

# United States Senate

WASHINGTON, DC 20510

March 15, 2024

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Garland:

We write to urge you to allow for the compassionate release of Native American rights activist Leonard Peltier pursuant to the Bureau of Prison's procedures. Mr. Peltier, who has been imprisoned for the past 49 years and is suffering from severe health conditions, should be able to return home and live out his remaining days among his own people.

In 1975, Mr. Peltier, a citizen of the Turtle Mountain Band of Chippewa Indians, was arrested and later convicted for his alleged involvement in the murder of two FBI agents on the Pine Ridge Indian Reservation, despite evidence of prosecutorial misconduct and due process violations mounted throughout his trial. Over the past several decades of Mr. Peltier's federal incarceration, calls for his release have received widespread and growing support from both faith and human rights leaders – including Pope Francis, Saint Mother Teresa, Nelson Mandela, the Dalai Lama, and Coretta Scott King – as well as those previously involved in his prosecution. James H. Reynolds, the U.S. Attorney who handled the prosecution and appeal of Mr. Peltier's case, previously stated that Mr. Peltier's "conviction and continued incarceration is a testament to a time and a system of justice that no longer has a place in our society."<sup>1</sup> He further explained that Mr. Peltier has served his sentence "on the basis of minimal evidence, a result that [he] strongly doubt[s] would be upheld in any court today."<sup>2</sup> The United Nations Working Group on Arbitrary Detention issued a 17-page legal opinion reviewing Mr. Peltier's case, concluding that he "continues to be detained because he is Native American."<sup>3</sup> And the late Judge Gerald Heaney, who presided over Mr. Peltier's 1986 appeal in the Eighth Circuit also publicly called for Mr. Peltier's release – first in 1991 and again in 2000, detailing the injustice of Mr. Peltier's trial and proclaiming that "a healing process must begin."<sup>4</sup>

The Bureau of Prisons (BOP) procedures allow its Director to grant a reduction in sentence, or compassionate release, to prisoners that meet certain criteria, including advanced age and

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<sup>1</sup> Letter from James Reynolds, Former U.S. Attorney, to President Joseph R. Biden (Jul. 9, 2021), <https://www.amnestyusa.org/wp-content/uploads/2023/03/From-US-Attorney-James-Reynolds.pdf>.

<sup>2</sup> *Id.*

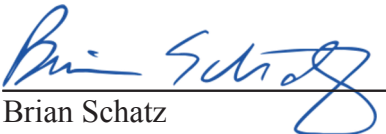
<sup>3</sup> United Nations Working Group on Arbitrary Detention, Opinion No. 7/2022 concerning Leonard Peltier (United States of America) (Jun. 7, 2022), <https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-7-2022-USAAEV.pdf>.

<sup>4</sup> Letter from Gerald H. Heaney, U.S. Senior Cir. Judge, 8th Cir., to Daniel K. Inouye, Chairman, U.S. Senate Select Comm. on Indian Affairs (Apr. 18, 1991), <http://www.whoisleonardpeltier.info/download/Heaney.pdf>.

deteriorating health;<sup>5</sup> Mr. Peltier is nearly 80 years old and suffers from numerous health conditions, including a potentially fatal abdominal aortic aneurysm. If the Director of the BOP approves a compassionate release, and the Parole Commission agrees, Mr. Peltier could be released immediately.

We commend the steps that the Biden-Harris Administration has taken to right past wrongs of our federal government's treatment of Native Americans, and the steps you have taken to uphold the American values of liberty and justice, including rectifying inequities in our nation's criminal justice system. Now, it is time that the federal government rectifies the grave injustice of Mr. Peltier's continued imprisonment, and strongly urge you to allow for his compassionate release under the BOP's procedures.

Sincerely,



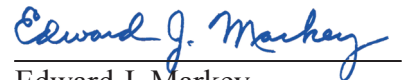
Brian Schatz  
United States Senator



Elizabeth Warren  
United States Senator



Tina Smith  
United States Senator



Edward J. Markey  
United States Senator



Mazie K. Hirono  
United States Senator



Peter Welch  
United States Senator

<sup>5</sup> Bureau of Prisons, Program Statement 5050.49, CN-1 (Mar. 25, 2015), [https://www.bop.gov/policy/progstat/5050\\_049\\_CN-1.pdf](https://www.bop.gov/policy/progstat/5050_049_CN-1.pdf).



Bernard Sanders  
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United States Senator

CC: Lisa Monaco  
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U.S. Department of Justice

Colette S. Peters  
Director  
Federal Bureau of Prisons