

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Supporting the request that the 10th Circuit Court of Appeals issue an order that Leonard Peltier be given fair consideration for parole)

RESOLUTION NO. 03-411

- 1 **WHEREAS, on October 13, 1993, the Tohono O'odham Legislative Council passed Resolution No.**
2 **93-367, "Supporting the Request for Executive Clemency for Mr. Leonard Peltier"; and**
- 3 **WHEREAS, said Resolution was approved by the Chairman of the Tohono O'odham Nation on**
4 **October 20, 1993; and**
- 5 **WHEREAS, Mr. Leonard Peltier is a Lakota/Chippewa Indian and has been imprisoned for**
6 **allegedly aiding and abetting the deaths of two F.B.I agents as a result of a firefight**
7 **which broke out June 26, 1975 at the Jumping Bull Ranch, Pine Ridge, South Dakota,**
8 **(Convicted 04-18-77; Sentenced 06-02-77); and**
- 9 **WHEREAS, Mr. Peltier has been incarcerated for twenty-seven (27) years, despite the clear**
10 **indications of misconduct, including the falsification of evidence, by various U.S.**
11 **officials which lead to his conviction; and**
- 12 **WHEREAS, Leonard Peltier is 58 years old and was born on the Anishinabe (Chippewa) Turtle**
13 **Mountain Reservation in North Dakota. Leonard is a father, grandfather, artist and**
14 **writer and political prisoner; and**
- 15 **WHEREAS, Mr. Peltier has never had a fair trial that would enable him to prove his innocence;**
16 **and**
- 17 **WHEREAS, under normal federal guidelines, Leonard is long overdue for release on parole.**
18 **There is no basis for the Parole Commission to not release Leonard on parole and**
19 **certainly no basis for it to refuse to even consider release until December 2008; and**
- 20 **WHEREAS, the normal federal guideline for parole of prisoners convicted of similar crimes is**
21 **200+ months. Leonard has already served over 11 years beyond the normal guideline**
22 **for release as established by the Commission's own regulations, the Commission**
23 **refuses even to consider establishing a parole date until 2008, by which time Leonard**
24 **will have served almost double the normal time; and**
- 25 **WHEREAS, oral arguments will be heard before the 10th Circuit Court of Appeals in Denver,**
26 **Colorado, on September 19, 2003, on Leonard Peltier's 1999 Habeas Corpus petition;**
27 **and**
- 28 **WHEREAS, for the first time, Mr. Peltier's attorneys will have the opportunity to argue in a Circuit**
29 **other than the 8th Circuit where Peltier was convicted and all subsequent appeals**

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1 **have been denied.**

2 **NOW THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council:**

- 3 **1. Respectfully request the Appellate Court to issue an order that Mr. Leonard**
4 **Peltier be given fair consideration for parole.**
- 5 **2. The Tohono O'odham Nation hereby respectfully request the U.S. Parole**
6 **Commission to release Mr. Leonard Peltier immediately and/or that the U.S.**
7 **government exonerate Mr. Leonard Peltier with Executive clemency and release**
8 **him immediately.**
- 9 **3. All foregoing mentioned is in consideration of all relevant facts to this particular**
10 **issue.**


11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day**
12 **of SEPTEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,447.65 FOR;**
13 **182.05 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council**
14 **by Section 1 (l) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
15 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
16 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
17 **18, 1934 (48 Stat. 984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21
22 *for* 
23 **Dennis Ramon, Chairman**

24 15th
25 day of September, 2003

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28 **ATTEST:**

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31 **Vivian Hedrington, Legislative Secretary**

32 12th
33 day of September, 2003.

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37 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
38 **O'Odham Nation on the 15th day of September, 2003 at 4:46 o'clock,**
39 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
40 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**
41 **of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

for *Dennis M. Ramon*
Dennis Ramon, Chairman

APPROVED

on the 17 day of September, 2003

DISAPPROVED

at 10:55 o'clock, A.M.

Vivian Juan Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17th day of

September, 2003, at 11:43 o'clock, a.M.

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

ACTION: SUPPORTING THE REQUEST THAT THE 10TH CIRCUIT COURT OF APPEALS ISSUE AN ORDER THAT LEONARD PELTIER BE GIVEN FAIR CONSIDERATION FOR PAROLE

Moved: COUNCILMAN VERLON JOSE

SECOND: COUNCILMAN JEROME JOAQUIN

DATE: SEPTEMBER 12, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			X
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			X
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			X
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES ()	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			X
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05		X		
TOTAL		2,629.7	2,447.65	182.05	-0-	[04]

****PASSED VOTES**