

February 25, 2019

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Ave, NW
Washington DC 20500

Dear Mr. President:

Last year, you achieved a historic accomplishment when you signed the First Step Act into law. This new law will reduce the imposition of unjust sentences for thousands of Americans, allowing people who make a mistake the opportunity to make amends and turn their lives around.

The law primarily addresses future sentencing, however, and does little to correct the unjust nature of past sentences that have left many behind bars for far longer than their crimes warranted. But you can deliver justice for those Americans by making full use of the pardon power for as many deserving individuals as possible and by reforming the structure of the federal clemency process to improve presidential exercise of this important constitutional authority.

During the last administration, former law enforcement officials and criminal justice reform advocates urged President Barack Obama to use his pardon power aggressively. While President Obama's clemency initiative did lead to hundreds of deserving individuals receiving commutations, he left thousands more behind when he left office. When President Obama's term expired, approximately 9,400 clemency petitions remained pending. Thousands of other individuals saw their petitions denied, despite many of them meeting most or all of the conditions the Obama administration laid out for clemency eligibility. Furthermore, his administration never even fully considered granting sweeping clemency to broad categories of people who also deserved clemency but may not have known how to obtain an attorney or petition for relief.

You corrected two such injustices by granting a commutation to Alice Johnson, who was serving a life sentence for a first-time drug conviction and whose petition was denied by President Obama, and to Sholom Rubashkin, who was sentenced to 27 years' imprisonment for fraud. The country will never forget the televised images of Alice being reunited with her family after more than twenty years behind bars. There are thousands of other Americans behind bars with stories just like Alice's, Americans who just need someone to give them a chance. Only you have the ability to grant them that chance.

To make this possible, we urge you to make lasting reforms to the clemency process by removing its administration from the Department of Justice. The Constitution grants the clemency power solely to the president. There is no constitutional or legal requirement that it

be overseen by DOJ. While DOJ should be able to comment on clemency petitions, there is an obvious conflict of interest when the same agency responsible for prosecuting individuals is asked to supervise their petitions for clemency. By changing the management of the clemency process, you could improve a process not only for your time in office, but also for your successors. President Obama failed to fix the clemency process and instead opted to for an ad hoc approach, leaving behind thousands of people who otherwise met the stated criteria. You can succeed where he did not and leave a lasting legacy in this area.

You could both show mercy and deliver justice for thousands of Americans. Passage of the First Step Act was, as the bill's name acknowledged, merely the initial step in achieving true criminal justice reform. It is now in your power to take the next step and give hope to so many who have lost it. We hope that you will seize this opportunity.

Sincerely,

Brittany Barnett
Director, Buried Alive Project

Mark Holden
Senior VP and General Counsel, Koch Industries

Alice Johnson
2018 Presidential Commutation Recipient

Jessica Jackson
National Director, #cut50

The Honorable Kevin H. Sharp
Former Judge, U.S. District Court for the Middle District of Tennessee

Shon Hopwood
Associate Professor of Law, Georgetown University

Rachel Barkow
Vice Dean and Professor Law, New York University School of Law

Mark Osler
Professor of Law, University of St. Thomas School of Law

Nkechi Taifa
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Eric Sterling
Executive Director, Criminal Justice Policy Foundation (signing in personal capacity)

Angela Stanton-King
Founder, American King Foundation

Amy Ralston Povah
President, CAN-DO Foundation

Beth Curtis
Director, Life for Pot

Jason Hernandez
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Hannah Procell
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Kyle O'Dowd
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Colin Miller
Professor and Associate Dean for Faculty Development, University of South Carolina School of Law