

Coleen Rowley
Retired FBI Special Agent and Former Minneapolis Division Legal Counsel



December 3, 2022

President Joseph R. Biden
The White House
Washington D.C. 20500

RE: Clemency Request for Leonard Peltier

Dear President Biden:

I am a retired FBI Special Agent who over the course of my nearly 24 year career (1981 to 2004) in the FBI, including over 14 years in the Minneapolis Division that covers “Indian Country” work in North and South Dakota, became quite familiar with the Leonard Peltier case and also acquainted with some of the prosecutors and agents stationed in the Dakotas who were more directly involved.

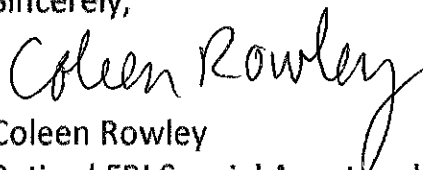
From my earliest training days at the FBI Academy in Quantico, I (like thousands of other FBI agents) was steeped in the FBI’s version of the tragedy that took two young agents’ lives and has imprisoned Leonard Peltier for nearly five decades. Not surprisingly the FBI narrative and Department of Justice prosecutorial theory, although changing slightly through the years of appeals, was never free from the emotionalism of the killings nor its accompanying “FBI Family” bonding. (I was a bit surprised, however, to see some of that “us vs them” law enforcement notion of “family” still get added to current FBI Director Wray’s response to Peltier’s latest clemency request—instead of a more professional “just the facts, Ma’am” approach—until I remembered that Wray’s letter was intended to be internal and not to be made public.)

In line with the general theory of the “adversary system” —despite its myriad flaws— being the best method of arriving at truth and justice, I have to applaud the bit of transparency that comes with Director Wray’s response being made public. It should be beneficial not only for Executive Branch decision-makers but the public and historians to see and evaluate the strongest adversarial arguments made by each side in their

assessment of the controverted facts of what actually happened that day. As for myself, however, not having been at the scene with first-hand knowledge, I think the better part of wisdom must be to defer passing judgement on such still-murky facts. As a hypothetical juror, I'd have to declare reasonable doubts about either disputed version, advising fellow jurors that the truth probably lies somewhere in the middle. What I think becomes most clear, however, is that the long-standing horribly wrongful oppressive treatment of Indians in the U.S. played a key role in putting both the agents and Peltier in the wrong place at the wrong time.

Therefore the focus of my two cents leading to my joining the call for clemency is based on Peltier's inordinately long prison sentence and an ever more compelling need for simple mercy due to his advanced age and deteriorating health. When time served on most murder sentences varies between 11 and 18 years (with average time served about 16.5 years) and Mark Putnam, the first FBI agent convicted of homicide (for strangling his female informant), only got imprisoned for 10 years, the disparate nature of Peltier's being held for nearly a half century behind bars is striking. Retribution seems to have emerged as the primary if not sole reason for continuing what looks from the outside to have become an emotion-driven "FBI Family" vendetta. I was taught, however, in law school that "retribution" as one of the five objectives of the criminal justice system, should no longer be considered primary but should be balanced with "rehabilitation" and other more restorative goals. Justice needs to be tempered with mercy. In fact the good thing about the official "Truth and Reconciliation" inquiries adopted by South Africa to deal with its horrifically violent past produced a measure of actual truth and healing, benefitting all parties including victims and witnesses. Facts that would've remained forever murky under a true adversary system were finally able to be clarified! For these reasons, I will now join many other truth and justice seekers, along with a growing number who enjoyed long careers working in the criminal justice system to say "enough is enough," Leonard Peltier should now be allowed to go home.

Sincerely,



Coleen Rowley

Retired FBI Special Agent and Former Minneapolis Division Counsel

CC: Attorney General Merrick B. Garland

Pardon Attorney Elizabeth Oyer

Judge Kevin Sharp, pro bono attorney for Leonard Peltier