

# International Indian Treaty Council



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March 3, 2016

President Barack H. Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
Re: Petition on Executive Clemency for Leonard Peltier

Dear Mr. President,

The International Indian Treaty Council (IITC) expresses our support for a grant of Executive Clemency to Leonard Peltier. In doing so, we add our voice to those of a large number of human rights organizations, Tribal Nations and organizations, including the National Congress of American Indians, who respectfully urge you to commute Mr. Peltier's sentence, grant his immediate release, and allow him return to his family.

The IITC is an organization of Indigenous Peoples working for self-determination and the recognition and protection of human rights, Treaties, traditional cultures, and sacred lands. The IITC was founded in 1974 at a gathering attended by over 5000 representatives on the Standing Rock Reservation, Lakota Nation Territory (South Dakota) to be an international voice and advocate by and for Indigenous Peoples. In 1977, IITC became the first Indigenous organization to receive Consultative Status with the United Nations Economic and Social Council (ECOSOC). In 2011, IITC was the first Indigenous organization to be upgraded to "General Consultative Status", in recognition of its long-standing participation in many areas of the United Nations system representing the human rights, concerns, and struggles of Indigenous Peoples.

The IITC affirms the widely held view that Mr. Peltier's conviction was an egregious miscarriage of justice. He was sentenced in 1977 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, SD, after a trial which has been widely recognized as a miscarriage of justice. The incident in question occurred during a time of considerable violence and extreme tension on Pine Ridge, and members of the America Indian Movement such as Mr. Peltier were targeted for persecution by federal law enforcement. We are certain that had he gone to trial with his co-defendants, who were acquitted on grounds of self-defense; had he 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 and the jury, Leonard Peltier would be a free man today.

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."

The highly questionable circumstances of his extradition from Canada and subsequent 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, Archbishop Emeritus Desmond Tutu and many other political and religious leaders in the US and around the world.

In an appellate decision, 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."

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."

In paragraph 91 of the report on his official country visit to the United States issued on August 30, 2012, United Nations Special Rapporteur on the Rights of Indigenous Peoples Professor James Anaya made a similar recommendation:

***"Other measures of reconciliation should include efforts to identify and heal particular sources of open wounds. And hence, for example, promised reparations should be provided to the descendants of the Sands Creek massacre, and new or renewed consideration should be given to clemency for Leonard Peltier."***

Mr. President, Leonard Peltier is now 71 years old, a great-grandfather in poor health and 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. This decision is now in your hands and we are convinced that this may be the last opportunity for healing and reconciliation to be done in this case. We have faith that your clear and ongoing commitment to a respectful relationship with Indigenous Peoples will once again be demonstrated through a favorable decision to grant Executive Clemency to Leonard Peltier.

Respectfully,



Andrea Carmen, Executive Director  
International Indian Treaty Council