



## **INTERNATIONAL PETITION OF APPEAL TO DEMAND JUSTICE AND/OR REMEDY CALLING**

**FOR THE IMMEDIATE FREEDOM OF INDIGENOUS POLITICAL  
PRISONER LEONARD PELTIER #89637-132**

**WRONGLY IMPRISONED FOR 42 YEARS NOW  
RESIDING IN COLEMAN FEDERAL PRISON, FLORIDA, U.S.A.**



*February 6, 2018 marks the 42<sup>nd</sup> commemoration of Leonard Peltier's arrest in Canada that led to his false extradition on December 18, 1976 when he was handed over to American authorities on the premise that he would receive a fair trial, and that he would not face the death penalty, which is an automatic ruling under Canadian extradition treaty law between Canada and the United States.*

*This petition is meant to demonstrate that Mr. Peltier's extradition was based on proven false affidavits openly admitted to by U.S. agents. But even so, Canada is still obligated to uphold its responsibility to ensure that Mr. Peltier had received a fair trial in the U.S. to which he did not and to which Canada should be now obligated to contest.*

*This petition is a collaboration by the Leonard Peltier Defense Committee Canada & the ILPDC International Leonard Peltier Defense Committee (U.S.). It is directed to the attention of the Government of Canada and to the Government of the United States of America.*

*This appeal is also directed and copied to the United Nations Human Rights Commission (UNHRC), the European Parliament, and to all world dignitaries, human rights, political, and faith-based organizations -- to Amnesty International, the World Council of Churches, Pope Francis, Archbishop Desmond Tutu, and to all our Leonard Peltier post clemency supporters.*

### **PREAMBLE**

The case of Leonard Peltier is unparalleled in the history of constitutional violation and in violation of the standards held by the United Nations Universal Declaration of Human Rights, the U.N. Declaration on the Rights of Indigenous Peoples, the Canadian Charter of Rights and Freedoms, the United States Bill of Rights, and the American Constitution and its Amendments, in particular, the Constitution's 8th Amendment clause designed to protect people from "cruel and unusual" punishment meted out in a "wholly arbitrary" fashion. "Cruel and unusual" is the only term that can describe Leonard's unjust imprisonment. "Wholly arbitrary" is the only way to describe the fact that he remains in prison. Distinguished judges of Canada and the U.S. have called for leniency and compassion. Amnesty International had sent observers to Leonard's trial and all of his appeal proceedings. They concluded that he did not receive a fair trial and have always called for his immediate and unconditional release.

During the 10 months Leonard Peltier had languished in solitary confinement in British Columbia's former Oakalla Federal Prison, the late Ethel Pearson was one of the few remaining hereditary Kwakwaka'wakw Elders of the Musgamakw Tsawataineuk Nation who formally adopted Leonard as her son. She and her daughter lobbied all 52 traditional chiefs of her nation to do so, and he was given the name *Gwarth-ee-lass*, meaning, "He-leads-the-peoples." Ethel advocated for her adopted son's freedom right to her very end. She personally visited the Justice Minister of Canada Ron Basford at the time pleading with him to grant Leonard sanctuary in Canada. Ethel also accompanied the LPDC Canada and its legal team in 1989 in a *leave to appeal* Leonard's extradition to the Supreme Court of Canada to which the Supreme Court did not deny that a fraud between two countries did occur and recommended that the case be brought to the federal government for a political remedy.

Jody Wilson-Raybould is the Justice Minister of Canada in the present day Trudeau Liberal government. She is also the granddaughter of Ethel Pearson, Leonard's adoptive mother. Minister Jody Wilson-Raybould continues to uphold the position of all past Justice Ministers that maintain that Leonard's extradition to the United States was lawfully conducted on the basis of sufficient evidence. According to standard practice under the terms of Canada's extradition treaty with the United States, a judge was only required to determine whether there would have been sufficient evidence, direct or circumstantial, to allow a jury to convict had the conduct occurred in Canada. Unfortunately, the Canadian extradition judge W.A. Schultz did not recognize the total insufficiency and fraudulence of all evidence.

Under today's present circumstances, Leonard is not eligible for parole until July, 2024. In deteriorating health, his projected release date is October, 2040 when he reaches the age of 97 years. His continued imprisonment constitutes a political death sentence.

This petition is meant to focus on the main violations that occurred in Leonard's extradition from Canada to the United States in 1976 and in his subsequent U.S. trial and his Canadian-American appeals proceedings.

## PETITION

**WHEREAS** Leonard Peltier, an Anishinabe-Lakota, along with other members of the American Indian Movement (AIM), was summoned to the Pine Ridge Reservation, South Dakota in 1975 by the traditional Lakota peoples to help defend them and their traditional lands and cultures. On June 26, 1975, a fire occurred when two unmarked cars entered into a private property encampment and when it was over, three men were dead -- one young Indian man, Joseph Killright Stuntz (whose death was never investigated), and what we now know to be two FBI special agents. Despite the fact that there were numerous people there at the time, including women and children, no one was ever arrested at the scene. It was only later that four individuals were indicted and eventually arrested for their involvement on that fateful day. One was Jimmy Eagle whose charges were immediately dropped. Two other codefendants were later acquitted on the basis of self-defense. Leonard fled to Canada and was arrested in Alberta on February 6, 1976. He then applied for political asylum because he feared for his life and believed he would not receive a fair trial in the United States.

