealed Mr. Peltier's fate — Angie Long Visitor and Michael Anderson, two witnesses who placed Mr. Peltier at the scene and tied him to an AR-15 that was subsequently linked to the .223 shell casing.

But Joseph F. Lawless Jr., a sole practitioner in Philadelphia and author of a book on prosecutorial misconduct, says *Bagley* is flawed. "You can't expect an appellate court judge to make that determination based on cold, written transcript," says Mr. Lawless. "It doesn't take into account the human factor...raised eyebrow, beads of perspiration, change in voice."

Bennett L. Gershman, a noted expert on prosecutorial misconduct and professor at Pace University School of Law, says the government is required to disclose all exculpatory or impeachment information. *Brady v. U.S.*, 373 U.S. 83 (1963).

The prosecutor, Mr. Crooks, continues to maintain that his office did not improperly withhold information.

Mr. Crooks contends the defense team had the Oct. 2 teletype and made a tactical decision not to use it so that ballistics expert Evan Hodge would

Continued on following page

Side by Side: How Two Trials Compare

Butler-Robideau Trial, Cedar Rapids, Iowa

FBI analysis of Cedar Rapids trial — reasons for not guilty verdict

Peltier Trial, Fargo, N.D.

Only a few autopsy photos of dead agents were allowed for fear of prejudicing the jury.

All autopsy photos were entered into evidence, plus FBI Academy graduation photos of the two agents.

FBI Special Agent Gary Adams testified to the presence and departure of a red pickup truck at 12:18 p.m., moments after the agents were shot.

FBI Special Agent Adams denied existence of 12:18 p.m. red pickup truck.

Extensive FBI 302s (internal report of an agent's statements) entered into evidence.

"The court rulings . . . forced the government to furnish the defense with all 302s prepared by special agents who testified for the government."

No 302s entered as evidence if agent who wrote it testified.

Witnesses told of FBI coercion in obtaining their testimony.

"The defense was allowed freedom of questioning of witnesses . . ."

FBI coercion of defense witnesses not allowed to be presented to jury.

Defense allowed to present testimony concerning the number of unsolved murders that occurred on the Pine Ridge reservation, as well as climate of fear on the reservation.

"The court continually overruled government objections . . ." and "as a result, the defense inferred the FBI created a climate of fear on the reservation which precipitated the murders."

Defense allowed to talk of unsolved murders occurring on Pine Ridge only in a general sense, and was not allowed to exhibit evidence of FBI creation of climate of fear.

History of FBI misconduct allowed as testimony.

"The court allowed testimony concerning past activities of the FBI relating to COINTEL PRO, and subsequently allowed the Church Report [on domestic spying] into evidence."

No evidence regarding past history of the FBI allowed to be introduced.

Jury was not sequestered.

"The jury was not sequestered."

Jury sequestered under complete control of U.S. Marshal Service.

Outcome: not guilty

Outcome: guilty

Source: Adapted from "The Trial of Leonard Peltier" by Jim Messerschmidt, South End Press, Boston

Continued from preceding page

not have been given the opportunity to explain the disparity.

"It isn't like we didn't know this was coming. We were sitting there waiting for the shoe to fall," says Mr. Crooks, grinning, "wondering when they were going to ask Hodge about that October report. And it never came. When we got to the end, we said, that's strange. They didn't use their best stuff."

When asked whether he believes it was wrong for the prosecution to suppress evidence that would have been favorable to the defense to use on cross-examination, he answered, "No."

Says Mr. Crooks, "What do you mean, is it wrong? You're saying is it wrong that I made a choice as a prosecutor to suppress some evidence like that? I am saying I have no idea that that garbage was not being given over or was being given over. The point of it is, the information we gave them was so all-encompassing, that they had the information they needed."

Other issues about the Peltier case have been raised.

Mr. Peltier's case was transferred from the docket of the Iowa judge who presided over the trial and subsequent jury acquittals of co-defendants. The case was moved, defense lawyers say, right back into the anti-Indian community of Fargo. Substantial defensive evidence that was introduced at the 1976 trial of Messrs. Robideau and Butler was ruled inadmissible by the Fargo judge in Mr. Peltier's trial.

His trial judge, U.S. District Judge Paul Benson of Fargo, says he "had no idea what was received into evidence [in Cedar Rapids] and no reason why I should know," adding that he denied the admission of much of the defense's evidence. "I put everything in the record [for 8th Circuit review], except

dition hearing in Ottawa, two affidavits of a Native American woman, an alleged eyewitness to the murders, were lies.

Fargo prosecutors sent Canadian authorities two of three affidavits — in the first, Myrtle Poor Bear denied she had been on the property or had any information about the murders. In the last two affidavits sent to Canada, Ma. Poor Bear said she saw Mr. Peltier kill the agents and that he confessed to her. She also stated she was Mr. Peltier's girlfriend and had been on the reservation that day. Defense lawyers say the FBI had no independent corroboration that she was even present on the Jumping Bull compound that day or that she even knew Mr. Peltier.

At oral arguments before the 8th Circuit, prosecutors admitted Ma. Poor Bear's affidavits were false — she was not Mr. Peltier's girlfriend, nor was she on the Jumping Bull compound.

Mr. Kunstler says, "The government knew they were false.... They knew what they needed up there [in Canada] and they faked it."

But FBI spokesman Gregory Jones

says the courts have spoken in affirming Mr. Peltier's conviction. "The FBI investigated this case in a thoroughly professional manner and stands by the decision of the courts," Mr. Jones says.

At Mr. Peltier's trial, the defense sought to introduce the affidavits and Ma. Poor Bear's testimony to show the lengths the FBI would go to secure a conviction. In an offer of proof, out of the jury's presence, Ma. Poor Bear testified that she had never seen Mr. Peltier before she entered the courtroom, she was not on the Jumping Bull compound on June 26 and that two FBI agents had shown her a photograph telling her it was of Mr. Peltier.

She testified she signed the affidavits because the agents told her to and that its contents were not true. She testified she was frightened by the agents because they were "always talking about Anna Mae (Aquaah)... They just would talk about that time she died."

Ma. Poor Bear was referring to Ma. Aquaah, a young Native American and early suspect in the agents' murders. Before Ma. Poor Bear signed the last affidavit, Ma. Aquaah was found on a

reservation roadside, dead of a point-blank gunshot head wound.

Representative Edwards wants the case retried. "I think that way everybody could come out clean. There is enough information that the trial was held in and under a period of great emotion," says Mr. Edwards. "With two FBI agents killed, it's sad. Things were out of control then."

Even Mr. Crooks agrees that it was an emotionally charged afternoon.

"When we found out the agents were dead, we shot the living piss out of the place. No question about that," says Mr. Crooks. "But that was 4 p.m. That's when there was a shootout. There wasn't any shootout [between the Indians and FBI] at noon."

Today, on the Jumping Bull compound, in the shadow of Mount Rushmore about 80 miles away, only a wall of one of the three original buildings still stands. In the 100th anniversary year of the massacre at Wounded Knee, the green siding is still riddled with bullet holes — an unsettling reminder of this country's violent relationship with its native citizens.

that which was not relevant," he says.

Defense attorneys also say that a July 26, 1976, internal FBI directive ordering agents to specifically analyze the reasons "why the [jury] found the defendants Robideau and Butler not guilty" four days earlier, explains the disparity. (See "Side by Side: How Two Trials Compare," Page 25.)

Of the 8th Circuit's criticism of the government's conduct, Mr. Crooks says he doesn't feel "too good about it." But he notes, "They affirmed. Three-ship, despite it all. Despite this garbage that didn't get turned over.... Are we in some kind of little esoteric exercise? Or are we trying to convict people that deserve conviction?"

