

S. James Anaya
Regents' Professor and James J. Lenoir
Professor of Human Rights Law & Policy

THE UNIVERSITY OF
ARIZONA[®]
JAMES E. ROGERS COLLEGE OF LAW
TUCSON ARIZONA

1201 E. Speedway
PO Box 210176
Tucson, AZ 85721-0176
(520) 626-6341
FAX: (520) 621-9140
sjanaya@email.arizona.edu

October 28, 2015

The President of the United States of America
The White House
Washington, DC 20500

Re: 2015 Clemency Petition of Leonard Peltier
--submitted c/o Martin Garbus, Esq., counsel for Petitioner

Dear Mr. President:

I respectfully submit this letter of strong support for the Clemency Petition of Leonard Peltier.

From May of 2008 through May of 2014, I served as the United Nations Human Rights Council's Special Rapporteur on the Rights of Indigenous Peoples. Currently, I am employed by the University of Arizona's James E. Rogers College of Law, where I hold the titles of Regents Professor and James J. Lenoir Professor of Human Rights Law and Policy.

Background

My responsibilities as Special Rapporteur for the UN Human Rights Council were diverse and led me to visit indigenous peoples all over the world. Among other things, I studied the situation of indigenous peoples in the United States of America, and authored and presented a report with my findings and recommendations in 2012.

In the course of preparing the 2012 report, I consulted with United States government officials as well as indigenous peoples, tribes and nations in Washington, DC, Arizona, Alaska, Oregon, South Dakota, Washington state and Oklahoma, both in Indian Country and in urban areas.

Today, approximately 5.2 million people in the United States identify as American Indian or Alaskan Natives, and represent approximately 1.7% of the population. Five hundred sixty-seven tribes have received federal or state recognition, and approximately 200 more tribes are seeking recognition.

As my 2012 report concluded, the United States government has a great deal of work ahead to educate its public officials about the rights of the country's first peoples and to mend relations with indigenous communities. As I wrote in 2012 and continue to believe, the status of indigenous communities in the United States remains unstable, disadvantaged and inequitable, in large part because of the historic and continuing injustices inherent in many of the laws and the policies of the United States.

As I stated in my report, I am gratified by your Administration's positive actions to start addressing some of the inequalities and its efforts to engage native voices in dialogues that affect

them. It is clear from the alarming number of youth suicides that continue to occur at disproportionate rates throughout Indian Country, educational disparities and economic indicators, however, that the trauma and inequalities facing Indian Country remain deep; our nation still has a long way to go.

Leonard Peltier's Status

In the course of my tenure as Special Rapporteur, I encountered a prevailing view in Indian Country (and among indigenous communities throughout the world) that Leonard Peltier's case was not handled properly, in part, because of the nature of the crime and in part, because of Mr. Peltier's status as an American Indian.

The cloud that surrounds Mr. Leonard Peltier's case revolves around notions of fundamental fairness and due process, and are exasperated by what appears to be the government's relentless pursuit of Mr. Peltier, at all costs. The pervasive sense of injustice in the court of global opinion has undermined the already diminished faith in the American justice system that is held by many indigenous peoples throughout the country.

Over four decades of dialogues that have engaged humanitarians, Peace Laureates and others (many of whom consider him a political prisoner), Leonard Peltier has become a global icon who represents the historic and continuing injustices facing indigenous communities in the United States. The controversy surrounding Leonard Peltier has not gone away, and to some extent has become more troublesome over time, as there has been no acknowledgment of any wrongdoing by the federal government, and also as Mr. Peltier's health has declined.

In my opinion, if Leonard Peltier dies in jail, then he will likely die a martyr and the relationships and progress that you and your Administration have worked so hard to forge likely will be dealt a significant set-back.

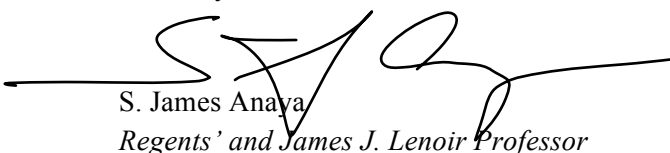
Conclusion

I do not want my comments to be misconstrued as minimizing or overlooking the severity of the crimes for which Leonard Peltier was convicted, but he has served almost 40 years in prison.

Accordingly, I respectfully submit that the time has come for the significant interests of law enforcement to yield to the significant interests of fundamental fairness and reconciliation and healing with America's first peoples.

There are very few things that a sitting President can do to signal significant and meaningful reconciliation for America's first peoples, but as I pointed out in my 2012 report, granting Clemency to Leonard Peltier is one of them. Such action would resonate as a sign of singular importance for the equal application of the rules of the justice system to all indigenous peoples in this country.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. James Anaya', with a long horizontal line extending to the right.

S. James Anaya
*Regents' and James J. Lenoir Professor
of Human Rights Law and Policy*