

I Beg Your Pardon

By Reg P. Wydeven
December 8, 2013

Last week we saw President Obama pardon two turkeys, Popcorn and Caramel, giving them a reprieve from becoming Thanksgiving feasts. Pardoning a turkey for Thanksgiving is an annual Presidential tradition. Many believe it started with President Harry Truman, however, there is no hard evidence that he ever did so.

President John Kennedy was given a turkey for Thanksgiving dinner just days before he was assassinated, but instead he decided to keep the bird. President Ronald Reagan joked about pardoning a turkey for Thanksgiving in an effort to deflect questions about his pardoning of Colonel Oliver North in 1987 for the Iran-Contra affair.

However, the first turkey that officially received a Presidential pardon wasn't until 1989 by President George H.W. Bush. During the 2000s, many of the pardoned turkeys either went to Disneyland or Disney World, where they served as the honorary grand marshals of Disney's Thanksgiving Day Parade. More recently, the turkeys have gone to live out their days at Mount Vernon, estate and home of President George Washington.

While giving turkeys a reprieve is a fun holiday tradition, the Presidential pardon is a powerful tool in the hands of our commander-in-chief.

Section 2 of Article II of the U.S. Constitution grants the President the "power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." This power has been refined by the U.S. Supreme Court to include the power to grant pardons, conditional pardons, commutations (or shortening) of sentences, remissions of fines and forfeitures, respites, and amnesties.

People convicted of federal crimes can petition the President for a pardon. The petitions are usually reviewed by the Office of the Pardon Attorney, who is an official of the U.S. Department of Justice. The Pardon Attorney then makes a recommendation to the President, who either grants or denies the petition.

One of the most famous, and controversial, Presidential pardons was granted by President Gerald Ford to former President Richard Nixon on September 8, 1974. Nixon was pardoned for his misconduct that gave rise to the Watergate scandal. Unlike most pardons which are granted to people already convicted of a crime, Nixon was pardoned before he was even formally charged.

While our system of government is based on checks and balances, with powers being granted to the legislative, judicial and executive branches, the Presidential pardon is a democratic enigma. Based on the European model of a king's pardoning power, the President has no standard to uphold when granting a pardon. No explanation has to be given either. The President can grant a pardon completely at his or her fancy.

The President is only allowed to pardon federal crimes, however. In Wisconsin, the Governor has the power to grant pardons for state crimes. Like the President, the Governor has the ability to grant pardons in any manner he sees fit, without justification or explanation.

Section 6 of Article V of Wisconsin's Constitution grants the Governor the power to "grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment." The Governor also has a Pardon Advisory Board, which is typically chaired by the Governor's legal counsel, which screens pardon applications.

So if you are tight with the President, you could rob Fort Knox and possibly get away with it.

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