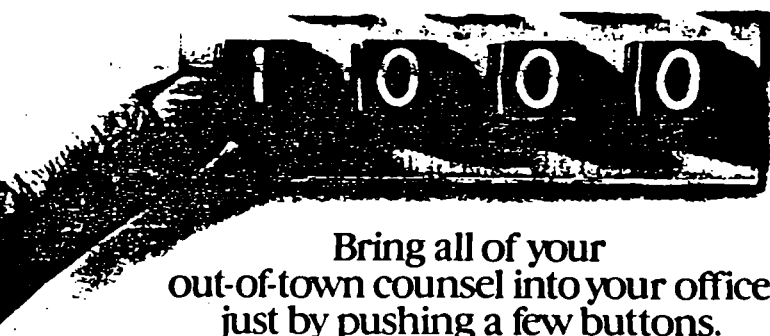
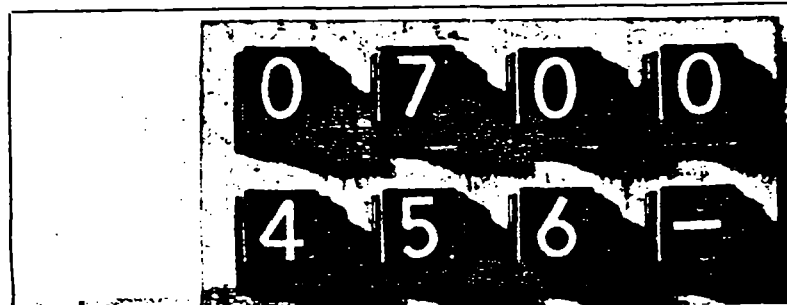
IN THE MEANTIME, MR. PELTIER seems to be at the end of his legal rope.

His attorneys met in Washington, D.C., June 12 with Senator Inouye to discuss the pardon.

In a telephone interview, Mr. Peltier says he'll take a pardon, even if its inference is that he is guilty.

But if that avenue is blocked — as most expect it will be — and Mr. Peltier is rejected for parole, his lawyers are preparing to file a motion for a writ of error coram nobis, based on new evidence and allegations, including the false affidavits used to secure the defendant's extradition; Judge Heaney's comments on "West 87th"; the government's admission there was more than one AR-15 at the murder scene and that there was no way to prove that such weapon was possessed by Mr. Peltier; and the admission that Mr. Peltier was aider and abettor, not necessarily the trigger man.

While his appeal appears to be over in U.S. courts, a motion to reopen the extradition hearing is pending in Canada's Supreme Court. Several top Canadian officials are charging that the U.S. government violated its extradition treaty now that they know evidence introduced at the 1976 extra-



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Undoing a miscarriage of justice

Shortly before noon on June 26, 1975, two FBI agents were killed on the Pine Ridge Sioux Reservation in South Dakota. Two Native Americans, brought to trial a year later, were found not guilty of the murders. A third Native American, Leonard Peltier, was brought to trial almost a year after that and, while almost certainly as innocent as the first two men, was convicted of the murders.

Peltier, who is serving two consecutive life sentences at the federal penitentiary in Leavenworth, Kan., is now the subject of an intense effort to undo a serious miscarriage of justice — through a new trial or by a presidential commutation.

The case has attracted advocates who are passionately convinced of Peltier's innocence and, through the documentary "Incident at Oglala," have gained a national audience for their cause.

It is a case that deserves to be reopened and a trial that deserves support.

Suspensions about the government's case are immediately raised by the curious "transformation" of a red pickup truck, which agents reported chasing on the reservation, to a white-over-red van, which happened to be a vehicle used by Peltier.

Throughout the investigation, the ballistics evidence was handled in an incredibly slipshod manner. The only thing certain is that none of the shell casings found near the agents' bodies could definitely be matched to a weapon known to be used by Peltier.

It was Peltier's bad fortune that he was not tried — if he was to be tried at all — in 1976, with the two men who were found not guilty. Peltier had fled the reservation after the shooting and crossed into Canada. To win his extradition, US prosecutors relied heavily on a now-discredited affidavit from a Native American woman who placed Peltier at the scene of the shootings.

But the major issue that will be argued this fall at hearings on motions for a new trial is that the prosecution has changed its theory of the case.

As Eric Scitz, a member of Peltier's defense team, explains it, the original conviction was obtained by convincing the jury that Peltier had himself shot the two agents. But as new evidence has been discovered — and some of the government's original evidence discredited — the prosecution now argues that Peltier was an aider and abettor.

Since those who aid and abet in the commission of a felony can be found equally guilty with the actual perpetrator, Peltier could still be found guilty. However, the two men with whom Peltier should have been tried in 1976 were acquitted because the jury believed they had been shooting at the agents in self-defense.

Leaving aside that an anonymous Native American has claimed to have been the actual murderer, had the judge at Peltier's trial in 1977 not accepted the prosecution's argument that Peltier was the perpetrator, his attorneys could have pursued the self-defense argument that won not-guilty verdicts for the two men at the 1976 trial.

Among Peltier's strongest advocates is the author Peter Matthiessen. In an account of court hearings late last year, he described the case as "the most significant murder trial in this country since Sacco and Vanzetti."

New evidence in that case has cast doubt on the long-held belief that both Sacco and Vanzetti were wrongly convicted and wrongly executed. The newly discovered evidence in the Peltier case strongly argues that he was, indeed, wrongly convicted and is being wrongly held. Justice requires a new trial or a presidential commutation of his sentence.

BOSTON GLOBE, SUNDAY, June 28, 1977

JACK ANDERSON and MICHAEL BINSTEIN

Revisiting the Peltier Murder Case

A surprise visit by two FBI agents reopened an old wound for Yvonne Bushyhead -- and in the process raised fresh questions about the bureau's behavior.

Bushyhead was actively involved in the defense of Leonard Peltier, a former Native American leader who is serving two consecutive life sentences at the federal penitentiary in Leavenworth, Kan., for the murder of two FBI agents. On June 10, Bushyhead revisited the case in a far more personal manner.

She had been staying with friends in Tahlequah, Okla., when she received a surprise visit from two FBI agents. When Bushyhead arrived at the home early in the evening, she was told by her hosts that FBI agents were waiting to speak to her. Bushyhead was convinced it was a joke until she saw the agents seated on the living room couches. When she further realized that one of the agents was William Wood, the mood turned grim.

Wood was one of two agents who participated in a controversial interrogation of an American Indian, Myrtle Poor Bear, which led to Peltier's extradition from Canada in 1976. Those affidavits used to extradite Peltier have since been discredited. Moreover, Poor Bear claimed during Peltier's trial that Wood and his partner threatened her during the interrogation. Peltier's trial judge would not permit her allegations to be heard by the jury.

Peltier was convicted of killing FBI agents Ronald A. Williams and Jack R. Coler in June 1975 on the Pine Ridge Indian Reservation in South Dakota. But since his sentencing, Peltier's case has sparked international attention as evidence mounts that there are gaping holes, at least suggesting government mishandling of the case.

Amnesty International lists Peltier as a political prisoner, and in Europe at least 20 million people have signed petitions asking for his freedom. Robert Redford recently produced a documentary, "Incident at Oglala," which is garnering more publicity for Peltier.

The case is an open wound for the FBI as well. A recent bureau trade association newsletter is headlined, "Keep the Vigil: Peltier is a Murderer." It accuses Peltier of being guilty of "coldblooded execution."

Peltier does not deny being present at a shootout that preceded the officers' deaths. He does deny, however, being the man who shot them at close

range, and his supporters believe they can prove it. Before Peltier was brought to trial, two other suspects -- whom Peltier would have been tried with had he not fled the country -- were acquitted on grounds of self-defense. Even the judge who dismissed one of Peltier's appeals believes the government shares culpability for the incident.

"The United States government must share responsibility with the Native Americans for the [Pine Ridge] firefight," U.S. Appeals Court Judge Gerald W. Heaney wrote in 1986.

Flooded with these memories, Bushyhead found herself sitting face to face with Wood, whom many accuse of engineering Peltier's extradition to the United States.

