



PEACE & JUSTICE COMMISSION

CONSENT CALENDAR

October 25, 2011

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted By: Eric Brenman, Secretary, Peace and Justice Commission
Subject: Clemency Request and Release from Solitary Confinement for Leonard Peltier

RECOMMENDATION

Send a letter to President Barack Obama urging him to release Leonard Peltier from solitary confinement and to grant executive clemency for Leonard Peltier. Sending a copy to Warden Bledsoe at the United States Penitentiary in Lewisburg. *(Both letters should also have the September 29, 2010 letter from the City of Berkeley to President Obama attached).*

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 12, 2011, the Peace and Justice Commission adopted the following recommendation to the Berkeley City Council:

Send a letter to President Barack Obama urging him to release Leonard Peltier from solitary confinement and to grant executive clemency for Leonard Peltier. Sending a copy to Warden Bledsoe at the United States Penitentiary in Lewisburg. *(Both letters should also have the September 29, 2010 letter from the City of Berkeley to President Obama attached).*

M/S/C: (Kenin/Meola)

Ayes: Armendariz; Bohn; Kenin;; Lippman; Litman; Maran; Masri; Meola; Nicely; Rueda; Siegel; Sochet; Sorgen

Noes: Rabkin

Abstain: None.

Absent: Deger

BACKGROUND

On September 29, 2010, the Berkeley City Council sent a 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.

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate (B.M.C. Section 3.68) to promote peace and justice, locally, nationally and internationally, recommends Council approval of this recommendation.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the contents of the Peace and Justice Commission's report or recommendation.

CONTACT PERSON

George Lippman, Chairperson, Peace and Justice Commission	510-843-1160
Wendy, Kenin, Commissioner, Peace and Justice Commission	510-504-4937
Eric Brenman, Secretary, Peace and Justice Commission	510-981-5114

Attachments:

- 1) Letter to President Barack Obama
- 2) Background Links and Reference Materials
- 3) September 29, 2010 Letter to President Barack Obama

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

Dear President Obama,

The City of Berkeley reaffirms our call to you in a letter September 29, 2010 to grant Executive Clemency to Mr. Leonard Peltier, a Chippewa-Lakota Native American, who 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. Mr. Peltier's continued imprisonment after over 30 years appears to be nothing less than revenge for a crime Leonard Peltier did not commit. Peltier has been a model prisoner throughout his sentence, receiving excellent evaluations from his work supervisors on a regular basis.

With immediacy, the City of Berkeley requests that you arrange for United States Native American community leader, artist, and political prisoner Leonard Peltier to be released from solitary confinement. Mr. Peltier has been kept in these inhumane, cruel conditions of torture for over two months and must be released immediately from solitary confinement to preserve his health and human rights.

The official Leonard Peltier Defense Offense Committee has made known that at age 66 Leonard Peltier on June 27, 2011 was thrown in "The Hole" at USP-Lewisburg where he would stay for 60 days or longer because he was in position of money which had been passed on to him through the prison mail system. In addition to the isolation he has suffered since June 27, he now faces a disciplinary transfer for an accident a prison guard had in Leonard Peltier's cell in his absence. Leonard has less than 30 years on his sentence, is over 66 years of age, and is in failing health. The only acceptable transfer is one to a medium security facility in close proximity to his family and Nation.

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

Attachment 2

Background Articles:

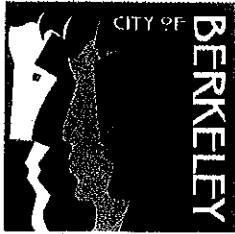
Leonard Peltier In Solitary Confinement, video
Posted by the Leonard Peltier Defense Offense Committee
<http://youtube/Z-y1bTyDIMl>

Amnesty International Public Statement: US AUTHORITIES URGED TO IMPROVE
PRISON CONDITIONS FOR LEONARD PELTIER Aug 3, 2011
<http://www.amnesty.org/en/library/asset/AMR51/070/2011/en/4e8f7782-2f7c-467e-b3a9-b96c9e3e4b83/amr510702011en.html>

Washington Post Aug 21, 2011 Editorial Board Opinion
Solitary confinement should be a last resort
http://www.washingtonpost.com/opinions/solitary-confinement-should-be-a-last-resort/2011/08/11/gIQAxys6UJ_story.html

New York Times Aug 2, 2011 Editorial
Cruel Isolation
<http://www.nytimes.com/2011/08/02/opinion/cruel-isolation-of-prisoners.html>

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City Clerk Department

September 29, 2010

President Barack Obama
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

RE: Clemency Request for Leonard Peltier

At its meeting of September 28, 2010, the Berkeley City Council voted to send a letter urging you to grant Executive clemency for Leonard Peltier.

Mr. Leonard Peltier, a Chippewa-Lakota Native American, was convicted of the murders of two FBI agents during the 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 imprisoned to this day for a crime he did not commit.

Some claim 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.

Leonard Peltier was charged with murder. His actions have been defended as self-defense. 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 re-evaluation 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.

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.

Sincerely,



Deanna Despain, CMC
City Clerk

Cc: Kriss Worthington, Councilmember, District 7
Phil Kamlarz, City Manager