

October 24, 2016

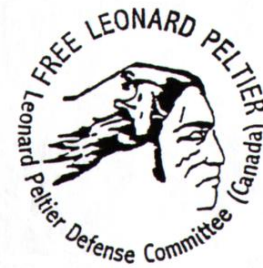
President Barack Obama

United States of America

The White House

1600 Pennsylvania Avenue NW

Washington, DC 20500 USA



Frank S. Dreaver

Director

Leonard Peltier Defense Committee Canada

Toronto, Ontario

Canada

Re: Leonard Peltier's Appeal for Executive Clemency and/or Commutation of Sentence

Leonard Peltier is a Lakota-Anishnabe American Indigenous Political Prisoner #89637-132 incarcerated at U.S.P. Coleman 1, Florida, USA.

Mr. Peltier is recognized as a political prisoner in the United States by many great statesmen and women, political leaders, and Nobel Laureates from around the world, including Mikhail Gorbachev, Archbishop Desmond Tutu, and the late Nelson Mandela.

Greetings Mr. President Barack Obama,

It is with great urgency and concern that I am honored to seek your integrity, your magnanimity, your good mind, your mercy, and your intervention in our long search for justice, freedom and compassion in a case that has requested and attained the attention of the world and six presidents prior to your presidency with no just conclusion in sight. This case has never been given a full investigation or a proper hearing by the United States government, and therefore, after 40 years lacks remedy, Sir!

It is on this basis that we call for your immediate support and action of the Petition for Executive Clemency and/or Commutation of Sentence submitted by Mr. Peltier's attorneys, Martin Garbus, Esq., Cynthia K. Dunne, and Carl S. Nadler in the official clemency application.

Mr. President, Leonard Peltier's case today is considered by many a violation of international law between the two countries, Canada and the United States. It is a case recognized as an international human rights violation, a fraudulent extradition, an international fraud, and therefore, a false imprisonment. Mr. President, this is a case that all countries refer to today and say that if this could happen to Canada, it could happen to anyone of us.

Mr. Peltier was arrested on Feb. 6, 1976 in the Treaty 6 sovereign territory of my Plains Cree Nation in Alberta, Canada. He sought political asylum and fought extradition for the next 10 months.

He lost his request and was extradited to the United States on December 18, 1976 after United States government agents of the FBI presented three false conflicting affidavits to the Canadian courts to which later they were forced to openly admit that they were false.

These affidavits I am referring to, presented to Canada by the FBI, were based upon the testimony of a key witness by the name of Myrtle Poor Bear who later changed her testimony but was not allowed to testify at any of Leonard's trials. State prosecutors abandoned Poor Bear and labeled her as an unreliable witness, claiming her to be a "loony bin." Had she been allowed to testify, the government would have lost its case. Trial Judge Paul Benson stated that her testimony if allowed to be believed would have "shocked the conscience of the court."

The only time Myrtle Poor Bear was ever allowed to testify or tell her story was on October 25, 2000 at an independent legal hearing in Toronto, Canada that was presided over by the Hon. Justice Fred Kaufman, Q.C., former Justice of the Quebec Court of Appeals. Poor Bear's testimony formed the basis of the Canadian brief that we filed in support of Executive Clemency to President Clinton.

Justice Kaufman stated that Mr. Peltier would likely not have been extradited had the extraditing judge heard Myrtle Poor Bear's testimony along with other evidence that was never allowed to be presented in Leonard's defense. In reality, he wasn't allowed a defense. Justice Kaufman concluded by recommending that Mr. Peltier be granted clemency.

An Act of Injustice against Canada

Mr. President, my purpose in writing you today is not only to bring testimony to this historic act of injustice perpetrated against Mr. Peltier but also against Canada, the Canadian courts and its peoples.

In 1989, we presented to the Supreme Court of Canada a leave to appeal Mr. Peltier's fraudulent extradition. During oral arguments, the Supreme Court conceded that a fraud between two countries did indeed occur and recommended we return to the Canadian government for a political remedy.

In 1993, 55 independent members of Canada's Parliament signed an *Amicus Curaie* brief represented by the late Prof. Dianne L. Martin, Canadian attorney for Leonard Peltier and the LPDC Canada, as an intervention in support of Mr. Peltier's appeal hearing to the Eighth Circuit Court of Appeals. The brief called for Mr. Peltier's return to Canada as a form of remedy. The U.S. court concluded that it did not recognize the 55 member request because the members did not speak for the Government of Canada. The 55 parliamentarians were composed of members from all three federal political parties.

