Native American leader was not granted retrial

To the Editor:

I am writing in response to the editor's note attached to a letter on Leonard Peltier ["Peltier's case should not be ignored," Sept. 26]. The editor's note claimed that Peltier had been granted a retrial. I think that it is important to point out that he has never been granted a retrial.

In Dec. 1977, Peltier's case was appealed before a three judge panel which included Judge William Webster. Webster was named director of the Federal Bureau Investigation in Jan. 1978, but refused to remove himself from the appeals court. In Sept. 1978 the appeals court denied Peltier a retrial.

On Oct. 15, 1985, Peltier was given a chance to appeal his case before the 8th Circuit Court of Appeals in St. Louis, MO. William Kauslter presented the case for a retrial on the basis of:
1) Coercion of witnesses.
2) Suppression of critical evidence - over 12,000 pages of FBI documents.
3) Fabrication of evidence.
4) Perjury of government witnesses.

Peltier lost his appeal on Sept. 31, 1986. The appeals court stated, "There is evidence in this record of improper conduct on the part of some FBI agents," and "The prosecution withheld evidence favorable to Peltier;" however, they still refused to grant Peltier a retrial. This decision sets a dangerous precedent by permitting some amount of FBI misconduct during a trial.

Peltier was a leader of the American Indian Movement and had been fighting to regain Lakota (Sioux) land. The day the shootout took place on the Pine Ridge Lakota reservation, negotiations were taking place to sell an eighth of the Pine Ridge reservation. Seven months later, when many AIM leaders were busy in court battles, this land was sold.

Stephen Fernandez '86

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