



SUGGESTIONS FOR FILING YOUR FEDERAL COMMUTATION PETITION

LEGAL DISCLAIMER: PLEASE READ IN FULL

FAMM is not a legal services provider.

WE DO NOT PROVIDE LEGAL REPRESENTATION TO INDIVIDUALS FILING APPLICATIONS FOR COMMUTATIONS. Do NOT list or name FAMM as your lawyer on any document you file for clemency.

Therefore, FAMM cannot

1. Provide you with legal representation, research, or referrals to other attorneys,
2. Give you legal advice or answer any legal questions regarding specific aspects of your case or your loved one's case,
3. Assist you with writing or filing your commutation application,
4. Write a support letter or sign a support petition on your behalf, **OR**
5. Help you file claims against the Bureau of Prisons or Office of the Pardon Attorney.

Before you begin...some commutation basics

A commutation is a reduction in the length of a sentence. To get a commutation, you file an application (or petition) – it is an administrative proceeding, not a court proceeding. The sentence reduction sought can be to time served (e.g., from 10 years to time served) or from a period of years to a shorter period of time (e.g., from 10 years to 5 years, or from death to life imprisonment, or from life without parole to life with parole eligibility).

If you were convicted in federal court, you must request a commutation from the president of the United States. State prisoners **cannot** request a commutation from the president. They must seek one from their state's governor or their state's pardon/parole board.

Federal prisoners can request a commutation from the president by filing an application form with the Office of the Pardon Attorney. Application forms are available on the internet at <http://www.usdoj.gov/pardon/>. Prisoners can also request these documents and an application form from their case manager/counselor, warden, or may find one in their prison's law library.

Once a petition is submitted to the Office of the Pardon Attorney, it will be reviewed, and the Pardon Attorney will write a recommendation that the president either grant or deny the request. That recommendation is forwarded to the Deputy Attorney General, who will review it and forward it to the White House, where it will be reviewed by the president and his lawyers. The president makes the final decision to grant or deny a commutation. FAMM members have informed us that it can take anywhere between two to seven years before a person is told whether a commutation request has been granted or denied.



You do not necessarily need an attorney to file a commutation petition. You can write your own petition and have family members and friends help you raise support for your early release. **However, commutations are extraordinary and rarely granted. There is no guarantee that you will receive clemency, even if you follow these suggestions and raise support for your case. Nothing on this handout is intended to be legal advice or should be relied on as legal advice. If you feel you need legal help, contact a lawyer.**

PART I: BUILD A SUPPORT NETWORK

Commutations are extraordinary and rarely granted. Having at least one – or preferably two – “outside advocates” assist you in developing a compelling commutation petition is very important. Outside advocates are helpful because they:

1. Can do things you cannot do in prison – they have mobility, flexibility, free time, and access to information that you do not have; and
2. They are in the community – they can reach out to neighbors, community members, places of worship, and their legislators.

FIRST STEP: FIND OUTSIDE ADVOCATES

Before you write or file your commutation petition, build a support network that can help you. Start by finding your outside advocates.

What is an outside advocate? An outside advocate is different from someone who simply writes a letter on your behalf. He or she is your “go-to” person when a need arises in the course of filing and advocating for your commutation. An ideal outside advocate should:

1. Know you, your case, how you have changed in prison, how hard it is to get clemency;
2. Be trustworthy, reliable, articulate, unafraid of speaking in public, able to use email and the internet;
3. Have persistence, patience, time to work on your case, internet access; and
4. Want to work with your family, tell others about your case, and see you come home early.

How do you find your outside advocates?

1. Make a list of everyone you know who might support you. If you have an attorney helping you, he or she should be the first person on your list. Save this list! You will use it later to raise support.
2. Ask yourself, “How many of the qualifications of an outside advocate does each person on my list meet?”
3. Pick out the top one or two people, then write or call them. Explain that:
 - You’re seeking clemency, which is hard to get;
 - The process could take several years;
 - You need an advocate to be your “go-to” person for raising support;
 - They will need to work with your family, friends, and attorney (if you have one); and
 - They will need to write to and/or meet with legislators, your judge and prosecutor, and people in your church and community.
4. If they are interested in being your outside advocate, ask each person:



- To explain their strengths and weaknesses (Are they afraid of speaking in public? Do they write well? Can they use the internet?).
 - Can they help with all or only some of the parts of raising support for your commutation (i.e., only getting letters of support for you)?
 - Do they have the time to commit to the cause (i.e., if they have multiple jobs or small children, they might be too busy)?
 - Do they have any questions about what you'll expect them to do? Is there anything they are not willing to do?
 - If a person is right for the job and wants to fill the role, ask for a firm commitment on their part.
5. Keep looking for outside advocates until you have one or two people you are confident can do the job well. Don't get discouraged if people can't help you! It is important to make sure your outside advocate knows what they are getting into, and that you know that the person will be reliable and able to stick with you for the long haul. People on your list who cannot commit to being an outside advocate may still be able to help in other ways. Keep them close.

SECOND STEP: CREATE A "MASTER LIST" OF POTENTIAL SUPPORTERS

Once you have selected your outside advocate(s), they should make a list of all of the people they know who could potentially support your petition. Combine all of your lists (including the one you made earlier) and obtain the current correct addresses, phone numbers, and email addresses of the people on that list. This is your "master list" of potential supporters, who you will ask to:

1. Write letters on your behalf to the governor or president;
2. Write letters to legislators, urging them to support your case;
3. Tell their friends, neighbors, and coworkers in the community about your case, leading even more people to support your case;
4. Help you find reentry resources, such as a job and a place to live; and
5. Help you get the support of other people in the community, such as local leaders, law enforcement officials, media, and other influential citizens.