In 1993, *The Royal Commission on Aboriginal Peoples* (of Canada) recommended a ministerial review of the extradition to which the government agreed. In 1999, the Justice Department of Canada maintained that the extradition was legally conducted, and that outside of the three affidavits we now know to be false, the government maintained that there was *other* evidence to secure Mr. Peltier's extradition.

However, there *was* no other evidence. Former Solicitor General of Canada, The Right Hon. Warren Allmand conducted an independent review of the government's extradition files. Together with Prof. Dianne Martin and the Canadian legal team, they concluded that there was no other evidence and that an extradition fraud between Canada and the United States had occurred. The Supreme Court of Canada had previously expressed concern over the *bona fides* (meaning good faith) in the extradition process in their oral arguments.

The case of Mr. Peltier in regards to Canada's involvement continues to be endorsed and represented around the world as an international violation documented in the international courts, the United Nations, and to the European Parliament. For more than four decades, Amnesty International and all of its affiliates have declared Mr. Peltier a political prisoner and support his request for clemency. Millions of people around the world also call for Mr. Peltier's freedom.

Now today, the United States government and its prosecutors do not deny the evidence presented to Canada was false and inappropriate. They also go on to admit that in the United States they cannot actually prove that Mr. Peltier killed anyone.

This clemency request before you today follows a similar request that was presented to President Bill Clinton in the year 2000, which to my understanding, President Clinton did not deny, but rather for whatever reasons he failed to act upon it. However, the FBI protested publicly in the hundreds in front of the White House at the time. They also sponsored full page ads in *The Washington Post* and *The New York Times*. Mr. Clinton was also visited in reference to this case by former South Dakota governor the late William Janklow who claimed to have convinced President Clinton to not grant Mr. Peltier clemency.

Denied the Right to Due Process

Since then another 17 years have gone by for Mr. Peltier, now making it almost 41 years since he was wrongfully convicted for the first-degree murder of FBI Special Agents Ronald A. Williams and Jack R. Coler in a shootout on the Pine Ridge Reservation, South Dakota in 1975 (where a young Indian man by the name of Joseph Stuntz was also killed).

Mr. Peltier continues to maintain that he did not kill anyone on that fateful day of June 26, 1975. To this day, there has been no clear evidence to prove otherwise. Had Mr. Peltier not chosen to go to Canada, he would have stood trial with his two co-defendants in Cedar Rapids, Iowa before Judge Edward McManus and an all white jury. Mr. Peltier's two co-defendants were acquitted on the grounds of self defense because the jury believed that they had the right to defend themselves due to the shootout and the overwhelming violence and intimidation occurring on the reservation at the time.

Had Mr. Peltier been there, he would have been acquitted also. After Leonard's return to the United States from Canada, he was not allowed the same right to due process. The government changed the venue, changed the judge, and he was not allowed to present the same case of self defense.

This is the critical point, Mr. President, where we seek your help in a political remedy.

Mr. Peltier has suffered enough, and contrary to those who would say that he has never shown remorse, he has shown nothing but remorse for what took place that day for the three lives that were lost that day, and the more than 64 deaths that occurred on the Pine Ridge Reservation between 1973 and 1976, which led up to what is famously known today as the Incident at Oglala and the "Reign of Terror."

Native American Grievances

The June 26 incident would never have happened had the government kept their promise to deal fairly with the Native American grievances they had agreed to that ended the 71-day siege commonly known as the Occupation of "Wounded Knee Two" that began on February 27, 1973 in protest to the corrupt tribal council leadership of Dick Wilson's regime.

Wilson created his own army known as the goon squad that started a bitter civil war against the traditional Lakota peoples on the Pine Ridge Reservation at the time. It is also historically known through the testimony of goon squad leader Duane Brewer that the FBI supported Dick Wilson and helped to equip the goon squad with automatic weapons and armor-piercing bullets.

I would like to refer you to a document published in the *Yale Journal of Law and Liberation* titled, "Death Squads in the United States: Confessions of a Government Terrorist."

<http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1026&context=yjll>

Mr. Peltier is now 72 years old and is recognized as an Elder to his peoples. He is a grandfather, a great grandfather, and a true example of what happens to Indian peoples when they have the courage to stand up and defend their rights. He is in poor critical health with an aortic abdominal aneurysm that can burst at any time. He has suffered in ultra maximum security conditions throughout his entire imprisonment, shuffled from prison to prison always further and further away from his loved ones, family and friends. He has had numerous attempts made against his life.

According to American sentencing guidelines, he has served many more years than the required length of time that is normally served for a conviction of *aiding and abetting*. However, Leonard was never indicted for aiding and abetting and never had the chance to defend himself on that charge.

