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Clemency Flimflam In Wisconsin

The long awaited Pardon Board was announced last week and the new pardon application was made available to interested petitioners. David Liners of WISDOM (the organization seeking to reduce the prison population in Wisconsin) was on the news opining on how the clemency process would enable all the prisoners sentenced by overzealous judges in the 1990s to get their sentences commuted. Republican legislative leaders warned Gov. Evers not to use his pardon powers to release dangerous criminals and other news outlets announced that prisoners could now seek early release from prison.

However, none of that was true. The new pardon process only allows people who have been discharged for at least 5 years to seek a pardon. It also bars anyone convicted of a crime which mandates lifetime GPS monitoring from applying for a pardon. The governor's power to grant commutation of sentence to imprisoned citizens remains unused.

The previous governor, Scott Walker, dissolved the pardon board and refused to consider anyone for anything. Compared to Walker, Gov. Evers' action is a step in the right direction. Compared to the historical use of pardon power in Wisconsin, it is a sad disappointment.

When Gov. Tommy Thompson curtailed the use of gubernatorial pardon power in the 1980s during the onset of the Mass Incarceration Movement in Wisconsin, he imposed the requirement that prisoners demonstrate "extraordinary circumstances" in order to seek a commutation of sentence. That effectively ended commutations in Wisconsin although it was still theoretically possible to obtain a commutation under the right circumstances. A few months ago I posted a report on how the pardoning power had traditionally been used in Wisconsin to commute sentences for the express purpose of permitting prisoners to obtain early release. I had a copy of that report sent to the governor to urge him to eliminate the "extraordinary circumstances" requirement and return to the traditional use of pardoning power to commute sentences. Well, he eliminated the extraordinary circumstances requirement but only because he eliminated commutation of sentences. Gov. Evers is not the worst governor when it comes to use of his pardoning power - he is the second worst, only bested by Gov. Walker. To be honest, pardoning someone years after their sentence is completed is a nice gesture, but for the most part pointless. Sure, some people will seek a pardon so they can hunt or get a specific license of some sort. And getting that pardon will mean a lot to that person. But in the grand scheme of things it is an empty and useless gesture. Gov. Evers had an opportunity to do something important, badly needed and which would have given him a legacy to be proud of. Instead, he sold out his supporters and is continuing the Mass Incarceration Movement in Wisconsin. Shame on you, Tony.