

May 21, 2012

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

The news story jointly published by ProPublica and *The Washington Post* on May 14 revealed disturbing new information about misconduct in the Office of the Pardon Attorney (OPA) at the U.S. Department of Justice with regard to applicants for sentence commutations. The story follows an earlier report released last December about OPA's role in the pardon process. For those of us who were already concerned that the OPA was hindering the clemency process, the two stories confirmed our fears. It is time for action. We urge you to investigate the activities of the OPA since at least 2001 and to hold an oversight hearing as soon as possible to review the serious questions that have been raised in these news reports.

As you know, Article II, Section 2 of the Constitution gives the president "the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Although pardons will not solve the myriad problems currently plaguing the criminal justice system, it is nevertheless essential to ensure that the President is able to use his pardon authority effectively in order to provide justice—and, in some cases, mercy—to deserving individuals. The OPA was created ostensibly to assist the president in the exercise of this important function. The recent media investigations into the OPA's activities, however, suggest that there are troubling racial disparities in the application of pardons and that OPA is withholding or misrepresenting critical information from the presidents it is supposed to serve. Taxpayers should not be forced to subsidize an office that is abusing its power, nor should applicants for executive clemency face a deck that is stacked against them in secret.

We urge you to convene a hearing at your earliest convenience to examine the OPA's conduct and stand willing to assist you in any manner possible.

Sincerely,

A New PATH (Parents for Addiction Treatment & Healing)
Advocare
African American Ministers In Action
American Civil Liberties Union
American Humanist Association
Blacks in Law Enforcement in America
C. Edward Brittingham, NAACP Wilmington Branch President

Charles Hamilton Houston Institute for Race & Justice
The Constitution Project
Council on Illicit Drugs of the National Association for Public Health Policy
Criminal Justice Policy Foundation
Debbie Blue, Evangelical Covenant Church *
Delaware Center for Justice
Delaware Chapter: National Alliance for Medication Assisted Recovery
Disciples Justice Action Network
Drug Policy Alliance
Drug Policy Education Group Inc
Drug Policy Forum of Texas
Efficacy
Families Against Mandatory Minimums
FedCURE
Healing Communities, USA
Justice Fellowship/Prison Fellowship Ministries
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National African American Drug Policy Coalition (NAADPC)-Detroit Chapter
National Association of Criminal Defense Lawyers (NACDL)
National Legal Aid & Defender Association (NLADA)
NETWORK, A National Catholic Social Justice Lobby
Open Society Policy Center
The Ordinary People Society
Remove Intoxicated Drivers
Restoring Dignity, Inc.
Sargent Shriver National Center on Poverty Law
The Sentencing Project
StoptheDrugWar.org
United Church of Christ/Justice and Witness Ministries
United Methodist Church, General Board of Church and Society

cc: The Honorable Lamar Smith
The Honorable John Conyers