As far as Mr. Peltier having remorse as the person who actually shot those agents, I would think he does not! And no, he cannot have remorse for a crime he did not commit.

Beyond any doubt this clearly shows how unprecedented, unique and unjust the circumstances that surround this case and there are many other inconsistencies fully documented, such as the withholding of evidence, manufacturing of evidence, coercing witnesses, and the withholding of approximately 133,000 classified documents under the Freedom of Information Act.

In a letter to Senator Daniel Inouye in 1991, the late Judge Gerald Heaney of the Eighth Circuit Court of Appeals stated,

“The FBI used improper tactics in securing Peltier’s extradition from Canada and in otherwise investigating and trying the Peltier case. Although our [Eighth Circuit] 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.”

He added, “We as a nation must treat Native Americans more fairly Favorable action by the President of the United States would be an important step in this regard.” He also stated that the FBI was equally to blame for what took place in the June 26 shootout.

I would like to conclude by saying that under normal circumstances this historic case speaks for itself and would not exist if it was not for the huge opposition and contempt that has been proven throughout these many years by the Federal Bureau of Investigation who have turned this into their own personal vendetta against Mr. Peltier, who despite all the evidence refuse to accept Mr. Peltier’s innocence.

It seems to me the more they do, the more they give credibility to the peoples who claim that Leonard Peltier was targeted for vengeance after they lost their case in Cedar Rapids. I know these are strong accusations, accusations nobody likes to make. However, the wrongdoings documented in this case are much more than should ever have to be ignored – another reason for the numerous requests for a full investigation.

Even today after 40 years, the FBI continues to ferociously interfere, lobby, demonstrate, and block any attempts against Mr. Peltier’s efforts to secure justice in his fight for his life in relation to his freedom. The FBI has been documented in saying that as far as they are concerned Leonard Peltier should and would die in prison despite the fact that Leonard was never given a death sentence. Their actions seem to say no different.

They continue to this day to refer to Leonard as the person who shot their two FBI agents even though they are not able to prove that. They even go as far as to try and implicate him in another murder case where they claim he had a role to play even though he was never charged, and contrary to the case he is presently imprisoned for. Once again, the FBI (along with others) is implicated in this disinformation campaign presently being waged to the point where our legal representatives are looking into filing a libel case against them.

I would also like to refer you to a retired FBI agent’s web site titled, *No Parole Peltier Association (NPPA)*. As far as FBI accusations go, this online disinformation centre speaks for itself. Every time Mr. Peltier does anything to further his campaign for his freedom, this FBI Association NPPA is out on the street protesting against him. They have recently even went as far as to protest an art exhibit of some of Leonard Peltier’s paintings at a Washington State government building in November 2015 forcing them to remove his art, amongst other things.

Leonard Peltier is a well known and worldly acclaimed indigenous artist. Over the years, Mr. Peltier has used his art as a means of supporting his cause and his financial responsibility to his family.

Leonard Peltier continues to support the struggles of his peoples today through his sponsorship of youth and Elders' programs, youth scholarships, Christmas relief, and community food drives on the Pine Ridge Reservation.

Mr. President, an injustice to one is an injustice to all and all lives matter.

Mr. President, in my meeting with Prof. James Anaya, former United Nations Special Rapporteur on Indigenous Peoples in Ottawa, Canada on October 14, 2013, I was privileged to present him with our history of the Canadian extradition campaign and its report that included several important recommendations.

Number one: We urged Prof. Anaya on his behalf of the UNHRC to strongly recommend to you, Mr. President, to intercede in this case and call for the FBI to put down its protest against Mr. Peltier. We strongly continue to endorse this request to you to encourage the FBI to discontinue what looks to us like vengeance.

Vengeance is not justice and not a method for healing nor is it an opportunity for reconciliation with the indigenous peoples of the Americas.

In 2010, you stated, Sir, in Book 1 of *Public Papers of the Presidents of the United States* that your religion has taught you the importance of redemption and second chances. If ever there was a case where I could hold you to your own quote, I would say Mr. Peltier's case merits your deepest consideration.

It is my belief that no country can ever proclaim justice or greatness if it cannot and will not rectify its own mistakes.

Thank you, Mr. President for your courage and your time.

In God we Trust.

Frank S. Dreaver

Plains Cree Mistawasis First Nation
Leonard Peltier Defense Committee Canada

Encl:

I am enclosing a partial list of world support for Mr. Peltier along with my letter to the Right Hon. Prime Minister of Canada, Justin Trudeau, asking for the Canadian government's support of your granting Mr. Peltier his freedom through executive clemency.