How much should education matter in clemency?

I first read about Johnny Pippins last fall when I was googling graduate programs in prison. It turns out, there's not much out there other than a program in Texas, a handful of faith-based programs, and some correspondence programs. Then I came across a post, “A Prisoner and a Ph.D.” on Brown University Professor Glenn Loury’s blog. Loury was the first Black economist to gain tenure at Harvard and he's written extensively about race and mass incarceration.

He published a letter from Johnny detailing his educational accomplishments behind bars – he's earned a bachelor's and master's, including a remote internship, paid for with the inheritance left by his mother. Not only that, he's been accepted and offered full funding for the doctoral program in sociology at University of Iowa.

The catch? Unlike his master's in statistics, which was an asynchronous online program, Johnny has to be there in person. And he's still got four years left of the 30 he's expected to serve.

He's waiting to hear on a clemency petition that has been sitting on Illinois Gov. JB Pritzker's desk since last fall. He's hoping the governor will commute his sentence in time to start his Ph.D. in August.

Part of the ‘lost generation’

The more I learned about Johnny, the more I saw how his story highlights many of the big issues facing the U.S. criminal-legal system.

In 1996, he went to prison for murder at the age of 26 – one of thousands upon thousands of young Black and Brown men that belong to what prison journalist John J. Lennon calls the “lost generation.” That was two years after Congress eliminated Pell Grants for prisoners with the 1994 crime bill, heralding an era of mandatory minimums, three strikes laws, and extreme sentences.

Johnny was the lone defendant in his case to go to trial. While he faced a longer sentence than the rest of his crew because he pulled the trigger in the drug-related shooting, he also paid what researchers call “the trial penalty.”

Should education be the bar?

Johnny’s education – both the degrees he has already completed and the Ph.D. that he wants to do – are the basis of his application for commutation. So how much does education matter in clemency decisions? And how much should it matter?

Factors the review board and the governor consider include remorse, disciplinary history, housing and job prospects, upbringing, as well as education and other programming while incarcerated, said Jennifer Soble of the Illinois Prison Project. Education as a measure of personal growth and transformation can be problematic if it becomes the main metric by which all clemency applications are judged.
Many prisoners with long sentences are often excluded from most or all educational opportunities, or don't have the financial resources to self-finance higher education. Many people might engage in informal learning, something that is significantly more difficult to quantify in a clemency application than formal credentials gained through a graduate program.

“There are hundreds of thousands of people who are currently incarcerated, who are just as deserving of meaningful review, and who have poured their hearts and souls into their own personal growth and development,” Sobel told me.

Johnny agrees. “I want to get out, no doubt,” he said, “but I am worried that if this sets the bar, a lot of worthy people will be left behind.”

Johnny's story has parallels with that of Brandon Brown, who was able to start his Ph.D. at George Mason University in 2020 while he was incarcerated in Maine only because his program pivoted to online learning during the pandemic.

Both Brandon and Johnny have had to push prison administrators to gain permission to participate in online learning for their master's program, and both had an unusual combination of persistence and opportunity that opened doors. In Brandon's case, he got permission only because administrators didn't think he'd get admitted to graduate school.

“I don't believe I'm exceptional, only that I had exceptional opportunities,” Brandon says. “It gets under my skin when all people want to talk about is how I did this; it doesn't matter how I did it unless we can make it possible for other people.”

A case for academic advising

The other thing that struck me in talking with Johnny was the fact that he still has a gap in his knowledge about higher education despite all of his accomplishments. At the age of 52, he's dealing with many of the same challenges that all first-generation students face, with the added complexities of studying from prison.

During our first conversation, I asked him if he had any questions for me. He had received his financial-aid package from Iowa and wondered if he might still be eligible for Pell Grants. Unfortunately, I had to tell him that Pell Grants are only for students seeking first-time undergraduate degrees.

He also shared how it took him a while to even figure out what an asynchronous online program was — until he finally got the IT department to tell him it simply means that you download a pre-recorded lecture to your device and watch it at your convenience.

Johnny's story speaks to the need to build strong systems for academic advising as more colleges consider launching prison education programs with Pell Grant restoration next summer. Not only will incarcerated students need help navigating their undergraduate education, they also need information about what options are available should they want to continue their education after that.

