



# NATIONAL CONGRESS OF AMERICAN INDIANS

## Members Petition to President Obama: Grant Clemency to Leonard Peltier

We the undersigned members of the National Congress of American Indians (NCAI) know Leonard Peltier to be an innocent man, wrongfully convicted and imprisoned now for nearly 40 years.

Leonard Peltier was convicted and sentenced to two consecutive life terms in connection with the June 26, 1975, shooting deaths of two agents of the Federal Bureau of Investigation (FBI) on the Pine Ridge Reservation, South Dakota. We are certain that had he gone to trial with his co-defendants, who were acquitted on grounds of self defense; had Leonard Peltier been allowed to present all of the evidence in his defense; had a racist juror exposed during trial not been allowed to remain on the panel; and had critical ballistics evidence reflecting his innocence not been withheld from defense counsel, Leonard Peltier would be a free man today.

Leonard Peltier has maintained his innocence, yet expressed remorse for the loss of life that day; and appellate courts have repeatedly acknowledged evidence of government misconduct—including knowingly presenting false statements to a Canadian court to extradite Mr. Peltier to the United States, and forcing witnesses to lie at trial.

During oral argument before the Eighth Circuit Court of Appeals in 1985, acknowledging the government's highly circumstantial case, Judge Gerald Heaney (who sat as a member of the court in two of Mr. Peltier's appeals) asked, "[Prosecutor Crooks], just what was Mr. Peltier convicted of as we cannot find any evidence of first degree murder in the record." Crooks admitted "...the government doesn't know who killed our agents, nor do we know what participation Leonard Peltier may have had". The prosecutor twice admitted that the government "can't prove who shot those agents". Subsequently, the same prosecutor changed the prosecutorial theory to one of "aiding and abetting".

In 1992, 55 Canadian members of parliament condemned the false extradition in an unprecedented legal intervention of Leonard's third appeal. In their Brief of Amicus Curiae to the Eighth Circuit Court of Appeals, they stated: "As amicus, the Honourable Members of the Parliament of Canada urge the court to redress this grievous wrong and set aside this tainted conviction or return the Appellant Petitioner Leonard Peltier to Canada to be subject to lawful extradition proceedings."

The circumstances of his extradition and trial led Amnesty International to conclude that justice would be best served if the U.S. authorities were to grant Leonard Peltier a retrial. Others seeking a new trial for Leonard Peltier included 50 members of the U.S. Congress, the then Archbishop of Canterbury (United Kingdom), Archbishop Emeritus Desmond Tutu (South Africa), and other political and religious leaders.

Writing the appellate decisions for the Court, Judge Heaney commented that "the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case." The court concluded that the government withheld evidence from the defense favorable to Peltier "which cast a strong doubt on the government's case," and that had this other evidence been brought forth "there is a possibility that a jury would have acquitted Leonard Peltier".

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**Jacqueline Johnson Pata**  
*Tlingit*

**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

As late as November 2003, the 10th Circuit Court of Appeals acknowledged that "...Much of the government's behavior at the Pine Ridge Reservation and its prosecution of Leonard Peltier is to be condemned. The government withheld evidence. It intimidated witnesses. These facts are not disputed."

Despite these statements of fact, Mr. Peltier has been denied a new trial.

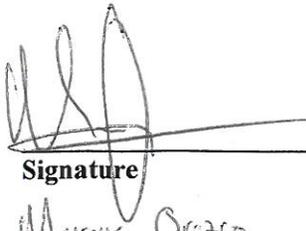
In regard to an award of Executive Clemency to Leonard Peltier, in 1991, Judge Heaney wrote: "The United States government must share in the responsibility for the June 26 firefight... It appeared that the FBI was equally to blame for the shootout... the government's role can properly be considered a mitigating circumstance... At some point, a healing process must begin... Favorable action by the President in the Leonard Peltier case would be an important step in this regard."

Leonard Peltier is 71 years old, a great-grandfather and in poor health—at risk for premature death due to his harsh living environment. He has fulfilled his federal sentencing guideline requirements yet has been repeatedly denied parole despite a 1996 finding of an examiner for the U.S. Parole Commission that "...a preponderance finding that Peltier actually executed the agents cannot be made".

We urge you to acknowledge the egregious constitutional and human rights violations that have occurred in Peltier's case—violations that resulted in his conviction, have adversely affected parole proceedings, and have thwarted all efforts to secure his release. Then take immediate action to unconditionally commute Mr. Peltier's sentences. Grant clemency to Leonard Peltier.

We concur with Brian Cladoosby, President, NCAI. Mr. President, you are faced with a profound opportunity to build upon all of the wonderful work you have done in addressing the inequalities that continue to face the first peoples across this nation and addressing the history of oppression and distrust. Please recognize that Mr. Peltier's ongoing incarceration remains a powerful symbol of the federal government's unfair treatment of its Indigenous Peoples. By granting Executive Clemency to Leonard Peltier you will be sending a statement to the world that going forward America will not sanction injustices and unfairness towards Indigenous Peoples.

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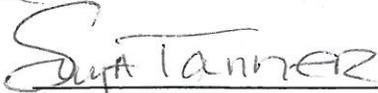
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Marcus Orozco

Name (Print)

Pala Band of Mission Indians

Tribe (Print)



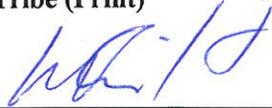
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Shena Matricius

Name (Print)

Mille Lac

Tribe (Print)



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Levi Rickert

Name (Print)

Tribe (Print)



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Loretta Lewis

Name (Print)

Tribe (Print)



Signature

Marla Little Light

Name (Print)

Crow

Tribe (Print)



Signature

EDWARD E Johnston Jr.