THIRD STEP: MAKE A SUPPORT RAISING PLAN

Get everyone on the same page. Have a discussion with your outside advocates. Tell them about your role in the offense, including findings in your presentence investigation report (PSR), sentencing transcript and other court documents and opinions. Inform them about the strengths and weaknesses of your case. It is important that your outside advocates know all the details, so that your message is consistent.

Set goals for your commutation campaign. These should include:

1. Writing a commutation petition that is truthful and sympathetic;
2. Creating a tool to tell others about your case (a website, blog, Facebook or MySpace page, online petition, profile, business cards);
3. Getting support letters from your judge and prosecutor, legislators, and people in your community;
4. Interesting the media in your home town to give coverage to your story, and



5. Finding someone to advocate directly on your behalf to the Pardon Attorney or White House staff, who makes the recommendation and decision on whether you deserve clemency.

Divide up the work. Give each person tasks that you are confident they will do well. Don't forget to take part of the workload for yourself, too! Decide who will:

1. Help you write the commutation petition;
2. Create a tool (a flier, profile, website, etc.) to promote your case;
3. Collect support letters from your friends, family, church, community members, and your judge, prosecutor and legislators;
4. Get people in the media to cover your case; and
5. Meet with the Pardon Attorney or White House staff to advocate for you.

Create a timeline. Decide when you will:

1. Collect support letters from the people on your "master list" of potential supporters;
2. File your commutation petition;
3. Reach out to your legislators;
4. Reach out to your prosecutor and judge;
5. Begin publicizing your case or trying to get media attention for your case;
6. Have an advocate meet with the government officials handling your petition; and
7. Hope to receive a final answer from the government on your petition

Agree on a plan for keeping everyone updated on your progress. Decide:

1. What form will the update take (a website, monthly email or newsletter?)
2. How often will everyone be updated (weekly, monthly, bi-monthly?)
3. Who will be in charge of keeping supporters updated?
4. What kinds of updates will supporters receive? Think about sending updates when you file your petition or have news to report about your application.

PART II: GET MEDIA COVERAGE OF YOUR CASE

Once you've found your outside advocates and created a master list of supporters, begin publicizing and getting media attention for your case, even before you file your commutation application.

FIRST STEP: TELL YOUR STORY

Create a "publicity tool" (see Appendix B below) to inform others about your efforts. It could be a flyer, website, blog, MySpace or Facebook page, pamphlet, or business cards supporters can hand out. It should include your outside advocates' contact information, a color photo of you, and a brief description of you, your case, and why you deserve a commutation.

SECOND STEP: PREPARE A MEDIA STRATEGY

Before reaching out to the media, make sure you know how to tell your story simply, clearly, and honestly (reporters will check the facts and find out if you were dishonest).

- Decide how to "pitch" (share) your story: Be ready to give the media an interesting explanation of your case that shows why your case is
 - Unusual, sympathetic, or compelling (is your sentence extraordinarily long? Have you shown extraordinary rehabilitation?)



- Meaningful to this community (are you the small-town athlete who made the mistake of getting involved in drugs? Have you or your family served your community?)
- Newsworthy (how does your story relate to what is going on *right now* in the news?).
- Start with who you know: *anyone* you know (not just reporters) at a local media outlet can help you pitch your story to their editors or reporters.
- Go local: it's hard to get large media outlets like the *New York Times* or CBS News interested, so start with local media (i.e., your community newspaper, church newsletter, local high school newspapers, local radio shows).
- Submit a Profile Form to FAMM (available online at <http://www.famm.org/Repository/Files/case%20summary.pdf>).

THIRD STEP: SHARE YOUR STORY

- Send your publicity tool to members of the media that you and your outside advocates know in your area. Follow up with phone calls. Set up a meeting between the outside advocate and the person writing or producing the story.
- At the meeting, ask questions:
 - What is their “angle”? (what do they want to accomplish by telling your story? Who is their audience?)
 - How long or in-depth will the story be? (i.e., a multi-page, in-depth, photographed feature? A shorter, less detailed, text-only summary?)
 - Who will they interview? (i.e., just you? Your family? The judge and prosecutor?)
 - Do they have concerns or reservations about you? (i.e., do they find you sympathetic or think that you got what you deserved?)
 - What kinds of documents will they need? (i.e., your PSR, sentencing transcripts?)
 - When will the story will be aired or published? (i.e., how much time do they have to create the story?).
- Respond quickly to requests for information. Most reporters are under tight deadlines.
- Prepare outside advocates to speak on your behalf. Reporters might not be allowed into prison to interview you or might not be able to arrange an interview before their deadlines. Outside advocates may have to speak for you.

FOURTH STEP: WHAT TO EXPECT

Media attention has pros and cons. Be prepared for the possibility that:

- Your case may not receive any coverage. The news is always changing, so your story may get pushed aside because a bigger story comes up.
- Any coverage you do get could be negative.



