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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 25-H 5379, RELATING TO STATE COMMISSION ON PARDONS February 27, 2025

The ACLU of Rhode Island supports this legislation, which would create a commission to recommend the names of people to be considered for executive pardons by the Governor.

Rhode Island has a very restrictive pardoning process. Under Article IX, Section 13 of the state Constitution, the Governor can exercise pardoning power only with the advice and consent of the Senate. In modern history, the only person we are aware of who has been pardoned by the Governor is someone who had died over 160 years earlier.¹ We have to assume that at least part of the reason for the moribund exercise of this power is due to the absence of any formal mechanism for considering who should be considered for a pardon. This legislation would commendably fill that gap.

Especially at a time when criminal justice reform has come to the fore, when matters that were once considered serious offenses are not even crimes anymore,² when there is greater recognition of the innumerable devastating collateral consequences that can flow from even minor criminal records, and when the ability to right wrongs encountered in the criminal justice system should be expanded, the creation of a pardons commission would go a long way towards reinvigorating this important executive power.

For all these reasons, the ACLU supports this bill and urges its passage.

¹ In 2011, Governor Lincoln Chafee pardoned John Gordon, an Irish immigrant hanged – many believe wrongfully – for murder in 1845, and who was the last person executed by the State.

² E.g., “the abominable and detestable crime against nature,” flag desecration, various drug offenses, etc.