

Resolution presented by Pamela Jean Owens
Approved June 19, 2016 NDP Convention

Pardon Leonard Peltier Resolution

WHEREAS Leonard Peltier is an imprisoned Native American considered by Amnesty International, the Southern Christian Leadership Conference, National Congress of American Indians, the Robert F. Kennedy Memorial Center for Human Rights, Archbishop Desmond Tutu and Rev. Jesse Jackson, among many others, to be a political prisoner who should be immediately released; and

WHEREAS Leonard Peltier was convicted for the deaths of two FBI agents who died during a 1975 shoot-out on the Pine Ridge Indian Reservation. Mr. Peltier has been in prison for over 29 years; and

WHEREAS The Wounded Knee occupation of 1973 marked the beginning of a three-year period of political violence on the Pine Ridge Indian Reservation. The tribal chairman hired vigilantes, self titled as "GOONS," to rid the reservation of American Indian Movement (AIM) activity and sentiment. More than 60 traditional tribal members and AIM members were murdered and scores more were assaulted. Evidence indicated GOON responsibility in the majority of crimes but despite a large FBI presence, nothing was done to stop the violence. The FBI supplied the GOONS with intelligence on AIM members and looked away as GOONS committed crimes. One former GOON member reported that the FBI supplied him with armor piercing ammunition; and

WHEREAS Leonard Peltier was an AIM leader and was asked by traditional people at Pine Ridge, South Dakota, to support and protect the traditional people being targeted for violence. Mr. Peltier and a small group of young AIM members set up camp on a ranch owned by the traditional Jumping Bull family; and

WHEREAS On June 26, 1975 two FBI agents in unmarked cars followed a pick-up truck onto the Jumping Bull ranch. The families immediately became alarmed and feared an attack. Shots were heard and a shootout erupted. More than 150 agents, GOONS, and law enforcement surrounded the ranch; and

WHEREAS When the shootout ended the two FBI agents and one Native American lay dead. The agents were injured in the shootout and were then shot at close range. The Native American, Joseph Stuntz, was shot in the head by a sniper's bullet. Mr. Stuntz's death has never been investigated, nor has anyone ever been charged in connection with his death; and

WHEREAS According to FBI documents, more than 40 Native Americans participated in the gunfight, but only AIM members Bob Robideau, Darrell Butler, and Leonard Peltier were brought to trial; and

WHEREAS Mr. Robideau and Mr. Butler were arrested first and went to trial. A federal jury in Iowa acquitted them on grounds of self-defense, finding that their participation in the shootout was justified given the climate of fear that existed on the Pine Ridge Reservation. Further, they could not be tied to the close-range shootings; and

WHEREAS Leonard Peltier was arrested in Canada on February 6, 1976, along with Frank Blackhorse, a.k.a. Frank Deluca. The United States presented the Canadian court with affidavits signed by Myrtle Poor Bear who said she was Mr. Peltier's girlfriend and allegedly saw him shoot the agents. In fact, Ms. Poor Bear had never met Mr. Peltier and was not present during the shoot-out. Soon after, Ms. Poor Bear recanted her statements and said the FBI threatened her and coerced her into signing the affidavits; and

WHEREAS Mr. Peltier was extradited to the United States where he was tried in 1977. The trial was held in North Dakota before United States District Judge Paul Benson, a conservative jurist appointed to the federal

bench by Richard M. Nixon. Key witnesses like Myrtle Poor Bear were not allowed to testify and unlike the Robideau/Butler trial in Iowa, evidence regarding violence on Pine Ridge was severely restricted; and

WHEREAS An FBI agent who had previously testified that the agents followed a pick-up truck onto the scene, a vehicle that could not be tied to Mr. Peltier, changed his account, stating that the agents had followed a red and white van onto the scene, a vehicle which Mr. Peltier drove occasionally; and

WHEREAS Three teenaged Native witnesses testified against Mr. Peltier, they all later admitted that the FBI forced them to testify. Still, not one witness identified Mr. Peltier as the shooter; and

WHEREAS The U.S. Attorney prosecuting the case claimed that the government had provided the defense with all FBI documents concerning the case. To the contrary, more than 140,000 pages had been withheld in their entirety; and

WHEREAS An FBI ballistics expert testified that a casing found near the agents' bodies matched the gun tied to Mr. Peltier. However, a ballistic test proving that the casing did not come from the gun tied to Mr. Peltier was intentionally concealed; and

WHEREAS The jury, unaware of the aforementioned facts, found Mr. Peltier guilty. Judge Benson, in turn, sentenced Mr. Peltier to two consecutive life terms; and

WHEREAS Following the discovery of new evidence obtained through a Freedom of Information Act lawsuit, Mr. Peltier sought a new trial. The Eighth Circuit ruled, "There is a possibility that the jury would have acquitted Leonard Peltier had the records and data improperly withheld from the defense been available to him in order to better exploit and reinforce the inconsistencies casting strong doubts upon the government's case." Yet, the court denied Mr. Peltier a new trial; and

WHEREAS During oral argument, the government attorney conceded that the government does not know who shot the agents, stating that Mr. Peltier is equally guilty whether he shot the agents at point-blank range, or participated in the shootout from a distance. Mr. Peltier's co-defendants participated in the shootout from a distance, but were acquitted; and

WHEREAS Judge Heaney, who authored the decision denying a new trial, has since voiced firm support for Mr. Peltier's release, stating that the FBI used improper tactics to convict Mr. Peltier, the FBI was equally responsible for the shoot-out, and that Mr. Peltier's release would promote healing with Native Americans; and

WHEREAS Mr. Peltier has served over 29 years in prison and is long overdue for parole. He has received several human rights awards for his good deeds from behind bars which include annual gift drives for the children of Pine Ridge, fundraisers for battered women's shelters, and donations of his paintings to Native American recovery programs; and

WHEREAS Mr. Peltier suffers from diabetes, high blood pressure, and a heart condition. Time for justice is short; and

WHEREAS Currently, Mr. Peltier's attorneys have filed a new round of Freedom of Information Act requests with FBI Headquarters and all FBI field offices in an attempt to secure the release of all files relating to Mr. Peltier and the RESMURS investigation. To date, the FBI has engaged in a number of dilatory tactics in order to avoid the processing of these requests.

THEREFORE Be it resolved that the Nebraska Democratic Party meeting in Convention June 19, 2016, calls on President Barack Obama to pardon Leonard Peltier and assure that he is released from prison immediately.