

# Perspective

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## Deny Peltier's clemency request

Recently retired FBI agents like myself have received word that a clemency petition may be en route to President Biden requesting that Leonard Peltier be granted a commuted sentence after having served several decades in federal prison for the murder of two FBI agents on the Pine Ridge Indian Reservation in South Dakota. As you might imagine, I, like so many others, am wholeheartedly against any commutation for this murderer. As Judge Mike Carroll might say, "Let's review the facts of the case."

On June 26, 1975, Special Agents (SAs) Ronald Williams and Jack Coler spotted a red and white Suburban in which they believed a fugitive was riding. This fugitive was wanted for abduction and assault. Unknown to Williams and Coler, one of the three men in the Suburban was Leonard Peltier, a fugitive wanted for attempted murder of an off-duty Milwaukee police officer.

Williams and Coler were driving in separate vehicles

### So there I was

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and pursued the Suburban. Peltier and his two associates stopped the Suburban and began firing rifles at the agents. Other members of the American Indian Movement (AIM) joined Peltier in shooting at the agents.

The crime scene examination revealed that the agents had fired five shots, while over 125 bullet holes were found in the agent's two cars. Coler was wounded, nearly fatally, with a bullet nearly taking off his right arm. Williams was shot in the shoulder and foot before removing his shirt and waving it as a flag of surrender before

fashioning it as a tourniquet around Coler's arm.

Court testimony concluded, and the jury accepted, that Peltier approached the wounded agents and placed the muzzle of his AR-15 against William's upraised hand, blowing his finger through the back of his head. Peltier than shot Coler twice more in the face.

In an episode of 60 Minutes, broadcast on September 22, 1991, Peltier admitted he shot at Coler and Williams. Sworn testimony in a later trial quoted Peltier as saying, "The MFer begged for his life, but I shot him anyway." Wit-

nesses identified Peltier as the only person at the murder scene in possession of an AR-15 rifle.

Peltier and others fled the Reservation and in September 1975, a station wagon, heavily laden with weapons and explosives, caught fire and blew up on the Kansas Turnpike near Wichita. The murder weapon and Coler's stolen .308 rifle were recovered from the wreckage.

In November of 1975, an Oregon State trooper stopped a recreational vehicle in which Peltier was hiding. Peltier ran from the RV, fired at the trooper and escaped. Coler's revolver was found in a paper bag under the front seat of the RV. Peltier's fingerprint was on the paper bag.

When later arrested in Canada by the Royal Canadian Mounted Police (RCMP), Peltier remarked that had he known the officers were there to arrest him, he would have blown them out of their shoes.

During Peltier's trial in the U.S. District Court in Fargo, N.D.

in April 1977, a jury convicted Peltier of the murders of Coler and Williams and a judge sentenced Peltier to two consecutive life sentences. While incarcerated in the Lompoc, California, Federal Prison, Peltier, with outside assistance, shot his way out of jail, using a smuggled semi-automatic .223 rifle.

A fellow AIM member was killed by guards during the escape. Peltier was captured several days later after assaulting a rancher and stealing his truck. Peltier was again tried and convicted of the escape and being a felon in possession of a firearm. Separate prison terms of two and five years were added to his consecutive life sentences.

Peltier has since appealed his various convictions numerous times. Each time, the federal courts have upheld earlier court actions. In September of 1978, the 8th Circuit concluded on direct appeal, "The direct and circumstantial evidence of Peltier's guilt was strong. Peltier's contention of

manufactured evidence are far from convincing."

The U.S. Supreme Court has twice denied Peltier petitions for certiorari, without comment. The 10th Circuit Court of Appeals wrote in November 2003, "Previous federal court decisions provided the (parole) Commission with ample facts to support its conviction that Peltier personally shot Agents Coler and Williams. Neither the conviction nor any of the subsequent court decisions have been overturned."

Twice on national television, Peltier has admitted to firing at the two agents. He has openly stated that he feels no guilt or remorse for the murders. Peltier remains an unrepentant murderer, and although he has spent many years in prison and has some underlying health issues due to age, Agents Jack Coler and Ron Williams, 28 and 27 when they were murdered, were robbed of their opportunity to grow old with their families rather than being left in a muddy field with their faces destroyed.

## When it rains, it pours

One of the greatest Navy traditions is the telling of sea-stories. They usually involve sailors overindulging and getting into some form of shenanigans, stumbling back to the boat doing the I'm-definitely-sober walk, and collapsing in their racks still fully clothed. You'd have to catch me at just the right time to get that kind of story. Thankfully, my time enlisted was not completely spent wasted, and my memory was much better during the shenanigans that didn't include adult drinks.

There's a lot of superstitions among sailors. One thing I was told in the very first days after arriving in Japan was to climb Mt Fuji; failure to summit meant you were cursed to return to Japan at a duty station. At the time, I wanted nothing more than to fend off any curses that Navy lore considered unwanted. While many, if not all, sailors book spots with the morale and wellness department trips offered during climbing season, we decided to not only climb the mountain, but we could summit at dawn, climbing overnight.

Now it's important to note that neither of us had much climbing experience going into this. Nick had climbed Mt. Washington as a teen with his uncle, a highly experienced outdoorsman, but I could only claim a hiking trip to a bog from 5th grade as the extent of outdoor adventures.

Nevertheless, I did some internet searches focusing on getting to the mountain from the base. My reasoning was that once at the mountain there was no where to go but up, and how hard could that be. Our biggest obstacle, in my ill thought out opinion, would be navigating the train system and getting a taxi to the base station. There was one train station that stood out as close to the base of the Mt. Fuji and that was good enough for me.