Agent Wood told her he had come all the way from his home office in South Dakota to Tahlequah to warn her of threats against her life. But while the agents declined to reveal who was leveling such threats or why, their next round of questions seemed to Bushyhead to betray the true agenda.

The agents told her they thought Peltier was carrying on illegal activities from prison. Did she know anything about them? She answered no. Then they asked if Peltier ever incriminated himself during any of the numerous conversations they had in prison. Again she answered no.

Finally, the agents asked a question that would have reverberations in Washington: How did she manage to persuade Sen. Daniel K. Inouye (D-Hawaii) to champion Peltier's cause?

Inouye heads the Senate Select Committee on Indian Affairs, and has been intrigued by the case since viewing a documentary in 1990. Inouye has written President Bush pointing out "exculpatory evidence" regarding Peltier's case.

Inouye was reportedly livid that the FBI would show any interest in the activities or attitudes of a U.S. senator, and is curious why the agents are still asking questions about a case 15 years after their suspect went to prison. "If they had reason to want to speak with her, why didn't they call her, write her a letter, come to her place of work, the normal conditions one would think FBI agents would adhere to if they were going to question a private citizen?" an Inouye staff member told our associate Jan Moller.

The FBI declined comment about Bushyhead or Wood after initially promising a response.

File

THE WHITE HOUSE
WASHINGTON

November 3, 1994

Dear Ms. Swanson:

Thank you very much for your letter to Carol Rasco regarding Mr. Leonard Peltier's application for executive clemency. Ms. Rasco has asked me to respond on her behalf.

The Pardon Attorney at the Department of Justice currently is reviewing Mr. Peltier's case. As soon as her review is complete, the Deputy Attorney General will make a recommendation to the President. At that time, the President will consider the Justice Department's recommendation as well as the views expressed by others. Your views will be available to the President when he makes his decision.

Again, thank you very much for taking the time to write concerning this serious matter.

Sincerely,



Abner J. Mikva
Counsel to the President

Ms. Elisa Swanson
164 Plateau Avenue
Santa Cruz, California 95060

ID # 078996 CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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Subject: urging executive pardon for Leonard Peltier**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CU CUTL</u>	ORIGINATOR	<u>94,09,15</u>		<u>C 94,09,15</u>
<u>CU AT 05 (Mills)</u>	Referral Note: <u>A</u>	<u>94,09,19</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

ACTION CODES:

A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet
 to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 X - Interim Reply

DISPOSITION CODES:

A - Answered
 B - Non-Special Referral
 C - Completed
 S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

SCANNED

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

018996011 AUG 15 1994

July 26
May 22, 1994

Carol H. Rasco
Assistant to the President
for Domestic Policy
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Ms. Rasco:

Leonard Peltier is a member of the American Indian Movement (AIM) spending his sixteenth year in federal prison for a crime he did not commit.

Peltier, 46, is serving two consecutive life sentences as a result of the deaths of two FBI agents in a shoot-out near Ogala, South Dakota on June 26, 1975. He was convicted and sentenced on the basis of evidence and testimony which the government acknowledged was false over a decade ago. The Eighth Circuit court of Appeals has formally acknowledged that the original case against Peltier no longer exists but nevertheless denied him a new trial. The Supreme Court has twice refused, without comment, to hear his case.

Leonard's case is not just the story of one man. Throughout the twentieth century, the U.S. government, often in collusion with private interests such as the energy conglomerates, has violated every treaty made with the Indian Nations of North America in order to get its hands on the vast mineral reserves lying beneath reservation lands.

The FBI was at Pine Ridge for the express purpose of destroying AIM. This reign of terror reached a climax with the Ogala firefight, which eventually led to murder indictments against three AIM members: Dino Butler, Bob Robideau, and Leonard Peltier. Butler and Robideau were tried in 1976 and acquitted because the jury concluded that Indians at Ogala had reason to fear for their lives and had fired upon the two agents in self-defense. Leonard Peltier was extradited from Canada later that year found guilty, and forced to serve to consecutive life sentences. It is worth noting that the death of AIM member Joe Stuntz, also killed at Ogala, has never been investigated.

Pine Ridge today has an unemployment rate of 86%. It has the lowest life expectancy and the highest rate of infant mortality and teenage suicide in the nation. The uranium mining opposed at such a high cost in the early 1970's has proceeded apace, and the Lakota people today drink contaminated water and experience a rate of miscarriage and spontaneous abortions seven times the national average.

All of these things are acts of war against the Lakota people, and Leonard Peltier's case is the key to all of it. The government's vindictive persecution of this man has left many people dead, and many more lives ruined. His conviction and continued imprisonment provide the government with a smoke screen behind which it hides not only its utter lack of conscience toward Indian People, but also many far-reaching and serious issues to concern to all Americans, not least among them the manner in which Federal police operate as a political hit squad.

Your executive pardon is the only release from prison Leonard Peltier has left. I urge you to use your executive power to act in justice and call for the release of Leonard Peltier. We must work together in unity. In the words of Leonard Peltier:

"Through this Tribunal, let us bring a new day, a new organization, a new movement. Let us hold our fists high, and put the oppressors on notice that we have just begun to fight, for not only our political prisoners and prisoners of war, but for our nations and for our freedom."

In the Spirit of Total Resistance,


Elisa Swanson

164 Plateau Avenue
Santa Cruz, CA 95060

THE WHITE HOUSE

WASHINGTON

June 3, 1994

Dear President Wefald:

Thank you for your letter regarding Leonard Peltier's petition for commutation of his sentence. The President has asked me to respond to your letter on his behalf.

Before a petition for executive clemency reaches the President, the Pardon Attorney at the Department of Justice conducts an exhaustive review of the entire case. Mr. Peltier's petition currently is under such review by the Pardon Attorney. As soon as her review is complete, the Deputy Attorney General will make a recommendation to the President. The President will consider the Justice Department's recommendation, as well as any other information that has been brought to his attention concerning the case, in making his decision on the petition.

As you know, Mr. Peltier's petition for executive clemency has been the subject of great interest to numerous individuals, human rights groups and, in particular, members of the Native American community. The President is aware of this public debate and will consider the views expressed to him by these individuals and groups when he makes his decision on the petition. Your views will be made available to the President for his consideration at that time.

Again, thank you for writing to the President on this serious matter.

Sincerely,



Lloyd N. Cutler
Special Counsel to the President

Jon Wefald
President
Kansas State University
Anderson Hall
Manhattan, Kansas 66506-0112

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

JL 001

DATE RECEIVED: DECEMBER 03, 1993

NAME OF CORRESPONDENT: MR. JON WEFALD

SUBJECT: PARDON FOR LEONARD PELTIER

ROUTE TO: OFFICE/AGENCY (STAFF NAME)		ACTION ACT DATE CODE YY/MM/DD		DISPOSITION TYPE C RESP D		COMPLETED YY/MM/DD	
BERNARD NUSSBAUM		ORG	93/12/03				
REFERRAL NOTE: <u>✓ cu ATO</u>							
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REFERRAL NOTE:							

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

*ACTION CODES:	*DISPOSITION	*OUTGOING	*
*	*	*CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC-REFERRAL	*OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	*CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
*I-INFO COPY/NO ACT NEC		*OUTGOING	*
*R-DIRECT REPLY W/COPY	*		*
*S-FOR-SIGNATURE	*		*
*X-INTERIM REPLY	*		*

SCANNED

REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

**Office of the President**

Anderson Hall
Manhattan, Kansas 66506-0112
913-532-6221

November 24, 1993

The Honorable Bill Clinton
President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Clinton:

I would like to add my name to the thousands of individuals who have written over the years to ask that we immediately grant freedom for Leonard Peltier. In the name of American justice, we should immediately release Leonard Peltier. This important and vital Indian leader, I believe, has wrongfully been imprisoned for the past 17 years.

No ethnic group in American history has been treated worse than the American Indians. No ethnic group in American history has faced more discrimination and contempt than the American Indians. We have to remember that the American Indians were here first. We have to remember that the Federal government of the United States has violated virtually every treaty ever negotiated with an American Indian tribe. The infamous Trail of Tears is a classic example of how this nation has treated the Indians of America.

