



Kriss Worthington

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CONSENT CALENDAR
September 28, 2010

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: CLEMENCY REQUEST FOR LEONARD PELTIER

RECOMMENDATION

Send a letter to President Barack Obama urging him to grant clemency for Leonard Peltier.

BACKGROUND

On September 13, 2010, the Berkeley Peace and Justice Commission passed a recommendation that the City Council send the attached letter to President Barack Obama urging him to grant Leonard Peltier clemency.

On July 14, 2009, the Berkeley City Council sent a letter to the United States Parole Commission encouraging them to grant Leonard Peltier parole. Parole was denied.

Previously in 1999, the Berkeley City Council adopted a resolution encouraging former President Bill Clinton to grant Leonard Peltier executive clemency. No clemency was granted.

FINANCIAL IMPLICATIONS

None.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170
Wendy Kenin 510-504-4937

Attachment:

- 1: Letter to President Barack Obama
- 2: Letter from Leonard Peltier

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

The City of Berkeley calls on you to grant Executive Clemency to Leonard Peltier.

Mr. Leonard Peltier, a Chippewa-Lakota Native American, was wrongfully and illegally convicted for the murders of two FBI agents during a massive firefight on the Pine Ridge Reservation in South Dakota on June 26, 1975 involving approximately 35 Indian men, women and children and over 150 FBI agents, BIA police, U.S. Marshals, and local police. He remains unjustly imprisoned to this day.

The United States government admits that the affidavits which were used to arrest and extradite Mr. Peltier were falsified, that witnesses were coerced, evidence fabricated, and exculpatory evidence withheld in violation of his Constitutional rights. The government has stated numerous times that they do not know what involvement Mr. Peltier may have had in the death of the two FBI agents.

Mr. Peltier's continued imprisonment after over 30 years appears to be nothing less than revenge for a crime Leonard Peltier did not commit. Worldwide, numerous and responsible law, political and religious groups including Amnesty International, 35 members of the U.S. Congress and 60 members of the Canadian Parliament, have filed "Friends of the Court" briefs calling for a reevaluation of the Peltier case.

Peltier has been a model prisoner throughout his sentence, receiving excellent evaluations from his work supervisors on a regular basis. As a charitable painter and writer, Mr. Peltier is widely recognized for his good deeds and in turn has won awards including the North Star Frederick Douglas Award; the Federation of Labour (Ontario, Canada) Humanist of the Year Award; the Human Rights Commission of Spain International Human Rights Prize; and the 2004 Silver Arrow Award for Lifetime Achievement. Mr. Peltier has been nominated for the Nobel Peace Prize six times.

Mr. Peltier's health continues to deteriorate. A degenerative jaw disease makes him unable to ingest and digest food properly, and causes him consistent pain and headaches. He has suffered a stroke which left him partially blind in one eye. He continues to suffer from diabetes, high blood pressure, and a heart condition. He risks blindness, kidney failure, stroke, and premature death given his diet, living conditions and health care.

It is under these circumstances that the City of Berkeley calls on you to grant Leonard Peltier Executive Clemency so that he may live out his remaining days with his loved ones.

From: <contact@whoisleonardpeltier.info>
Date: Sun, Sep 12, 2010 at 10:01 AM
Subject: Birthday Message from Leonard Peltier

September 6, 2010

Sisters, brothers, friends and supporters,

I wish I could sit across the table from each of you right now. We'd share a meal and reflect on changes in this world over these 35 or so years. Yes, I pay attention to things on the outside (as much as possible). I know the world is in turmoil and I ache for the Native people who languish in utter poverty on reservations and in inner cities across America.

As a young man, all I wanted to do was make a positive difference in the People's lives. I'll turn 66 years old next week and I still want that. It's difficult to have an impact in my current circumstances, though. That's a constant source of frustration for me. On the outside, given the chance to roll up my sleeves once again, I suspect I'd still be somewhat frustrated. All that must be done is more than any one person can accomplish. I'd still like the opportunity to do my part.

Thinking back to those days on Pine Ridge, what I remember is the funerals. There were so many funerals... So many families lost loved ones.

There was a powerful force at work on the reservation back then, one with a single purpose—to stamp out the last resistance of the Lakota people.

We (the Oglala traditionals and members of the American Indian Movement) stood up because we were trying to defend our People. It was the right thing to do. We had—have—the right to survive.

The land was being stolen, too... used for mining mostly. No thought was given to the disposal of toxic waste. The rivers were full of poisons. Not much has changed, I hear.

In those days, though, the reservation was torn apart by a tribal dispute and the federal government armed one group against another. The result was a long line of tragedies for the People of Pine Ridge... and for the People who were there that day in June 1975.

I honestly understand the pain and anguish suffered by all concerned and I have been part of that suffering.

I have watched people lie on the witness stand countless times and felt the doors closing on me.

I have heard judges admonish prosecutors for allowing false evidence in and, in some cases, for participating in the falsification itself.

The government hid evidence, too.

Or manufactured it. Literally.

The courts say none of this is even in dispute anymore. So I wonder, if the American standard of justice is still "beyond a reasonable doubt," why am I still here?

Some people have had their convictions overturned because of one constitutional violation. The number of constitutional violations in my case is staggering. Yet, I continue to wait here for the same justice to be applied for me.

I hope that someday someone can put it all on the table and show the enormity of the railroading I have been victimized by.

Last year, as you know, my parole was denied. That was a disappointment, but I am not defeated. My fight for freedom—for my People and myself—is not over. I am a pipe carrier and a Sundancer. Abandoning The Struggle is not—never will be—a consideration.

I am an Indian man and proud of it. I love my People and culture and spiritual beliefs. My enemies like to suggest otherwise and seek to rob me of all dignity. They won't succeed.

When I look back over all the years, I remember all the good people who have stood up for me, for a day or a decade. Of course, many have stayed with me all along the way. I think of the hundreds of thousands of people around the world who have signed petitions for me, too... people on the poorest of reservations to the highest of political offices.

As we have learned over these many years, my freedom won't come quickly or easily. To succeed, the coming battle will have to be hard fought. Please continue to help my Committee and legal team as you have always done. Your support is more important now than ever before. When freedom comes, it will be due in no small part to the actions you take on my behalf.

Again, thank you for remembering me. You can't know the comfort you bring to an innocent man locked away from the world for so very long.

Doksha,

Leonard Peltier
#89637-132
USP-Lewisburg
US Penitentiary
PO Box 1000
Lewisburg, PA 17837

Launched into cyberspace by the
Leonard Peltier Defence Offense Committee
PO Box 7488, Fargo, From: <contact@whoisleonardpeltier.info>
Date: Sun, Sep 12, 2010 at 10:01 AM
Subject: Birthday Message from Leonard Peltier