Let's connect

Please connect if you have story ideas or just want to share your experience with prison education programs as a student or educator. You can always reach me at charlotte@opencampusmedia.org on JPay/Securus/Connect Network/Corrlinks or on Twitter at @szarlotka. To reach me via snail mail, you can write to: Charlotte West, Open Campus Media, 2460 17th Avenue #1015, Santa Cruz, CA 95062. I look forward to hearing from you.

— Charlotte West
“Internship with a twist,” the subject line read. The unusual message caught the eye of Dan Nettleton, a professor at Iowa State University, as he scrolled through the mailing list for the American Statistical Association. It was from a graduate student seeking a supervisor for an internship, with some unique challenges. He was in prison for murder. “I will be prohibited from intern work such as coffee runs … but I think we can pull off the required analysis part,” the email read.

Nettleton thought he could help and reached out to the student, Johnny Pippins. “It was really powerful that he was attempting this,” said Nettleton, who directs a biostatistics research center at Iowa State.

The next summer, in 2020, Nettleton and Pippins, who is serving an expected 30 years at Iowa’s Anamosa State Penitentiary, started working remotely on a project focused on gene expression among patients with different types of lupus, the disease that took Pippins’s mother’s life in 2010.

A year after the internship, in 2021, Pippins graduated with a master’s degree in statistical science from the University of Idaho, which allowed him to study remotely from prison.

Pippins now wants a Ph.D. He received a fully funded offer from the University of Iowa to pursue a doctorate in sociology. But, first he has to get out of prison.

He’s waiting to hear on a clemency petition that has been sitting on Illinois Gov. JB Pritzker’s desk since last fall. Pippins was sentencen in Illinois but was allowed to spend the majority of his incarceration in Iowa because he wanted to be closer to his family. He’s hoping the governor will commute his sentence and let him out four years earlier than expected.

He has a tight deadline. His Ph.D. program starts in August. He can only do it in person.

How a bookworm ended up behind bars

Pippins grew up as the oldest of four children and spent the 1970s and 1980s bouncing between Illinois, Iowa, Arkansas and Missouri. As a child, Pippins excelled at school and sports, with his nose always in the books.

“The thing that the other kids found most peculiar about me was the inordinate amount of time, in their minds, that I spent at the library,” he said.

When he was 19 and in prison for the first time, his favorite uncle — who Pippins described him as a “smart kid who did dumb shit” — bet him that he wouldn’t be able to finish high school. Within a week, he had earned his GED.

But Pippins struggled with a father he said was physically abusive and a childhood marked by constant moves as the family fled from his father. As a teenager, he left home, spending much of his time on the streets of Chicago. “Eventually I dropped out of school, gave up sports, and became a gang member and a hustler,” Pippins said.

As a young adult, Pippins spent two shorter stints in prison, once for theft and another on drug-related charges, he said. When he was 19 and in prison for the first time, his favorite uncle — who Pippins said described him as a “smart kid who did dumb shit” — bet him that he wouldn’t be able to finish high school. Within a week, Pippins had taken all the tests and had earned his GED, a high school equivalency degree.

In the summer of 1996, Pippins, his brother, and several friends went on a robbery spree in the Quad Cities, four cities that straddle Illinois and Iowa. The group targeted drug dealers, who typically have stash houses on both sides of the Mississippi River, Pippins said.

One night, Pippins and his crew attempted to rob Jermaine
Campbell at his home in Rock Island, Illinois. When Pippins tried to shoot the lock off Campbell's door, a bullet went through and struck Campbell in the heart, killing him, Pippins said.

Campbell's death led to investigations in both states, resulting in murder and kidnapping charges in Illinois and other charges in Iowa related to the summer robberies. Pippins was the lone defendant who decided to go to trial. Murder charges against three of his co-defendants were dropped when they pleaded guilty to home invasion and testified against Pippins, according to a press account and Pippins. His brother William Pippins received the harshest sentence — 15 years — of the other co-defendants, with a concurrent sentence between Iowa and Illinois.

