



**MASS INCARCERATION COMMITTEE**

*OLD LAW PRISONER PROJECT*

# NATIONAL LAWYERS GUILD

*"An organization of lawyers, law students, legal workers, and jailhouse lawyers... in the service of the people, to the end that human rights and the rights of ecosystems shall be regarded as more sacred than property interests." - Preamble to the NLG Constitution*

**June 4, 2024**

## **LETTER TO AMERICAN GERIATRIC SOCIETY**

G. Michael Harper, MD, AGSF, FACP - Board Chair  
Nancy E. Lundebjerg, MPA - Chief Executive Officer  
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American Geriatrics Society  
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Greetings Colleagues,

We write to you and the full Board of Directors at the American Geriatric Society (AGS) with a sense of urgency and invitation to help in the healing of one of the gravest unseen wounds in our nation- the institutional elder abuse of our elderly incarcerated. Please share this letter with your full membership. The AGS identifies as a strategy to achieve a just future, "working across our strategic priorities in health care to identify and eliminate ageism, ableism, classism, homophobia, racism, sexism, xenophobia, and other forms of social and structural bias/discrimination given their impact on health, safety, and independence as we age."

Through the lens of the suffering of our incarcerated brother, Leonard Peltier, you will see a glimpse into the vast, hidden world of suffering and resilient love in our nation's prisons.

Your advocacy for his parole on June 10, 2024, may help turn the tide of mass incarceration. Please immediately reach out to Leonard's lead legal counsel or his assistant at the contact numbers/emails below.

It is time for our elderly prisoners to become a part of your mission. There is compelling evidence of the harms of incarceration on our elderly, and the inability for them to receive adequate care in prison. The concepts of accelerated aging or premature aging of prison elders is well

established in the medical literature and has guided federal government decisions to define geriatric populations at a younger age.<sup>1</sup> Our elderly prisoners have been subjected to the longest prison sentences of any people in the history of the world. There is abundant evidence that our elders age out of crime and are safe for release.<sup>2</sup> Yet many are trapped in hostile codes of state violence that perpetuate harm through the purgatory of Life Without the Possibility of Parole (LWOP) known as Death by Others endure racist and draconian sentences only to face parole boards whose failure to embrace trauma-informed principles and their distorted emphasis on vengeance violate the primacy of public safety and restorative justice.<sup>3</sup>

It remains unacknowledged that many of our prisoners are victims themselves, victims of the criminality of law enforcement. Our laws have been weaponized to use against the oppressed. When the federal government was given the power to arrest and convict, there were concerns it would use these powers in the service of tyranny and oppression. The constitutional amendments put in place to keep this from occurring are violated by law enforcement regularly. No one polices the police. People who are guilty of no crime, but “dissent” are entombed in concrete and steel.

Leonard Peltier is an internationally recognized Indigenous political prisoner who has been incarcerated for over 48 years.<sup>4</sup> A survivor of Indian boarding schools as a child, as an adult he has been a victim of prison torture including 15 cumulative years of solitary confinement. Leonard, now 79 years old, is currently incarcerated in a U.S. federal prison that is in an almost constant state of lockdown, preventing him from getting the care he needs.<sup>5</sup> Yet he has retained his humanity and love in the crucible of the wound on our nation’s soul, the genocide of our Indigenous peoples. He is imprisoned, not because he killed anyone, which the FBI even acknowledges, but because he dared to defend his people.<sup>6</sup> For that crime he has been subjected to what former FBI agent Coleen Rowley has called “retribution” stemming from “an emotion-driven ‘FBI Family’ vendetta.”<sup>7</sup> That vendetta has targeted and harmed Leonard in the courts and parole hearings and interfered with his release repeatedly and systematically, for decades.<sup>8</sup>

Even the United Nations Working Group on Arbitrary Detention determined that Leonard’s incarceration is arbitrary, sharply departing from norms of due process both procedurally and substantively.<sup>9</sup> Attached are the myriad-national and international institutions and individuals from all walks of life and spiritual paths that have called for Leonard Peltier’s freedom, including Archbishop

