

IT'S YOUR MOVE | BY JAMES KEOWN

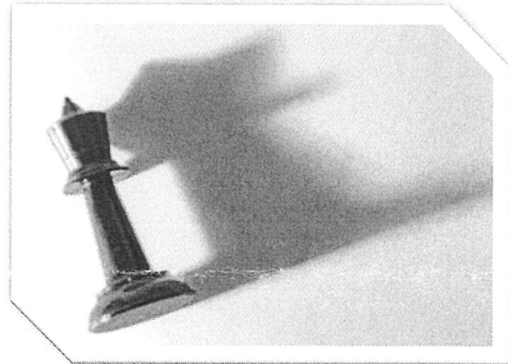
President Donald Trump granted clemency on June 6, 2018 to Alice Marie Johnson. Johnson, 63-years-old, had spent more than two decades in prison for her role in what federal prosecutors called a drug conspiracy. The great-grandmother's case was promoted by celebrity Kim Kardashian West who argued that Johnson should be released from her life sentence. Standing on the side of the roadway where prison officials had released her, Johnson's first words to reporters was an emotional and hearty demonstration of her gratitude toward President Trump.

As of this writing, President Trump has commuted five people in federal custody. All of those affected were either celebrities or had their cases popularized in some way. One of the five was a posthumous pardon to the late boxing legend Jack Johnson. With more than 10,000 federal clemency petitions already filed with the White House – and many more expected to come – criminal rights advocates hope the president will use the office's power to pardon to free many lesser known people who continue to languish as a result of America's misguided vengeance-based sentencing policies.

The question Democrat officials must answer – and answer quickly – is what do they intend to do? As a prisoner serving life without parole, I have listened to a number of Democrat politicians who have taken the time to come into prison to ask for my family's support. But I have seen little positive change. Instead, over the last year – as Massachusetts entered what some lawmakers have described to be a new golden age of criminal punishment reform – prisoners have lost more ground than at any other time in my incarceration.

New restrictions on visiting have created an environment where women and men are further isolated from their family and friends. New outsourcing schemes have created avenues for DOC contractors to further profit off those who support incarcerated people. And a new mail plan will guarantee that a person serving time in state prison will never again be able to touch a picture, note, card, or letter from a loved one.

As we enter the golden age of criminal punishment reform, I continue to watch people



infirm beyond any capacity to harm society fade away. Most egregious is that I am surrounded by people who have totally transformed their lives. But, they are barred from any meaningful attempt to gain their freedom because they are serving a life sentence and Governor Charlie Baker believes that those sentenced to die in prison must die in prison. Baker's *de facto* death penalty, on average, takes one life each month.

The message from Democratic leadership on Beacon Hill is that we have to move slowly – that reform takes time. Republicans are not moving slowly at either the federal or state level. The President in one week heard the case and made the decision to pardon an elderly African-American woman. During that same time period, Governor Baker advanced plans to re-institute the death penalty for those convicted of killing a police officer and to add a new life sentence for those convicted of multiple sex offenses. Both moves may be seen by dismissive Democrats as pure pandering, but unfortunately, that is what often gets votes in an election year.

President Trump's move to use his pardoning power to free Johnson has been pushed aside by some pundits as a move to give the president political cover for removing the stain of guilt from others like disgraced Bush White House staffer Scotter Libby. Others argue that the President's move demonstrates Republican awareness of two important political elements. The first is that the large and ever-growing number of re-enfranchised people released from prison and the family and friends of prisoners now make up a considerable voting bloc in many states. The second is that conservatives believe

that this demographic can be swayed to the right by action.

Charlie Baker's own election-year pandering has painted him into a corner as it relates to his criminal punishment agenda. The governor had hoped to better align himself with a coalition of voters that was comprised of those in and around law enforcement and those who make up the state's Red Belt that runs across the center of the Commonwealth. Both of these conservative communities voted heavily for Trump in the last presidential election. Baker's recent push to have more people die in prison was a move thought to be designed to appease a disgruntled and growing group of right-wing voters in the state. Baker has long been a vocal, but soft, critic of Trump. But the Governor faced with a challenge to his office from within his own party, has shifted to the default position of conservative Massachusetts politics: be tough on crime.

Unfortunately for Governor Baker, he did not get the memo from the White House that said that blind tough on crime policies were yesterday's message. That is not to say the White House won't flip back tomorrow. Based on the President's history of changing positions on a whim, one can almost guarantee that today's headlines will be offset by some not yet thought of draconian punishment policy. Today, however, Governor Baker's new moves and his old ones, like refusing to give consideration to any request for commutation – especially if that request is made by someone serving a life sentence – put him out of sync with Trump.

Time is running out for Massachusetts Democrats. The biggest excuse lawmakers have used to avoid dealing with meaningful sentencing

and prison reform was the fear of being seen as soft on crime. That fear has imprisoned officials for more than three decades. President Trump, however, has pardoned Massachusetts Democrats from their life sentence of fear. Now, what will they do with their freedom? Here are some suggestions: abolish the state's *de facto* death penalty – life without parole, create an oversight mechanism for the state parole board that holds the body accountable for not granting paroles, create and fill more beds in minimum and work release facilities and open such facilities up to any person who demonstrates that he or she is not a threat to society, and use medical parole to release the scores of infirmed prisons who are clearly not a risk to the public. These ideas are just a handful of the collection Democrats have allowed to back up on their desks for thirty years while women and men have been tossed away into state prisons. Those days are over. Democrats, it's your move.

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