Over the centuries, a multitude of American Indian leaders have been victimized and maltreated. They have been lied to, wrongfully imprisoned, and killed. From Chief Joseph to Geronimo, from Crazy Horse to Sitting Bull, the spirits of past great American Indian leaders are crying out for justice for one of their own: Leonard Peltier.

President Clinton, I know that you are a fair, compassionate, and courageous leader. I hope and pray that in your wisdom you will grant Leonard Peltier his freedom.

Sincerely,

A handwritten signature in dark ink, reading "Jon Wefald". The signature is fluid and cursive, with the first name "Jon" and last name "Wefald" clearly distinguishable.
Jon Wefald
President

THE WHITE HOUSE
WASHINGTON

Sent to
scheduling
7/18 for
response

To: Cheryl Miller

Scheduling Advice Memorandum

From: RICKI SEIDMAN

34 JUL 15 PM 2:34

please
respond
ASAP

To:

JOAN BAGGETT
LLOYD CUTLER
RAHM EMANUEL
JOHN EMERSON
MARK GEARAN
KRISTINE GEBBIE
DAVID GERGEN
JACK GIBBONS
PAT GRIFFIN
MARCIA HALE
KAREN HANCOX
ALEXIS HERMAN
NANCY HERNREICH
HAROLD ICKES
WILL ITOH
PHIL LADER
ANTHONY LAKE
BRUCE LINDSEY

X

AL MALDON
KATIE MCGINTY
MACK MCLARTY
JOHN PODESTA
JACK QUINN
CAROL RASCO
BOB RUBIN
ELI SEGAL
PATTI SOLIS
GEORGE STEPHANOPOLOUS
ANN STOCK
CHRISTINE VARNEY
MELANNE VERVEER
DAVID WATKINS
DANNY WEXLER
MAGGIE WILLIAMS
TONY WILSON

Re: MEET W/ The President and National Executive Board of the
National FBI AA

The Scheduling Office is considering the attached invitation.
Please advise us:

- POTUS should attend.
 ☒ POTUS ~~should~~ need not attend.
 POTUS should/need not attend but should send a representative.

 X If you think POTUS should attend please submit a proposal ASAP.

Your Additional Comments:

They are mistaken
that POTUS met
w/ pro-Peltier people.

PLEASE RETURN THIS MEMO TO ANNA WINDERBAUM IN ROOM 185.5 BY

ASAP

BETHUNE LAW FIRM

Respond to: Searcy, Arkansas

July 11, 1994

The Honorable Bill Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Attention: Ms. Ricki Seidman

VIA FAX & FEDERAL EXPRESS

Re: Ronald Williams and Jack Coler, Murdered FBI Agents

Dear Ms. Seidman:

The President is being encouraged by Senator Inouye, a few Native American groups, and many misguided and uninformed activists to grant executive clemency to Leonard Peltier. Peltier was convicted of murdering two young FBI Agents on June 26, 1975, at Oglala, South Dakota, on the Pine Ridge Indian Reservation.

Every federal court which has reviewed this case has affirmed the conviction. Still, the activists keep drumming up political support in an attempt to override Peltier's conviction.

On July 15, 1994, Peltier supporters plan a march on Washington. I am told that one group, The National Congress of American Indians, is scheduled to meet with President Clinton on that same day.

For several years now, I have served as General Counsel for the FBI Agents Association (FBIAA) and was a Special Agent before I was elected to Congress from the Second Congressional District in Arkansas.

I state with absolute certainty that an action of clemency for Peltier will be seen as a terrible injustice and an outright betrayal by every Special Agent of the FBI.

Post Office Box 200
210 East Vine Street
Searcy, Arkansas 72143-0200

(501) 268-3055
(501) 268-3458 FAX

Little Rock, Arkansas

(501) 224-9898
(501) 268-3458 FAX

Suite 400, International Square
1825 "I" Street, N.W.
Washington, D.C. 20006

(202) 429-2728
(202) 429-9574 FAX

The Honorable Bill Clinton
July 11, 1994
Page 2

The President and National Executive Board of the National FBIAA will be in Washington, D.C., on July 18-20. The FBIAA represents 7,000 of the 10,000 active-duty agents coast to coast.

Would you please arrange for us to meet with the President on this very important issue? I can assure you we will be concise and the small investment of time will surely assist the President in making the right decision. Support from the President on this issue will be extremely well received nationwide, not only by FBI Agents, but by every other federal law enforcement officer and agency.

I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Bethune".

ED BETHUNE

EB/sc

Enclosure

Keep the Vigil: **M**PELTIER IS A MURDERER

Ron and Jack have become victims of media desecration. They've gone from being heroes and martyrs...in 1975 to the current presentation of them as FBI agent bodies lying on the ground made to sound as guilty as their killer. Their murderer is now touted as the 'hero' or 'warrior' so to speak. How can this be?

Peggy Coler, Widow of SA Jack Coler, October 17, 1991

—by Ed Bethune

As the FBI changes with the retirement of older agents and the hiring of new agents, memories may fade concerning the incident at Oglala, South Dakota, on the Pine Ridge Indian Reservation, on a fateful summer day, June 26, 1975. It was then and there that two young FBI Agents, Ronald Williams and Jack Coler, in the prime of life, were the victims of a cold-blooded execution. Leonard Peltier was found guilty of participating in the murders of these two agents. He is serving two consecutive life sentences.

Peltier and others were not members of the

Pine Ridge Reservation. They were outsiders who, as part of the American Indian Movement (AIM), had gathered on the reservation. The group had traveled to Pine Ridge from New Mexico, and Peltier, the leader of the group, was a fugitive wanted for attempted murder in Milwaukee, Wisconsin. This, however, was unknown to the agents and, on that day, they were seeking Jimmy Eagle, wanted for robbery on an Indian reservation.

The agents had reason to believe Eagle was utilizing a red vehicle. SA Williams spotted such a vehicle on the reservation shortly before noon, and he and Coler gave chase. Testimony proved that the vehicle was occupied by Peltier, Norman Charles, and Joseph Stuntz. (Stuntz was shot and killed later that same day, and was wearing an FBI jacket.)

The vehicle stopped near a tent city encampment and, from long range, the subject and others took the agents under fire with rifles. The gun battle lasted about ten minutes, with the agents totally

outgunned. Over 125 bullet holes were found in the agents' two cars. Evidence indicated that there were only three pistol rounds discharged from the agents' revolvers, and possibly a round from a rifle and shotgun. The agents were soon hit and disabled.

SA Coler suffered a potentially fatal wound to the right arm, which nearly severed the arm. He lost blood rapidly and became unconscious. SA Williams

was shot in the left shoulder, and the bullet lodged in his side. Although wounded, SA Williams removed his shirt and attempted to

tourniquet

SA Coler's bleeding arm. SA Williams also took a round in the right foot.

Courtroom evidence proved the brutality of the murder. The following is from *U.S. v. Peltier* (1978):

These wounds (above) were not fatal. The agents were killed with a high-velocity, small-caliber weapon fired at point-blank range. Williams attempted to shield his face from the blast with his right hand, turning his head slightly to the right. The murderer placed the barrel of his gun against Williams' hand and fired. The bullet ripped through Williams' hand, into his face, and carried away the back of his head. He was killed instantly. The murderer shot Coler, who was unconscious, across the top of the head. The bullet carried away a part of his forehead at the hairline. The shot was not fatal, however. The murderer then lowered his rifle a

few inches and shot Coler through the jaw. The shell exploded inside his head, killing him instantly.

Autopsies and testimony tied the fatal shots to an AR-15 (.223 round). Testimony showed Peltier was the only person at the scene with an AR-15. It is believed that Peltier, Dino Butler, and Bob Robideau were the three who approached the car while the agents were disabled, and, thereafter, both agents suffered the fatal shots.