We tried to nap that afternoon but managed a couple hours at most. We headed out around dinner time and made it to the Gotemba Station without trouble and, spoiler alert, that's the last time things went as planned. We attempted to walk to the base station but after an hour we realized we miscalculated the distance. A

local store clerk helped us call a cab instead. By the time we got to the base station it was dark enough that we had to put our headlamps on to find the climbing route.

Locating trail signs, we started the climb but quickly had the feeling that we were in over our heads. The trail was made up of loose volcanic rocks, so our feet slipped a little with each step. A little over 2 hours into it, the rocks just as loose still, one of us looks to the right and we see more trail signs on what looked like a switchback style path. Continuing to climb up, we angled our route toward the new path. Neither of us said it then but we're both equally embarrassed at our stupidity of walking up what we now realize was the down route.

The actual up trail was much easier to climb and for about an hour we felt pretty competent. Then the first raindrops started. We had been prepared for this one, or so we thought. We donned our rented rain gear with smiles and "Glad we thought of these" exclamations. Those smiles lasted maybe half an hour, as

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the rain became a downpour and the rented, used, and cheap gear began to leak through. It seemed the water was coming through every seam; soon my clothes were soaked and heavy, now under an equally soaked plastic suit.

We climbed on, drenched, exhausted, but still determined. Just past midnight was when I started to doubt our ability to summit at sunrise. Still on a switchback trail, we began taking short breaks every few turns. The rain continued and our lack of sleep was catching up. Breaks were needed at each turn now, each time I would collapse to the ground and close my eyes, drifting into sleep for a couple minutes. I would wake to

Nick's voice in my ear saying, "We have to keep going." And so we went, repeating this turn after turn. Collapse, sleep, "keep going," all the while water rushing down my body.

Time became irrelevant but, at some point, the rain started to let up and a dim light was shining up ahead. The unsaid agreement to reach the source of light that must be a hut was the only goal now.

When we finally arrived the lone hut keeper showed us to a dinky fire pit where we hung our wet socks. We bought ramen and 5 hours of sleep in a makeshift bunk comprised of a thin mattress on a wooden shelf cubby just big enough for a person. Slipping out of our wet clothes,

we cuddled into one hole for warmth.

When we woke, the sun was out, and someone had hung our clothes on a line near the fire. We got dressed and headed out again. In less than 30 minutes we reached the summit of Mt. Fuji and peered into the crater. After a romantic lunch of MRE's (Meal Ready to Eat), we made our way down, finding the trail we had tried to climb up.

The loose rock was an awful medium going up but turned out to be extremely fun going down. We started running down the path at full sprints, taking giant steps in cartoonish fashion. Then just as it felt that we were losing our balance and about to dive head-first down the mountain, we would plant our feet, basically skiing on the loose rocks for several feet before skidding to a halt.

Finally, at the base station again a few short hours later, we looked around at the empty parking lot and whatever elation we felt vanished as we both came to the realization that we had no idea how to get back to the train station.

## What kind of weirdness awaits?

Some days are just weird. You'd think that by my age, there wouldn't be too many situations that come up that haven't come up before. Yet, they still do.

Just because a problem repeats itself doesn't mean I'm fully prepared to deal with it. But at least I might have a chance of eliminating a few solutions that didn't work before. It's when you come across those new problems that you feel like you're in second grade and the teacher just handed you a high school algebra book.

Last week, I went to get in my car. My hands were full; I was juggling keys and boxes while trying to lock and close the office door behind me. Suddenly, my car's engine roared to life.

My car came with an after-

### Ramblin' Man

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market remote starter and I must have accidentally hit the button on the key fob.

At least it wasn't the alarm, which I don't know how to shut off. The alarm and remote starter are a package deal, but since both the car and the starter are old, there's no manual for it.

If the car alarm goes off, I just keep hitting buttons on the

fob till the sound quits. It might take 2 minutes. It might take 20 minutes.

That hasn't happened for a while. The car starting is no big deal. It just startled me.

I got inside the car, put the key in the ignition and turned it to the on position. Then I proceeded to the meeting I was running late for.

There's a blue light on the

rearview mirror that flashes when the alarm is active. It usually stops while I'm driving, but it just kept flashing for the whole trip — a harbinger for things to come.

I got to the meeting and popped a breath mint into my mouth, turned the key off and got out of the car. I was a few steps away when I realized that something wasn't right. The car was still running.

This was something new. Well, the flashing blue light was new, too, but I could ignore that. I couldn't let the car run the whole time I was in my meeting. Not with these gas prices.

I got back in the car and put the key back in and turned it on then off again. No dice.

After sitting there and pondering my options, I decided to

try the key fob. Maybe the button that starts the car will also kill the engine. That worked.

I started to get out of the car when I felt a little tickle in my throat, so I coughed. When I did, the breath mint flew out and landed who knows where.

It wasn't on the dashboard. It wasn't on the steering wheel. I finally concluded that it was probably stuck somewhere on me.

I was already late going into the meeting. You know how people stop and glare at the latecomer like they're your mom giving you the stink eye. Now I would be late with a breath mint stuck to my clothes. Depending on where it glued itself, it might be a little embarrassing or it could be a lot embarrassing.

I did the only thing I knew

to do. I conducted what probably looked like some kind of tribal dance, marching rhythmically in place and shaking my body vigorously while simultaneously patting myself down in search of the missing breath mint. Then it started to rain and I thought, wow, these dances really work.

Finally, the mint popped out to the ground and I was able to join my meeting, disheveled, drenched and out of breath.

Next time you're in a meeting and someone walks in late, don't be too judgmental. You don't know what kind of weirdness they might have just gone through getting there.

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