PART III: WRITE THE COMMUTATION PETITION

The Office of the Pardon Attorney at the Department of Justice carefully reviews the petitions that prisoners submit. The prisoner should write the petition and be as honest as possible. The Pardon Attorney will check on the accuracy of the facts presented. Here are pointers:

1. **Acceptance of responsibility.** Clearly, honestly, and accurately describe your role and level of responsibility in the offense. The Pardon Attorney will assume that your conviction was correct, valid, and lawfully obtained and that everything in your presentence investigation report is true. Do not claim innocence. Do not “re-try” your case. Do not re-argue legal questions that were resolved in appeals or a habeas petition. Do not blame others, minimize your actions, complain, or argue that you are the victim of corrupt officers or an unfair system. If you pled guilty and have consistently accepted responsibility for your offense, say so.
2. **Remorse.** Explain how you came to understand and regret the negative impact your crime had on society and others. Acknowledge that your actions were wrong or hurtful. Explain why you are committed to obeying the law in the future. Do not argue that you are a victim of unfair laws or a corrupt legal system.
3. **Exhaustion of Remedies.** *Before* you file your commutation petition, make sure that you have completed all of your appeals and habeas proceedings and that you have no other motions pending in court. State this fact in your petition.
4. **Non-cooperation.** The Pardon Attorney may not look favorably on petitions from prisoners who did not plead guilty or cooperate with the prosecutor (i.e., by testifying against others, giving names, fully admitting your role in the offense, etc.). If you did not plead guilty or did not cooperate with the government, explain why in your petition (e.g., you were scared of being hurt by codefendants, you did not know any names to give to the prosecutor, you felt morally or emotionally obligated to protect a codefendant, you were not yet fully able to accept responsibility for your offense). State that now you recognize that the decision not to cooperate was not the wisest choice you could have made at the time. If applicable, describe how your attitude about cooperation has changed.
5. **FAMM membership.** Mentioning that you have been profiled by FAMM, that you receive FAMM’s materials, or that you support FAMM is not relevant and will not help you obtain a commutation. Keep in mind that others who review or are consulted for a recommendation on your case (i.e., your judge, the prosecutor, a victim) may not view your association with FAMM in a positive light.
6. **BOP Discipline.** A lack of tickets and disciplinary infractions in prison shows that you are not a danger to others and can follow the rules. Describe your disciplinary record. Explain any infractions and tickets you have received. If you have had many infractions in the past, describe how your behavior has changed



since then. If you have had many infractions recently, you may want to wait a few years and prove that you can follow the BOP's rules before filing a petition.

7. **Rehabilitation.** Describe any rehabilitative strides you have made since your incarceration. Describe the drug treatment you have received, how you overcame your drug addiction, and why you will not relapse if you are released. Focus on the education and vocational skills you have obtained in prison. If you have provided services (i.e., tutoring, mentoring, suicide watch) to other prisoners, describe that work and the positive impact it has made.
8. **Sentencing Disparity.** If you received a sentence much longer than the sentences of codefendants whose conduct was similar to yours, describe the sentences they received and why you think the disparity is unfair. If the sentence you received was too harsh in comparison to your crime, explain why. Summarize why you feel you have served sufficient time for your crime.
9. **Re-entry.** Describe any post-release re-entry plans you are making. If possible, find someone who will offer you a job once you are released, and include a support letter from that person describing what the job is. Describe your career and educational goals, where you will live and get drug treatment, whether you will be involved in a faith community, and who will support you.
10. **Benefit to Others.** Describe how your release will directly benefit society. For example, if you have seriously ill family members who rely solely on you for care, describe their medical condition, the treatment and help they need, their life expectancy, daily difficulties they face due to their condition, and how you plan to care for them if you are released. If you want to use your experiences to counsel or teach others about avoiding drug use or prison, find someone in your community who will allow you to do so or help you find a position doing so once you are released. If you have acquired a unique skill (i.e., art, teaching, pastoring, counseling, mentoring) that you want to use to help others once you are released, describe what that skill is, how you acquired it, and how you hope to use it.

Have a supporter read your petition and give you feedback. Proofread and edit your petition for typos and grammatical errors before you submit it. Keep a copy of your petition for yourself.

PART IV: GET SUPPORT FOR YOUR COMMUTATION PETITION

Commutations are very rare. Having the support of your federal legislators, community leaders, place of worship, friends, family, and judge and prosecutor is essential for success.

FIRST STEP: DECIDE WHO YOU WILL ASK FOR SUPPORT. Consider this list:

1. Everyone on the "master list" of potential supporters you and your outside advocates created back in Part I (see page 3),
2. Your federal legislators (your Representative and Senators),
3. Your state legislators (your state Representative and Senator),



4. The judge who tried your case and sentenced you,
5. The current United States Attorney in the district where you were convicted,
6. The sheriff, police chief, or federal agent who investigated and arrested you,
7. The mayor of your home town,
8. Successful or influential community or business leaders in your home town,
9. Your friends and family members,
10. Clergy and members of your place of worship,
11. Your current BOP work supervisor, case manager, counselor, and warden,
12. Your former employers or coworkers on the outside,
13. Any mental health or drug treatment professionals who can write about your successful rehabilitation or treatment, and
14. Members of the press who have given your case positive media coverage.

SECOND STEP: CREATE A “SUPPORT RAISING PACKET”

A “support raising packet” (see Appendix C below) is a brief, inexpensive, easy-to-use tool that will enable your outside advocates to ask other people to write support letters on your behalf.

