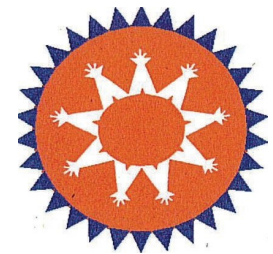


Oglala Sioux Tribe

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Office the President
Frank Star Comes Out

May 23, 2024

Dear Honorable Members of the Parole Board:

As the President of the Oglala Sioux Tribe and the Chairman of the Great Plains Tribal Chairman's Association (GPTCA), I write in support of granting Leonard Peltier parole.

To begin, I would like to acknowledge the seriousness of the situation at hand. I am aware that three men, FBI agents Ronald Williams and Jack Coler, and an American Indian Movement (AIM) member, Joseph Stuntz, lost their lives in the gunfire exchange at the Jumping Bull Ranch in 1975. And, according to several court decisions, Mr. Peltier was convicted for the serious crimes of murdering agents Williams and Coler in that gunfire exchange. As Lakota people, we believe all life is sacred and express our sadness for the loss of all three men's lives and their grieving relatives.

At the same time, our value in the sacredness of life, brings me to the next point I would like to make: it is time to show mercy to Mr. Peltier. He is a 79-year-old elder and is in his 48th year of imprisonment. In poor health and requiring a walker, he continues to be housed in a maximum-security federal penitentiary. And, as the decades since he was first imprisoned have come and gone, his two life sentences have now become, in effect, a death sentence. There is no reason for an incident that occurred nearly half a century ago to take yet another life, especially when Mr. Peltier, in his waning years, no longer is even capable of presenting a threat of physical violence to others. But, unless his parole request is granted, I fear that this tragic event will claim his life as well.

Additionally, I believe granting Mr. Peltier's parole request is the right thing to do in light of the legacy of this country's mistreatment of Native peoples in its criminal justice system¹ and how we, in my view, have rightfully come to see Mr. Peltier's conviction as a byproduct of this deeply flawed system. For Indian Country, the facts underlying his case and the admitted prosecutorial

¹ As Native peoples, federal courts did not even recognize us as legal persons worthy of accessing criminal rights afforded to others until the latter part of the 19th Century. *See U.S. ex rel. Standing Bear v. Crook*, 25 F. Cas. 695, 697 (D. Neb. 1879) ("being subject to arrest for the violation of our criminal laws, and being 'persons' such as the law contemplates and includes in the description of parties who may sue out the writ, it would indeed be a sad commentary on the justice and impartiality of our laws to hold that Indians, though natives of our own country, cannot test the validity of an alleged illegal imprisonment"). And to this day, Native Americans are overrepresented in the United States' criminal justice system. *See* Desiree L. Fox, Ciara D. Hansen, & Ann Miller, *Over-Incarceration of Native Americans: Roots, Inequities, and Solutions*, SAFETY + JUSTICE CHALLENGE, at 7 (2022) ("One of the most comprehensive reports on Native people in the justice system, American Indians and Crime, found that American Indians and Alaska Natives (AI/AN) were incarcerated at a rate 38% higher than the national average and were overrepresented in the prison population in 19 states compared to any other race or ethnicity."), <https://safetyandjusticechallenge.org/wp-content/uploads/2022/07/OverIncarcerationOfNativeAmericans.pdf>.

misconduct among those involved in the prosecution and judicial review of Peltier's case² have only built upon our mistrust in the fairness of the United States' criminal justice system, as I explain below.

The context behind the shootout matters, especially to our people, on whose land the Jumping Bull Ranch—the site of the shootout—is located. In the early 1970s, the political atmosphere on our Pine Ridge Reservation was volatile and violent. The federal government inappropriately funded and fueled this atmosphere through the Tribal government at the time for a variety of reasons, one of which was the dismantling of AIM. And, with respect to the shootout specifically, the details of what happened that day remains largely unknown—including who was responsible for initiating the shootout and the victims' deaths—due, in part, to the chaos and confusion created by the federal government. Indeed, Mr. Peltier was just one of many AIM members who happened to be at the Jumping Bull Ranch at the time the incident broke out. Under these circumstances, we have come to the sincere belief that prosecutors, with no satisfactory answers as to who was culpable for this violence, placed an undue focus on Mr. Peltier, who stood as a candidate for federal law enforcement to charge, given his associations with AIM.

Moreover, in the years following Mr. Peltier's conviction, critical evidence came to light, showing that in the course of his criminal proceedings, federal law enforcement personnel intimidated witnesses, coerced false testimony, and withheld evidence that may have freed him long ago. This conduct—particularly, the conduct of those who we are supposed to trust to serve and protect our communities—destroyed our trust in the equitable application of justice for Native Americans.

In sharing our beliefs as to why Mr. Peltier's parole request should be granted, it is not my intention to change your minds about the merits of Mr. Peltier's convictions. Rather, it is my hope that you, the Members of Parole Board, will come to understand the following. First, and foremost, that it is time to let an indigenous elder in deteriorating health return to his residence at the ancestral homelands of his Oyate, the Turtle Mountain Band of Chippewa Indians. Second, we as Native peoples have long been subjected to treatment as second-class citizens in the United States' criminal justice system, and Mr. Peltier's release from incarceration would represent a monumental shift in this broken system. As the late, honorable Eighth Circuit Judge Gerald Heaney aptly stated in his 2000 letter urging for the commutation of Mr. Peltier's sentence, "[a]t some point, a healing process must begin" and the United States, "as a nation[,] must treat Native Americans more fairly." It is now time to show mercy and begin the healing process our Tribal Nations deserve. Mitakuye Oyasin.

Sincerely,



Frank Star Comes Out
President

² A former United States Attorney and one of the lead prosecutors in Mr. Peltier's criminal proceedings, James Reynolds, admitted to aspects of the unjust nature of Mr. Peltier's conviction in his 2021 letter requesting clemency for Mr. Peltier. *See* Letter from James R. Reynolds, former U.S. Attorney, to Joseph R. Biden, President, United States (July 9, 2021) (accessible [here](#)).