

January 3, 2025

President Joseph R. Biden Jr.  
The White House  
1600 Pennsylvania Ave. NW  
Washington, D.C. 20500  
[comments@whitehouse.gov](mailto:comments@whitehouse.gov)

Re: Request to Pardon Peaceful Climate Protesters Tim Martin and Joanna Smith

Dear President Biden,

We write to you with an urgent plea to protect the democratic right of peaceful protest by using your authority to pardon Joanna Smith and Tim Martin, two climate activists who have faced disproportionate legal consequences for their peaceful acts of civil disobedience.

Under your leadership, the United States has taken meaningful strides to combat the climate crisis, including [rejoining](#) the Paris Agreement and [signing](#) the Inflation Reduction Act. Your commitment to addressing climate change is longstanding. As early as 1986, as a United States Senator, you [introduced](#) the Global Climate Protection Act, which sought to initiate a coordinated national response to the growing threat of climate change. If the Act had been passed and the necessary action taken, it could have helped prevent the climate crisis.

Unfortunately, in subsequent decades the United States and other major emitters have consistently failed to respond adequately to climate change. This is why so many people in the United States and around the world have felt that it is necessary to take direct action, often at great personal cost. Instead of honoring people who have engaged in the kind of peaceful civil disobedience that was central to the Suffragette, civil rights, and anti-apartheid movements, we are witnessing an alarming trend in which peaceful climate protesters are being overcharged and subjected to disproportionate sentences.

Joanna Smith, 54, and Timothy Martin, 53, have authorized Climate Rights International to request pardons. In the middle of the hottest year on record and worried about the future of their children, on April 27, 2023, they engaged in peaceful civil disobedience at the National Gallery of Art, smearing washable paint on the protective case of Edgar Degas' sculpture *Little Dancer Aged Fourteen* to draw attention to the climate crisis. You can see exactly what they did and how benign it was in this one minute [video](#) Climate Rights International produced.

Joanna told us that they chose the *Little Dancer* because the dancer is protected in a case while other children around the world are not. "We went into the museum with washable nursery school fingerpaint and approached the *Little Dancer* in her protective box, which no other children in the world have. And it was never our intention to cause any harm." As Tim said, "We tried. We can look our kids in the eyes and say we did everything we can."

It is worth noting that you have expressed similar sentiments, yet in even stronger terms. On July 20, 2022, at the Brayton Point Power Station in Somerset, Massachusetts, [you said](#),

"And when it comes to fighting the climate change — climate change, I will not take no for an answer. I will do everything in my power to clean our air and water, protect our people's health, to win the clean energy future. This, again, sounds like hyperbole, but our children and grandchildren are counting on us."

As ordinary citizens, Joanna and Tim were trying to do everything in their power to protect people's health and "win the clean energy future." Yet both have faced disproportionate charges of committing the felonies of conspiracy to commit an act against the United States and injury to a National Gallery of Art exhibit. Each charge has a sentence of up to five years in prison and a fine of up to \$250,000.

Concerned about her health if she were subject to a long prison term, on April 26, 2024, Joanna pled guilty and was [sentenced](#) to 60 days in prison, along with two years of supervised release, 150 hours of community service, and a total of \$7,000 in court fees and restitution to the National Gallery. She has been barred from entering Washington D.C. or any museum or monument for two years. Tim's trial is scheduled for January 6, 2025.


The history of the United States is rich with examples of individuals who engaged in peaceful protest to demand justice who were later celebrated for their courage and vision. Today's climate activists stand in that same tradition, calling attention to a crisis that threatens all life on Earth.

While the incoming President says climate change is a hoax and has shown no respect for civil liberties, from the outset your administration saw climate change as an urgent challenge. You started your term with these stirring words in a speech on January 28, 2021.

"In my view, we've already waited too long to deal with this climate crisis and we can't wait any longer. We see it with our own eyes, we feel it, we know it in our bones."

We urge you to finish your time in office by granting pardons to four people who also see it with their own eyes, feel it, and know it in their bones. The individuals raising the alarm about climate change not only do not deserve to face excessive charges and disproportionate prison sentences, but are right in demanding action to address the climate crisis. By pardoning these four climate protesters, you would reaffirm the United States' commitment to the freedoms enshrined in the Constitution and international human rights treaties to which the U.S. is a state party, as well as demonstrating compassion for those who are striving to protect our planet for future generations.

Yours sincerely,



Brad Adams  
Executive Director

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