The packet should include all of the following:

1. A brief profile of your case, including a photo of you
2. A sample support letter (see below for a description)
3. Your outside advocate’s contact information (address, phone, and e-mail)
4. An envelope that is stamped and addressed to your outside advocate

The sample support letter should:

1. Begin with “Dear Mr. President:”
2. Be addressed to: Office of the Pardon Attorney, 1425 New York Avenue, N.W., Suite 11000, Washington, D.C. 20530
3. Be no longer than 1-2 pages
4. Be typed, not handwritten
5. In the first paragraph, state the prisoner’s name, registration number, the sentence they are serving, and respectfully ask the president to grant the commutation request
6. In the second paragraph, encourage people to write their own thoughts, in their own words, about how they learned about the case, the relationship they have with the prisoner or his family members, and why they want the prisoner to come home. You can provide people with sample language for this second paragraph, but the support letters will be more individualized and meaningful if supporters use their own words.
7. In the third paragraph, explain why the prisoner deserves a commutation, including
 - a. Why the sentence is too long (i.e., sentencing disparity, excessive because of the prisoner’s personal characteristics or lack of criminal history)
 - b. Rehabilitative strides the prisoner has made in prison (i.e., drug treatment, education, community service)
 - c. Any special reasons the prisoner should be sent home early (i.e., family hardship or medical issues)
 - d. The prisoner’s reentry plans (i.e., where he will live and work, who will support him, and why he will not reoffend)



8. In the last paragraph, politely ask that the president to commute the sentence and thank the president for taking time to review the case and read the person's letter

THIRD STEP: GET SUPPORT LETTERS FROM YOUR COMMUNITY

Using copies of the support raising packets, have your outside advocates begin obtaining support letters from your friends, family, other community members, and your place of worship. To do this, the outside advocates should set up in-person meetings with groups of potential supporters. These meetings could be:

1. A meeting after a church/religious service
2. An informal gathering at your family's home or an outside advocate's house
3. A "town hall"-type meeting at a public facility (i.e., a school, community center, town hall or local convention center, public park, or public library)

At the meeting, your outside advocate should:

1. Talk about your case and why you deserve a commutation
2. Give a "support raising packet" to each person who attends
3. Explain the sample support letter, including encouraging each person to write the second paragraph in their own words
4. Give people a deadline for returning their completed letters to the outside advocate (i.e., two or three weeks from the date of the meeting)
5. Tell people to return their letters using the envelope that is stamped and addressed to the outside advocate (this way, all your supporters have to do is put their completed letter into that envelope and put it in the mail)
6. Pass around a sign-up sheet so that people can provide their contact information so that your outside advocate can contact them later, if necessary
7. Answer any questions people may have.

Over the course of raising support, your outside advocates may have to have several meetings. For example, if you have many supporters inside your church, you may want to have a meeting after church for those people. But if you also have many supporters in the community who do not go to your church, you may also want to have a "town hall"-type meeting at another location. Try to reach out to as many supporters as possible and make it easy for them to get involved.

When the outside advocates receive all the completed letters from the supporters, they should review them and make sure that every letter:

1. Is directed to the right person (i.e., "Dear Mr. President:")
2. Is addressed to the Office of the Pardon Attorney
3. Is typed or neatly hand-written and readable
4. Is signed by the person who wrote it
5. Includes the address and phone number of the person who wrote it
6. Includes a paragraph, preferably written in the supporter's own words, describing how the supporter knows you and why they want you to come home
7. Does NOT claim that you are innocent; insult the legislature, the criminal justice system, your codefendants, the prosecutor, the judge, or your defense attorney;



include false statements about you or your case; include any headings from the sample support letter that say things like “SAMPLE” or “SAMPLE LETTER.”

The outside advocate should remove any letters that are incomplete or unhelpful. Then, the outside advocate should mail the letters that are helpful and complete to the Office of the Pardon Attorney, send copies of these letters to the White House, and keep at least one copy of all the letters for future use.

FOURTH STEP: GET THE SUPPORT OF THE JUDGE AND PROSECUTOR

You and your outside advocates should seek letters of support from

1. The judge who sentenced you,
2. The Assistant U.S. Attorney who tried your case,
3. The person who was the U.S. Attorney in the district where you were convicted at the time of your conviction, and
4. The person who is the current U.S. Attorney in the district where you were convicted (if it's a different person now than it was at the time of your conviction).

You, your outside advocates, and your attorney can send letters to these people asking that they write a support letter on your behalf and send it to the Office of the Pardon Attorney. With your letter, include a sample support letter that the judge and prosecutors can use. This sample support letter can be very similar to the sample support letter given to legislators (see Step 7 below, Appendix D). Have outside advocates call and meet with the judge or prosecutors, if necessary, to ask for their support in person. If you can't get a support letter, ask the judge or prosecutor if they would, as an alternative, write a letter that says they do not object to a commutation. Make sure any support letters you obtain are sent to both the Office of the Pardon Attorney and the White House.

FIFTH STEP: FIND YOUR LEGISLATORS

To find out who represents you in Congress and in the lower and upper houses of your state legislature, have an outside advocate visit FAMM's Action Center (<http://capwiz.com/famm/dbq/officials>), where they can search for your legislators using your address and ZIP code. Your outside advocates should seek the support of legislators from:

1. The place where you lived when you were convicted,
2. The place you will live when you are released (if different than #1), and
3. The place where your family and outside advocates live (if different than #1 and #2).

