



BILL SIKSAY, MP
Burnaby-Douglas

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BURNABY
August 23, 2005

PLEASE REPLY TO BURNABY
QUOTE FILE: J05-52717

Hon Irwin Cotler, PC, MP
Minister of Justice
House of Commons
Ottawa, ON K1A 0A6

Dear Mr Cotler,

I am writing to express my concerns regarding the extradition of John Graham, an aboriginal man who has been charged with the murder of Anna Mai Pictou-Aqwash. Mr Graham now faces extradition to the United States where he will stand trial for Ms Pictou-Aqwash's murder, which took place in South Dakota over 28 years ago.

I have serious concerns about this case and believe that there are compelling reasons to question the evidence that has been used against Mr Graham in his extradition hearing. In particular, I am concerned about the constitutionality of the section of the **Extradition Act 1999** which allows the United States to be granted extradition on the basis of hearsay. This is particularly troublesome as there was no forensic evidence presented to Madame Justice Elizabeth Bennett of the BC Supreme Court, who was also unable to order disclosure of this evidence under the **Extradition Act 1999**. As a result, she was required to accept the hearsay evidence in making her decision on the extradition of Mr Graham. I have received copies of letters on this issue from both the **Canadian Labour Congress** and the **BC Federation of Labour** that provide more detail which I enclose for your immediate attention.

Given that only the Minister of Justice is able to demand disclosure of evidence from the United States on the record of the case and the summary of evidence certified by the US Attorney as being available for trial in the case against John Graham, I would ask that you immediately request this disclosure so that this evidence can be considered by Canadian courts when an appeal of Justice Bennett's decision is heard.

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I would also ask that you provide me with a full response to the issues raised by the CLC and BC Federation of Labour regarding the Extradition Act 1999.

As the Minister of Justice, you have the responsibility to ensure that John Graham is treated fairly by American authorities by making certain that the presentation of evidence is heard before a Canadian court. I look forward to your early reply on this urgent matter.

Sincerely yours,

A handwritten signature in black ink that reads "Bill Siksay". The signature is written in a cursive, slightly slanted style.

**Bill Siksay, MP
Burnaby-Douglas**

cc Tom Kozar

Kenneth Georgetti, President
Canadian Labour Congress

Jim Sinclair, President
BC Federation of Labour

Enclosures
WLS:jei
CEP/SCEP 232