Pippins ended up with consecutive sentences in those states and was expected to serve nearly 30 years behind bars. He's finished 26.

How much should college count?

Clemency petitions, which include pardons and sentence commutations, must address two main questions, said Jorie K. Johnson, an Illinois criminal defense attorney who specializes in clemency applications, though she is not involved in Pippins's case: Why are you in need of the relief? Why do you deserve relief?

For Pippins, the answer to both questions is his education.

How much education should matter in weighing his fate was first a question for the Illinois Prisoner Review Board, which made a confidential recommendation to the governor on Pippins's application.

Other factors the review board and the governor consider are remorse, a prisoner's disciplinary history, their housing and job prospects, upbrining, as well as programming while incarcerated, explained Jennifer Soble, an attorney and executive director of the Illinois Prison Project, a nonprofit focused on getting people out of prison. Programming, which includes education, can be challenging because many prisoners, especially those with long sentences, are often excluded from most or all opportunities.

“It's really hard to show to the Prisoner Review Board the robustness of a person's relationships or the depth of a person's intellectual engagement,” Soble said. “For someone like Johnny, that probably will be substantially easier. He's got all of this sort of incredible credentialing of someone who is participating in a Ph.D. program.”

But, she added, “there are hundreds of thousands of people who are currently incarcerated, who are just as deserving of meaningful review, and who have poured their hearts and souls into their own personal growth and development.”

Some people, for example, have finished high school or worked as porters or in the prison kitchen. The challenge, Soble said, is getting the Prisoner Review Board to recognize the accomplishments of people who do not have the same capacity or opportunities as Pippins has had.

Pippins agrees. “I want to get out, no doubt,” he said, “but I am worried that if this sets the bar, a lot of worthy people will be left behind.”

Cornel West, a prominent political activist and academic, and Glenn Loury, an economist at Brown University, are advocating for Pippins's release. “We believe no further good can come from keeping Johnny in prison,” they wrote to the governor this month. “Indeed, the people of Illinois and Iowa can only benefit from his timely release.”

The state's attorney for Rock Island County, where Pippins was charged, confirmed the office did not file an objection to Pippins’ clemency petition.

But securing clemency at all — for whatever the reason — is a long shot.

“In the 1800s and in the first part of the 1900s, clemency was granted all of the time at the state and at the federal level,” Soble said. “That slowed really dramatically in the past 50 years.”

In particular, the 1994 federal crime bill ushered in tough-on-crime policies and governors began to use their use of clemency powers less frequently. It was an era of mandatory minimums, three strikes laws and extreme sentences.

‘No one ever accused me of not being persistent’

Aside from some minor infractions during his early years behind bars, Pippins has had a clean record, according to his clemency application. “I just kind of cut out the nonsense, tried to rectify my affairs spiritually, and make the best of the situation that I was in,” he said.

When his mother passed away, Pippins used his inheritance to fund his higher education. The 1994 crime bill also had eliminated federal money to help people in prison attend college.

While he was working on his undergraduate degree through Adams State University, a high school teacher at the prison asked him if he would be a math tutor after seeing his grades. When the actual math teacher retired, Pippins became the de facto instructor for GED students.

After getting his bachelor's, Pippins wanted something more, but there are very few graduate programs available for people in prison, even if they have the resources to pay.

For nearly two years, he wrote a letter every other month to the director of the Iowa Department of Corrections to try to persuade him to let him do an online master's program. “No one ever accused me of not being persistent,” he said.

That eventually paid off. With
support from state corrections officials and the prison administrators, Pippins was allowed to purchase a thumb drive to download course lectures and assignments, and eventually a laptop, Pippins said. He was able to do the virtual internship with Professor Nettleton with support from the warden.

Pippins filed his request for clemency in July 2020, but the pandemic delayed his hearing with the Prisoner Review Board until September 2021.

In the meantime, Pippins began applying to doctoral programs. The University of Iowa accepted him for fall 2021. When his hearing was delayed, the university granted him a deferral for one year. But he'll lose his spot if he doesn't hear from Gov. Pritzker soon.

### Down to the wire

Clemency is Pippins's only option for getting out of prison early.