Peltier, that same evening, fled the reservation.

On September 10, 1975, a car loaded with explosives and weapons exploded on the Kansas turnpike. Peltier's AR-15 was recovered from the vehicle. The weapon was damaged and could not be fired. The bolt, however, was removed and tested, and a .223 cartridge casing found at the murder scene was matched by extractor marks.

On November 14, 1975, Oregon State Police stopped two vehicles near Ontario, Oregon. Peltier was one of the occupants who fled, firing at the police as he ran. SA Coler's pistol was found in one of the vehicles in a paper bag bearing Peltier's thumbprint.

Peltier then fled to Hinton, Alberta, Canada, where he was arrested by Mounties on February 7, 1976. He said he would have resisted arrest by deadly force if he had known the officers were nearby.

With those facts, it is unbelievable that Leonard Peltier has become a "cause celebre." Some try to paint him as an American native activist who has been mistreated by the system. The former Soviet Union presented thousands of signatures claiming Peltier was a political prisoner (a solid indictment from the former experts in propaganda). CBS has provided support on the *West 57th* show,

—continued on page 8

and more recently on *60 Minutes*. CBS producer James Stolz and CBS Correspondent Steve Kroft's total disregard of the facts in this case make them candidates for employment with *The National Inquirer*, and Senator Daniel Inouye (D-HA)—who's standing for re-election this year—wants Peltier pardoned.

Of course, Hollywood would not want to be left out. Western singer Willie Nelson, accompanied by Kris Kristofferson, Peter Coyote, Joni Mitchell, Robin Williams, and others, have campaigned and done concerts under the heading of "Justice for Peltier." Kristofferson likes to wear a T-shirt calling for "Justice for Peltier." And, finally, actor Robert Redford has been involved in the recent production of a motion picture entitled, *Incident at Oglala*. We have not seen the picture yet, but we can guess how it comes down. There is talk of other pictures also. William Kunstler, the attorney infamous for his involvement in radical left-wing causes, has also been involved in the case.

So what about Peggy Coler's question: How can this be?

The answer is not difficult. It involves politics, money, and movies. Leonard Peltier has become a pawn for a guilt-ridden entertainment industry. For years, producers, directors, and actors misportrayed Indians, making millions in the process. Now, in a misbegotten effort to make amends, Hollywood and others are willing to rewrite history. They convert Peltier The Murderer to Peltier The Hero, The Warrior. They trample the honor of fallen FBI men. If they, the lawyers, the political activists, and others can make a buck in the process, then so much the better.

They have a right to their opinion, even if it is misguided. The FBI is a protector of that right, but we who have carried the badge also have the right to disagree and call it as we see it. Peltier has been found guilty of murder by a jury; his case has been appealed and reviewed many times; and all have agreed that the conviction should stand. The U.S. Supreme Court has twice denied *certiorari*.

What Peltier has been unsuccessful in winning in a court of law, he and his allies are now trying to win in the court of public opinion. Their strategy is to change public sentiment so they can get a

pardon or win at retrial, if they can finagle a high court reversal.

At Peltier's murder trial his lawyer said: "The only question is, did the defendant participate...that's what this trial is all about...we concede first-degree murder." Thus, the defense wanted the murder trial to focus on one dispositive issue: Did Peltier participate? If so, then he could be convicted as an aider and abettor. The jury found that he participated.

Now, however, Peltier's lawyers have concocted yet another gripe over the same issue. In a recent petition, they claim the government changed its "theory of the case," and that the change shows that Peltier was treated unfairly. The United States Magistrate Judge didn't buy it and neither did Senior District Court Judge Paul Benson who presided at Peltier's murder trial. On December 30, 1991, he accepted the Magistrate's report and dismissed Peltier's *habeas corpus* petition in its entirety with the following comment:

The Magistrate Judge's conclusion corroborates this trial judge's impression and understanding throughout the trial that the United States was proceeding on a basic theory that defendant was a principal in the offense but if the jury did not find him to have been a principal that the evidence would clearly support a finding in the alternative that he was guilty as an aider and abettor. The jury was instructed on the basis of that theory.

After the jury found him guilty of murder, Peltier lambasted Judge Benson with a carefully worded statement which skirted the question of his participation. Peltier said this to the judge at his sentencing:

I stand before you as a proud man; I feel no guilt! I have done nothing to feel guilty about! I have no regrets about being a Native American activist...I do feel pity for your people that they must live under such an ugly system.

Judge Benson responded: "You profess to be an activist for your people, but you are a disservice to Native Ameri-

cans." His comment was supported when the Eighth Circuit Court of Appeals reviewed the case and found: "...the evidence of Peltier's guilt was strong."

Peltier's apologists have continually distorted and belittled the government's proof, even to the extent of suggesting Peltier might not have been present that day. Peter Matthiessen wrote a book about the incident titled, *In the Spirit of Crazy Horse*. (In it, he audaciously likened Peltier's fate to that of sitting Bull in 1876.) Here's the spin he put on the question of Peltier's participation after he read the testimony of an agent who identified Peltier through a telescopic sight:

...[T]he sighting did not tend to show that Leonard Peltier had participated in the killing or even in the shooting, but simply that he was among those on the Jumping Bull property that day...Peltier himself has never denied this (*despite the point made by his attorneys that no hard evidence of his presence on June 26 was ever produced*)....[Emphasis added.]

One wonders if Matthiessen and Peltier's lawyers will change their "theory of the case" now that Peltier himself has made a damaging admission about his participation. On September 22, 1991, Peltier responded to a question by Steve Kroft during the course of the *60 Minutes* show:

Kroft: "Did you fire at those agents?"

Peltier: "Yes, I fired at them."

So much for the question of Leonard Peltier's participation! Is that aiding or abetting or what?

Assistant United States Attorney Lynn Crooks, who has been on this case from the beginning, said recently: "Peltier's admission that he fired at the agents underscores the truth. The government's evidence was very strong and credible. Peltier was rightly convicted."

Unlike the young agents who were

—continued on page 9

agents financially in times of hardship. To date, we have no mechanism to satisfy this need. An example of someone in need is SA C. David Cosgrove (New York Division, New Rochelle RA) who recently underwent a bone marrow transplant for leukemia. Dave, who is now recovering, and who has been accepted in the Leave Sharing Plan (Case #213), incurred out-of-pocket expenses in the thousands of dollars. Dave's fellow agents and employees in New York have contributed well over \$20,000 to assist him. Contributions by fellow agents in times of need will always have a place in the FBI, but we also see a place for an Association Foundation to help offer relief as appropriate. This is to advise members that we are proceeding with plans to establish such a foundation, and we will keep you advised of our progress. ★

MURDERER...from page 8

murdered, Peltier lives on. His dupes keep clamoring for his release and the chant will continue, because it is driven hard by politics, money, and movies.

We must not let this tragedy fade from our memories. Special Agents Jack Coler and Ronald Williams were heroes then, and they are heroes today, and they will forever be remembered as such by the FBI. ★

MEMORIAL...from page 5

including some 250 corporations and most of our nation's 500,000 law officers, dug deep into their pockets to make sure this Memorial was erected," NLEOMF Chairman Craig W. Floyd told the dedication audience. "This spectacular Memorial Park cost \$10.5 million to build, and every cent was raised by private contributions. This monument is truly a gift of ap-

preciation from a caring nation," he added.

The Memorial, designed by Washington, D.C. architect Davis Buckley, sits on three acres of federal park land called Judiciary Square (between 4th and 5th Streets, NW, and E and F Streets, NW). The site has served for nearly 200 years as the seat of our country's criminal justice system, and was chosen largely because of this strong and appropriate linkage to law enforcement. Bordering the Memorial's beautifully landscaped park are two tree-lined, semi-elliptical "pathways of remembrance," where the names of 12,561 fallen officers are engraved on marble walls, each 304 feet long and three and one-half feet high.