SIXTH STEP: DO SOME RESEARCH ON YOUR LEGISLATORS

Once your outside advocates identify all the legislators they will be seeking support from, they should do some research on who they are and what they did before they became an elected official. This research will help them

1. Understand any objections the legislator will have to supporting you,
2. Find out how to overcome those objections, and
3. Understand how the legislator feels about crime, drugs, and sentencing issues.

Outside advocates can search the internet and visit the legislators' websites to find out what committees they are on, where they stand on the issues, and where their offices are located.



SEVENTH STEP: WRITE A “SAMPLE SUPPORT LETTER” FOR LEGISLATORS

Before your outside advocates meet with a legislator, they should prepare a sample support letter (see Appendix D below) that they can give to the legislator. A sample letter helps because legislators and their staffs are busy and may not have the time to write a letter on their own. Also, many legislators have never written a letter in support of a commutation and do not know what that letter should look like. The sample support letter should read as if it was written by the legislator to the president. The sample support letter you provide should

1. Begin with “Dear Mr. President:”
2. Be addressed to: Office of the Pardon Attorney, 1425 New York Avenue, N.W., Suite 11000, Washington, D.C. 20530
3. Be no longer than 1-2 pages
4. Be typed, not handwritten
5. In the first paragraph, state the prisoner’s name, registration number, the sentence they are serving, and respectfully ask the president to grant the commutation request
6. In the second paragraph, describe how the legislator learned about the case and any special interest the legislator has in criminal law or sentencing issues (this is where your research on the legislator pays off—if the legislator is opposed to mandatory minimums, is worried about the costs of prisons or overincarceration, or supports alternatives to incarceration, this is the place to mention that legislator’s beliefs and relate them to your case)
7. In the third paragraph, explain why the prisoner deserves a commutation, including
 - a. Why the sentence is too long (i.e., sentencing disparity, excessive because of the prisoner’s personal characteristics or lack of criminal history)
 - b. Rehabilitative strides the prisoner has made in prison (i.e., drug treatment, education, community service)
 - c. Any special reasons the prisoner should be sent home early (i.e., family hardship or medical issues)
 - d. The prisoner’s reentry plans (i.e., where he will live and work, who will support him, and why he will not reoffend)
8. In the last paragraph, politely ask that the president to commute the sentence and thank the president for taking time to review the case and read the legislator’s letter
9. Have room for the legislator’s signature (i.e., “Sincerely, Representative X”).

EIGHTH STEP: MEET WITH LEGISLATORS AND ASK FOR THEIR SUPPORT

Outside advocates should call the legislators’ offices and set up meetings with staff members. Much of a legislator’s work is handled by staff members. It will be difficult for your outside advocate to meet directly with your Representative and Senators. A few pointers for scheduling:

1. The outside advocate may have to call several times before getting a time to meet. Be persistent but polite, and keep calling until a meeting time is arranged.
2. Be flexible. Legislators and their staff members are busy and may not be able to meet with you for several weeks.
3. Ask for no more than 20 minutes for a meeting—the outside advocate may end up getting a longer meeting, but should not demand more than this at the outset.



4. Plan to meet in the legislator's district office, not their office in Washington, DC. Federal legislators will only be in their district offices on Fridays, Saturdays, Sundays, or Mondays—the rest of the week, they will be at their Washington, D.C. office. Federal legislators are also at their district offices around the holidays—the August recess, Thanksgiving, Christmas, and New Year's. These are good times to try to get a meeting in the legislator's district office.
5. Ask the legislator or their staff member if they want information about your case sent to them before the meeting.
6. Get the names, phone numbers, and e-mail addresses of the staff members they will be meeting with so that they can contact them if needed.
7. Be polite to every person in the legislator's office, regardless of the person's age, job title, or rank—if the outside advocate is rude to a staff member, it will get back to the legislator, will reflect poorly on you, and will hurt your chances of getting the legislator's support!
8. Always thank the staff member or legislator for arranging a time to meet!

At the meeting, the outside advocate should:

1. Bring at least one family member; a profile and pictures of you; copies of your petition and letters from your supporters; a sample support letter for the legislator; your outside advocate's contact information
2. Not bring any weapons, drugs, sharp objects, Mace or pepper spray, pocket knives, or other items that could be considered dangerous
3. Arrive early—there may be security procedures (i.e., bag searches, metal detectors, X-ray machines) to go through before they can meet with the staff member
4. Dress appropriately: try to look their best, and wear clean, neat, modest clothing that will not be distracting to the legislator or staff members
5. Be polite and patient with everyone they meet in the legislator's office
6. Describe
 - a. The facts of your case—what you did, how involved you were, why you were involved, and the sentence that you got
 - b. Why you should get a commutation—why your sentence is too long for your crime; your extraordinary rehabilitation; why you stand out from all the others as someone who deserves a second chance
 - c. Why your family needs you back home—i.e., your children lack a parent; financial hardship; a sick loved one needs you to care for them
 - d. What your reentry plans are—where you will work and live, who will be supporting you, why you will not reoffend.
7. Be completely honest about what you did and how you have changed
8. Ask
 - a. For the names of people in other legislators' offices who might be helpful (for example, "I'm also planning to meet with Representative X's staff. Who do you recommend that I contact and meet with in that office?")
 - b. For a timeline (for example, "When can we expect a decision from you on our request? Can I follow up with you in two weeks?")
 - c. For the contact information of every staff member present at the meeting



- d. What the best way is to contact the legislator and their staff members (i.e., e-mail, phone, or in writing)
 - e. Whether the legislator or staff members have any questions that the outside supporter and family members can answer
 - f. That the legislator write a letter to the proper authority in support of your commutation petition.
9. Offer to put the legislator or staff members in touch with other people who can tell them more about your case—your attorney, for example.
 10. At the end of the meeting, thank the legislator and staff members for the meeting, even if they say they cannot help you.

