



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-11-082

TITLE: To Secure through Prudent Means an Award of Executive Clemency for Leonard Peltier

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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 ballistics evidence reflecting Mr. Peltier's innocence from the jury; and

WHEREAS, 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 25, 1975; and

WHEREAS, Leonard Peltier is an accomplished author and artist and is renowned for his humanitarian achievements for which, in 2009, he was nominated for the Nobel Peace Prize for the sixth consecutive year; and for which he has been awarded the Human Rights Commission of Spain International Human Rights Prize (1986); North Star Frederick Douglas Award (1993); Federation of Labour (Ontario, Canada) Humanist of the Year Award (2003); Silver Arrow Award for Lifetime Achievement (2004); First Red Nation Humanitarian Award (2009); Kwame Ture Lifetime Achievement Award (2010); Fighters for Justice Award (2010); and Mario Benedetti Foundation (Uruguay) - First International Human Rights Prize (2011); and

WHEREAS, Leonard Peltier has fulfilled his federal sentencing guideline requirements and maintained a clean prison record for 15+ years yet, on August 21, 2009, the U.S. Parole Commission denied his application for parole; and

WHEREAS, Leonard Peltier is a great-grandfather who is 67 years old and in poor health, and at risk for premature death due to his harsh living environment; 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 resolutions requesting Executive Clemency for Leonard Peltier and, in 1999, supported the Assembly of First Nations in the same; and

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 Turtle Mountain Band of Chippewa Indians, a sovereign nation.

NOW THEREFORE BE IT RESOLVED, the National Congress of American Indians (NCAI) recognizes and asserts that Leonard Peltier is an "elderly offender" who is eligible for a reduced sentence and, consequently, a compassionate release under The First Step Act; and

BE IT FURTHER RESOLVED, 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; and

BE IT FURTHER RESOLVED, that the NCAI welcomes the opportunity to directly develop a strategy with members of his legal defense team, as well as the Turtle Mountain Band of Chippewa Indians and the Oglala Sioux Tribe, to secure Leonard Peltier's freedom; and to plan and coordinate meetings with Members of Congress to secure transfer, parole, and compassionate release; and/or to plan and coordinate a meeting with the Office of the President and/or members of the Administration 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 amended by the General Assembly at the 2019 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary