



What is universal clemency?

Universal clemency means commuting every death sentence, rather than an individualized grant of clemency based on individual factors. Universal clemency is an action taken by the executive (governor or president) based on systemic concerns regarding the use of the death penalty in all cases, to correct an injustice that applies across the board.

Why should Governor Newsom pursue universal clemency?

The Governor knows California's death penalty process is inhumane, dysfunctional, racially biased, and error prone. He should use his executive authority to confront the systemic failures of this outdated policy and take steps to grant clemency in all death-sentenced cases. This isn't about individual cases, it is about a system that is unjust, ineffective, and unfixable.

- There are about 574 individuals sentenced to death in California [\(1\)](#). It is the biggest death row in the nation and one of the largest death rows in the world [\(2\)](#). Two-thirds of the individuals have been there for more than 20 years, and dozens of individuals have been on death row for more than 40 years with literally decades of delays caused by California's inability to provide lawyers to handle capital appeals.
- The death penalty reflects a legacy of racial discrimination. Sixty-nine percent of the people under a sentence of death are people of color, and one-third are Black [\(3\)](#). Death sentences are more likely to be imposed when the victims are white than when they are Black or Latino, while the majority of homicides with Black or Latino victims go unsolved [\(4\)](#).
- Almost half of the people on death row are there for crimes they committed as youth under the age of 26, and approximately one in six were under 21 years old. Recognizing that young people's brains are not fully developed until their mid 20s [\(5\)](#), California has enacted several reforms to address the diminished culpability of youthful offenders [\(6\)](#). However, individuals on death row and those serving life without parole are excluded from these policies.
- More than one third of people on death row in California have been diagnosed with a serious mental illness and dozens have been diagnosed with intellectual disabilities. [\(7\)](#)
- A study by the National Academy of Sciences estimates that at least four percent of people sentenced to death in the U.S. are innocent [\(8\)](#). California has already released eight men from death row due to wrongful conviction [\(9\)](#).

How should universal clemency be implemented?

It is critical that actions to address systemic harms be taken in a way that do not inadvertently cause other harm. Attention must be paid to the potential impact of universal clemency on the families of victims in death-sentenced cases and the potential impact on individuals now sentenced to death to avoid unintended consequences.

First, universal clemency must be approached with sensitivity to the varied needs of the family members of victims in death penalty cases. Access to information and support services should be provided in a proactive manner.

Second, with regard to people now sentenced to death, universal clemency must be approached in a manner that will:

- Preserve legal claims in individual cases including claims related to innocence, racial bias, or fairness of an individual's case which will continue after the death sentence has been commuted.
- Maintain access to counsel and continuity of counsel.
- Preserve future opportunities for individualized clemency consideration and other potential avenues for resentencing.
- Provide support systems and mental health counseling for impacted individuals.

Has universal clemency been done before?

In December 2024, President Biden granted clemency to nearly all people sentenced to death in the federal system. More than half a dozen U.S. governors have granted universal clemency to everyone sentenced to death in their state [\(9\)](#). Clemency has also been used by numerous executives to address other systemic issues and outdated sentencing policies.

What is the process for achieving universal clemency?

The governor has the unilateral authority to commute the sentences of anyone on death row who does not have a separate felony conviction. For anyone with a separate felony conviction (about 60% of people), the governor must submit his request to the California State Supreme Court and a majority of the court, or four out of seven members, must vote to approve the governor's request.

Who supports universal clemency?

More than 150 state and national organizations have endorsed the universal clemency campaign and thousands of Californians have signed petitions calling for universal executive clemency for those sentenced to death.

The California Anti-Death Penalty Coalition is a diverse coalition made up of faith, racial justice, civic, legal, and labor organizations, as well as murder victims' family members, and families impacted by the death penalty advocating for racial justice and universal human dignity.

Join us at ClemencyCA.org