After the meeting, your outside advocate should

1. Send a thank-you note (via mail or e-mail) to the people they met with.
2. Send electronic versions (i.e., a Word document, a PDF, an e-mail) of the documents they gave the staff members at the meeting (hard copies are frequently misplaced, and an electronic version of the sample support letter makes it easier for the representative to write and submit the letter).
3. Two weeks after the meeting, follow up with the staff member by phone or e-mail and ask if the legislator will write a letter or needs more information or a second meeting.
4. Respond quickly to any requests for more information.
5. Meet with the staff member or legislator as often as needed to get a support letter.
6. If the legislator writes a support letter, make sure to get a copy and send copies to the Office of the Pardon Attorney and the White House.

NINTH STEP: ADVOCATE FOR YOUR CASE IN WASHINGTON

If they can afford the trip to Washington, DC, outside advocates, attorneys, and family members may also want to consider trying to meet face-to-face with the Pardon Attorney to advocate for the applicant and ask for a favorable recommendation. Call the Office of the Pardon Attorney at (202) 616-6070 to arrange a meeting.

Outside advocates and attorneys should seek the help of supporters who know the

- Deputy Attorney General,
- White House Counsel,
- White House Chief of Staff, or
- Other White House staff who can influence the President's decision.

Provide these supporters with the applicant's profile and photo, a copy of the petition (if needed), and a list of all the people supporting the clemency request. Ask the supporter to advocate on the applicant's behalf with those who have the power to make the clemency decision, if appropriate, or to contact the Pardon Attorney directly and ask that the case be recommended favorably to the President.

FINAL STEP: BE PATIENT, AND DON'T GIVE UP.

It can take 2 to 7 years before you get a final decision from the Pardon Attorney. To find out if your petition is still pending or has been denied, write to Office of the Pardon Attorney, 1425 New York Avenue N.W., Suite 11000, Washington, D.C. 20530, or call (202) 616-6070. The



only information the Pardon Attorney will provide you is whether the application is still pending or has been denied. Don't give up. Keep getting support letters, getting your story out there, and advocating for your case!



**APPENDIX A:
A SUGGESTED TIMELINE FOR SEEKING A FEDERAL COMMUTATION**

1. Obtain and read the petition form, regulations, and standards for consideration of clemency applicants from the Office of the Pardon Attorney's website, <http://www.usdoj.gov/pardon/>.
2. Select outside advocates.
3. Have outside advocates begin gathering records and information, including the applicant's most recent prison disciplinary records, educational transcripts, certificates of other courses or programs completed, evidence of successful drug treatment, records of service to other inmates or the community, documents that show extraordinary rehabilitation.
4. If the applicant has an attorney, he should have an in-person interview or phone call with the attorney to discuss the filing and support-raising process and what should be included in the petition. The applicant's family members and outside advocates should also contact the applicant's attorney and offer their help and input.
5. Create a "master list" of potential supporters.
6. Make a support raising plan with outside advocates and the applicant's lawyer (if applicable).
7. Create a reentry plan, including finding a job for the applicant.
8. Draft and edit the petition.
9. Send support-raising packets to family members and outside advocates and ask them to begin gathering support letters from family, friends, coworkers, church members, local leaders and law enforcement, and anyone else who may be supportive and helpful. Instruct those gathering letters to send all letters to the applicant or his attorney (if he has one).
10. Create a final draft of the petition – remember, the original must be signed by the applicant!
11. Review support letters received, discarding those that are damaging or unhelpful.
12. Send the original support letters and the original, signed commutation petition to the Office of the Pardon Attorney. Send a copy to the White House. Keep a copy for future use.
13. Write to judges and prosecutors involved in the case and ask for support letters. Make sure any letters obtained are sent to the Office of the Pardon Attorney and the White House.
14. Begin trying to obtain positive media coverage of the case.
15. Have outside advocates and attorneys arrange meetings with Senators and Congressmen to ask for letters of support. After the meetings, follow up with thank you notes, electronic versions of the sample support letter, and more meetings, if needed. Make sure any letters obtained are sent to the Office of the Pardon Attorney and the White House.
16. Consider meeting face to face with the Pardon Attorney to advocate for the applicant and ask for a favorable recommendation.
17. Outside advocates and attorneys should seek out supporters who can approach those with influence over the decision-making process and advocate for clemency for the applicant.
18. Continue having family members and other supporters seek letters of support from those in the community. Submit appropriate support letters to the Office of the Pardon Attorney and the White House. Don't give up!



APPENDIX B:
SAMPLE PUBLICITY TOOL (A PRISONER PROFILE)

JANE DOE, # 00000-000

Age: 25

Offense: Conspiracy to possess cocaine with intent to distribute; possessing a gun in the course of a drug trafficking crime

Sentence: Mandatory minimum 15 years

Release Date: 2016

Family: Jane's kids are Jim, age 10, and Susie, age 8. Susie is suffering from terminal cancer. Both children are taken care of by Jane's parents, Joe and Jean, ages 65 and 64. Joe and Jean are sick and no longer physically able to care for Jim and Susie.

