

*Extradition of Leonard Peltier*

Let me deal with what I am attempting to do here today. What happened is that a bilateral treaty between Canada and the United States, a time honoured treaty, was bruised and broken by the United States. Article 9 of the bilateral treaty requires that *prima facie* evidence be provided in an honest, accurate and forthright manner by the foreign country with whom we have a bilateral treaty.

In this case, as we have learned in the intervening years, the U.S. administration knew at the time the documents were filed before the Federal Court of this country that the documents were perjured and falsified. That has now been confirmed by the U.S. administration. It is an extremely serious case when a treaty with our closest neighbour and ally on this continent has been breached in this way, particularly where it has taken more than a decade of a man's life sitting behind bars.

I know Hon. Members are aware of the case of another first citizen of this country, Donald Marshall, who sat for almost a decade behind bars falsely accused. It was only later when someone else admitted to the offence that he was released and now lives free in this country.

Many people might ask why the Government of the United States would put false documents and information before the highest court of this country, the Federal Court of Canada, to obtain the extradition of Leonard Peltier. One does not have to go too far to find the answer.

There were originally three co-accused, Mr. Robideau, Mr. Butler and Mr. Peltier. Mr. Robideau and Mr. Butler appeared in Cedar Rapids, Iowa, in early 1976, on the charges of which Mr. Peltier has now been convicted. They were acquitted unanimously by a jury on the evidence that the Federal Bureau of Investigation, the State Troopers and others had managed to put together. They were unanimously acquitted. They were not acquitted by a hung-jury or acquitted by half the jury.

We have learned through the work of Mr. Gurwitz and others in the United States, through access to information and through other legal processes, that the FBI sent a telex to all FBI offices and agents in the area of South Dakota and neighbouring states advising them to drop everything else they were working on following the acquittal of Mr. Robideau and Mr. Butler and to get to work full time putting together an air tight case to obtain the extradition and conviction of Mr. Peltier. We know that occurred.

Let me deal for a moment with the documents which were falsified. Our courts cannot unilaterally, on their own, return Mr. Peltier. It can only be done by the Cabinet represented in this Chamber; it alone can take the necessary steps to have Mr. Peltier returned to Canada to come before the Federal Court to be freed, as I believe he would be now if we had had an opportunity to see the nature of the Poor Bear affidavits.

It is worth noting that there may have been at least one Canadian official, Mr. Halpern, who might well have known at the time those documents were tabled that they were perjured and falsified, because he travelled with others to the United

States and the FBI did not take just one affidavit, it took five affidavits from Myrtle Poor Bear. She is a person who had been in a psychiatric institution more than 100 times at the time the falsified documents were taken.

The FBI sorted through the various affidavits and, to be sure the courts of Canada would agree to extradition, accepted the one which said this individual had been an eye witness to a double murder and that Leonard Peltier had been the one. That evidence has now been proven to be false, not just beyond a reasonable doubt. The individual who had given those original affidavits has admitted since that time that she was never at Pine Ridge Reservation during this period of time.

Others might ask what was happening? Why is this an important case to Canada? I think the damage to our treaty is the point I want to make. Motion No. 28 provides the way to get Mr. Peltier back for a fair extradition hearing before the courts of Canada, courts he trusted at that time and which unfortunately had false information put before them.

I would like to give a brief history of those years, and the reign of terror which took place in those States on the Wounded Knee and Pine Ridge Reservation which the FBI, the CIA, State Troopers and vigilantes invaded. Between those two areas, Wounded Knee and the Pineridge Reservation over 400 first citizens of this continent died under mysterious circumstances. They were all murdered, but no charges were ever laid. No one was ever convicted of the deaths of those individuals.

The CIA and the FBI brought in armed personnel carriers, M16s. Thousands of rounds were fired. It was truly a state of siege, related to the traditional use and occupancy of lands which had been turned over to the native people in that area, treaty lands which were being encroached upon by ranchers, mining companies, agricultural operations, highways, power lines and by everything else. These first citizens of North America decided to stand up for themselves and a reign of terror came upon them. A Canadian native woman was also murdered during the Pine Ridge occupation.

We see the FBI bringing the information forward it had collected in the first case, and the first two individuals, Mr. Robideau and Mr. Butler, were acquitted unanimously by a jury. The FBI put together a case; it falsified documents, it put those documents before the Federal Court of Canada and got the extradition of this man. He was taken to trial and given two life sentences for the murder of two FBI agents. This is a matter which, in terms of the information that has come out in relation to ballistics, falsified evidence and all kinds of other suppressed evidence, has now caught the attention of the U.S. Congress.

Don Edwards, a former FBI agent himself, is now the Chairman of the Congressional Committee on Constitutional and Civil Rights. He has taken this case. He, along with 55 Democrat and Republican Members of the U.S. Congress filed an *amicus curiae* brief, for the first time in the history of the United States on an active case before the courts in the United