Clemency requests on decline

Edwards, Foster have greatest disparity

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Clemency in Louisiana, which flowed during the years of Edwin Edwards, has slowed to a trickle under Gov. Mike Foster.

Records show Foster has signed fewer pardons or sentence reductions than any governor since the state established a Pardon Board in 1974.

From 1992 to 1996, during Edwards' last term, Louisiana received 6,200 clemency requests. Edwards signed nearly 600 of them, including more in a single day—122 on Oct. 25, 1995—than Foster has signed in the past five years.

Since Foster took office in 1996, the state has received fewer than 3,100 applications. He has signed only about 100 of them.

It is a trend that surprises few, satisfies some and frustrates others.

"The message being sent to criminals is that you better think twice because we've got a board that will make sure you pay for what you do," said Alexandria resident James Sandifer, president of the Louisiana Crime Victims Coalition. "Before it was like a Wal-Mart, where people could get a big discount on their sentences. There's no big breaks anymore."

But others disagree. Tom and Kathy Gess of Baton Rouge, who lead the criminal justice reform group Citizens United for the Rehabilitation of Errants, said the trend breeds hostility in Louisiana's prisons and is inherently unfair.

"You cannot take away all hope from prisoners," said Kathy Gess. "We have to give them some incentive and some hope of turning their lives around. We agree with some decisions, and we don't want violent people on the street any more than anyone else, but now they are taking away all hope. It's extremely harsh and unnecessary."

Clemency takes several forms but is usually a pardon or commutation.

Most pardons simply restore voting and other rights to former convicts, although pardons can also be used to free inmates immediately. Commutations reduce the length of current inmates' sentences, sometimes by making prisoners eligible for parole.

Clemency applications first go to the Louisiana Board of Pardons, whose five members are appointed by the governor. The board can dismiss applications based on merit or on eligibility guidelines set by state law. Some applicants also drop their requests during the process.

Cases that aren't dismissed or dropped may receive a full hearing before the board. After a hearing, the board makes recommendations to the governor, who has final authority.

The governor cannot grant a pardon or commutation without a favorable recommendation from the board.

Foster's record

Since 1996, Foster has signed 111 acts of clemency, including only two commutations. During 1997 and 1999, he signed no clemency acts at all.

But Foster says his philosophy toward clemency isn't as stingy as statistics show.

"You can get (clemency)," Foster said of his message to convicts. "Drug dealers or violent criminals have to pay for what they do."
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criminals can't get them, but short of that, they can always try.

Foster says he bases all of his clemency decisions on his Pardon Board, which tends to avoid clemency recommendations for convicted criminals who have committed violent crimes.

Foster says he has been stingy with clemency because he didn't trust his own Pardon Board and the chances are better that you'll get a hearing under this board.

Edwards' record

Edwards defends his clemency record, saying he was only performing a duty charged to him under the state constitution. "I took the position, unlike other governors — and I'm not criticizing Treen, Roemer or Foster — that it was the duty of the governor to review all applications sent to him," he said. "I did not stack them in the corner. I did Board approvals a little bit, but I'm not sure the public wants us to differ slightly in our terms of office."

Edwards' high clemency rate did drop considerably over his four terms in office. During his first term between 1972 and 1976, for example, Pardon Board records indicated 3,180 pardons or commute hearings were held, with 1,116 clemency acts, and from 1998 to 1992 Gov. David Roemer signed only 317.

Foster declined to comment on the fact that Edwards' high clemency rate did not otherwise. "It's unfair to everybody to have hearings under this board," Foster said. "I think they realize we're very serious."

In July, prison inmates' frustration with Foster surfaced at a Pardon Board hearing at the Angola Warden Burl Cain said Whitmore said he was "under Edwards."

Edwards says applications for clemency have fallen under Foster for obvious reasons. "The word is out now that it doesn't do any good to apply, because even if the Pardon Board approves it, the governor will not ever act on them," he said. "In my administration, people knew I would approve those thought I were justified."

Some inmates frustrated

In July, prisoners' frustration with Foster surfaced at a Pardon Board hearing at the Louisiana State Penitentiary at Angola when an inmate suggested current clemency hearings are meaningless.

The inmate, Kenny Whitmore, is serving a life sentence without parole for the 1973 murder of former Zachary mayor and alderman Marshall Bond.

Whitmore said that "under Edwards, everyone figured there was a 60-40 chance of clemency."

Edwards' statement only means that he was fair. "Many, many people (pardoned) today are productive citizens, without costing the state $30 a day to support them," he said. "There may have been some that abused the pardon given them, but the numbers that took advantage of the system, far outnumber those that did otherwise."

Foster denied that current hearings are meaningless. "It would be true if no one received (clemency)," he said. "But I've signed the majority of recommendations from the board."