

Coalition For Prisoners' Rights Newsletter

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The Redemption Campaign —Embracing Clemency

Will moderation work? This is very moderate, but very specific. We shall see.

The goal of this ACLU program is to free 50,000 people from state prisons over the next five years, by means of state-level campaigns that push governors to use their existing clemency powers in new ways, "forcefully confronting mass incarceration and racial injustice by granting *categorical* commutations to release large groups of people who are 'unjustifiably' imprisoned."

The campaign is beginning by identifying just four categories of people for whom release will be demanded initially, by *categorical, not individual*, commutation:

1. people who, were they convicted under current laws, would receive a shorter sentence than the one they got;
2. people convicted of drug distribution and possession offenses, regardless of the underlying substance;
3. people incarcerated for technical probation or parole violations; and
4. older incarcerated people.

"Clemency" can come in the form of a pardon, which legally undoes a criminal conviction, or in the form of a commutation, which reduces or ends someone's incarceration. Chief executives, that is governors, have the power to "correct systemic injustices and end imprisonment that is considered 'unjust or no longer necessary'." In many states, governors can use their executive clemency authority to immediately help imprisoned people. Governors can grant commutations as an act of compassion or mercy and free people from state prisons.

This campaign is being initiated by the *American Civil Liberties Union* (ACLU) and is nationwide. Of the 2.3 million people incarcerated in the U.S., 1.3 million of them are incarcerated in *state* prisons. "Hundreds of thousands of people are trapped by extraordinarily long and punitive sentences that were never warranted in the first place." One goal of the campaign is to "transform the concept of clemency from a case-by-case extension of individual mercy into an essential systemic response to decades of racist,

punitive, and degrading incarceration." For most people in state prisons, a governor's grant of clemency—acknowledging their right to redemption—is the only chance they have of timely release and a pathway to healing."

Black and Latino people make up 57% of state prison populations despite comprising just 29% of the overall population. Black people are imprisoned at 5.9 times the rate of "white" people; Latinx people have 3.1 times the rate of imprisonment for "whites." There have been decades of punitive policies that deliberately targeted Black and Brown people. "Correcting these prior injustices by liberating people who have spent years, even decades, in prison is a critical step to take toward racial justice and healing." Not to mention other, actually constructive, uses for the \$43 billion states spend every year on their prison systems.

As to popular support for the categories of people for whom clemency will be sought, 84% of the population supports clemency for those who, were they convicted today, would get a shorter sentence than they, in fact, received. In addition, 66% support clemency for those convicted of a drug offense, 68% support clemency for those imprisoned for a supervision violation and 72% support clemency for older incarcerated people.

Of the 1.3 million people being held in state prisons, 165,000 are over 55 and that number, of course, is growing. There are 191,000 imprisoned for drug related convictions and 280,000 for probation or parole violations. The wide-spread re-imprisoning of people for such violations is a primary driver of the mass incarceration crisis. "Far too many people are being harmed by the brutal excesses of the criminal legal system (and are incarcerated with) sentences that serve no purpose other than to punish and degrade.

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Las muertes por coronavirus en EE.UU.

El número de muertos por coronavirus en Estados Unidos podría llegar a 300.000 en diciembre si el ritmo actual se mantiene, según indica un modelo de gran influencia elaborado por el Instituto la Métrica y Evaluación de la Salud. Sin embargo, el instituto proyecta que podrían salvarse 66.000 vidas si el 95% de la población de Estados Unidos utiliza mascarillas. El número de muertos en Estados Unidos a causa de la COVID-19 asciende actualmente a 160.000, el total más alto registrado a nivel mundial por amplios margen. El 6 de agosto, el país registró más de 2.000 nuevas muertes por coronavirus, la cifra diaria más alta desde mayo. Esto ocurre al tiempo que los estados de Arkansas, Montana, Nevada y Carolina del Norte, además de Puerto Rico, reportaron nuevos récords de fallecimientos por COVID-19 durante la semana pasada.

THE LEAST READ PART OF THE NEWSLETTER

To receive the CPR Newsletter by postal mail monthly, send us a self-addressed, stamped envelope for every month's issue you are requesting, up to 12 at one time. Put the CPR return address on the upper left-hand corner of each envelope.

Continue to send us address changes to help us keep our annual calendar mailing list as accurate as possible.

NONE OF US ARE LAWYERS OR LEGAL WORKERS. Letters to us marked "Legal Mail" can hurt our access to the prison they come from.

Many, many thanks to the Real Cost of Prisons project which posts our Newsletter on-line monthly for free downloading and distribution. All issues since 2009 are at: realcostofprisons.org — a great site!

INNOCENTS IN PRISON

The rate of wrongful convictions in the U.S. is estimated to be between 2% and 10%. With a U.S. estimated prison population of 2.3 million, that comes to between 46,000 to 230,000 people. A 2018 book entitled *The Cadaver King and the Country Dentist* reports on a number of cases from Mississippi and Louisiana. The atrocities that occurred there aren't specific to one time and place. "The medical examiners, police officers, prosecutors, judges...who hold sway over our criminal justice system have largely failed to deliver justice." --adapted from an article by noted author John Grisham, 2018

"Hopelessness is the enemy of justice."
—Bryan Stevenson, Equal Justice Initiative

"CLOSE DOWN SAN QUENTIN"

As of August 4, 2020, there have been 2,469 positive cases of covid-19 among those imprisoned, since May 31 and 21 deaths at California's San Quentin prison (March population reported as 4,058). There were 260 staff who had tested positive. This outbreak began with the transfer of 121 prisoners to San Quentin from the state prison in Chino CA. These numbers overtook Marion Correctional Institution's in Marion OH, previous record high. Overall, more than 8,300 imprisoned people and 1,800 staff have been infected in the California prison system. And a total of 49 imprisoned people and six staff had died as of the first date quoted above.

There have been a number of demonstrations at the prison gates demanding that prisoners be freed. In August, the governor of California ordered the release of approximately 8,000 by the end of the month, including an "undetermined number" from San Quentin. Between mid-March and mid-June, California's prison population dropped by more than 7,000.

Also, between March and June, more than 100,000 people are reported to have been released from state and federal prisons, an 8% decrease. Reports are that the lowering of numbers has resulted largely because prisons stopped accepting newly imprisoned people from county jails. In addition, court closures have meant that fewer people were being sentenced and fewer people were being violated for "low level violations."

The numbers in this Newsletter will always be out of date because of the production and distribution methods we must use. In addition, there are any number of reporting irregularities. For example, in the daily reports appearing in the *Santa Fe New Mexican* newspaper, there is a category entitled "Excluded from county totals: 788 cases among federal detainees and 507 cases among state prisoners..."

Other Blatant Violations

For example, Alabama: there are 13 state prisons for men, which keep about 13,000 people imprisoned—this is 6,000 people over the stated capacity. There is a new federal Justice Department report that concludes that Alabama's prisons systematically flout the constitutional prohibition against cruel and unusual punishment. In April, the state was given seven weeks to develop a reform plan; without one, the U.S. attorney general could proceed to force a court ordered consent decree. The state attorney general declares he will "not be bullied" so close to the federal election.