

TIME FOR GOV TO GRANT CLEMENCY PETITIONS

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BY ROBERT B. ACTON

While the future of Gov. Blagojevich levitates in a sort of “suspended animation,” it is heartening to learn that he is reviewing the 2,600 clemency petitions that he has allowed to stack up on his desk. My organization, Cabrini Green Legal Aid, represents about 10 percent of those individuals still awaiting his decision for pardon and expungement. Hundreds have waited egregiously long periods of time, even up to five years. It is time for their “suspended animation” to come to an end and the governor alone has the power to make it so.

Particularly in light of the legal cloud hovering over his office, it is critical that the governor reviews these petitions in a fair, systematic and transparent manner, uninfluenced by political friends or powerful connections. The primary test for the governor should be two simple questions. First, has this individual demonstrated substantial life change over the course of the last 10 or more years, providing reassurance that he or she poses no additional risk to the community’s safety? And second, has this individual shown industriousness, even with the existence of the record, demonstrating that their future prospects will be greatly enhanced once provided a second chance? In my view, if the answer to both of these questions is yes, a pardon and expungement is usually warranted.

One of our clients at Cabrini Green Legal Aid has been waiting on the governor’s decision for five years. An honorably discharged veteran, “Pete” has on his rap sheet two convictions that took place during the Nixon and Ford administrations after he served his country in Vietnam. He owned up to his mistakes by pleading guilty. He was never sentenced to jail time, but did fully pay his debt to society by paying a \$75 fine and satisfactorily completing 2 ½ years of probation. Since that time, he has had no intervening arrests. Pete simply seeks a pardon so he can get a job.

Obviously, clemency should not be granted in circumstances that might put the public safety at risk. For this reason, before we accept a client’s case, we review the criminal record and life background for reassurance that earlier mistakes will not be repeated. The convictions are always more than a decade old — and often up to 30 years old — with no intervening arrests. None are incarcerated or on probation. Their lives are marked by demonstrated life change. These individuals have appeared in hearings before the Prisoner Review Board, a panel of 15 members appointed by the governor and approved by the state Senate. They have shared their very personal stories and answered every

question posed by the members of the board. In turn, the board has provided the governor with a confidential recommendation on whether to grant or deny each petitioner's request.

To avoid the appearance of impropriety and to make certain that the most meritorious petitioners are considered right away, Blagojevich should handle his backlog this way:

1. Separate the 2,600 petitions into two piles based on the Prisoner Review Board's recommendation to grant or deny.
2. The "grant" pile — no doubt substantially smaller — should be the starting point, beginning with those petitioners who have waited the longest period of time for a decision.
3. Because a typical clemency petition is only 10 pages long, the governor's legal team can review these petitions with haste, make an independent recommendation based on the governor's criteria as to whether they agree or disagree with the Prisoner Review Board's positive recommendation, and then send them to Blagojevich for his final approval.
4. Once the "grant" pile is complete, the governor should move on to the more difficult petitions that the board has recommended for denial.

The governor could dislodge his clemency bottleneck within days, not weeks, following this fair process. In doing so, he would focus on those petitioners who his own appointees and staff have eyeballed carefully, questioned thoroughly, and found worthy of a fresh start.

There are hundreds of small, selfless actions Blagojevich could take today to radically improve the lives of deserving Illinoisans seeking pardon who have waited far too long. Of course, the governor cannot and should not grant clemency to every individual who seeks it, yet I am confident that once he reviews these petitions, he will agree that many are genuinely deserving of a second chance.

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