

A Comparison of the Butler/Robideau and Peltier Trials

Leonard Peltier's co-defendants Bob Robideau and Dino Butler stood trial in Cedar Rapids, Iowa, before he was extradited from Canada. The jury found both defendants not guilty in July 1976. They found that there was no evidence to link the defendants to the fatal shots. Moreover, the exchange of gun fire from a distance was deemed an act of self defense. Had Peltier been tried with his co-defendants, he would be a free man today.

With three of the four defendants originally accused out of the picture, the government was determined to obtain at least one conviction. For Peltier's trial, the government did everything in its power to alter those circumstances which, in its opinion, had materially contributed to the Cedar Rapids acquittals—beginning with a change of locale (to Fargo, North Dakota) and presiding judge. The following table points out the major differences between the two trials. Also included in the chart are direct quotations from an FBI analysis of the Butler-Robideau trial (dated 20 July 1976) on the "reasons why [the] jury found the defendants Robideau and Butler not guilty on July 16, 1976."

Butler-Robideau Trial Cedar Rapids, IA	FBI Analysis of the Cedar Rapids Trial: Reasons for Not Guilty Verdict*	Peltier Trial Fargo, ND
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 Gary Adams denied existence of 12:18 p.m., red pickup truck
Extensive FBI 302's (field reports) entered into evidence	"The Court rulings... forced the government to furnish the defense with all 302's prepared by Special Agents who testified for the government."	No 302's 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 important defense witnesses not allowed to be presented to jury
Defense allowed to present testimony concerning the number of unsolved murders that occurred on 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; were 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 COINTELPRO and subsequently allowed the Church Report into evidence"	No evidence regarding past history of FBI allowed to be introduced
Defense lawyers and members of Butler-Robideau Support Group held frequent meetings and rallies in an effort to educate the public about June 26th and events leading up to it. National press blackout existed, but local press carried daily related articles	"The defense was uncontrolled in its dealings with the news media..."	Judge ordered the only news carried about Peltier could come from the courtroom; Defense lawyers and potential witnesses were not allowed to speak publicly about the trial
The jury was not sequestered	"The jury was not sequestered."	Jury sequestered under complete control of U.S. Marshall Service

•Three additional reasons the FBI gave for the not guilty verdict at the Cedar Rapids trial were: 1) the government was prohibited from entering into evidence certain collateral exhibits; 2) there was a lengthy recess after completion of the government case; and 3) the jury had a difficult time putting things together because it was a complicated case.

**If it can happen to Leonard Peltier, it can happen to anyone...
Even YOU**

* Table from "The Trial of Leonard Peltier" by Jim Messerschmidt

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