During the building of the Memorial, the FBI Agents Association contributed funds, as did many individual agents. The FBIAA also donated \$5000 recently to the Memorial Maintenance Endowment Fund, to insure that the Memorial is maintained and improved over the years. The Association would like to give agents the chance, as a group, to contribute additional funds to the Endowment. Anyone wishing to do so should make their tax-deductible checks payable to "NLEOMF," and mail to the FBIAA National Office; Post Office Box 250; New Rochelle, New York 10801 by no later than May 1, 1992. At that time, the Association will hand deliver the checks to the Endowment chairman, Craig Floyd.

A visit to the Memorial is a must trip when in Washington. The experience is both emotional and satisfying. ★

The Willie Story...

In Southern California, in 1987, Willie Nelson was involved in a concert advertised as "Cowboys for Indians and Justice for Leonard Peltier." In 1988, Nelson held a concert in Warwick, R.I., and because of his support for Peltier, the concert was picketed by law enforcement officers and their supporters. The demonstration was organized by the Rhode Island Fraternal Order of Police (FOP) and involved over 600 picketeers representing 47 law enforcement agencies, including 18 federal law enforcement agencies. Off duty FBI Agents were involved in this peaceful expression of opinion. Later that day, Nelson called for a meeting with representatives of the demonstration, and during that gathering stated that he was not a supporter of cop killers, and was not knowledgeable of all the facts in the Peltier case.

Nelson was subsequently picketed by off duty FBI Agent Association Members at a Philadelphia concert, because of his involvement in the California concert.

Later, Nelson performed a benefit concert in Springfield, MA, with some proceeds going to the National Law Enforcement Officers Memorial. Even though this was an attempt to quiet the outcry, it did show some good intention.

A 1990 newspaper clipping, from the "Ann Arbor News," showed Nelson pictured with Kris Kristofferson. Kristofferson was wearing a shirt which boldly proclaimed "Free Peltier." ★



Pictured are some of the 600 Anti-Willie Nelson demonstrators in Warwick, R.I., in 1988.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1Name of Correspondent: Ed Bethune☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Invites The President to meet with the President and National Executive Board of the National FBIAA during their visit July 18-20. The visit with the President is in regards to the two murdered FBI Agents: Ronald Williams & Jack Coler

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
SC	WIND	ORIGINATOR	94107114		1/1
CU	CUTL	Referral Note: A	94107114		1/1
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1
		Referral Note:	1/1		1/1

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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

June 3, 1994

Dear Ms. Doxtator:

Thank you for your letter regarding Leonard Peltier's petition for commutation of his sentence. The President has asked me to respond to your letter on his behalf.

Before a petition for executive clemency reaches the President, the Pardon Attorney at the Department of Justice conducts an exhaustive review of the entire case. Mr. Peltier's petition currently is under such review by the Pardon Attorney. As soon as her review is complete, the Deputy Attorney General will make a recommendation to the President. The President will consider the Justice Department's recommendation, as well as any other information that has been brought to his attention concerning the case, in making his decision on the petition.

As you know, Mr. Peltier's petition for executive clemency has been the subject of great interest to numerous individuals, human rights groups and, in particular, members of the Native American community. The President is aware of this public debate and will consider the views expressed to him by these individuals and groups when he makes his decision on the petition. Your views, on behalf of the Oneida Tribe of Indians of Wisconsin, will be considered at that time.

Again, thank you for writing to the President on this serious matter.

Sincerely,



Lloyd N. Cutler
Special Counsel to the President

Deborah Doxtator
Tribal Chairwoman
Oneida Business Committee
Post Office Box 365
Oneida, Wisconsin 54155

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

56 001

DATE RECEIVED: NOVEMBER 12, 1993

NAME OF CORRESPONDENT: MS. DEBORAH DOXTATOR

SUBJECT: PARDON FOR LEONARD PELTIER

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION	DATE	TYPE	C	COMPLETED
		CODE	YY/MM/DD	RESP	D	YY/MM/DD
BERNARD NUSSBAUM		ORG	93/11/12			1/1/
✓ C W ATOS	REFERRAL NOTE: _____	RL A	93/11/17			93/12/10
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COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDIA: L INDIVIDUAL CODES: _____

MI MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                      *                      *CORRESPONDENCE:   *
*A-APPROPRIATE ACTION  *A-ANSWERED          *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL  *          OF SIGNER *
*D-DRAFT RESPONSE      *C-COMPLETED          *          CODE = A   *
*F-FURNISH FACT SHEET  *S-SUSPENDED          *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                      *          OUTGOING  *
*R-DIRECT REPLY W/COPY *                      *                      *
*S-FOR-SIGNATURE       *                      *                      *
*X-INTERIM REPLY       *                      *                      *
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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

SCANNED



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania a new nation the United States was made possible

November 2, 1993

Honorable William J. Clinton
The White House
Washington, D.C.

Dear Mr. President:

The Oneida Tribe of Indians of Wisconsin calls upon you to act to undo a wrong that has existed for seventeen years. Mr. Leonard Peltier was accused of killing FBI agents during the turbulent time of Wounded Knee. He continues his imprisonment serving two life sentences for murder.

Subsequent inquiries into the case have demonstrated significant inconsistencies. The FBI has been shown to have purjured itself. Arguments of conclusive ballistic evidence could not be substantiated. Prosecutor Lynn Crooks noted that the case was based upon circumstantial evidence. Moreover, Crooks stated, "We argued inferences...but that's not the same as saying that we had direct evidence...that Mr. Peltier was the one that squeezed off the final rounds..." A 1975 telex from an FBI ballistics expert stated that Peltier's rifle had a different firing pin from the murder weapon.

Shortly after the incident, fearing an unfair trial, Peltier fled to Canada. According to Amnesty International, Peltier returned to the United States based upon BIA-acknowledged falsified affidavits.

We have now learned that after numerous appeals, and years of trying to have decision-makers listen, that his last appeal on July 7th, 1993 has been denied by the Eighth Circuit--not on merit but on timeliness. There appears little else that can be done short of your personal intervention.

Perhaps because this was more of a political action from the beginning, the courts have not wavered from their guilty holdings despite dramatic evidence to the contrary. It now appears that a political solution may be the only viable albeit long overdue remedy.

Honorable William J. Clinton
November 2, 1993
Page 2

We call upon your good offices to review the evidence. We understand that in 1981 under the Freedom of Information Act 12,000 pages of documentation were released, another 6,000 pages were retained for "national security" reasons. Please learn the truth, and once you have, please act to pardon Leonard Peltier. It is time to put Wounded Knee behind us and move forward with honesty and integrity.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Doxtator".

Deborah Doxtator, Tribal Chairwoman
Oneida Business Committee

c: Oneida Business Committee

DD/bg

THE WHITE HOUSE

WASHINGTON

April 18, 1994

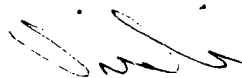
Dear Margaret:

I am enclosing for your files several letters regarding Leonard Peltier's commutation petition and our responses.

As we discussed, most of the letters we receive in the future regarding the status of clemency petitions will be forwarded directly to your office for response. In cases in which a response from the White House is determined to be necessary, we will provide you with copies of the correspondence for your files.

Thank you very much for your willingness to take on this task.

Sincerely,



Vicki J. Divoll
Office of Counsel to the President

Ms. Margaret Love
Pardon Attorney
United States Department of Justice
500 First Street, N.W.
Washington, D.C. 20530

CDM
7/30/93

-- 7/11/93 letter from L. Kathleen Harvey Stewart with enclosed letter to you from Eric Seitz, attorney for Leonard Peltier, requesting your assistance in obtaining clemency for Mr. Peltier. The Eight Circuit Court of Appeals denied his appeal on July 7.

She was in Waikiki at the same time you were. She asks for a better address - heard there's a special zip code for Arkansas friends. Do you want her to have it? ☐ Yes ☐ No

(Marsha Scott's office has directed that all correspondence re pardon requests be directed to Cheryl Mills in the Counsel's office.)