Like many prisoners, he's already gotten time knocked off his sentence for having a clean disciplinary record. He served 18.5 of his 25-year sentence in Iowa and was expected to serve 11 of his 22-year sentence in Illinois.

Illinois also gives credit for participating in programming. Pippins had his sentence reduced by a year for his bachelor's and his master's degrees. That leaves him with nearly four years left to serve.

But Illinois is one of 16 states where there's no discretionary parole for early release. That's why Pippins has to rely on the governor.

Two independent attorneys say Pippins has a strong case for clemency given his educational accomplishments behind bars and the fact that no one is formally objecting to his petition. He's also already served the vast majority of his sentence, and he'll be on parole for the first three years if he gets out early.

Pippins's application includes letters of support from professors, correctional officers, and his incarcerated peers. Telly Nix, who is in prison with Pippins, wrote that he always tells Pippins, “Bro, if they don't let you out it is because they don't let people out. No one has done more to prove they are worthy than you, get ready to go live your dream Dr. Pippins.”

But Pippins’s achievements and personal transformation may not be enough to speed up the process. Johnson the attorney, said she advises her clients to expect to wait up to two years for a response after their hearing. For Pippins, that could leave him waiting until September 2023.

Politics matter, too. Ina R. Silvergleid, a former Illinois employment attorney who tracks Illinois clemency data, said that although Pritzker, a Democrat, has exercised his clemency power much more than his recent predecessors, the timing is not in Pippins’s favor. The governor is up for re-election in November.

“Clemency is a political decision made by a political actor,” Sobel said. “Clemencies slow down right before elections.”

Earlier this year, clemency hearings in Illinois were put on hold after state senators rejected two of Pritzker’s nominees to the Prisoner Review Board. The governor has also recently faced backlash for other pardons he’s issued for people who were charged with serious crimes.

From January to October 2020, Silvergleid estimated that Pritzker approved roughly one-third of commutation requests. He commuted 49 prison sentences in 2020, 22 in 2021, and none so far in 2022, according to data obtained by Open Campus from the Prisoner Review Board.

Pritzker’s press secretary, Jordan Abudayeh, did not respond to multiple requests for comment regarding Pippins’s application. In a statement to Capitol News Illinois regarding another clemency decision, she said: “The governor is a strong believer in criminal justice reform and that means carefully and thoughtfully considering petitions for clemency from those who have demonstrated a commitment to rehabilitation.”

### When sorry isn’t enough

Every year that passes becomes more urgent for Pippins. At 52, he has started to think about his own mortality. “As a Black male in America, at the age I am now, I don't have that many viable working years left,” he said.

For those in prison, every year spent behind bars decreases a person’s life expectancy by two years. A recent study found that Black people who were incarcerated were 65% more likely to die prematurely than their white counterparts.

Pippins hopes to become a professor, but that will take time. The median time to finish a doctorate in the social sciences is 9.3 years, according to the National Center for Science and Engineering Statistics. If Pippins were released now, he could be close to 62 years old by the time he receives his Ph.D.

Pippins can't ask the university for another extension. Admitted graduate students are only allowed to defer for one year, after which they must reapply, a University of Iowa spokesperson said. If he can't start this fall, Pippins said he’ll wait until he has a firm release date before he applies again.

In a recent blog post, Pippins reflected on another clemency decision, where the governor declared that “further incarceration serves no rehabilitative purpose, nor does it advance the interest of justice.” He wonders if his time will come to hear those words.

“For some years, my dilemma has been ‘What does one do when sorry is not enough,’” he wrote in an email. “In seeking that mercy, I come with the all-important words, ‘I’m sorry,’ but too with a bevy of actions that lend some credence to the words I have uttered.”

This story was co-published by WBEZ Chicago.
Proposed rules for Pell Grants

At the end of July, the Education Department released the draft regulations for restoring Pell Grant eligibility for incarcerated students by July 2023. That comes almost three decades after Congress eliminated federal financial aid for people in prison with the 1994 Crime Bill. On July 28, the proposed regulations will be posted in the Federal Register, which will kick off a 30-day public comment period.