**WHEREAS** FBI agents coerced a young Lakota woman by the name of Myrtle Poor Bear, their star witness, into signing three false and contradictory affidavits in February and March 1976. The first two were submitted as evidence in Leonard's extradition proceedings. A third affidavit, sworn earlier than the others, surfaced in the trial of Leonard's co-accused Butler and Robideau and was not disclosed until after Leonard's extradition hearing. In the two affidavits presented as evidence at the extradition hearing, Poor Bear stated that she was Leonard's girlfriend, that she was present on Pine Ridge Reservation, and that she saw Leonard shoot the agents on June 26, 1975. In the 3<sup>rd</sup> affidavit, she stated that Leonard had told her that he killed the agents. Not only were these affidavits contradictory, none of them were true. Poor Bear had never met Leonard, was not an eyewitness and was not even present on the reservation at the time of the shooting. When she tried to recant her testimony, she was denied.

**WHEREAS** after Leonard's return to the United States, the judge had changed and so did the venue from Cedar Rapids, Iowa where Leonard's two co-defendants were found not guilty on the basis of self-defense. However, in Fargo, North Dakota, under the jurisdiction of new U.S. trial Judge Paul Benson who was known for his anti-Native sentiments, he made it clear right from the beginning that the FBI was not on trial in his court and refused to hear any evidence against the FBI, therefore, denying Leonard the same defense as his two co-defendants who had been previously exonerated. Judge Benson also denied Myrtle Poor Bear her right to recant her testimony before the jury in Leonard's defense calling her a "loonie bin" and citing that her testimony, if allowed "could be highly prejudicial" to the government and the court.

**WHEREAS** in 1989, the Supreme Court of Canada expressed concern over *bona fides* or good faith between countries in the Peltier extradition and recommended political redress. Parliamentarians, including a former Solicitor General of Canada, the late Hon. Warren Allmand, denounced the extradition and raised concerns over fraud in Canada's House of Parliament. A series of Private Members Motions condemned the extradition and called upon the Canadian government to seek Mr. Peltier's return to Canada. Also 55 Canadian Parliamentarians filed an *amicus curiae* brief to the Eighth Circuit Court of Appeals in 1992 calling for a new trial be granted to Mr. Peltier and citing breach of trust in his extradition.

**WHEREAS** the Hon. Warren Allmand released a report of the Peltier extradition in October 1999 after he examined the Department of Justice files in 1994 upon the request of former Minister of Justice Allan Rock. He concluded that there was no other evidence to warrant Mr. Peltier's extradition. Circumstances merely pointed to Leonard and others being present at the scene of the June 26, 1975 shootout on Pine Ridge Reservation. Mr. Allmand recommended Canada raise the matter to support executive clemency or a pardon with the President of the United States.

**WHEREAS** on October 25, 2000 at an independent legal hearing in Toronto, Ontario Canada, the Hon. Justice Fred Kaufman, Q.C., a retired Quebec Court of Appeal Judge, agreed to hear Myrtle Poor Bear's recanted testimony for the first time ever as to how the FBI subjected her to weeks of forced confinement, physical and mental torture, threatening her life and telling her that she will never see her children again. At the end of her testimony, Justice Kaufman concluded that Leonard's extradition would likely not have occurred had this been known to the extraditing judge. He then recommended to the President of the United States that Leonard receive executive clemency.

**WHEREAS** being that U.S. prosecutors were forced to admit that they cannot and did not prove that Leonard actually shot the agents, they maintained that nevertheless he was guilty of aiding and abetting despite the fact that he was never allowed to defend himself on the aiding and abetting charge. However, Leonard still received two consecutive life sentences. As of today, Leonard's sentence has not been reduced to reflect the change in his conviction to the lesser charge of aiding and abetting.

**BE IT RESOLVED** that the Canadian government declare the extradition null and void and either request Leonard Peltier's return to Canada or seek remedy on the basis that Mr. Peltier has served enough time for a crime that no one can prove he actually committed. With all of the facts to date, the Canadian government at the very least should support Leonard's immediate freedom.

**BE IT RESOLVED** on the basis of human rights, time served, good faith, and reconciliation with all indigenous peoples, that the United States government grant Leonard Peltier his immediate freedom that after 42 years he can be reunited with his family, his children and all his relatives.

**BE IT RESOLVED** that if all of the testimony and facts presented in this petition not be accepted or acted upon, then a proposal should be addressed to the United Nations Human Rights Commission or to the world court asking for their support for a human rights tribunal of investigation.

*View Letters to U.S. President B. Obama & Canadian Prime Minister J. Trudeau & Justice Minister J. Wilson-Raybould<sup>1</sup>*

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<sup>1</sup> <https://goo.gl/WYinuA>



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**February 6, 2018 - Leonard's 42<sup>nd</sup> Year of False Imprisonment**

<b>NAME</b>	<b>ADDRESS</b>	<b>EMAIL</b>	<b>SIGNATURE</b>

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<sup>1</sup> <https://goo.gl/p66VKt>

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Return petitions to ILPDC (U.S.) at [contact@whoisleonardpeltier.info](mailto:contact@whoisleonardpeltier.info) - <https://www.whoisleonardpeltier.info/home/contact/> In  
Canada, return petitions to LPDC Canada at [lpdccanada@gmail.com](mailto:lpdccanada@gmail.com) - <https://www.facebook.com/groups/LPDCCanada/>

*Petition created by Frank S. & A. Dreaver, LPDC Canada*

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