

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/open-letter-to-president-barack-obama-on-clemency/>

Public Facing Advocacy Writing

1705 DeSales St, NW
8th Floor
Washington, D.C. 20036
202.628.0871
(fax) 202.628.1091
staff@sentencingproject.org

1705 DeSales St, NW
8th Floor
Washington, D.C. 20036
202.628.0871
(fax) 202.628.1091
staff@sentencingproject.org

June 21, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President:

We have applauded your administrations work to reform the criminal justice system, particularly your efforts to grant clemency to people in federal prisons serving unjust and unduly long sentences. Your clemency initiative has given hope to thousands of incarcerated individuals who had lost faith that anyone in authority understood or cared about their plight. We believe your leadership will bring lasting change to the country and set the table for further reforms in future administrations.

However, we are concerned that as your days in office diminish, the clemency initiative is moving too slowly to meet the goals you set when you announced it in 2014. As the *Washington Post*, *NPR*, and other media outlets have reported, the initiative has been plagued by bureaucratic inefficiencies that have kept petitions that meet all of your stated criteria from reaching your desk. The Pardon Attorney originally hired by the Justice Department to oversee the process has resigned in protest, complaining that her office was given too few resources to process the thousands of applications it received. Attorneys involved in submitting petitions have said it is unclear that all of those received by the administration will be given even cursory review before you leave office, let alone a full vetting and a recommendation for action.

As of this week, nearly 12,000 commutation petitions are pending before the Justice Department. While the 348 commutations you have already granted are a worthy step in the right direction, by our estimates more than 1,500 people in prison are eligible for commutation under the criteria you established. The Justice Department seems to agree, telling the *Post* that somewhere short of 2,000 of the pending petitions appear to be eligible for relief.

At the pace the administration has currently set, it will fall far short of granting that number of commutations before you leave office. Many of these individuals have already served decades behind bars for non-violent drug offenses. Their families have been torn apart and their chances for happy, successful lives curtailed. Nothing can undo the injustice of their original sentences, but failing to grant the commutations for which they are eligible will add a second injustice. These individuals know they meet the criteria you laid out, and they justifiably believed they would obtain relief. If they are denied clemency because the process does not work, they and their families will suffer yet again. This injustice is one only you can prevent.

We know you are committed to this effort. We have seen how much it means to you when you meet with the individuals whose sentences you have commuted. Those interactions have been inspiring not just to us, but to the thousands of petitioners who wonder whether their applications will be given the proper review they were promised. They deserve that review, and many of them have begun to lose hope that they will receive it.

There is still time to accelerate the process so your clemency initiative fulfills the goals you set. But we believe that only your personal leadership will break the bureaucratic logjam that is plaguing the program. No person in prison who meets the criteria for relief should still be behind bars when you leave office. We hope you will move quickly to ensure everyone in your administration acts with the proper diligence to make that promise a reality.

Sincerely,

Julie Stewart
President and Founder, Families Against Mandatory Minimums

Glenn E. Martin
Founder, JustLeadershipUSA

Nkechi Taifa
Convener, Justice Roundtable

Marc Mauer
Executive Director, The Sentencing Project

Matt Haney
Co-founder, #cut50

Van Jones
Co-founder, #cut50 and Dream Corps

Michelle Alexander
Author, *The New Jim Crow*

The Honorable Nancy Gertner
Senior Lecturer on Law, Harvard Law School; former Judge, U.S. District Court of Massachusetts

Julie L. Biehl
Clinical Associate Professor of Law and Director, Children and Family Justice Center, Northwestern University Pritzker School of Law

Tamar R. Birkhead
Associate Professor of Law and Director of Clinical Programs, University of North Carolina School of Law

Paul Butler
Professor of Law, Georgetown University Law Center

Stephen B. Bright
Harvey Karp Visiting Lecturer in Law, Yale Law School

Erin Collins
Executive Director, Clemency Resource Center, Center on the Administration of Criminal Law, New York University Law School

Nora V. Demleitner
Roy L. Steinheimer, Jr. Professor of Law, Washington and Lee University College of Law

James Forman Jr.
Clinical Professor of Law, Yale Law School

Malcolm M. Feeley
Claire Sanders Clements Deans Professor of Law, University of California, Berkeley School of Law

Phillip Goff
Associate Professor (on leave), Department of Psychology, University of California, Los Angeles

Bernard E. Harcourt
Isidor and Seville Sulzbacher Professor of Law, Professor of Political Science, and Director, Columbia Center for Contemporary Critical Thought, Columbia Law School

David A. Harris
Distinguished Faculty Scholar and Professor of Law, University of Pittsburgh School of Law

Carissa Byrne Hessick
Professor, College Of Law, University of Utah

Thea Johnson
Assistant Federal Defender, Federal Defenders of New York

Justin D. Levinson
Professor of Law, University of Hawaii at Manoa William S. Richardson School of Law

Erik Luna
Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University

Sara Mayeux
Sharswood Fellow, University of Pennsylvania Law School

Tracey L. Meares

Walton Hale Hamilton Professor of Law, Yale Law School

Daniel S. Medwed
Professor of Law and Faculty Director of Professional Development, Northeastern University School of Law

Judith P. Miller
Assistant Clinical Professor, Federal Criminal Justice Clinic, University of Chicago Law School

Marc L. Miller
Dean and Ralph W. Bilby Professor of Law, University of Arizona James E. Rogers College of Law

Tom Nolan
Associate Professor and Program Director, Criminology & Criminal Justice Graduate Program, Merrimack College

Michael M. O'Hear
Professor of Law, Marquette University Law School

Mark Osler
Professor and Robert and Marion Short Distinguished Chair in Law, University of St. Thomas School of Law

David Patton
Executive Director, Federal Defenders of New York

Zo Robinson
Professor of Law, DePaul University College of Law

Maureen Ruane
Former Assistant United States Attorney, District of New Jersey

Margo Schlanger
Henry M. Butzel Professor of Law, University of Michigan Law School

Larry Schwartzol
Executive Director, Criminal Justice Policy Program, Harvard Law School

Jonathan Simon
Adrian A. Kragen Professor of Law and Director, Center for the Study of Law and Society, University of California, Berkeley School of Law

Ronald S. Sullivan Jr.
Clinical Professor of Law and Director, Criminal Justice Institute, Harvard Law School

Carol S. Steiker
Henry J. Friendly Professor of Law and Faculty Co-Director, Criminal Justice Policy Program, Harvard Law School

Jessica Steinberg
Associate Professor of Clinical Law, George Washington University Law School

Alex Whiting
Professor of Practice and Faculty Co-Director, Criminal Justice Policy Program, Harvard Law School

*Institutional affiliations are provided for identification purposes only.

Americans are barred from voting due to felony disenfranchisement laws

Incarceration

1705 DeSales St, NW
8th Floor
Washington, D.C. 20036
202.628.0871
(fax) 202.628.1091
staff@sentencingproject.org

The Sentencing Project (EIN 52-1472546) is a registered 501(c)(3) nonprofit organization.
Copyright 2022 The Sentencing Project All Rights Reserved [Terms of Use](#) // [Privacy Policy](#)