

James H. Reynolds
Former United States Attorney

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July 9, 2021

President Joseph R. Biden
The White House
Washington, DC 20500

RE: Clemency Request for Leonard Peltier

Dear President Biden,

I was the United States Attorney whose office handled the prosecution and appeal of Leonard Peltier's case. I was also later appointed by United States Attorney General Benjamin Civiletti as the U.S. Attorney for South Dakota to handle a matter involving a murder on the Rose Bud Reservation. I write today from a position rare for a former prosecutor: to beseech you to commute the sentence of a man who I helped put behind bars.

Leonard 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. I have been fortunate enough to see this country, and its prevailing attitudes about Native Americans, progress dramatically over the last 46 years.

With time, and the benefit of hindsight, I have realized that the prosecution and continued incarceration of Mr. Peltier was and is unjust. We were not able to prove that Mr. Peltier personally committed any offense on the Pine Ridge Reservation. As a result, we shifted our stance on the theories of guilt throughout the prosecution and appeal. First, we pursued a "deliberate ambush" theory against Mr. Peltier's co-defendants (who were found not guilty by reason of self-defense). Then, in the prosecution of Mr. Peltier, we pursued a "deliberate execution" theory. Finally, on appeal, we pursued the theory that Mr. Peltier was an "accomplice" under an aiding and abetting theory, notwithstanding the fact that his co-defendants were found to have acted in self-defense.

The final theory on which Mr. Peltier's conviction now rests is that he was guilty of murder simply because he was present with a weapon at the Reservation that day. However, Mr. Peltier has been labeled, and more importantly was sentenced, as a "cold-blooded murderer" based on a theory that we were forced to drop on appeal. He has served more than 46 years on the basis of minimal evidence, a result that I strongly doubt would be upheld in any court today.

The events that occurred, and the lives that were lost, on the Pine Ridge Reservation that day are a tragedy. However, throughout Mr. Peltier's prosecution and appeal, there was little or no consideration given to the FBI's role in the creation of the dangerous conditions present on Pine Ridge. As a result of the manner in which the case was investigated and prosecuted, and the prevailing view of Native Americans at that time, Mr. Peltier alone was forced to pay the full price of that tragedy. He has paid it with over 46 years of his life. He is now 76 years old and in failing health.

I believe that a grant of executive clemency would serve the best interests of justice and the best interests of our country. 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.

I urge you to chart a different path in the history of the government's relationship with its Native people through a show of mercy rather than continued indifference. I urge you to take a step towards healing a wound that I had a part in making. I urge you to commute Leonard Peltier's sentence and grant him executive clemency.

Sincerely,



James H. Reynolds
United States Attorney (1976-1982)

CC: Attorney General Merrick B. Garland
Acting Pardon Attorney Rosalind Sargent-Burns