

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-24-20

WHEREAS, following the request of the California Legislative Black and LGBTQ Caucuses, today, I have granted a full and unconditional posthumous pardon to Bayard Rustin, who was a humanitarian and civil rights icon, to right the wrong of his criminal conviction in California in 1953 for a misdemeanor violation of Penal Code section 647.5 (vagrancy) for engaging in consensual sexual activity with other men; and

WHEREAS, Mr. Rustin was a visionary champion for peace, equality, and economic justice and was a key strategist and organizer behind the 1963 March on Washington and ultimately received a posthumous award of the Presidential Medal of Freedom from President Barack Obama; and

WHEREAS, the posthumous pardon I granted to Mr. Rustin acknowledges the inherent injustice of his criminal conviction, an injustice then compounded by his political opponents' use of the record of his criminal case to try to undermine him, his associates, and the civil rights movement; and

WHEREAS, Mr. Rustin is far from alone in being subjected to discriminatory application of criminal law in California. Countless others in California, as well as around the country, have experienced similar unequal application of the law because of stigma, bias, and ignorance. California, like much of the nation, has a disgraceful legacy of systematically discriminating against the LGBTQ community. This discrimination has taken many forms including social isolation and shaming, surveillance, intimidation, physical violence, and unjust arrest and prosecution. Mr. Rustin was sentenced pursuant to a charge commonly used to punish gay men for engaging in consensual adult sexual conduct. His conviction is part of a long and reprehensible history of criminal prohibitions on the very existence of LGBTQ people and their intimate associations and relationships; and

WHEREAS, in 1997, the State of California took steps to right these wrongs by establishing a process whereby individuals convicted for engaging in consensual adult sexual conduct could request removal from the California Sex Offender Registry. This relief, when granted, does not modify the underlying conviction or constitute a pardon; and

WHEREAS, in 2018, the California Legislature passed ACR 172, a resolution apologizing "for the enactment of past discriminatory laws and constitutional provisions that resulted in the persecution and oppression of LGBT individuals and their communities, and which forced them to live in fear of unjust prosecutions and public shaming." In the resolution, the Legislature reaffirmed "its commitment to preserving the rights of all people;" and

WHEREAS, the State of California seeks to further acknowledge and rectify the discrimination and harm inflicted by the criminal justice system upon LGBTQ people for living authentic lives. It is a further injustice that many people, like Bayard Rustin who died in 1987, did not receive this acknowledgment in their lifetimes.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED that my Office shall publicize the process to apply for pardon for individuals who, like Mr. Rustin, were subjected to discriminatory and unjust arrest and prosecution for engaging in consensual adult sexual conduct; shall work to identify eligible pardon candidates; and shall diligently process such applications with the express goal of pardoning eligible individuals. Information about the pardon process and how to apply may be obtained by visiting www.gov.ca.gov/pardons or by calling the Governor's Office at 916-445-2841.

IT IS FURTHER ORDERED that as soon hereafter as possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice shall be given to this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of February 2020.


GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State