

# “Last–Minute” Pardon Scandals: Fact and Fiction

**P.S. Ruckman, Jr.**

Rock Valley College  
PSRuckman@aol.com

## **Abstract**

In the aftermath of President Clinton’s “last-minute” pardons, a variety of “experts” appeared before congressional subcommittees in an attempt to place the resulting “scandal” in a proper historical and legal context. Although no data were presented to support the notion, testimony suggested previous presidents had generally exercised the pardoning power “evenly” across terms, “four or five times” a year, without any “particular” increases in activity near the end of administrations. At the time of the hearings, all of the available empirical research on the topic (published and unpublished) and data reported by the Department of Justice suggested otherwise. The empirical research, however, largely focused on administrations from 1789 to 1932. This paper explores “last-minute” pardons with a new, original data set on the exercise of clemency from 1932 to 2001 initially gathered by researchers at the University of Chicago. The analysis clearly demonstrates members of a congressional subcommittee were wildly misinformed with respect to the use of clemency in previous administrations. The author then explores some possible explanations for the poor quality of congressional testimony, including: governmental policies, partisan transition in the White House and the vested interests of those participating in such hearings.

*Paper prepared for delivery at the Annual Meeting of the Midwest Political Science Association, April 15-18, 2004, Chicago, IL.*

## Introduction<sup>1</sup>

It is a little known fact that, when Bill Clinton first entered the Office of the Presidency, the number of applications for federal executive clemency<sup>2</sup> jumped to their highest level in almost thirty years.<sup>3</sup> It was thus more than a little ironic that the first Democratic administration in some time quickly established a record of stubborn parsimony when it came to the pardoning power. The irony thickened further when the president who was criticized by some for using the power so infrequently, drew additional (and even sharper) criticism by becoming a wellspring of mercy at the end of his second term. On January 20, with only a few hours left in his presidency, Clinton granted 140 pardons and 36 commutations of sentence.

These infamous “last-minute” pardons were, in part, notable because they generated unprecedented interest in information about historical trends in the use of the pardoning power. Previously, when presidents granted the occasional “controversial” pardon, the tendency of commentators and administration officials was to focus on the particular case and compare it with a previous case, or small list of selected cases. Supporters of the administration would find examples of similar decisions and critics emphasized idiosyncrasies to dramatize the argument that the president’s pardon was “unprecedented,” “unheard of,” “a first,” etc.

But Clinton’s “last minute” pardons clearly sparked more broad, sophisticated interests. The *New York Times* investigated patterns in clemency applications across several years<sup>4</sup> and reporters for the *Los Angeles Times* wondered if “other presidents [had] pardoned as many individuals whose applications were not first reviewed by the Justice Department.”<sup>5</sup> The *New York Daily News* also wondered about the number of times previous presidents had “bypassed traditional channels” to grant pardons.<sup>6</sup>

*USA Today* was curious about the Justice Department’s role in the clemency process and what limits there were to the president’s use of the pardoning power<sup>7</sup> while reporters from the *Washington Post* and *Christian Science Monitor* questioned whether “last-minute” pardons were

---

<sup>1</sup> The author wishes to thank David Kincaid and Norm Farnam for their valuable research assistance. The Office of the Pardon Attorney, United States Department of Justice, was generous in providing aggregate statistics and copies of clemency warrants from 1932-2001. Samuel T. Morison was particularly helpful with a host of technical and theoretical questions. Finally, Richard Posner and his research assistants at the University of Chicago were kind enough to present the results of their first run through the data discussed in this paper. None of these persons are, of course, responsible for any errors of fact or interpretation in this piece.

<sup>2</sup> Article II, Section 2, of the *Constitution* states that the President “shall have the power to pardon offenses against the United States except in cases of impeachment.” The Supreme Court has, throughout history, interpreted the word “pardon” to include pardons, conditional pardons, commutations, conditional commutations, remissions, respites and group pardons (or amnesties). All of these forms of executive clemency are thus described as manifestations of “the pardoning power.”

<sup>3</sup> There were 666 applications for clemency in fiscal year 1993 (up from 379 in fiscal year 1992 and 318 in 1991) and 808 in fiscal year 1994. The 1994 figure was the highest since 1967, when there were 863 applications for clemency (Ruckman, *Forthcoming*).

<sup>4</sup> Kurt Eichenwald and Michael Moss. “Rising Numbers Sought Pardons in Last 2 Years.” *New York Times*, January 29, 2001.

<sup>5</sup> Jonathan Peterson and Lisa Getter. “Clinton Pardons Raise Questions of Timing, Motive.” *Los Angeles Times*, January 28, 2001; Richard A. Serrano and Stephen Braun. “47 Pardons Skirted Review, Papers Show.” *Los Angeles Times*, February 8, 2001.

<sup>6</sup> Dave Saltonstall. “Bills Very Bumpy Road From White House.” *New York Daily News*, February 11, 2001.

<sup>7</sup> Judy Keen. “Process Intended to Keep ‘Tranquility’.” *USA Today*, March 1, 2001.

“the norm.”<sup>8</sup> Liddy, Debs, Hearst and Weinberger were pardoned a long time ago, and there had been a host of other “controversial” pardons in its fifty-six years of publication, but *Congressional Quarterly* waited until February of 2001 to present - for the first time - historical data on presidential pardons.<sup>9</sup> Gerald Ford’s pardon of Richard Nixon - routinely labeled as “the most famous” pardon of all time - did not even prompt this sort of curiosity and investigation.

