

Congress of the United States
House of Representatives
Washington, DC 20515

Elizabeth Oyer
Pardon Attorney
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

May 17, 2022

Dear Pardon Attorney Oyer,

Our nation's legal system requires a well-functioning and productive clemency process. However, according to the Office of the Pardon Attorney website, there are more than 17,000 pending applications for clemency.¹ I write to request detailed information related to the massive backlog in processing requests for commutation, pardon, remission of fine or restitution, and reprieve. Disaggregated data on who is waiting for a response and how long they have waited is critical to understanding who carries the burden of the backlog.

In 1865, Congress created the Office of the Clerk of Pardons in recognition of the importance of presidential pardons.² Clemency is an innate part of our nation's legal system and is expressly mentioned in the United States Constitution.³ Despite the current lag, it remains a significant tool to rectify injustices and reduce prison populations.⁴ The federal government has a responsibility to ensure the clemency process is unfettered and accessible to all.

However, the growing backlog of clemency petitions undermines the promise of a fair and just criminal legal system. The delay in reviewing and responding to applications prevents the legal system from reflecting updated and evidence-backed views of public safety. Among the thousands of pending applications are individuals who were incarcerated under outdated sentencing guidelines or for actions that are no longer criminalized. The backlog also includes people who fully served their sentence but continue to face harsh collateral consequences impeding their successful reintegration back into community. Each applicant for clemency deserves a timely response so that they can move forward and live healthy and productive lives.

Congress requires you to share all information on the clemency backlog in order to address its impacts on our constituents across the country. Every application represents a person, a family, and a community. And every delayed response represents a miscarriage of justice, a dysfunctional process, and a policy failure in desperate need of repair.

¹ *Office of the Pardon Attorney*, U.S. DEP'T OF JUST., (May 13, 2022), <https://www.justice.gov/pardon>.

² 13 Stat. 516.

³ U.S. Const. Art. II, § 2.

⁴ *Clemency Statistics*, U.S. DEP'T OF JUST., (Apr. 5, 2022), <https://www.justice.gov/pardon/clemency-statistics>.

As noted in your agency's mission statement, "All requests for executive clemency for federal offenses are directed to the Pardon Attorney for investigation and review."⁵ Therefore, you possess the requested information necessary for Congress to fix the clemency process.

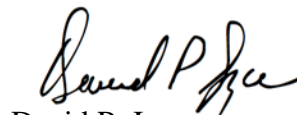
By June 7, 2022, please provide a report on all pending clemency applications detailing applicant demographic data (including age, race/ethnicity, gender, parental status, state of residence, incarceration status), month and year of application submission, representation by an attorney, type of clemency request, type of relief sought, type of offense(s), and office currently reviewing application.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,



Ayanna Pressley
Member of Congress



David P. Joyce
Member of Congress



Mary Gay Scanlon
Member of Congress



Kelly Armstrong
Member of Congress

⁵ Office of the Pardon Attorney, U.S. DEP'T OF JUST. (May 13, 2022), <https://www.justice.gov/pardon>.