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<sup>1</sup> Older adults in jail: high rates and early onset of geriatric conditions - PMC  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5816733/>

<sup>2</sup> The Older You Get: Why Incarcerating the Elderly Makes Us Less Safe | by FAMM Foundation  
<https://medium.com/famm/the-older-you-get-why-incarcerating-the-elderly-makes-us-less-safe-ce8cd0a9801>

<sup>3</sup> Parole Release and Supervision: Critical Drivers of American Prison Policy | Annual Reviews  
<https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-011419-041416>

<sup>4</sup> Justice for Leonard Peltier — University Network for Human Rights <https://www.humanrightsnetwork.org/justice-for-leonard-peltier>

<sup>5</sup> <https://truthout.org/articles/inside-the-high-security-black-site-where-leonard-peltier-is-incarcerated/>

<sup>6</sup> [https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden\\_n\\_62473d07e4b0587dee695e6e](https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden_n_62473d07e4b0587dee695e6e)

<sup>7</sup> FBI’s opposition to releasing Leonard Peltier driven by vendetta, says ex-agent | Native Americans | The Guardian  
<https://www.theguardian.com/us-news/2023/jan/18/leonard-peltier-clemency-fbi-agent-coleen-rowley>

<sup>8</sup> United Nations Working Group on Arbitrary Detention, *Opinion No. 7/2022 concerning Leonard Peltier (United States of America)*, June 7, 2022, <https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-7-2022-USA-AEV.pdf>;  
[https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden\\_n\\_62473d07e4b0587dee695e6e](https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden_n_62473d07e4b0587dee695e6e)

<sup>9</sup> Id.

Desmond Tutu<sup>10</sup>, Amnesty International, Nobel Laureates, The Democratic National Committee<sup>11</sup>, Coretta Scott King, and several former law enforcement officers involved in Leonard's prosecution<sup>12</sup>. When he faces the U.S. Parole Commission on June 10th, our brother will certainly meet the established parole criteria as he is a model prisoner, and his severe physical ailments prevent him from committing crimes. Leonard Peltier is more than a model prisoner; he holds a near spotless prison disciplinary record and six Nobel Peace Prize nominations. Yet there exists the possibility that he will be denied parole, due to FBI pressure and because his release, even after 48 years, might be unfairly judged to promote a disrespect for the law.<sup>13</sup> However, it is continued incarceration that would promote a disrespect for the law and prompt a call for restorative justice. Continuing to keep Leonard Peltier in prison at age 80 perpetuates the colonial legacy of trauma and attempted Indigenous extermination.

On June 26, 1975 traditional Lakota Indians on the Pine Ridge reservation in South Dakota were confronting a war zone of hostility, known as the "Reign of Terror," culminating in an FBI-led shootout. Leonard Peltier was on the Pine Ridge reservation to defend traditional Indians. When the shootout was over, one traditional Lakota Indian and two FBI agents were dead.<sup>14</sup> It is acknowledged that Leonard did not kill the FBI agents. James Reynolds, a top prosecutor in Leonard's case, is willing to testify at the June 10th hearing on our brother's behalf, but he has been denied access to the parole hearing.

In a letter to President Obama in support of commutation of Leonard's sentence and release, Reynolds wrote, "You're not really participating in the crime yourself. Just because you're there, you're going to get nailed...he didn't go out there with the intention to kill anybody. He was trying to protect his people."<sup>15</sup> Even the 10th U.S. District Circuit Court ruled in a unanimous 3-0 decision that "Much of the government's behavior at the Pine Ridge reservation and in its prosecution is to be condemned...The government withheld evidence. It intimidated witnesses. These facts are not disputed."<sup>16</sup> If our laws are to be respected, they must apply to everyone equally. The crimes of law enforcement against the people on the Pine Ridge Reservation have been consistently ignored. We are confident that you, as trauma informed providers, can see the dangers of perpetuating trauma by continuing the incarceration of Mr. Peltier after half a century.

