

The Campaign for Corrective Clemency

*"Sentence severity in the United States has reached an extreme that contradicts its stated human rights obligation to direct its prison system towards the primary goals of reformation and social rehabilitation as set forth in the International Covenant on Civil and Political Rights (ICCPR) which it ratified in 1992." – De la Vega et al., Cruel and Unusual: U. S. Sentencing Practices in a Global Context*¹

*"Our punishments [are] too severe, [and] our sentences too long", and while "[c]ourts may conclude the legislature is permitted to choose long sentences,... that does not mean long sentences are wise or just." – U. S. Supreme Court Justice Anthony Kennedy*²

Mass incarceration is the civil rights issue of our era,³ has brought about mass injustices, and has decimated thousands of people's lives in Illinois. Thus far, however, the Illinois legislature has refused to do anything other than tinker around the edges of what is needed to correct the problem.

"Incremental declines," as Peter Wagner argues in the Prison Policy Initiative, "can't erase mass incarceration. Mass incarceration grew at breakneck speed, year after year. Our reforms need to be equally ambitious."⁴ Moreover, you can't address mass incarceration without addressing long-term sentences, especially for⁵ people convicted of committing violent crimes. Justice requires ameliorative actions that address those currently imprisoned under unjust sentencing laws. Unfortunately, even when the legislature does pass an ameliorative law, it is woefully inadequate to fully address the problem, and they refuse to make it retroactive, thereby letting unjust sentences stand.

Both the Sentencing Project and the Prison Policy Initiative are calling on the country's governors to use their executive clemency powers in a broad, sweeping manner to correct past injustices.⁶ They both join many others in

calling for a cap on sentence lengths to prevent abuse. The Sentencing Project argues for doing away with Life Without Parole and capping nearly all sentences at 20 years.⁷ The Prison Policy Initiative, on the other hand, argues for "[i]mplemen[ting] universal parole eligibility after 15 years."⁸

In Illinois, the Governor has an "essentially unreviewable power" to grant executive clemency that is checked only by his own conscience.⁹ This gives him the unique ability to rectify many of the ills of mass incarceration with the swipe of his pen; and thus the corresponding ability to save thousands of people from unfair treatment and unnecessary suffering.

With literally thousands of men and women in Illinois currently sentenced to death by incarceration, it's time for Governor Pritzker to clear Illinois' "slow-death row", just as Governor Ryan cleared the State's former death¹⁰ row. It is needed for the same reason — a lack of justice in Illinois' justice system and an acknowledgment that many innocent people are being condemned to die in Illinois prisons.

Therefore, we call on Governor Pritzker to use his executive clemency powers broadly to help rectify past injustices that thousands of people continue to suffer from.

Governor Pritzker should:

- ✔ **Grant everyone with Life Without Parole (LWOP), de facto LWOP, or any sentence that requires someone to serve more than 20 years of their life in prison, parole eligibility after serving 20 years of his or her sentence (a life sentence in Illinois used to provide parole eligibility after 11 years and 3 months);**
- ✔ **Grant everyone convicted for crimes committed as a juvenile or young adult (18-24 years old) parole eligibility after serving 15 years of his or her sentence (in acknowledgment of their reduced culpability and greater capacity for rehabilitation);**
- ✔ **Grant everyone convicted under a theory of accountability,¹² or under the felony murder statute, parole eligibility after serving 15 years of his or her sentence;**¹³
- ✔ **Grant a partial pardon to everyone currently serving a sentence under Illinois' Truth-In-Sentencing law¹⁴ by pardoning this part of their sentence and ordering the IDOC to recalculate all such sentences at 50%.**

"People are serving savagely long sentences for violent offenses even though they no longer pose serious threats to public safety" –Marie Gottschalk¹⁵

"A just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation" –Pope Francis¹⁶

Former Republican Governor Mike Huckabee of Arkansas, who granted more than 1,000 pardons and commutations -- many to people convicted of violent crimes -- noted that when a Governor shows an unwillingness to use his or her clemency powers, it amounts to "playing politics with people's lives."¹⁷ "Only bold leadership...will

end mass incarceration within our lifetime."¹⁸ Thus, we call on Governor Pritzker to provide that bold leadership, beseech him not to play politics with people's lives, and ask him to use his executive clemency powers expansively. **Justice requires it.**

1. Connie de la Vega, Amanda Solter, Soo-Ryun Kwan, and Dana Marie Isaac, "Cruel and Unusual: U. S. Sentencing Practices in a Global Context." University of San Francisco School of Law (2012), p.15; citing International Covenant on Civil and Political Rights, December 16, 1966. S. Treaty Doc. No. 95-20 (1992), art. 10(3), 999 U. N. T. S. 171.
 2. Justice Anthony Kennedy, American Bar Association, Justice Kennedy Commission, Reports with Recommendations to the House of Delegates (August 2004).
 3. James Kilgore, Understanding Mass Incarceration: A People's Guide to the Key Civil Rights Struggle of Our Time (New York: The New Press, 2015).
 4. Peter Wagner, Prison Policy Initiative, June 5, 2018.
 5. See e.g. John Pfaff, Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform (Basic Books, New York, NY) 2017, p.11; Marie Gottschalk, Caught: The Prison State and the Lockdown of American Politics (Princeton University Press, Princeton, NJ) 2016, p.168; and "A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons". The Urban Institute, July 2017, p.9.
 6. "The Prison Policy Initiative recommends the following in regard to life sentences", CURE International Newsletter (Fall 2019); Nazgol Ghandoosh,

"Ph.D. "The Next Step: Ending Excessive Punishment for Violent Crimes", The Sentencing Project (2019), p.40.
 7. Nazgol Ghandoosh, supra note 6, p.40, citing the Sentencing Project's Campaign to End Life Imprisonment."
 8. CURE supra note 6.
 9. People ex rel. Lisa Madigan v. Donald Snyder, Jr., 281 Ill. Dec. 581, 591, 595 (Sept. 19, 2003).
 10. Wilgoren, J. "Citing issue of fairness, governor clears out death row in Illinois", The New York Times, Jan. 12, 2003.
 11. Joseph Rodney Dole II, A Costly American Hatred (2014) p.63-64.
 12. 720 ILCS 5/5-1 thru 5/5-3.
 13. 720 ILCS 5/9-1(a)(3).
 14. 730 ILCS 5/3-6-3 and 730 ILCS 5/3-7-6.
 15. Gottschalk, supra note 5, p. 258.
 16. Pope Francis (2016) Congressional address. Address presented at Joint Session of U. S. Congress, Washington D. C.
 17. Adair, B. "Yes, Huckabee pardoned many". Politifact, Dec. 28, 2007.
 18. Nazgol Ghandoosh, supra note 6.