



September 4, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden,

As Indigenous elder and activist Leonard Peltier approaches his 80th birthday on September 12th and remains incarcerated after nearly 50 years despite serious and ongoing concerns about the fairness of his trial, Amnesty International USA, the U.S. section of the global non-partisan human rights organization, again urges you to commute his sentence and release him.

Peltier (Clemency Case Number C296035 and Bureau of Prisons Register Number 89637-132) was recently [denied parole](#) and compassionate release by the US Parole Commission and the Bureau of Prisons (BOP) respectively. As President of the United States, you have the opportunity to rectify a case that has long troubled human rights advocates and Indigenous Peoples worldwide.

Amnesty International has monitored and campaigned on Leonard Peltier's case extensively for nearly five decades, including sending observers to his trial in 1977 and to subsequent appeal and evidentiary hearings in 1978, 1983, 1984, 1985 and 1991. The organization initially called for a fair retrial. In 1995, when legal avenues for remedy were exhausted, Amnesty International called on U.S. Attorney General Janet Reno to conduct a special executive review. Today, serious concerns remain about the legal process which led to Leonard Peltier's conviction and sentencing. Given Mr. Peltier's age, length of time served, and his critical health issues, we believe that the interests of justice would best be served by releasing him from prison.

We are not alone in asking for the release of Leonard Peltier. We join Tribal Nations, Indigenous leaders, the UN Working Group on Arbitrary Detention, Members of Congress, former Federal Bureau of Investigation (FBI) Agents, Nobel Peace Prize laureates and even the former U.S. Attorney, James Reynolds, whose office handled Leonard Peltier's prosecution and appeal, in urging his release. Former U.S. Attorney Reynolds wrote in 2021, "in my opinion, to continue to imprison Mr. Peltier any longer, knowing all that we know now, would serve only to continue the broken relationship between Native Americans and the government."

Leonard Peltier is a Native American activist and citizen of the Turtle Mountain Band of Chippewa Indians (ND) who is serving two consecutive life-sentences for his alleged role in the deaths of two FBI agents on the Pine Ridge Indian Reservation on June 26, 1975. Joseph Stuntz, a Native American and member of the American Indian Movement, was also killed that day. Mr. Stuntz's death was never investigated nor was anyone charged in his death.

The families of Special Agents Jack A. Coler and Ronald A. Williams, as well as the family of Mr. Stuntz, have suffered a tragedy. The suffering caused by their deaths cannot be minimized. However, given the serious concerns over the fairness of the legal process surrounding Mr. Peltier's nearly 50 years of incarceration, his

ongoing imprisonment does not constitute justice for Agents Coler and Williams. On the contrary, it undermines the very legal system and principle of equal protection under law that the two agents worked to protect.

Amnesty International believes that the concerns on the fairness of the legal proceedings and the political factors which may have influenced the prosecution undermine the case against him. The United States Court of Appeal for the Eighth Circuit ruled in 1986 that the prosecution had indeed withheld evidence which would have been favorable to Leonard Peltier and would have allowed him to cross examine witnesses more effectively. The court ultimately concluded, however, that this had not materially affected the outcome of the trial, and it upheld Peltier's conviction. Still, the judge who wrote this opinion, Judge Gerald Heaney, later expressed his concern about the case. In a 1991 letter to Senator Daniel Inouye, Chair of the Senate Select Committee on Indian Affairs, Judge Heaney expressed his belief that "the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case. Although our court decided that these actions were not grounds for reversals, they are, in my view, factors that merit consideration in any petition for leniency filed"¹. He also stressed the need to take into account the background context to the gunfight during which the two agents had been killed. His letter concluded: "At some point, a healing process must begin. We as a nation must treat Native Americans more fairly. To do so, we must recognize their unique culture and their great contributions to our nation."

Leonard Peltier will turn 80 years old on September 12th and is in failing health. He suffers from diabetes, high blood pressure, the effects of a previously suffered stroke and complications from jaw surgery. He was diagnosed with an Abdominal Aortic Aneurysm (AAA), which can be fatal if it ruptures. He also contracted COVID-19 and remains at risk for reinfection as long as he is imprisoned. Our concerns for Mr. Peltier's health are exacerbated by his incarceration; the BOP is plagued by staffing shortages of medical professionals, as documented by the Department of Justice in a 2016 report². This shortage limits the ability of incarcerated individuals to access medical care, which could have deadly consequences for Mr. Peltier.

Given the ongoing, unresolved concerns about the fairness of Leonard Peltier's trial and legal process, that he has spent nearly 50 years in prison, his age, the recent denial of parole and compassionate release, and ongoing and chronic health issues, we are asking you to commute Leonard Peltier's sentence and release him. This is not only timely but a necessary measure in the interests of both justice and mercy.

Sincerely,



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¹ Letter from Judge Gerald Heaney to Sen. Daniel Inouye (Apr. 18, 1991),
<https://web.archive.org/web/20021017142959/http://freepeltier.org/statements6.htm>

²Office of the Inspector General, U.S. Department of Justice, Review of the Federal Bureau of Prisons' Medical Staffing Challenges (March 2016)
<https://oig.justice.gov/reports/2016/e1602.pdf>