We know that his medicine is to feel the grass, the trees, the ocean breeze, and the loving touch of his family and community. Brother Leonard has broad support of Indigenous and social justice communities across the world. We do not seek your consultation to help in his healing.

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<sup>10</sup> Archbishop Desmond Tutu <https://www.amnestyusa.org/wp-content/uploads/2023/03/From-Archbishop-Desmond-Tutu.pdf>

<sup>11</sup> DNC Unanimously Passes Resolution Urging Joe Biden To Release Leonard Peltier [https://www.huffpost.com/entry/dnc-leonard-peltier-biden-clemency\\_n\\_631b9050e4b027aa405baaa7](https://www.huffpost.com/entry/dnc-leonard-peltier-biden-clemency_n_631b9050e4b027aa405baaa7)

<sup>12</sup> Former FBI Agent Calls for Clemency for Leonard Peltier | Amnesty International USA <https://www.amnestyusa.org/press-releases/former-fbi-agent-calls-for-clemency-for-leonard-peltier/>

<sup>13</sup> The FBI Says It Still Opposes Leonard Peltier's Freedom. Its Argument Is Full Of Holes [https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden\\_n\\_62473d07e4b0587dee695e6e](https://www.huffpost.com/entry/fbi-leonard-peltier-clemency-biden_n_62473d07e4b0587dee695e6e)

<sup>14</sup> <https://web.pdx.edu/~brennerj/Leonard%20Peltier%20Case.htm>

<sup>15</sup> Top prosecutor in Leonard Peltier case urges clemency in 'extraordinary' move <https://www.theguardian.com/us-news/2017/jan/04/free-leonard-peltier-obama-open-letter-james-reynolds>

<sup>16</sup> SENSATION IN THE JUSTICE SYSTEM: I was wrong, US State Attorney says about convicting Peltier <https://gfbv-voices.org/en/sensation-in-the-justice-system-i-was-wrong-us-state-attorney-says-about-convicting-peltier/>

He is his own healer, and his spiritual advisor, Lenny Foster, helps him endure. His designated medical doctor has vouched for the harm to his body from medical neglect. Leonard suffers from insulin dependent diabetes with bouts of hypoglycemia that are dangerously negotiated in lockdown settings; hypertension; CAD, an abdominal aortic aneurysm that has not received proper standards of monitoring; BPH; sleep apnea for which he cannot use a CPAP machine because the Bureau of Prisons (BOP) will not provide an electrical outlet; poor dentition; progressive vision loss; and severe debilitating arthritis requiring a walker and now preventing him from engaging in his artwork. He clearly needs a transfer to be cared for in an appropriate facility – in transition to freedom.

We ask that you engage your medicine in compassionate advocacy for the release of our elders. We acknowledge that medical practitioners might find the language of *political prisoner, torture, state violence, and genocide* to be triggering. We trust your collective leadership will hold space to respectfully entertain all those reactions and ground your support on the position papers of the American Public Health Association which identify prisons as a public health danger<sup>17</sup>; take counsel from the policy papers<sup>18</sup> and legal briefs by former heads of PA Dept. of Corrections, Wetzel and Little, whose decades of high-level leadership within the prisons move them to declare the necessity, humanity, and safety of the release of our elders from prison<sup>19</sup>. We ask you to join a new generation of medical providers exposing the harms of state violence and mass incarceration. The evidence is overwhelming.<sup>20</sup>