Some key proposals:

- State departments of corrections, the federal Bureau of Prisons, and local agencies would oversee and approve prison education programs. During the approval process, they would need to consult with stakeholders, including incarcerated or formerly incarcerated individuals, as they make decisions. They also would need to look at factors such as whether a program is similar to the programs offered by the college on their regular campus.

- Qualifying prison education programs wouldn't have to lead to a license or certificate, but if they do, the programs would need to be designed to meet the requirements for those in the state where the correctional facility is located (or where most individuals will reside after release, for a federal prison). The programs also would need to lead to occupations without state or federal prohibitions on the licensure or employment of formerly incarcerated individuals.

- The regulations also would establish reporting requirements to allow the Education Department to collect data on prison education programs. A recent report on data collection notes that “one of the biggest challenges in understanding the current landscape of postsecondary education in prison is the lack of comprehensive data at the national level.” While there are some surveys and research that provide data on where and how programming is offered, “there is little data available on how incarcerated students enroll, persist, and complete higher education while in prison.”

- According to the proposed regulations, colleges and corrections departments would need to enter into data-sharing agreements and track students’ transfer and release dates. That means that students who drop out of a program because they are transferred or get out of prison wouldn't be included in evaluation of retention and persistence, and labor market metrics would only include students who have been released.

Other key changes of Pell Restoration:

- As we’ve reported before, incarcerated students will only be able to use Pell Grants for prison education programs that have been approved to operate at their facility. For example, a student in Iowa wouldn't be able to apply for Pell and enroll in a program in Colorado unless that program had been approved by the Iowa Department of Corrections.

- In a change from the rules governing Second Chance Pell programs, incarcerated students may use Pell Grants for correspondence programs as of July 2023, but those programs have to meet both accreditation standards and be approved as a prison education program at their specific facility. An individual student can’t just fill out the FAFSA...
form and receive funds to cover any correspondence program they are interested in.

- Pell Grants for incarcerated students will not be able to be used for programs run by for-profit colleges.

- Pell Grants will now be “sentence-blind,” meaning that all incarcerated people who meet the general requirements are eligible, regardless of conviction or sentence length, according to the Vera Institute. In practice, facilities will still able to prioritize who is eligible to participate in a prison education program and take sentence length into consideration.

- Recent changes to federal financial aid eligibility for both incarcerated students and formerly incarcerated have removed two major barriers to receiving Pell: men under age 26 are no longer required to have been registered with the Selective Service System and the FAFSA no longer requires applicants to answer questions about drug-related convictions. Note that the question about Selective Service will remain on the FAFSA form for the near future, but “failing to register with the Selective Service or having a drug conviction” while receiving federal financial aid will no longer impact a student’s eligibility for that aid. However, some states still require selective service registration to access state financial aid, creating a problematic mismatch between state and federal policy, said Bradley Custer, senior policy analyst for higher education at the Center for American Progress.

**Collection at All Costs**

A new report, “Collection At All Costs” from the Student Borrower Protection Center and the National Consumer Law Center examines the intersection of mass incarceration and the student debt crisis.

“A little considered, but still ruinous collateral consequence of detention or imprisonment is an incarcerated borrower’s spiral into delinquency and default on their federal student loans,” the authors write.

While the Education Department does not track incarcerated borrowers, experts estimate that hundreds of thousands of individuals have entered prison already carrying student loan debt, the report says. Incarcerated borrowers face challenges making monthly payments, communicating with loan servicers, and finding out timely information about debt relief options that might benefit them.

As Ryan Moser and I have previously reported, student loan default is one of the major barriers currently preventing people in prison from accessing Pell Grants. In April, the Education Department announced a “fresh start” that will bring all defaulted loans, including those belonging to incarcerated borrowers, into good standing. But three months later, the department has yet to share any details of the new program, including when it will go into effect and how they plan to communicate changes to people in prison.

The new report looks at the collateral consequences of student loan default and delinquency on incarcerated borrowers beyond Pell eligibility, including its impact on reentry.

“Incarceration-related student debt not only hurts the borrower’s credit, making it even more difficult to secure housing, jobs and transportation after release, it also increases their debt and puts them at risk of wage garnishment and benefit offset upon release—right at the moment when they may be most financially insecure,” the authors wrote.