DISPOSITION:

☒ See
Direct to Cheryl Mills

per HRC

THE WHITE HOUSE

WASHINGTON

August 12, 1993

Eric A. Seitz, Esquire
820 Mililani Street
Suite 174
Honolulu, Hawaii 96813

Dear Mr. Seitz,

Thank you for your letter updating me on the status of Mr. Leonard Peltier's case.

It is my understanding from you that Mr. Peltier's Eighth Circuit appeal was denied and that he currently does not intend to file a petition for en banc review by the panel nor petition the Supreme Court to hear his appeal.

Under the Justice Department's guidelines, Mr. Peltier properly can file a petition for clemency since he no longer has pending matters before the court. Once such a petition is filed with the Justice Department, the Pardon Attorney will review his case. After her review is complete, the Deputy Attorney General will make a clemency recommendation to the President.

The President gives serious consideration to all pardon applications. I know he would treat Mr. Peltier's case, which has been the subject of considerable public debate and has had many voices raised to speak on his behalf, with the same care.

Thank you for writing and keeping me informed about Mr. Peltier's case.

Sincerely,

Hillary Rodham Clinton

July 11, 1993
L. Kathleen Stewart

Dear Hillary and Bill,

MCA JUL 19 1993

I worked for Mr. Eric Seitz two summers ago. I find him to be a man of great intellect and deep convictions. He is also well-known and well-respected in the Oahu legal community, and is tireless in his pro bono work. It is not with folly that he seeks a few minutes of you and Bill's time.

I did some work on the Leonard Peltier case when I worked for Mr. Seitz. I reviewed all of the documents that Peltier's defense lawyers obtained from the FBI via the Freedom of Information Act. The documents are remarkable in that they reveal many of the unfair tactics of the FBI, and in that they are virtually devoid of evidence that Leonard Peltier fired the weapon that killed two FBI agents. (You may also know that since Peltier's conviction, another man has confessed that he was the triggerman, but refuses to reveal his identity.) I am convinced through my own research that Peltier is an innocent man.

Granted, you are both inundated with information from groups or individuals that claim their "special someone" deserves the attention of the President or the First Lady. So, why would it be crucial to look into Peltier's situation? Well, as a Native American, Leonard Peltier is a symbol to all indigenous peoples — a symbol of what they believe the

government has historically done to them -
to accuse them / convict them of transgressions
they never committed and then to shove
them aside and out of sight - whether by
banishing them to desolate reservations or
to prison. I have met many Native
Americans, and other indigenous people, who
do not believe "the system" works for them.

The time for healing is now - you
referred to this during the Election campaign.

Leonard Peltier's case cries out for the attention of
the Executive Branch now that all hopes have been
dashed in the Judicial system. This would be an
opportunity for President Clinton to show Native
Americans that the system can work for them.
Could you consider commuting the sentence of an
innocent man?

We thank you for taking the time to consider
this.

Your friend,
Kathleen (Harvey) Stewart

P.S. On a lighter note - if I didn't hand you this letter in
Waikiki - too bad! We were there at the same time & I
came to the Royal Hilton Hawaiian Village to see you!
Is there a better address where I can write you - I hear
there was a special zip code for Arkansas friends?

L. KATHLEEN STEWART
ATTORNEY AT LAW

LAW OFFICES
SCAMPINI, MORTARA & HARRIS

465 CALIFORNIA STREET
SAN FRANCISCO 94104
421-8556

Eric A. Seitz, Attorney At Law
A LAW CORPORATION

Edie A. Feldman
Attorney at Law

Tammy M. Loh
Office Manager

July 9, 1993

Ms. Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Leonard Peltier

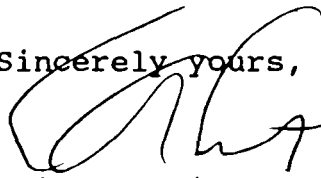
Dear Ms. Clinton:

On July 7th -- two days ago -- the United States Court of Appeals for the Eighth Circuit issued a lengthy opinion denying Mr. Peltier's current appeal and effectively shutting the courthouse doors to any other legal actions in his behalf. It is not our current intention to seek an en banc review of the panel's decision or to petition the Supreme Court for certiorari.

Based upon your previous letter to me I now request any assistance you may be able to provide in obtaining some form of clemency for Mr. Peltier.

I look forward to hearing from you soon.

Sincerely yours,



Eric A. Seitz

enclosures (4)

Eric A. Seitz, Attorney At Law

A LAW CORPORATION

February 8, 1993

Ms. Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Leonard Peltier

Dear Ms. Clinton:

I represent Leonard Peltier with whose case I believe you already may have some familiarity. Leonard has been imprisoned for seventeen years under circumstances that are disturbing to millions of people in the United States and abroad, all of whom share a deep concern about this Native American of the Lakota and Chippewa Nations.

Leonard's case has been highlighted on Sixty Minutes and other network television shows, in two new editions of Peter Matthiessen's acclaimed book, In the Spirit of Crazy Horse, and in several documentary films including Robert Redford's "Incident at Oglala." The Honorable Gerald W. Heaney, a Senior Judge of the United States Court of Appeals for the Eighth Circuit, has written a letter supporting clemency, and many members of the Congress have signed legal briefs and other appeals urging that the Peltier case be reviewed. Recently Canadian officials and members of Parliament filed an amicus brief supporting Leonard's pending petition for a new trial.

As you are aware, political prisoners in the former USSR have been set free, Nelson Mandela was released by the government of South Africa, and in Great Britain the government -- on its own motions -- has reviewed the cases and released several suspected IRA terrorists whose convictions were tainted by police and prosecutorial misconduct. Certainly the government of this country should be similarly concerned about the continued incarceration of a Native American whose conviction was obtained by fraudulent affidavits, fabricated evidence, and coerced testimony and no longer is justified upon the actual theory by which his convictions originally were obtained. Similar action, granting clemency for Leonard Peltier, would be warmly received and widely respected.

THE WHITE HOUSE

WASHINGTON

May 18, 1993

Eric A. Seitz, Esquire
820 Mililani Street, Suite 714
Honolulu, Hawaii 96813

Dear Mr. Seitz:

Thank you for sharing with me your views regarding the case of Mr. Leonard Peltier.

The Peltier case is pending before the Eighth Circuit Court of Appeals. It would be inappropriate for President Clinton to intervene in this or any other case currently pending in our judicial system. His intervention in the judicial process would violate the separation of powers provisions of our constitution. The President has confidence in our judicial system to fairly adjudicate this and other matters.

Thank you again for writing.

Sincerely yours,



Handwritten signature of Hillary Rodham Clinton in cursive script.

Hillary Rodham Clinton

Eric A. Seitz, Attorney At Law

A LAW CORPORATION

June 1, 1993

Ms. Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Leonard Peltier

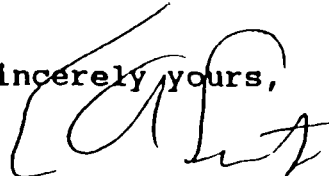
Dear Ms. Clinton:

Thank you for your letter dated May 18, 1993. I initially wrote to you at the suggestion of several mutual friends, all of whom assured me that you were somewhat familiar and sympathetic with Leonard Peltier's plight. I am still hopeful that we may obtain prompt relief for Leonard before his incarceration is needlessly extended pending the outcome of the current habeas corpus appeal.

In the Eighth Circuit Court of Appeals we are seeking a hearing on Leonard's petition for a new trial. In our request for executive intervention we are seeking Leonard's earliest possible release from prison -- after serving eighteen years of his consecutive life sentences. Ideally we would like to have the sentences commuted to "time served" so that Leonard will be freed whether or not he ever receives a new trial. Secondarily, we seek a commutation of the consecutive life terms to concurrent terms so that we then may file a meaningful application for Leonard's parole. The President legally may take either of those actions, at any time, and we and millions of Leonard's supporters feel that it is morally correct for an action to be taken now.

