

The e-Advocate Newsletter

The Advocacy Foundation, Inc.

Preparing Individuals, Organizations and Communities to Achieve Their Full Potential



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Pardons and Clemency

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Isaiah 55: 7 (NIV)

⁷Let the wicked forsake their ways, and the unrighteous their thoughts. Let them turn to the LORD, and he will have mercy on them, and to our God, for he will freely pardon.

Romans 3: 23-24

²³for all have sinned and fall short of the glory of God, ²⁴and all are justified freely by his grace through the redemption that came by Christ Jesus.

Introduction

A **Pardon** is the forgiveness of a crime *and* the cancellation of the relevant penalty; it is usually granted by a head of state (such as a President) or by acts of a Parliament or Religious Authority.

Clemency means the forgiveness of a crime *or* the cancellation (in whole or in part) of the penalty associated with it. It is a general concept that encompasses several related procedures: pardoning, commutation, remission and reprieves.

Barron's Law Dictionary defines "Pardon" as an exercise of the sovereign prerogative of mercy, relieving the person on whom it is bestowed from further punishment and from legal disabilities because of the crime named." (1984 ed. © p.334)

Criteria for Pardon

In the United States, the Pardon power for *federal* crimes is granted to the President under Article II, Section 2 of the US Constitution, which states that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

Pardons may be granted to individuals who have demonstrated that they have fulfilled their debt to society, and are otherwise considered to be deserving (broadly defined).

Pardons are also sometimes offered to persons who are wrongfully convicted, or who claim they have been wrongfully convicted. A pardon does not set aside a conviction, however, so in some cases the offer is refused.

Waiting Period

The US Department of Justice requires that anyone requesting a federal pardon wait *five years* after conviction or release prior to receiving one. A Presidential Pardon, however, may be granted at any time, and, as when President Ford pardoned President Nixon (9/8/1974), the pardoned person need not yet have been convicted, or even formally charged with a crime. Note, however, that while a Presidential Pardon will restore various rights lost as a result of the pardoned offense, and should therefore lessen to some extent the stigma arising from a conviction, it will not erase or expunge the record of that conviction.

In the overwhelming majority of cases, the Office of the Pardon Attorney will consider only petitions from persons who have:

1. Completed their sentences; *and*
2. Demonstrated their ability to lead a responsible and productive lives for a significant period after conviction or release from confinement.

State Boards of Pardon & Parole

While the governors of most states have the authority, via State Constitution, to grant Pardons, there are a few states where the power to Pardon is committed to an appointed agency or board. Currently there are nine (9) such state-authorized Boards of Pardon & Parole; they are: Alabama, Connecticut, Georgia, Idaho, Minnesota, Nebraska, Nevada, South Carolina and Utah.

Disclosure and Vindication

Although a pardon will restore various rights lost as a result of the pardoned offense, and should therefore lessen, to some extent, the stigma arising from a conviction, it will not erase or expunge (restrict) the record of that conviction. Therefore, even if a person is granted a pardon, they still disclose their conviction on any form where such information is required. They may also disclose, however, the fact that they did receive a pardon.

Nest Issue: Amnesty

Always feel welcome to contact me directly with any questions, comments, or great ideas!

Jack Johnson

Executive Director

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ADVOCACY
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*Helping Individuals, Organizations & Communities
Achieve Their Full Potential*

Our Mission

The Mission of The Advocacy Foundation
is Threefold:

To Rescue

Young persons from the prison pipeline
and help redirect and restore their lives;

To Teach

New and fledgling nonprofit organizations to become
fundable, to thrive, and to maintain compliance;

To Train

Qualified Juvenile Justice Professionals with a passion
for effective careers in the Juvenile Justice system.

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