The story of harm done by mass incarceration is most powerfully told directly in the voices of incarcerated and released elders. Those stories are recorded live at Prison Radio<sup>21</sup>, and many are historically preserved at Brown University in their Voices of Mass Incarceration Archive<sup>22</sup>. Within the crucibles of suffering, we see countless healers emerging. Long time political prisoner, Dr. Mutulu Shakur, released 7 months before his death at age 72, trained a generation of acupuncturists before prison and continued to heal and teach in prison. Another elder political prisoner, just released after *over 50 years*, uses the vibrational energy of songs, drums, and flutes to help repair pain and harm. We see prisoners trained and active in hospice care<sup>23</sup>, and released prisoners - who were victims of torture - using art and liberatory counseling to heal at the Chicago Justice Torture Center<sup>24</sup>. Leonard Peltier himself has healed society in a myriad of ways through the artwork he has forged behind bars. The prison has taken artwork away from Brother Leonard - by the slow torture of lockdown, and by years of medical neglect that has taken a toll on his body so harsh that he cannot lift his arms.

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<sup>17</sup> Advancing Public Health Interventions to Address the Harms of the Carceral System <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2021/01/14/advancing-public-health-interventions-to-address-the-harms-of-the-carceral-system>

<sup>18</sup> Research - Abolition - Research Guides at Northwestern University <https://libguides.northwestern.edu/abolition/research>

<sup>19</sup> Amicus Brief in Support of PAA for John Wetzel and George Little.pdf <https://ccrjustice.org/sites/default/files/attach/2023/07/Amicus%20Brief%20in%20Support%20of%20PAA%20for%20John%20Wetzel%20and%20George%20Little.pdf>

<sup>20</sup> The Politics, Promise, and Peril of Criminal Justice Reform in the Context of Mass Incarceration [https://lsj.washington.edu/sites/lsj/files/documents/research/annual\\_review\\_of\\_criminology\\_2018.pdf](https://lsj.washington.edu/sites/lsj/files/documents/research/annual_review_of_criminology_2018.pdf)

<sup>21</sup> Prison Radio <https://www.prisonradio.org/>

<sup>22</sup> Voices of Mass Incarceration in the United States <https://library.brown.edu/hay/collectionpolicy/voices-of-mass-incarceration/>

<sup>23</sup> Humane Prison Hospice Project <https://humanepisonhospiceproject.org/>

<sup>24</sup> History — Chicago Torture Justice Center <https://www.chicagotorturejustice.org/history>

We have clarity that history is on our side, just as we are resolute that the future is on our side. We invite you to support the medical, legal, and spiritual team that will be with Brother Leonard in the hostile portal of the parole hearing on June 10, 2024. We seek freedom not just for our Brother Leonard, but also for all of the families of all the deceased during that remote season of violence on the Pine Ridge Reservation, including the FBI families of the deceased that openly seek vengeance. If our brother Leonard is not freed, we are prepared to convene a Trauma-Informed Community Parole Board and seek subject matter experts on trauma-informed restorative justice practices to prepare a path of freedom for our elders. Ours is a journey of resilient love and survival in the face of genocide. We look forward to collaborating in service of our shared caring vision for the future.

We will close with the words of a former federal prosecutor, and then with words from Leonard Peltier. “The FBI’s perpetual demonization of Leonard Peltier is an effort to poison public opinion and avoid self-reflection,” said Cynthia K. Dunne, a former federal prosecutor: “By reckoning with the past and moving forward in the best interests of justice, reconciliation, and compassion, we can become a stronger nation. It is time to free Leonard Peltier.”<sup>25</sup>

“I would like to go home to spend what years I have left with my great-grandkids and my people.” Leonard Peltier<sup>26</sup>

Respectfully Submitted,



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on behalf of the **Leonard Peltier Official Ad Hoc Committee**

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Lenny Foster, Spiritual Advisor  
Paulette D’auteuil, Treasurer  
Carol Robideau, Secretary  
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Ward Churchill  
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Ricardo Alvarez, MD

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<sup>25</sup> Former FBI Agent Calls for Clemency for Leonard Peltier <https://www.amnestyusa.org/press-releases/former-fbi-agent-calls-for-clemency-for-leonard-peltier/>

<sup>26</sup> Free Leonard Peltier Now <https://freleonardpeltiernow.org>

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