Codefendant's sentence: 10 years

About Jane's Offense: Jane began using drugs and became addicted to them after getting a divorce from her husband. As the addiction got worse, she began dating a man who gave her drugs for free. She helped him count money from his drug deals. One day, one of Jane's boyfriend's clients was arrested with drugs. He cooperated with the police and told them that Jane's boyfriend was his supplier. The officers searched the home where Jane lived with her boyfriend, and they found drugs and a gun. However, Jane never used or threatened anyone with this weapon.

At Sentencing: This was Jane's first and only conviction of a crime. At sentencing, Jane's judge said he did not want to give Jane the mandatory minimum sentence of 15 years in prison, but he had to follow the law. The judge said he did not think Jane was the kind of dangerous person who should be in prison. Jane's boyfriend got 10 years in prison, though his involvement was greater than Jane's. He secured the drugs, found buyers, collected drug debts, and kept the profits. Jane's involvement was limited to counting money and using drugs.

Jane's Rehabilitation: Jane admits that she is guilty and deserved to be punished. She has served almost half of her sentence. In prison, Jane has received drug treatment, earned a college degree, taught GED classes to other inmates, worked on the suicide watch team, been a nurse, and worked in the community telling teenagers not to use drugs. She is in a low security facility, has a perfect behavioral record, and has strong relationships with her parents and children.

Need for a commutation: Jane needs to go home as soon as possible. Her daughter is dying of cancer, and her parents can no longer take care of her children on their own. Jane's sentence is too long for her crime, and she has been sufficiently punished and rehabilitated. If released, Jane wants to use her college degree to help counsel people recovering from drug addiction. The sheriff in our home town has offered her a job working in a high school drug awareness program if she is released early.

Contact Information: If you would like to support Jane's request for a commutation or want more information, contact Joe Doe, 555-555-5555, 1111 Main St., Hometown, VA 00000.



APPENDIX C: SAMPLE SUPPORT-RAISING PACKAGE

YOU CAN SUPPORT JANE DOE!

INSTRUCTIONS FOR WRITING A SUPPORT LETTER FOR JANE DOE

My name is Joe Doe, and my wife Jean and I need your help in reuniting Jane Doe, our daughter, with her family. Jane is serving a 15-year sentence for drug and gun offenses she committed in 2001. At the time, she was addicted to drugs and dating a dealer who was in charge of their drug activities. At trial, her judge said he had to give her a 15-year sentence, because it was a mandatory minimum sentence required by the law, even though he did not feel that Jane was a danger to others and thought it was unfair that Jane's boyfriend would get a shorter sentence. Jane is requesting a commutation (reduction of her sentence) from the president. If granted clemency, Jane could come home immediately. To achieve this tremendous goal, I am asking for your help. Our church has offered a church home to Jane if she is released. To help her, we are going to send letters to the president asking for her release!

WHO SHOULD THE LETTER BE ADDRESSED TO?

Your letter should be addressed to:

President [Name]
c/o Office of the Pardon Attorney
1425 New York Avenue, N.W.
Suite 11000
Washington, D.C. 20530

WHOSE NAME SHOULD I PUT IN THE GREETING LINE?

The greeting line should read: "Dear Mr. President:"

WHAT SHOULD BE IN MY LETTER TO THE PRESIDENT?

Your message to the president is critical to Jane's success.

Your letter should address:

- What you have learned personally about Jane's story and her rehabilitation (see the enclosed profile telling her story)
- Your belief that reuniting Jane with her family and offering her a second chance at life is important, worthwhile, and in line with our church's beliefs about mercy and forgiveness
- Jane's tremendous accomplishments in prison
 - Jane's successful recovery from drug use and addiction
 - Jane's acquisition of an education and vocational skills in prison



- Jane's good behavior and service to others in prison
- Jane's complete acceptance of responsibility for her crime and her incredible remorse and desire to give back to her community
- Jane's family's need for her immediate release
 - Jane's devotion to her parents, who are elderly and ill and no longer able to take care of Jane's children on their own
 - Jane's need to come home and take care of her children, particularly her daughter Susie, who is suffering from terminal cancer and may die soon
 - Jane's family's love and support for her
- The unfairness of Jane's sentence
 - The judge thought she was not a danger to society
 - This was Jane's first and only conviction
 - The judge had no choice but to give Jane a 15-year sentence
 - Jane's boyfriend got a shorter sentence than she did, even though he was more blameworthy for the crime
 - No violence or threats of violence were involved in the offense
- Community support – Indicate whether you could offer support of:
 - Potential employment – If you can offer Jane a job, say so!
 - Material support – Any support that would ensure Jane and her family will be provided for materially, if necessary
 - Spiritual support – Express the congregation's unlimited support of Jane's continued recovery and rehabilitation

It is very important that you DO NOT:

- **DO NOT** argue that Jane is innocent of the crime.
- **DO NOT** argue the facts of Jane's criminal case in your letter.
- **DO NOT** speak ill of or insult the government or the justice system in any way.

A request for a commutation is a request for mercy. Your letters must be compelling but respectful. We do not want to offend the president, the judge, or the prosecutor involved in Jane's case in any way. Be very polite in your letter.

WHEN SHOULD THE LETTER BE COMPLETED?

