

NAME OF PERSON INTERVIEWED: **John Allen DuBois**
DOB: 7/21/60
Fort Totten, North Dakota
Enrollment: Turtle Mountain Sioux

DATE OF INTERVIEW: 1/9/86 TIME OF INTERVIEW: 8:31 a.m.

PLACE OF INTERVIEW: Federal Building, Fargo, North Dakota

PERSONS PRESENT DURING INTERVIEW: John Dubois, Oliver J. Semans, Criminal Investigator, Bureau of Indian Affairs

INTERVIEW IN REFERENCE: Jerome Edward Peltier Case

Writer identified himself as a criminal investigator with the Bureau of Indian Affairs and stated the purpose of the interview.

Mr. Dubois is advised of his rights. Mr. DuBois waived his rights.

Writer asked Mr. DuBois if he had every been interviewed in reference to the Eddie Peltier case before. Mr. DuBois advised writer he was interviewed by Ken Morsette on this matter (Ken Morsette, Criminal Investigator, Bureau of Indian Affairs).

Writer asked Mr. DuBois if he remembered the interview and read the interview to him. Mr. DuBois said that the statement was his. Writer asked if there was anything else he knew about the case. Mr. DuBois said to writer that he seen James Yankton with Eddie Peltier at 5:30 a.m. in the morning on the day Eddie was killed. Mr. DuBois said he was at the Eagle residence. When he looked out the window he saw James Yankton and Eddie Peltier. Writer asked Mr. DuBois why he never told Ken Morsette this prior to now. Mr. DuBois said, "I never thought of it."

Writer asked if Mr. DuBois was related to Jesse Cavanaugh. Mr. DuBois said he was Jesse Cavanaugh's third cousin.

Writer asked if Mr. DuBois spent any time in jail with Jesse Cavanaugh. Mr. DuBois said a couple of weeks at the jail in Devil's Lake.

The time spent in jail together is prior to Mr. DuBois' statement about Yankton to anyone. *(NOTICE HOW THE DATE OF THE JAIL TIME IS NOT INCLUDED HERE? THAT OMISSION WAS INTENTIONAL. --cat)

COUNTY OF RAMSEY
STATE OF NORTH DAKOTA
SS

AFFIDAVIT

I, John Allen DuBois, being first duly sworn, depose and state the following:

1. That the averments made by me in this affidavit are made by me voluntarily, without coercion or promise made to me of any kind, and represent my best efforts at recalling the events witnessed by me on the early morning of August 28, 1983.

2. That at some point approximately between 4:00 a.m. and 5:30 a.m. on the morning of August 28, 1983, I awakened and observed through my living room window a Chevrolet Blazer, blue and white in color parked in the driveway of the house then occupied by Lorna Walking Eagle and her family; and that seated in the Blazer were Eddie Peltier and James Yankton, with Mr. Yankton being seated in the driver's seat and Eddie Peltier in the front passenger seat of the vehicle, which was situated such that the rear end of the Blazer was facing the street.

3. That I observed Eddie Peltier and James Yankton for a period of approximately twenty to thirty minutes during which time I heard Eddie Pelter call James Yankton "Junior"; I also observed Eddie Peltier at one point get out of the vehicle and urinate alongside of the Blazer, and I observed Eddie Peltier, at the request of James Yankton, obtain a cans of beer from a cooler located in the rear of the vehicle and hand on of the cans to James Yankton; I further observed Eddie Peltier and James Yankton conversing during the entire time that I witnessed them on this

occasion, and that at one point, I was able to hear Eddie Peltier telling James Yankton that he (Eddie) was considering becoming a police officer again.

4. During the entire time that I observed Eddie Peltier on this early morning occasion on August 28, 1983, Eddie Peltier appeared to be quite intoxicated, staggering when he got out of the Blazer to relieve himself and as he obtained the beer from the cooler in the back of the vehicle.

5. That after twenty or thirty minutes of observing Eddie Peltier and James Yankton in blue and white Blazer as it was parked in the Walking Eagle driveway, I returned to my bedroom to go back to sleep; and that at the point that I left the living room, the blue and white Blazer, with Eddie Peltier and James Yankton still sitting in it, was still parked at the same location.

6. That I distinctly remember that the events described by me in this affidavit occurred in the early morning hours of August 28, 1983, because it was later that same day that I was told that Eddie Peltier was dead.

7. That I gave this statement of events previously to Oliver J. Semans, an investigator for the Bureau of Indian Affairs police in Fort Totten, North Dakota, on January 9, 1986, and was subsequently subpoenaed to testify before a federal grand jury convened in Fargo, North Dakota, on a date in mid-January of 1986.

8. That in response to the subpoena describe in the paragraph above, I appeared at the offices of the United States Attorney in Fargo, North Dakota, on the prescribed date, and was met by Oliver J. Semans; that on this occasion, investigator Semans asked me about the events which I had witnessed from my living room window in the early morning of

August 28, 1983 involving Eddie Peltier and James Yankton in the blue and white Blazer which had been parked in the driveway of Lorna Walking Eagle's house; that I related the facts relative to that event as I have in this affidavit, but that Semans stated that "This doesn't seem right", implying that I was lying.

9. That I then offered to submit to a polygraph test to verify and prove that I was telling the truth, and that Oliver Semans at the time assured me that a polygraph test for me would be arranged, although I have been given to such polygraph examination. *(NOTE: I BELIEVE THE WORD 'to' IN THIS SENTENCE IS A TYPO AND INTENDED TO READ 'no' ---CAT)

10. After this discussion took place with investigator Semans, he escorted me to a witness room situated outside of a room in the Grand Jury was convened in the Federal Courthouse building in Fargo

North Dakota: that I waited in the witness room to be called as a witness before the Grand Jury from approximately 8:00 a.m. until approximately 4:30 p.m. without being called as a witness; and that at this latter point I was informed by representatives of the United States Attorney's Office that my testimony was not needed and that I could leave, which I did.

11. I have never been subsequently subpoenaed or requested to testify before a federal Grand Jury.

FURTHER THIS AFFIANT SAYETH NOT.

Signed and subscribed before me this
5th day of February, 1986

Document is signed by John Allen DuBois
and Bernadine Solwey
Notary Public

Seal AFFIXED