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Dear Mr President

**LEONARD PELTIER**

I am writing to you regarding the case of Leonard Peltier, who has been imprisoned for over 38 years despite serious concerns about evidence used to convict him of the murders of FBI agents, Jack Coler and Ronald Williams in 1975. For the reasons described in this letter, Amnesty International is appealing to you at this time to use your power of executive clemency to grant Mr Peltier's immediate release from prison in the interests of justice and on humanitarian grounds.

Amnesty International recognizes that Leonard Peltier was convicted of a serious crime. Jack Coler and Ronald Williams were shot at point blank range after being wounded in a gunfight with Indian activists on the Pine Ridge Indian Reservation, South Dakota, in 1975. We have the deepest sympathy for the relatives of Jack Coler and Ronald Williams. However, we have examined Leonard Peltier's case extensively over many years, sending observers to his trial in 1977, and to numerous subsequent appeal and evidentiary hearings. We remain seriously concerned about the fairness of proceedings leading to Leonard Peltier's conviction, and believe that political factors may have influenced the way in which the case was prosecuted. Amnesty International's concerns include the following:

- There is strong evidence that the FBI knowingly used perjured testimony to obtain Leonard Peltier's extradition from Canada – where he fled following the shootings – to the USA. The FBI later indicated it knew the affidavits of Myrtle Poor Bear, an alleged eye-witness, were false. This in itself casts serious doubt on the bona fides of the prosecution in the case, even though Poor Bear's affidavits were not used at Peltier's trial. The FBI had supplied the state authorities with the same witness in another case involving a leading American Indian Movement (AIM) member: she retracted her testimony in both cases.
- A public statement by Myrtle Poor Bear in 2000 reasserted that her claim that she was Peltier's girlfriend and that she saw him shoot the agents was false and was a result of months of threats and harassment from FBI agents.
- Peltier's trial judge refused to allow Myrtle Poor Bear to be called as a defence witness to describe to the jury how she had been coerced by the FBI into signing affidavits implicating Peltier on the grounds that her testimony "could be highly prejudicial" to the government. Had this and other evidence relating to the intimidation of witnesses been presented, this may have cast doubt in the jury's mind about the reliability of the main prosecution witnesses in the case.
- Evidence which may have assisted Leonard Peltier's defence was withheld by the prosecution at the time of trial. This included a 1975 telex from an FBI ballistics expert stating that the rifle alleged to be Peltier's had a "different firing pin" from that of the gun used to kill Jack Coler and Ronald Williams. Although the FBI has challenged the significance of this in subsequent court hearings, we

remain concerned about the discrepancies between the evidence given at trial and subsequent teletypes disclosed by the FBI's forensic department. The controversy surrounding the ballistics evidence is of even greater concern, given that the prosecution subsequently conceded that they do not know who shot the agents at point blank range. This is contrary to the case they presented at trial, in which they used the ballistics evidence relating to a bullet casing found at the scene to argue that Peltier was the actual, point blank killer.

We also would like to draw your attention to comments on the case made by those involved in the legal proceedings. In particular, the US Court of Appeal for the Eighth Circuit, which, although ruling against a motion for a new trial, found in 1986 that the prosecution had indeed withheld evidence which would have been favourable to Leonard Peltier and would have allowed him to cross examine witnesses more effectively, stating:

"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".

The Court also stated in its ruling: "We recognise that there is some evidence in this record of improper conduct on the part of some FBI agents..."

Judge Gerald W Heaney, a senior federal judge on the Eight Circuit Court of Appeal who presided over Peltier's appeal hearing in 1986 subsequently expressed his concerns about the case in a letter to Senator Daniel Inouye, Chair of the Senate Select Committee on Indian Affairs in 1991. Judge Heaney expressed his concern that: "the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case." He added that "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."

Judge Heaney also stressed the need to take into account the background context to the confrontation during which Jack Coler and Ronald Williams were killed. He expressed a view shared by many that the United States government had ignored the legitimate grievances of the Native American Indians during the conflict at Wounded Knee in 1973 and that their response, which was essentially a military one, had culminated in the deadly firefight on June 26 1975. While we accept that this does not absolve responsibility from anyone involved in killing Jack Coler and Ronald Williams, it is yet another factor which we believe should be taken into account in considering all the circumstances of this case.

Given these ongoing, unresolved concerns, that Leonard Peltier has spent over 38 years in prison, that all available legal remedies have been exhausted, and that the parole examiners have thus far failed to take account of the mitigating factors in this case, it is our view that an act on humanitarian grounds in this case is not only timely but a necessary measure in the interests of both justice and mercy. Amnesty International therefore urges you to use your executive power to grant clemency to Leonard Peltier, and release him from prison.

Yours sincerely



Erika Guevara Rosas

Americas Director