I join in the request from my co-counsel, William Kunstler, that you afford us an opportunity to personally present the reasons why executive clemency for Leonard Peltier is so clearly warranted.

Sincerely yours,



Eric A. Seitz

SENATE CHIEF OF JUSTICE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHAMBERS OF
GERALD W. HEANEY
UNITED STATES SENIOR CIRCUIT JUDGE
FEDERAL BUILDING
DULUTH, MINNESOTA 55802

April 18, 1991

Senator Daniel K. Inouye
United States Senate
Select Committee on Indian Affairs
Washington, D.C. 20510-6450

Re: Leonard Peltier

Dear Senator Inouye:

Unfortunately I did not receive your letter of February 1, 1991 until April 13, 1991. When I did receive your letter, I was visiting your state. Thus, this is my first chance to reply.

As you know, I wrote the opinion in United States v. Peltier, 800 F.2d 772 (8th Cir. 1986), and I sat as a member of the court in an earlier appeal, United States v. Peltier, 731 F.2d 550 (8th Cir. 1984). In the case I authored, our court concluded:

There is a possibility that the jury would have acquitted Leonard Peltier had the records and data improperly withheld from the defense been available to him in order to better exploit and reinforce the inconsistencies casting strong doubts upon the government's case. Yet, we are bound by the Bagley test requiring that we be convinced, from a review of the entire record, that had the data and records withheld been made available, the jury probably would have reached a different result. We have not been so convinced.

United States v. Peltier, 731 F.2d at 779-80. No new evidence has been called to my attention which would cause me to change the conclusion reached in that case.

There are, however, other aspects of the case that the President may see fit to consider in determining whether he should take action to commute or otherwise mitigate the sentence of Leonard Peltier. My thoughts on these other aspects result from a very careful study of the records of the Peltier trial and the post-trial evidence and from a study of the record in the Robideaux-Butler trial before Judge McManus in Iowa, a trial which resulted in the acquittal of Robideaux and Butler.

April 18, 1991

Senator Daniel K. Inouye

Page 2

First, the United States government over-reacted at Wounded Knee. Instead of carefully considering the legitimate grievances of the Native Americans, the response was essentially a military one which culminated in a deadly firefight on June 26, 1975 between the Native Americans and the FBI agents and the United States marshals.

Second, the United States government must share the responsibility with the Native Americans for the June 26 firefight. It was an intense one in which both government agents and Native Americans were killed. While the government's role in escalating the conflict into a firefight cannot serve as a legal justification for the killing of the FBI agents at short range, it can properly be considered as a mitigating circumstance.

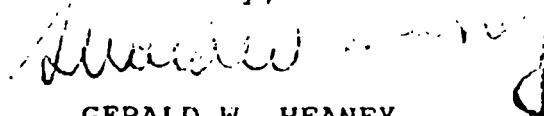
Third, the record persuades me that more than one person was involved in the shooting of the FBI agents. Again, this fact is not a legal justification for Peltier's actions, but it is a mitigating circumstance.

Fourth, the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case. Although our court decided that these actions were not grounds for reversal, they are, in my view, factors that merit consideration in any petition for leniency filed.

Fifth, Leonard Peltier was tried, found guilty, and sentenced. He has now served more than fourteen years in the federal penitentiary. At some point, a healing process must begin. We as a nation must treat Native Americans more fairly. To do so, we must recognize their unique culture and their great contributions to our nation. Favorable action by the President in the Leonard Peltier case would be an important step in this regard. I recognize that this decision lies solely within the President's discretion. I simply state my view based on the record presented to our court. I authorize you to show this letter to the President if you desire to do so.

Again, I am sorry your letter was not delivered to me at an earlier date.

Sincerely,



GERALD W. HEANEY

GWH:bn

THE WHITE HOUSE

WASHINGTON

March 24, 1994

Dear Mr. Doyle:

Thank you for your letter to Marsha Scott regarding Leonard Peltier's petition for clemency. Ms. Scott has asked me to respond to your questions.

The Justice Department's Pardon Attorney currently is reviewing Mr. Peltier's entire case in response to his request for commutation of his sentence. While I understand your sense of urgency on Mr. Peltier's behalf, I can assure you that the Pardon Attorney's review of the case will be completely fair and impartial. As soon as her review is complete, the Deputy Attorney General will make a recommendation to the President. In making his decision on the petition, the President will consider the Justice Department's recommendation as well as the views expressed by numerous individuals, human rights groups and members of the Native American community.

Again, thank you for your letter. Your views will receive consideration by the President when he makes his decision on Mr. Peltier's case.

Sincerely,
BERNARD W. NUSSBAUM

Bernard W. Nussbaum
Counsel to the President

Robert J. Doyle, Esq.
Kehoe, Doyle, Playter & Novick
20 Winthrop Square
Boston, Massachusetts 02110-12021

PLEASE STAMP AND RETURN ONE COPY TO VICKI DIVOLL, ROOM 128, OEOB,
ONCE ORIGINAL HAS BEEN SIGNED. THANK YOU.

THE WHITE HOUSE

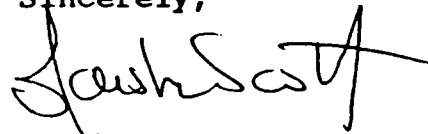
WASHINGTON

December 30, 1993

Dear Mr. Doyle:

Thank you for writing. To give your suggestions the attention they deserve, I have taken the liberty of forwarding your letter to our General Counsel. I am sure that they will be able to provide you with an appropriate response.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Scott", with a stylized, flowing script.

Marsha Scott
Deputy Assistant to the President
and Director of Correspondence
and Presidential Messages

Robert J. Doyle, Esq.
Kehoe, Doyle, Playter & Novick
20 Winthrop Square
Boston, MA 02110-1202

LAW OFFICES OF
KEHOE, DOYLE, PLAYTER & NOVICK
20 WINTHROP SQUARE
BOSTON, MASSACHUSETTS 02110-1202
TEL: (617) 338-0070
FAX: (617) 338-2160

152 LYNNWAY, SUITE 2-C
P.O. BOX 2080
LYNN, MASSACHUSETTS 01903
(617) 599-8188

December 2, 1993

PLM - re: Statens?
Ji

ROBERT J. DOYLE
STEPHEN J. KEHOE
EDWARD BERKIN
CAROLINE B. PLAYTER
EMILY J. NOVICK
ELIZABETH RODGERS
MARK BRONSTEIN
CAROL R. STEINBERG
DOUGLAS PATRICK

Of Counsel
JOAN LENINGTON

Marsha Scott
Deputy Assistant to the President
The White House
Washington, D.C.

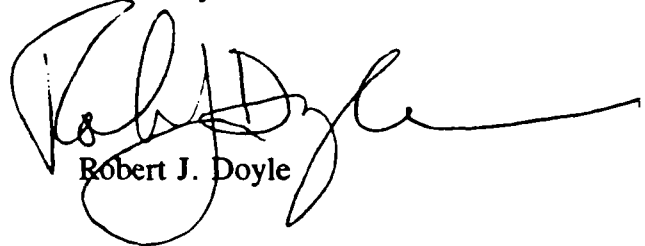
Dear Ms. Scott:

On November 5, 1993, I wrote to you regarding Leonard Peltier. Has there been any progress in this matter? In the likely event that there has not, let me make a simple suggestion. Please appoint an independent intermediary, someone not connected with the pardon attorney, someone who knows some of the Native American rights players, but some one who does not know Mr. Peltier. Such a person could facilitate the eventual release of Mr. Peltier by developing support for his release, behind the scenes, and at the same time open up the needed channels for a reassessment of the relationship, or lack thereof, between the United States and its internal third world, the Native American tribes and nations.

While I do not seek such a post for myself, I would be pleased to assist in developing a list of qualified potential appointees.

Please give this suggestion due consideration at the highest level and contact me.

Very truly,


Robert J. Doyle

RJD/hs

On 10/28 we received a MS 301
8/11 P-200