

President Biden

The White House Office of the President

1600 Pennsylvania Avenue, N.W. Washington, D. C. 20500

Monday, December 20, 2021

Dear President Biden,

I write to you regarding imprisoned Anishinabe/Dakota American Indian Leonard Peltier, this case is ripe and rank and calls out for clemency.

While commutation is an extraordinary remedy, there are few cases that call for that, among them the case of Mr. Peltier.

There is no question that his court case involved misconduct by the Federal Bureau of Investigation. After his conviction the FBI admitted several key instances of wrongdoing.

- Mr. Peltier was extradited from Canada on fraudulent affidavits. Three different and contradictory affidavits; all of them false, were provided to the Canadian government who The US Attorney admitted in Peltier's 1985 appeal, "We don't know who killed the agents or what actual participation (Leonard Peltier) may have had." Yet over four decades later Leonard Peltier remains in federal prison.

- Key ballistics evidence was fabricated.
- Eyewitness testimony of at least two minors was obtained through gross intimidation, and torture.

All this the FBI admits to. The United States Attorney's office cannot seem to reconcile what Leonard did. The US Attorney admitted in Peltier's 1985 appeal, "We don't know who killed the agents or what actual participation (Leonard Peltier) may have had." Yet over four decades later Leonard Peltier remains in federal prison.

The standards for clemency and commutation have traditionally included disparity or undue severity of sentence. The disparity in this case is the misconduct by the FBI, which is disproportionately targeting American Indians. The severity of the sentence is clear. How many have spent four decades behind bars when the Prosecutor is not sure what participation the person had in the event? Taken in context, note that the trials of American Indian Movement leaders Russell Means and Dennis Banks were dismissed, two years earlier, because of FBI misconduct generating fake evidence, fake witnesses and having informants in the defense team reporting back to them. Leonard Peltier faced the same misconduct from the same agency for the same reasons.

Clemency and/or commutation would be appropriate for Mr. Peltier as he has already served four decades, he has exhausted administrative remedies.

The case for clemency for Mr. Peltier has had ongoing support from a remarkably broad range of observers and institutions, Four Russian Nobel prize winners, Amnesty International, the late President Nelson Mandela, Bishop Desmond Tutu and Ms. Rigoberta Menchu Tum. Indigenous people from around the world, including the United Nations Permanent Forum on Indigenous Populations, as well as many others have expressed grave concern about the case against Mr. Peltier.

Mr. President, it will take a unique man of courage to do what is right in this case. The time is now to grant clemency or commute the sentence of Leonard Peltier, I hope you are that man.

Respectfully,