Name (Print)

Quinault Indian Nation

Tribe (Print)



Signature

CHAD BROOKS

Name (Print)

Tribe (Print)



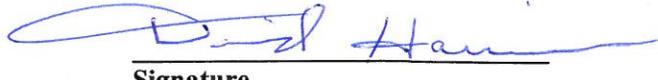
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Joshua Peter

Name (Print)

Cowden

Tribe (Print)



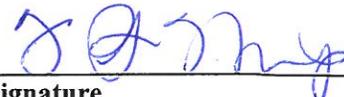
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OSAGE

Name (Print)

David Harris

Tribe (Print)



Signature

Terri Parr Wynecoop

Name (Print)

Coeur d'Alene

Tribe (Print)



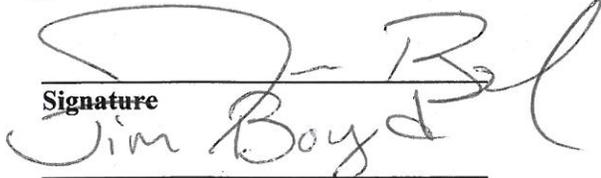
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Kimberly S. Turnipseed

Name (Print)

Puyallup Tribe-member

Tribe (Print)



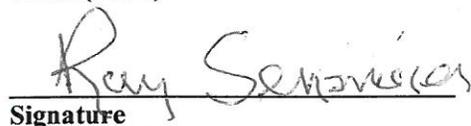
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Jim Boyd

Name (Print)

Colville Confederated

Tribe (Print)



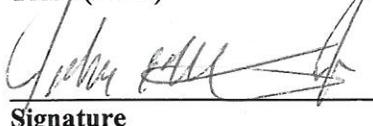
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Rob Sanderson Jr.

Name (Print)

Ketchikan Indian Community

Tribe (Print)



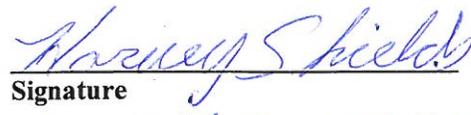
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John E. Morris, Jr.

Name (Print)

M. Jay Cook

Tribe (Print)



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HARVEY SHIELDS

Name (Print)

Tribe (Print)



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Clint D. Wagon

Name (Print)

E. Shoshone Tribe-member

Tribe (Print)



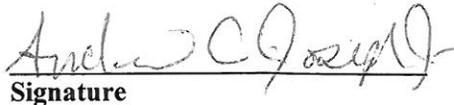
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Dan Decker

Name (Print)

CSTKT

Tribe (Print)



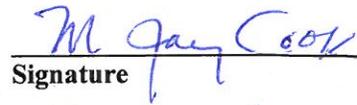
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Andrew C. Joseph Jr.

Name (Print)

Colville Tribes

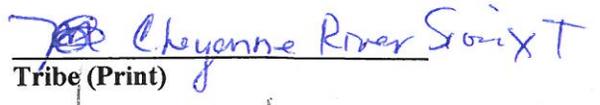
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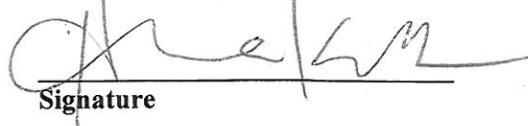
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M. JAY COOK

Name (Print)



Tribe (Print)



Signature

Howard Matay Jr.

Name (Print)

Pala Band of Mission Indian

Tribe (Print)

Bobby Valdez  
Signature

Bobby Valdez  
Name (Print)

Laguna Pueblo  
Tribe (Print)

Sarah Eagle Heart  
Signature

Sarah Eagle Heart  
Name (Print)

Oglala Lakota  
Tribe (Print)

Red Dawn Foster  
Signature

Red Dawn Foster  
Name (Print)

Navajo Nation  
Tribe (Print)

THOMAS STEIRER  
Signature

THOMAS STEIRER  
Name (Print)

Chase Iron Eyes  
Tribe (Print) Standing Rock Sioux

Kevin/Alto  
Signature

Kevin/Alto  
Name (Print)

Oglala Sioux/Kowa  
Tribe (Print)

Brian Barlow  
Signature

BRIAN BARLOW  
Name (Print)

Cherokee  
Tribe (Print)

Mary Tso  
Signature

Mary Tso  
Name (Print)

San Carlos Apache  
Tribe (Print)

Amber Yazzie  
Signature

AMBER YAZZIE  
Name (Print)

Navajo  
Tribe (Print)

Nadine Gardiner  
Signature

Nadine Gardiner  
Name (Print)

Pawnee  
Tribe (Print)

Clyde Anderson  
Signature

Clyde Anderson  
Name (Print)

Pit River  
Tribe (Print)

Samuel E Goodie Jr  
Signature

Samuel E Goodie Jr  
Name (Print)

Pawnee Nation  
Tribe (Print)

Renee Jackson  
Signature

Renee Jackson  
Name (Print)

Akimel O'dham / Gila River  
Tribe (Print)

Bobby Walker  
Signature

Bobby Walker  
Name (Print)

AWNA Pueblo  
Tribe (Print)

Julius Badoni  
Signature

Julius Badoni  
Name (Print)

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KATRINA SWEETLAND  
Name (Print)

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Tribe (Print)

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Signature

Sharidynn Denetchiley  
Name (Print)

Diné  
Tribe (Print)

[Signature]  
Signature

Christopher Mike-Bidtah  
Name (Print)

Diné  
Tribe (Print)

[Signature]  
Signature

Cooper Curley  
Name (Print)

Diné  
Tribe (Print)

KARMA MILES  
Signature

KARMA MILES  
Name (Print)

Akimel O'dham  
Tribe (Print)

[Signature]  
Signature

Andrew Kelly  
Name (Print)

Diné  
Tribe (Print)