

Members of the Congressional Subcommittee. I'm deeply sorry I cannot be present today on this very important topic of legislation addressing clemency reform. I thank you for allowing me this opportunity.

My name is Jason Hernandez and I would like to briefly tell you who I was.

I was born and raised in McKinney Texas, a city outside of Dallas, Texas. I got involved in drug dealing at a very young age of 15. I was a drug dealer. At the age of 21, I was indicted by the federal government for distributing crack cocaine and sentenced to life without parole plus 20 years, 20 years, 20 years, 20 years, 40 years, 40 years, 40 years, 40 years, and 80 years. My supplier was also charged and sentenced for giving me the powder cocaine I converted to crack cocaine. He received 12 years imprisonment.

I was a prisoner. In prison I was a jailhouse attorney. Which I would like to think I was good at but not good enough to gain my release. Nevertheless, it would help me create the most important letter and petition of my life: A letter and Petition I sent to President Barack Obama on September 21, 2011, asking him to reduce my life without parole sentence

On December 19, 2013, President Obama answered my prayers by commuting my sentence to 20 years. Along with me there were 7 other individuals who also received clemency: All African American. All crack cocaine offenders. 5 who were serving life without parole and 2 sentenced to 30 years. I would find out in 2018 from a New York Times reporter that President Obama received and read the letter I sent to him.

President Obama would go on to give clemency to 1,715 people. 500 who were serving life without parole. An action which would be extraordinary on so many levels. Not only for those who received it but also their families and communities.

President Obama's show of good grace and willingness to exercise his power to pardon so abundantly has also been done by other Presidents of the United States. Typically in relation to war.

President John Adams pardoned soldiers who had deserted during the Revolutionary War.

President Abraham Lincoln would issue 64 pardons to confederate soldiers for war-related offenses. They were part of his Proclamation of Amnesty and Reconstruction which was his blueprint for the reintegration of the South into Union.

President Andrew Johnson issued sweeping pardons to thousands of former Confederate officials and soldiers after the Civil War.

President Jimmy Carter granted an unconditional pardon to hundreds of thousands of men who evaded the draft during the Vietnam War.

In 1971 The United States began another war: It was called a War On Drugs.; In any war there is an enemy, and in this instance the enemy was American Citizens. Since the commencement of the War On Drugs, millions of people have been arrested, charged, indicted, and sent to prison. A majority of which were Latinos or African-Americans who make up one-third of the United States population but two-thirds of those imprisoned.

It took over 40 years for members of congress and the population to admit this war on drugs has done more harm than good to our citizens and to our nation, most of which were African-American and Latino communities.

One of the Founding Fathers of America, Alexander Hamilton, saw the value of investing in the president the ability to grant reprieves and pardons to groups during periods of national crisis. He stated *"In seasons of insurrection or rebellion, there are often critical moments, when a well-timed offer of pardon to the insurgents or*

rebels may restore the tranquility of the commonwealth; and which, if suffered to pass unimproved, it may never be possible afterwards to recall.”

I have stated above how Presidents of The United State have exercised the power to pardon people who in some way committed an act related to a War initiated by the United States. Some of these wars were deemed controversial, some deemed necessary--all were periods of a national crisis.

The War On Drugs: Controversial? Necessary? Could be arguments to support both sides. What we do know is that it was a war that was not thought out, misguided, ill-advised, racially biased, and has hurt black and brown communities more than it has helped them. So much so that what the War on Drugs has done to those communities had it done the same to other communities of non color across the United States, it would be deemed a national crisis.

At a time when our communities needed sidewalks, roads, and better schools we got more prisons. At a time when we needed more mentors and teachers, we got more police instead.

Recent Presidents seem to have acknowledged this reality of the War On Drugs and have used clemency not only as an act of mercy but also as an act of correcting a wrong committed on behalf of our nation.

One method of reducing mass incarceration is by implementing mass clemency: which can be achieved by a stroke of the President's pen. It was the stroke of a pen that created mass incarceration, and it is by the stroke of the President's pen which can undue mass incarceration

In acknowledging the War On Drugs was a failure and should come to an end, one of the olive branches that can be extended to heal those communities that were mostly impacted can and should be clemency.

Former Supreme Court Justice Kennedy, in a 2003 speech to the American Bar Association, illustrated the pardon power as one of being extraordinary unique, and a necessity in ensuring justice is administered and adjusted over time;

*A people confident in its laws and institutions should not be ashamed of mercy. ” I hope more lawyers involved in the pardon process will say to Chief Executives, “**Mr. President,**” or “Your Excellency, the Governor, this young man has not served his full sentence, but he has served long enough. **Give him what only you can give him. Give him another chance. Give him a priceless gift. Give him Liberty.**”*

If the President of The United States, the most powerful man in the world, were to implement mass clemency it would send a message to others incarcerated as well as to those who are free that people can change and when they do mercy and forgiveness should be bestowed upon them. **For “still, the prisoner is a person; still he or she is part of the family of humankind.”** Quoting Justice Kennedy, ABA Speech 2003.

Early I stated who I was. Now Let me tell you who I am.

After nearly 18 years imprisonment I was released on August 11th, 2015 at the age of 39.

I am a criminal justice reformer and the founder of Crack Open The Door and Get Clemency now. I have been deemed an expert on clemency who has taught this subject at colleges and I have contributed to nearly a dozen individuals obtaining their freedom--9 of which were serving life without parole.

I am an Author who has written a book called Get Clemency Now: which teaches people incarcerated and their families how to put together powerful clemency petitions without the help of an attorney. Which is viewable and downloadable for free at gtetclemencynow.org.

I am the 2017 Collin County Black Chamber of Commerce Trailblazer and Community Civic Leader of the Year:

I am the 2018 McKinney's Kim Hoffman Volunteer of the Year:

I am the 2021 Leadership McKinney Alumnus of the Year;

I am the 2022 N.A.C.D.L Champion of Justice of the Year.

I am also the founder and Executive Director of ATLAST: which is a leadership program for latino high school kids which teaches them to become leaders in their school and community while helping seek careers where latino are underrepresented. Such as Attorneys, elected officials, judges, prosecutors. So we are not in the system but now work in the system.

I was once inmate number 07031-078. And now through clemency and only clemency I am once again and now Jason Hernandez.

I hope and pray Congresswoman Ayanna Pressley's, Congresswoman Cori Bush, and Congressman Hakeem Jeffries, historic legislation to transform our nation's broken clemency system and addresses the growing problem of mass incarceration, continues with the necessary steps so that it will become law.

I thank you for your time and may God continue to bless you and this great nation.