

CrimRxiv

Bifurcating Relief and Legitimizing Mass Incarceration: An Analysis of Obama's Clemency Initiative

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ABSTRACT

In April 2014, then-President Barack Obama announced an initiative to grant clemency to thousands of federal prisoners serving long sentences for non-violent crimes, targeting a reduction in racial disparities in drug-crime sentences. Critiques of the initiative's implementation abound, but 1715 people ultimately received clemency—more than under any previous president. We investigate Obama Clemency Initiative outcomes, focusing on the total pool of clemency applicants. Using clemency applicant data from the Office of the Pardon Attorney combined with “inmate locator” data from the Federal Bureau of Prisons, we construct a dataset of the 20,464 individuals who applied for clemency and had their petitions reviewed during Obama's presidency. After the Initiative was announced, overall demographic patterns of reviewed applicants shifted, becoming increasingly diverse in terms of race and age (but not sex). Notably, the proportion of White petitioners who applied for and received clemency more than doubled, while the proportion of Black petitioners who applied for and received clemency declined, suggesting that the Initiative's aims of equity were not fully realized across racial groups. We consider the theoretical implications of these patterns for understanding the role of clemency in the legal system and its potential as a tool of policy reform.