

The California Campaign for Universal Clemency

Clemency California is a campaign supported by the California Anti-Death Penalty Coalition, a diverse coalition of faith, racial justice, civic, legal, and labor organizations, as well as murder victims' family members and families affected by the death penalty. The campaign aims to persuade Gov. Gavin Newsom to grant universal clemency to the 620 people still under a California death sentence.

Clemency is the authority granted in the California Constitution to the governor to reduce or set aside criminal penalties when courts are unable or unwilling to remedy injustices, or as an act of mercy that might not be related to a person's innocence or guilt. While the U.S. Constitution gives the president the authority to grant clemency in federal cases, most state constitutions vest this power in the chief executive or, in some states, a parole board. If universal clemency were granted, those currently under a death sentence would see their sentences commuted to life without parole.

According to the [**Death Penalty Information Center**](#), in the modern era of the death penalty following the U.S. Supreme Court's reinstatement of the death penalty in 1976, seven states have made blanket grants of clemency to death row prisoners and one state has made a broad grant. Clemency has been used regularly in California, but only in noncapital cases. The last time a California governor granted clemency in a death row case was in 1967, when Ronald Reagan commuted the death sentence of Calvin Thomas to life in prison after it was discovered that Thomas suffered from organic brain damage.

The California Constitution includes a unique twist with regards to clemency. If a person has been convicted of a separate felony that resulted in an additional trial, a majority of the California Supreme Court must vote to approve a governor's request for clemency. This requirement would apply to about two-thirds of the people on California's death row. The Court typically does not second guess the governor's rationale for requesting clemency; rather, it confirms that the request is within the scope of the governor's authority.

Universal clemency is qualitatively different than individual grants where the facts of each individual case come into play. Under the latter, an extensive review of each individual case is conducted before recommending or granting or denying clemency. Universal clemency, on the other hand, recognizes the inherent and structural flaws in the death penalty such as the high degree of racial bias, the high incidences of childhood trauma and mental illness, the possible execution of the innocent (the Death Penalty Information Center reports that 200 people have exonerated from death rows since 1973) as well as the fact that all human beings are endowed with dignity and have the possibility of redemption.

Why Seek Universal Clemency now?

Gov. Newsom has publicly expressed his deep reservations about capital punishment. Shortly after assuming office in 2019, Gov. Newsom declared a moratorium on executions in California. Not long afterwards, he ordered the dismantling of the execution chamber at San Quentin. During a May 2024 visit to the Vatican for a summit on climate change, Pope Francis immediately praised Gov. Newsom for the work taking place to end executions in California.

As their final terms wind down, governors tend to become more reflective and to ponder their legacy. They are also less likely to face negative political consequences. While Newsom – who has two years remaining on his term as governor – is often mentioned as a candidate for higher office, he has

demonstrated a willingness to take bold political risks. In addition to the moratorium on executions, as San Francisco mayor, Newsom directed city officials to issue same-sex marriage licenses in deference to the California Constitution's equal protection clause. Both Democrats and Republicans pushed back, and pundits predicted that his political future was in jeopardy as a result.

It is important to bear in mind, however, that a new governor could undo Newsom's moratorium and resume executions. Universal clemency would not apply to future death sentences. Still, it would further illuminate the systemic inequities surrounding capital punishment that cannot be fixed and would strike a major blow to state sanctioned killing. The number of new death penalty prosecutions is down in California and nationwide. Should a future death row emerge, it would be nowhere near the size of the previous death row.

What about the political backlash?

Historical trends demonstrate that the use of the death penalty continues to wane. According to the Death Penalty Information Center, since 1976, the number of executions nationwide peaked at 98 in 1999 in contrast with 24 people executed in 2023. Twenty-seven states still have the death penalty on the books, down from 37 in 2002, but six of those states have paused executions as result of executive actions. A number of southern states, along with Texas and Oklahoma, are responsible for most executions.

In California, no one has been executed since 2006, which leads some people to opine, incorrectly, that we no longer have a death penalty. Three counties are responsible for most California death penalty prosecutions: Sacramento, Riverside and San Bernardino. While there undoubtedly would be a political backlash, polling has shown a sharp decline in support for the death penalty despite the narrow defeat of several ballot propositions to abolish California's death penalty and the passage of another one to streamline the appeals process. As executions decline and more states abolish capital punishment, the issue begins to lose its salience, and courts are more likely to view capital punishment as cruel and unusual.

The Road Ahead

In California, the death penalty and life without parole are inextricably linked because state law requires either a sentence of death or life without parole for first degree homicide cases with a finding of a special circumstance. The challenge for advocates working towards death penalty abolition is to not reinforce the use of life without parole, which has aptly been called "California's other death penalty."

This is where faith communities, having been at the forefront of the death penalty abolition movement, can help. In addition to helping move Gov. Newsom, we need to insist that victims of violent crime and their families receive resources and are restored to the extent possible. Universal clemency, or even death penalty abolition, is only the beginning with regards to the struggle against extreme sentences. It will send a strong message that violence does not solve problems.

California spends millions of dollars on death penalty cases with no benefit to public safety. We need to ensure that people serving life without parole also receive legal resources, can challenge their convictions, and apply for clemency. We must always be a voice for the possibility of hope and redemption and to remind people everywhere that any sentence that denies the human capacity for rehabilitation and redemption has no place in our society.