An incarcerated student highlighted in the report said that they were never told they could apply for student debt relief programs during their 10-plus year sentence.

“I watched the interest get capitalized and fees accrue while I remained helpless,” they said. “It is an incredible burden to be faced with as soon as you step out of a long-term incarceration.”

The report outlines several recommendations that would improve student loan outcomes for incarcerated borrowers, including canceling student loans for borrowers serving sentences of more than five years and publishing clear information about how current servicing practices and policies affect incarcerated borrowers.

The report argues that the unique needs of incarcerated borrowers should be considered during the Biden administration’s current overhaul of the student loan system. “Providing targeted support to incarcerated borrowers will ensure that these important initiatives have a real chance at success and advancing racial justice goals,” the authors wrote. “Failing to do so could otherwise undermine these initiatives.”

**News & Views**

A recent Arizona Central investigation into prison labor found that Arizona Correctional Industries, a division of the Arizona Department of Corrections that contracts with private companies, is supposed to provide vocational rehabilitation, but they often hire people who already have education and skills rather than spend money on training. Most correctional jobs provide little education that will help people find employment after release, the newspaper found, and people who worked for correctional industries had similar recidivism rates to the general population, despite department claims that the labor program helps keep people from going back to prison.

Earlier this year, the Maryland Department of Public Safety and Correctional Services implemented a new policy that prevented prisons from proctoring exams for external correspondence courses, according to The Real News Network. The policy initially prevented at least one student taking courses from...
Adams State from working towards his degree. The day after the segment aired, prison authorities announced that they had “reconsidered” their earlier decision.

The Alliance for Higher Education in Prison has named a new executive director, Ved Price, who is replacing Mary Gould.

The Journal of Higher Education in Prison will be publishing its second volume later this year. It's the only open access, peer-reviewed journal that publishes exclusively on topics and issues affecting the field of higher education in prison. For more information on receiving a copy of the journal or how to send a submission, please email jhep@higheredinprison.org or write to Alliance for Higher Education in Prison, Attn: Journal of Higher Education in Prison, 1801 N. Broadway, Suite 417, Denver, CO 80202.

The Sentences That Create Us is a new book focused on writing behind bars. It features the work of more than fifty writers, most themselves justice-involved, to offer advice, inspiration and resources. PEN American is distributing 75,000 copies of the book to individuals in prison, as well to prison libraries and higher education and creative writing programs working with justice-involved communities. A copy can be requested online at https://t.co/ST7zHTQawK, or write to: Prison Writing Program c/o PEN America, 588 Broadway Suite 303, New York, NY 10012.

Let’s connect

Please connect if you have story ideas or just want to share your experience with prison education programs as a student or educator. You can always reach me at charlotte@opencampusmedia.org on JPvmail@prisonjournalismproject.org, or write to PJP Art Department, 2625 Alcatraz Ave., #328, Berkeley, CA 94705.

We know that not everyone has access to email, so if you'd like to have a print copy College Inside sent to an incarcerated friend or family member, you can sign them up at https://bit.ly/college-inside-print. We are also publishing the PDFs of our print newsletter on the Open Campus website.

There is no cost to subscribe to the print edition of College Inside. But as a nonprofit newsroom, we rely on grants and donations to keep bringing you the news about prison education. If you would like to support our work, please send a check made out to Open Campus Media to 1 Thomas Circle NW, Suite 700, Washington, DC 20005. You can also donate via PayPal at https://bit.ly/3I7J2dG.

— Charlotte West

About this newsletter

Welcome to College Inside, a newsletter about prison education produced by Open Campus, a national nonprofit newsroom. Topics we cover include college-in-prison programs, Pell Grants for incarcerated students, career and technical education, and education in juvenile justice facilities.

You can sign up for the e-newsletter at https://www.opencampusmedia.org/college-inside/ or get a print copy by filling out the form at https://bit.ly/college-inside-print.

You can also reach national reporter Charlotte West at charlotte@opencampusmedia.org via JPvmail/Crlink/TextBehind/Securus/Connect Network/Getting Out.

If you are a prison educator or librarian, please get in touch about how we might work together to distribute College Inside.

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