LETTER IN SUPPORT OF PETITION FOR PARDON OF MARCUS GARVEY

The Honorable Joe Biden

President, United States of America

1600 Pennsylvania Avenue NW

Washington, DC 20500

Dear President Biden:

On June 27, 2016 an application for a posthumous pardon for Marcus Mosiah Garvey was filed with the Office of the Pardon Attorney. His youngest son, Dr. Julius Garvey, submitted the application on behalf of the descendants of Marcus Garvey, along with Harvard Law Professor Charles Ogletree; Professor Justin Hansford, and Akin Gump Strauss Hauer & Feld LLP. This letter summarizes many of the points raised in the brief filed in support of the pardon application.

Marcus Garvey lives in history as one of the first leaders of the civil and human rights movement in the United States. In the early twentieth century, he was an advocate for the social, political and economic independence for people of African descent around the world. In recognition of his lifelong advocacy and substantial contributions to society, stained by a politically motivated prosecution riddled with miscarriages of justice, we, the undersigned, stand in strong support of a posthumous presidential pardon for Marcus Garvey.

Marcus Garvey staked his name and his movement on the development of economic opportunity as a source of Black empowerment. To unite his followers toward a common goal of social progress, Garvey founded the Universal Negro Improvement Association and African Communities League (UNIA-ACL), which at its height boasted nearly 6 million members in 40 countries. In the words of Dr. Martin Luther King, Jr., “He was the first man on a mass scale and level to give millions of Negroes a sense of dignity and destiny. And make the Negro feel that he was somebody.”

Because of these achievements, Marcus Garvey was viewed as a threat to the established order by the U.S. government. Decades before Dr. King would become targeted for his activism, J. Edgar Hoover led the Bureau of Investigation in its surveillance of Mr. Garvey and actively sought methods to disrupt and destroy the Garvey movement. In 1923, based on intelligence gathered from undercover agents posing as UNIA supporters and aided by judicial proceedings that have largely been condemned as factually unsound and politically and racially motivated, Marcus Garvey was convicted of mail fraud and sentenced to the maximum five years in federal prison. As early as 1927, the year when his sentence became eligible for commutation, the U.S. Attorney General concluded that the case against Marcus Garvey was unwarranted and untenable given the weak evidence against him. In partial recognition of the unsettling facts underlying the prosecution of the case, President Calvin Coolidge commuted his sentence in November 1927, and Marcus Garvey was deported to Jamaica. In the decades that have passed, history and society have confirmed Mr. Garvey’s unfair conviction was based on racial and political motivations. However, his name is still tarnished by the stigma of his conviction. The Garvey family seeks to amend the historical record to reflect the esteemed nature of their ancestor’s contributions to the global community.

Presidential posthumous pardons have been granted to correct injustices and heal societal divisions by restoring the unjustifiably diminished reputations of historical figures admired by their communities.

For example, President Clinton granted the first posthumous pardon in 1999 to Lt. Henry Ossian Flipper, the first African American graduate of West Point and the first African American commissioned officer in the regular United States Army. Lt. Flipper was charged with embezzlement and dishonorably discharged from the Army after a court martial. Although acquitted of embezzlement, the dishonorable discharge remained until his 1999 pardon. Despite great admiration from the community and the state of his birth, his family still endured the painful stigma of his unjust conviction and unjustifiably tarnished reputation.

Following President Clinton’s lead, President Bush granted the second presidential posthumous pardon to Charles Winters in 2008, for his direct violation of the Neutrality Act of 1939 by smuggling three military planes to the new state of Israel. Israeli Prime Minister Golda Meir honored Winters as an American who helped establish the state of Israel. Based on the changing times and relationship between the United States and Israel, President Bush granted Winters a posthumous pardon.

Marcus Garvey should also be granted a posthumous pardon. Like Lt. Flipper, Mr. Garvey was not simply a wrongfully convicted person – his unjust conviction involved racial and political motivations that require rectification and redress. And like Lt. Flipper, Garvey is an exceptional, historical figure whose family and community continues to be wronged by the unjustifiable diminishment of his contributions to society wrought through the U.S. criminal justice system.

Mr. Garvey is an exceptional candidate for a posthumous pardon. Efforts to fully clear his name have been ongoing and concerted on the part of the U.S. Congress, civil society organizations, cities, states, and international groups. From the 99th – 111th Congress, members of Congress have introduced resolutions that express the sense of the Congress that the President should grant a pardon to Marcus Garvey of crimes for which he was unjustly prosecuted and convicted. City governments have passed resolutions recognizing the injustice of Mr. Garvey’s conviction and seeking to have his name cleared. Communities in the United States and throughout the world have honored him by dedicating monuments and landmarks to his memory. The Government of Jamaica declared Garvey its first National Hero, bestowed the title of the “Right Excellent” to his name, and placed his image on Jamaican currency. The red, black and green flag of the Garvey movement has become known as the flag of the Pan-African Movement worldwide and the color scheme is also reflected in the national flags of Kenya, Malawi, and other African nations. The accolades and honors bestowed upon Marcus Garvey demonstrate the esteem in which he is held in the United States and around the world.

More than 90 years after the imposition of his unjust sentence, it is time to exonerate Marcus Mosiah Garvey and let history reflect the true nature of his legacy.

We respectfully call upon you, President Biden, in the tradition of the last two United States Presidents who both issued posthumous pardons to people convicted in harsh political climates, to likewise grant a posthumous pardon to the Honorable Marcus Mosiah Garvey.

Sincerely,

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To endorse the sign-on letter, please complete this form and return via email at your earliest convenience to GarveyPetition@AkinGump.com.

Please sign me on to the Letter to President Biden in support of Marcus Garvey.

Principal’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Organization (if applicable) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_