



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #ECWS-22-010

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### **TITLE: Urging the President of the United States to Commute the Sentence of Leonard Peltier Due to the Ongoing COVID-19 Pandemic and Failing Health Status**

**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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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 sentenced to two consecutive life terms in connection with the shooting deaths of two agents of the Federal Bureau of Investigation (FBI); and

**WHEREAS**, Leonard Peltier is seventy-seven years old, has served forty-six years in federal prison and, in addition to the comorbidities of diabetes, heart disease, asthma, and other underlying conditions threatening his health, Mr. Peltier has been diagnosed with the novel coronavirus; and

**WHEREAS**, on July 9, 2021, James H. Reynolds, the U.S. Attorney whose office handled the prosecution and appeal of Leonard Peltier's case, wrote the President of the United States urging him to commute the sentence of the man he helped put behind bars "in the interest of justice"; and

**WHEREAS**, former prosecuting U.S. Attorney James H. Reynolds calls the continued incarceration of Mr. Peltier "unjust", and asserts that the government's case "likely would not be upheld by courts today," and that "a grant of executive clemency would serve the best interest of justice and the best interests of our country"; and

**WHEREAS**, Leonard Peltier's unjust imprisonment has been recognized as such by national and international human rights organizations, luminaries and dignitaries, and nearly 100 current and former members of Congress; and

**WHEREAS**, the continued imprisonment of Leonard Peltier is a symbol for all Tribal Nations of the historical injustices against American Indians and ignores the facts that have been brought forth by multiple former federal prosecutors regarding the prosecutorial suppression of exculpatory evidence, including ballistics tests and recanted testimony, and;

**WHEREAS**, NCAI previously has adopted resolutions, still standing, requesting Executive Clemency for Leonard Peltier in 1999 and updated it 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**, that the National Congress of American Indians (NCAI) urges the President of the United States to immediately commute the sentence of Leonard Peltier due to the COVID-19 pandemic and Mr. Peltier's failing health status; 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 Executive Committee at the Executive Council Winter Session of the National Congress of American Indians, held February 13-14, 2022, with a quorum present.



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Fawn Sharp, President

**ATTEST:**



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Stephen Roe Lewis, Recording Secretary