



# NATIONAL CONGRESS OF AMERICAN INDIANS

## Resolutions Committee Recommendation

Resolution #: ABQ-19-002

Title: Resolution to Secure Relief and Release for Leonard Peltier Through Transfer, Parole, Compassionate Release or Executive Clemency.

### Comments:

This resolution seeks to secure the relief and release of Leonard Peltier through available means. The Resolution references two existing NCAI resolutions; VAN-99-044 and [PDX-11-082](#), both of which advocate for the release of Mr. Peltier.

The proposed resolution would restate NCAI's support for Mr. Peltier's release and would welcome the opportunity to directly develop a strategy, in conjunction with his legal defense team, the Turtle Mountain Band of Chippewa Indians and Oglala Sioux Tribe and Congress to secure the transfer, parole, compassionate release, or Executive Clemency of Mr. Peltier.

Minor technical and formatting edits are suggested to improve clarity with respect to certain points.

The majority of the substance of this resolution is addressed in existing NCAI resolutions, however the proposed resolution adds coordination with the Oglala Sioux Tribe and Congress to the existing request to develop a release strategy, and also broadens the forms of release that may occur.

### Recommendations:

This resolution is in order and should be forwarded to the Litigation and Governance Committee and the Subcommittee on Human Religious and Cultural Concerns. The Resolutions Committee suggests amending PDX-11-082 to include the additional points and to avoid duplication of existing resolutions.

Sponsor a member in good standing (yes/no)?: \_\_\_\_\_



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians  
Resolution #ABQ-19-~~XXX~~002

EXECUTIVE COMMITTEE

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*Chickasaw Nation*

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CHIEF EXECUTIVE OFFICER  
**KEVIN ALLIS**  
*FOREST COUNTY POTAWATOMI  
COMMUNITY*

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

**TITLE: Resolution to Secure Relief and Release for Leonard Peltier Through Transfer, Parole, Compassionate Release, or Executive Clemency**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Leonard Peltier was convicted and sentenced to two consecutive life terms in connection with the shooting deaths of two agents of the Federal Bureau of Investigation (FBI); and

**WHEREAS**, appellate courts have repeatedly acknowledged evidence of U.S. government misconduct—including knowingly presenting false statements to a Canadian court to extradite Mr. Peltier to the United States, forcing witnesses to lie at trial, and hiding from the jury ballistics evidence reflecting Mr. Peltier's innocence; according to official court records, the United States prosecutor in the Peltier case has twice admitted that no one knows who fired the fatal shots; and

**WHEREAS**, Leonard Peltier has maintained his innocence, yet expressed remorse for the loss of life for the federal agents and the young American Indian man killed on June 26, 1975; and

**WHEREAS**, Leonard Peltier has fulfilled his sentence under the federal sentencing guidelines yet was denied parole on August 21, 2009, and the U.S. Parole Commission has assigned him 15 years until the next parole hearing in 2024; and

**WHEREAS**, James H. Reynolds, U.S. Attorney in charge of the Appeals of Leonard Peltier, called for Leonard's release "in the interest of justice," acknowledging that the government had "a very thin case which likely would not be upheld by courts today."; and

**WHEREAS**, Leonard Peltier is a great-grandfather who is 75--years--old, in fragile health, and at risk for premature death due to his harsh living environment in the federal prison system; and

**WHEREAS**, Leonard Peltier's unjust imprisonment has been recognized by national and international human rights organizations, luminaries and dignitaries; 55 Members of the U.S. Congress; and others—including a judge who sat as a member of the court in two of Peltier's appeals, who have all called for his immediate release; and

**WHEREAS**, the NCAI previously has adopted standing resolutions, ~~still standing~~, requesting Executive Clemency for Leonard Peltier in 1999 and again in 2011; and

**WHEREAS**, former NCAI President Brian Cladoosby wrote to President Obama in 2015 that "Mr. Peltier's ongoing incarceration remains a powerful symbol of the federal government's unfair treatment of its Indigenous Peoples....and was specifically mentioned as an unresolved issue that has eroded faith in the justice system throughout Indian Country in the 2012 report on the Status of Indigenous People in the United States, authored by United Nations Special Rapporteur on the rights of Indigenous peoples, S. James Anaya."

**NOW THEREFORE BE IT RESOLVED**~~**WHEREAS**~~, the National Congress of American Indians (NCAI) recognizes and asserts that Leonard Peltier is an Elder who is eligible for reduced sentence and Compassionate Release under The First Step Act, [124 STAT 2372]; and

**BE IT FURTHER RESOLVED**~~**WHEREAS**~~, the NCAI recognizes and asserts that Leonard Peltier is housed over 2,000 miles from his home ~~on the~~ Turtle Mountain Band of Chippewa Indians (TMBCI) reservation, and further supports his transfer to a facility within 500 miles of the TMBCI reservation, as provided under The First Step Act, [124 STAT 2372]; and

**BE IT FURTHER RESOLVED**~~**WHEREAS**~~, the NCAI acknowledges that the authority to grant clemency belongs only to the President of the United States (under Article II, Section 2 of the U.S. Constitution) and, while an unconditional commutation of Mr. Peltier's sentence is most desirable, supports consideration of conditions of release including releasing Leonard Peltier on house arrest or into the custody of the ~~TMBCI Turtle Mountain Band of Chippewa Indians~~, a sovereign nation, which along with the Oglala Sioux Tribe (OST), has provided custodial and post release plans for Leonard Peltier's re-entry into society, outside of incarceration; and

**BE IT FURTHER RESOLVED**, that the NCAI welcomes the opportunity to directly develop a strategy to secure Leonard Peltier's freedom in conjunction with his legal defense team and the ~~TMBCI Turtle Mountain Band of Chippewa Indians~~ and ~~the OSTglala Sioux Tribe~~; and to plan and coordinate a meetings with Members of the United States Congress to secure Transfer, Parole, and Compassionate Release, or as well as with the Office of the President of the United States to secure a grant of Executive Clemency to Leonard Peltier on constitutional and overriding human rights and compassionate grounds; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.

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Jefferson Keel, President

**ATTEST:**

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Juana Majel Dixon, Recording Secretary



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