We are asking you to complete your letter by [Date]. It can be typed or handwritten, as long as your handwriting is clear and readable.

WHAT DO I DO WITH MY LETTER WHEN IT IS COMPLETE?

Once of you have completed your letter please return it to me (Joe Doe), using the attached envelope, at: Joe Doe, 1111 Main St., Hometown, VA 00000.



WHO SHOULD WRITE A LETTER ON JANE'S BEHALF?

We ask that each of you write a letter. If you are a married couple, please enclose a letter from each of you. The more letters we receive – the more compelling Jane's petition. Anyone who wants to write a letter should do so, regardless of age.

WHAT DO I DO IF I KNOW SOMEONE ELSE WHO WANTS TO WRITE ON JANE'S BEHALF?

In addition to providing letters of support for Jane, please let me know if you can think of others who should know about Jane's struggle to be reunited with her family. My phone number is 555-555-5555. Thank you for your support of Jane and her family. You will hear from me again in the very near future.

Sincerely,

Joe Doe

**USE THE SAMPLE LETTER BELOW
TO WRITE YOUR OWN LETTER FOR JANE**

[Date]

President [Name]
c/o Office of the Pardon Attorney
1425 New York Avenue, N.W.
Suite 11000
Washington, D.C. 20530

RE: Commutation Petition of Jane Doe, # 00000-000

Dear Mr. President:

On behalf of Jane Doe and her family, I humbly request that you grant Jane's request for a commutation. Jane is serving a 15-year mandatory minimum sentence for assisting her then-boyfriend with selling drugs in 2001, when she was addicted to the drug. Jane is not eligible for parole and will serve another 8 years in prison unless her sentence is commuted.

[Insert your own thoughts about Jane's case here, or use the following language: I learned about Jane's case through [my pastor, her lawyer, her family]. Our church, [name of church], is in [location]. We have offered Jane a church home if she is released from prison. We feel she is deserving of a second chance and forgiveness. She has overcome her drug addiction, become a strong woman of faith, has a perfect behavioral record, and has served as a suicide watch companion and nurse to others while she has been in prison. She has been rehabilitated and has a loving and supportive family and community waiting to help her if she is released. Furthermore, her release is absolutely essential to her family. Jane's parents are taking care of



her two children, Jim and Susie. Susie has been diagnosed with terminal cancer and may die soon. Jane's parents, however, are elderly and not strong enough to take care of two young children on their own anymore. If Jane came home, she could ease this suffering and be with her daughter to help her as her condition worsens.]

I respectfully ask you to let Jane go home. She admits she broke the law and deserves to be punished, but 15 years is too long. Her judge gave her 15 years only because the law required him to. He said that Jane was not dangerous. Her boyfriend, who was more blameworthy than Jane, is serving a shorter sentence and will go home before she does, unless she receives a commutation. Jane's continued incarceration will cost taxpayers money that would be better spent on other things. I support Jane's clemency request and respectfully ask you to show her mercy and let her go home to take care of her family. Thank you for considering my views.

Sincerely,

[Sign Your Full Name]

[Include Your Address]

DO NOT MAIL THIS PACKET TO THE PRESIDENT!
WRITE YOUR OWN LETTER AND MAIL IT TO JOE SMITH. Use the attached envelope.
JOE WILL MAIL ALL THE LETTERS COLLECTED TO THE PRESIDENT!!



**APPENDIX D:
SAMPLE SUPPORT LETTER FOR LEGISLATORS
(CAN BE MODIFIED AND SENT TO JUDGES AND PROSECUTORS)**

[Date]

President [Name]
c/o Office of the Pardon Attorney
1425 New York Avenue, N.W.
Suite 11000
Washington, D.C. 20530

RE: Commutation Petition of Jane Doe, # 00000-000

Dear Mr. President:

I am writing regarding the commutation petition of Jane Doe, a federal prisoner who is the daughter of two of my constituents, Joe and Jean Doe. After learning about her case and speaking with her family, I believe she is a worthy candidate for executive clemency. I respectfully ask you to grant her a commutation.

Ms. Doe has served almost half of a 15-year sentence for drug and gun possession offenses committed in 2001. At the time of her crime, Ms. Doe had recently gotten divorced and made the poor decision to deal with that difficult time in her life by using drugs. She began dating a man who gave her free drugs and was selling drugs to many others. Ms. Doe's role was limited to counting money, but she was held accountable for all the drugs and the gun officers found in her home. Ms. Doe never used or threatened violence, and this is her first and only conviction.

Ms. Doe's case is a textbook example of how overly harsh drug sentences are putting the wrong people in prison for too long and costing taxpayers billions in corrections costs. Ms. Doe got a longer sentence than her boyfriend, who was more culpable, despite the fact that the judge did not want to issue the sentence and did so only because the law required him to. Ms. Doe is also a textbook example of extraordinary rehabilitation. She is now sober, has been a model inmate, has gained job skills, resides at a low security facility, and has shown admirable service to other sick or distraught inmates. She has a loving and supportive church and family that will help her if she is released. Finally, her elderly parents are no longer capable of caring for her two children on their own. Her daughter has terminal cancer and may not live to see her mother come home from prison. Her family's need for her return from prison is also extraordinary.

Granting Ms. Doe a commutation is the right, just, and fiscally responsible thing to do. I respectfully ask you to grant clemency. Thank you for your time and consideration of my views.

Sincerely,

[Representative or Senator's Name]