



December 23, 2016

VIA E-MAIL

The Honorable Barack Obama
President, United States of America
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Appeal to use executive power to benefit additional categories of people convicted of drug offenses

Dear President Obama:

On behalf of the undersigned foundations, we write to urge you to use your authority in the waning days of your presidency to grant the clemency petitions of thousands of people convicted of non-violent drug offenses.

Our foundations are members of the Executives' Alliance for Boys and Men of Color, a national philanthropic network that, among other issues, advocates for effective public policy and systemic changes in our nation's criminal justice system. We note with alarm the astronomical rates of incarceration across the nation, which disproportionately impact Black and Latino males. And we applaud the pathways to opportunity and inclusion you have created through *My Brother's Keeper*, with its focus on second chances (which we have supported) and more recently through the White House's Fair Chance Business Pledge (which we have also championed through our [Ban the Box Philanthropy Challenge](#)).

We particularly acknowledge the extraordinary actions you have taken in using your power of executive clemency which, to date, have resulted in the early release of over 1,100 men and women, most of whom were overcharged and over-sentenced under drug laws which have now been overturned.

Despite this great achievement, the years ahead are filled with uncertainty, with an incoming administration unlikely to continue strong executive action on criminal justice reform. The hope of future progress is in grave doubt. So we implore you to go even bolder now, using the power of your pen to expand clemency eligibility to thousands more petitioners in these last few weeks of your presidency.

We are not alone in this call for action. Last month a group of over 20 African American mayors wrote you a [letter](#) affirming that they would welcome back to their communities all those who do not present a threat to society, regardless of whether they fit all the criteria of your administration's clemency initiative. In another [letter](#), a coalition of over 50 signatories, including former prosecutors and judges, as well as academics and civil rights leaders,

detailed steps you can take to expand the number of individuals eligible for relief. Still another [letter](#), from the National Council of Incarcerated and Formerly Incarcerated Women and Girls, stressed the importance of implementing a broader clemency approach. The Exodus Coalition, coordinated by representatives of faith organizations, submitted a [letter](#) as well, emphasizing the adoption of a comprehensive clemency plan before you leave office.

All of these appeals share the common thread of applauding your clemency initiative while also amplifying the urgency to go further by granting clemency to additional categories of people convicted of drug offenses, some of which include the class of people who remain incarcerated due to non-retroactivity of the 2010 Fair Sentencing Act; those who have aged behind bars and are now elders who pose no risk to public safety; and those serving life sentences for drug offenses who will die in prison because there is no parole in the federal system.

We are aware that Attorney General Lynch has stated that there will be no “blanket commutations” for those convicted of drug offenses, intimating that to do such would be improper. There is, however, strong precedent for use of the executive clemency power in a broad or categorical manner. Indeed, amnesties or general pardons have been part of this country’s tradition since nearly its founding. From the pardoning of Whiskey Insurrectionists in 1795 by President Washington, there has been a steady litany of amnesties throughout history—from military deserters by Presidents Jefferson, Madison, Lincoln, and Johnson to other amnesties under Presidents Harrison, Cleveland, T. Roosevelt, Wilson, Coolidge, F. Roosevelt, and Truman, to the modern era in 1974 by President Ford who commuted the sentences of nearly 14,000 Vietnam era draft dodgers, and the unconditional amnesty program by President Carter in 1977 for thousands of draft evaders who fled the country or failed to register.

Thus, consistent with the long line of presidents who have used their constitutional authority to grant amnesties to categories of people, we implore you to follow this tradition to extend your clemency initiative to include the thousands of people convicted of drug offenses in categories identified in this and other letters who are seeking to reclaim their lives. As leaders in philanthropy committed to improving life outcomes for boys and men of color, we urge you to do everything in your power to grant a second chance to as many people as possible. We will do our part by continuing to leverage our institutional resources in support of reentry efforts for those released from prison and broader justice reform efforts to stem the tide of mass incarceration on the front end of the system.

Thank you in advance for your leadership, compassion, and mercy.

Sincerely,

Lateefah Simon
President
Akonadi Foundation

Leticia Peguero
Executive Director
Andrus Family Fund & Family
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Kevin Jennings
Executive Director
Arcus Foundation

Felecia Lucky
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Lori Bezahler
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