LESSON 1

Executive Clemency: Learn the Process and Prepare

If you could ask the President to change something about your situation, what would you ask for? Before you look for a form or ask someone for a letter of support, write down two questions.

- What relief might fit my situation?
- What would I want someone reviewing my request to know about how I've used my time?

When I began serving my federal sentence, I made it a priority to learn how the system worked. The President could grant clemency in my case. I wanted to give someone reviewing a future request a way to learn about the work I had done since sentencing. Writing about prison policy gave others a way to read my ideas and decide for themselves whether they wanted to support my work. By the time I applied, I could point to work I had done over the years.

You can begin with this lesson and a notebook. Write down what you know, the questions you still have, and one action you can take this week. As you move through the workbook, return to these notes and revise them as you learn.

Understand what you want to ask for

Executive clemency includes several forms of relief the President can grant for a federal offense. This workbook focuses on two. A commutation reduces all or part of a sentence a person is serving. A pardon expresses presidential forgiveness for an offense. Clemency for a state conviction follows that state's process.

Consider two fictional examples.

- Luis is serving a federal prison sentence. He wants to know whether the President could shorten the time he has left to serve. He would start by studying commutation.
- Renee finished her federal sentence several years ago. As she looks for new work, she wants to understand what a pardon could mean when she discusses her conviction with a prospective employer. She would start by studying a pardon.

Each person begins by naming the result they want. That gives them a question they can take to the application instructions.

Start with the court that handled your case and the part of your situation you want to change. If you have your judgment, look for the name of the court and the sentence it imposed. If you need a copy, make a note to ask your attorney or contact the clerk of the court that entered the judgment. Dates and court names can help you check whether you are reading instructions that apply to your case.

Pause and write.

- In one or two sentences, what would you want a decision to change in your life?
- What detail about your case would help you explain that request more clearly?

How federal clemency works

1

You prepare, apply, and send updates.

Choose the form for the relief you're seeking. Follow its instructions for sending the completed application to the Office of the Pardon Attorney. Keep the clemency case number from your confirmation. If something changes while your request is pending, such as your address or employment, you can send an update and include that number.

2

The Department of Justice investigates and recommends.

The department reviews the information you submit. It may ask the U.S. Attorney and the sentencing judge for their views. For a pardon, the department may ask the FBI to conduct a background investigation. The department makes a recommendation to the President.

3

The President decides.

The President can grant or deny clemency and can act independently of the department's recommendation. The Office of the Pardon Attorney sends you notice of the decision.

Adapted from "How Clemency Works," U.S. Department of Justice, Office of the Pardon Attorney.

Give yourself a way to keep track of what you learn. For each question, write down what you know, where you learned it, and what you need to verify. For example, your judgment may tell you the date the court imposed your sentence. If you also need the date you completed supervision, mark it as a detail to confirm and look for a record that shows it. If your form shows a revision date, copy it into your notes so you can tell whether you and anyone helping you are using the same version.

If you need a paper application, you can ask your institution's education staff whether they can help you get a copy. You can also ask someone you trust to mail you the current form and instructions.

Pause and write.

- Which part of the process do you understand least right now?
- What question could you write down to guide your next review?

Build a record someone else can understand

A presentence report gives the court information about your life and the offense before sentencing. Years later, a person reviewing your request may want to understand how you responded to your circumstances. Start with one responsibility you accepted or one problem you worked on. Write down what you did, what you learned, and what changed as you kept at it.

Imagine Jordan, a person in federal prison who wants to work in a shipping department after release. A job description mentions inventory and order records, so Jordan begins practicing with sample inventory sheets. In the first few weeks, Jordan notices a recurring error when comparing items received with the order list. Jordan adds a column to check the difference, keeps the earlier sheets, and asks an instructor to review a later one.

A month later, Jordan compares the early and recent worksheets. The instructor suggests checking item numbers before comparing quantities, and Jordan makes that the first step in the next practice session. The dated worksheets give Jordan a way to explain a skill to a prospective employer and show how the work changed after the instructor's feedback.

From an action to a record

1. Choose a skill

Jordan identifies inventory tracking as a skill to practice for a shipping job.

2. Record the work

Jordan dates the worksheets and keeps examples from before and after adding a check column.

3. Review and adjust

Jordan reviews the work with an instructor and decides what to practice next.

A notebook can hold an account like Jordan's. You may choose to share your entry on your Prison Professors profile. If you want the Office of the Pardon Attorney to consider a particular entry or record, send a copy with your application or as an update while your request is pending.

Pause and write.

- What is one responsibility you have taken on?
- Which record or person could help someone understand how you followed through?

Write your journal entry

Date the entry and choose one action you can complete in the next seven days. If you already have work to draw on, start with something you want to explain more clearly. Pick a day to review what you did and leave yourself room to add what you learned.

- What do I want someone reviewing my request to understand about my preparation?
- What can I do this week to put that preparation into practice, and what will I keep to show what I did?
- When will I review the result, and how will I decide what to do next?

Keep your answer about the relief you want to understand. In Lesson 2, you'll use it as you look more closely at what a pardon and a commutation can do.

Start your profile from prison

See page 6 for three ways to get started, including by mail. Appendix C gives a sample letter on page 104.