In the midst of the frenzy over Clinton’s pardons, Margaret Colgate Love was called upon to testify before a subcommittee in the House of Representatives. At the time of the hearing, Ms. Love had actually established herself as a somewhat outspoken critic of Clinton’s general approach to the pardoning power. In a *Washington Post* editorial, she suggested the final pardons of the Clinton administration were a “scandalous” confirmation of the President’s “concept of pardons as payback or payoff” and the clear result of “cronyism.” She also accused Clinton of having “disdain” for “the system” and showing “an easy willingness to compromise a public trust.”<sup>10</sup>

Substantively, Ms. Love’s opinions were far from spectacular,<sup>11</sup> but they received greater (and perhaps more sustained) publicity, in part, because of her previous professional experience. Unlike Clinton’s other critics, she had actually served as United States Pardon Attorney in the Department of Justice, from 1990 to 1997. Ms. Love had also served on the personal staff of the Deputy Attorney General for two years and could thus claim to have “firsthand experience with the administration of the pardon power over a ten-year period.”<sup>12</sup>

When members of Congress decided to call hearings on the pardoning power, Margaret Love seemed like an obvious choice for quality, informed testimony. Indeed, she endorsed the wisdom of her selection by the House Judiciary subcommittee on the *Constitution* by saying she was “familiar with pardoning practices in previous administrations” and that she had “studied” and “written” about the power. Love promised members of the subcommittee that her testimony would utilize her expertise to “describe how President Clinton’s pardoning practices compared to the practices of his predecessors.” She then told the members of the committee:

The [clemency] system worked efficiently [between] 1900 and 1980. [Pardon] warrants were signed by the President four or five times a year, and there was no particular increase in grants at the end of an administration.<sup>13</sup>

Love had expressed a similar view just two weeks earlier on the McNeil Lehrer *News Hour*, although, on that program, she did not qualify as to the time period of 1900 to 1980. Ms. Love said:

---

<sup>8</sup> Peter Grier. “Clinton’s Suspect Pardons.” *Christian Science Monitor*, February 23, 2001; Michael Powell.

“Pardons With Precedent.” *Washington Post*, February 26, 2001.

<sup>9</sup> *Congressional Quarterly*. 2001. February 24 (Volume 59, no 8).

<sup>10</sup> “Rescuing the Pardoning Power.” *Washington Post*, January 25, 2001.

<sup>11</sup> That is to say, Clinton had many critics who spoke along the same lines.

<sup>12</sup> For examples of reporting based on Ms. Love’s commentary, see “Clinton Pardons Called ‘Accident Waiting to Happen.’” *New York Times*, February 28, 2001; “Ex-Pardon Attorney Criticizes Clinton.” *MSNBC.com*, February 28, 2001.

<sup>13</sup> Margaret Love. Testimony before the Subcommittee on the Constitution: Committee on the Judiciary, United States House of Representatives. One Hundred Seventeenth Congress, First Session. February 28, 2001 (at page 61). The generalization is repeated by Ms. Love in a 2003 article, “The Pardon Paradox: Lessons of Clinton’s Last Pardons,” written for the *Capital University Law Review* (31: 185-218). Once again, the former Pardon Attorney presents no supporting data (see page 191).

I think it is interesting that Chris [Schroeder] has an idea that pardons have come at the end of the term – because in fact, this is the first time that I’m aware of that a huge number of pardons was done at the very end of the term. Usually Presidents pardon very evenly across their term. They pardon evenly across the year.<sup>14</sup>

Such statements were surely the basis for a *Washington Post* article that reported - weeks later - that presidents previous to Clinton had “generally granted pardons steadily throughout their terms.”<sup>15</sup>

What no one seemed to notice was that the former Pardon Attorney did not single out, or mention any particular administration(s), or present, or cite specific data (or studies) to support the assertions that she made before the television audience and members of the House of Representatives. What also went unnoticed was the fact that, at that time of Ms. Love’s testimony, all of the available systematic analysis of trends in federal executive clemency, and data reported annually by her former employer - the Department of Justice - *clearly* pointed in a very different direction.

### **Writing and Research at the Time of the Hearings**

In 1994, six years before Ms. Love’s congressional testimony, a systematic analysis of over three hundred clemency warrants signed by the nation’s first four presidents revealed that George Washington granted almost as many pardons on his last day in office as he had in his previous seven years as president combined. The analysis (presented as a professional paper at a major conference in the discipline) found, likewise, that John Adams left the presidency “with a flurry of clemency activity,” signing over sixty percent of his warrants in the very last year of his term. Thomas Jefferson, who served two terms, increased clemency activity “significantly” in the last year of his first term and increased such activity, again, in the fourth year of the second term. The two-term administration of James Madison also exhibited “substantial increases” in clemency activity in the fourth and final year of each of the two terms. The study thus documented a clearly established tradition of something like “last-minute” surges in the exercise of clemency in the early Republic (Ruckman 1994).<sup>16</sup>

In 1995, a second professional paper (also presented at a major conference in the discipline) reported the results of data collected – for the first time by anyone – from National Archives Microfilm Set T967, “Pardons and Remissions.” The six microfilm rolls contained copies of handwritten clemency warrants issued from the administration of George Washington up to the first administration of Grover Cleveland (1789-1893). When data from T967 were combined with data on individual warrants issued by presidents up to the year 1932,<sup>17</sup> subsequent analysis found that 21 of 36 administrations (or 58 percent) issued the highest number of warrants in the fourth and final year of the term.<sup>18</sup> The study also observed Presidents

---

<sup>14</sup> “Pardon Probe.” *News Hour*, February 14, 2001.

<sup>15</sup> Peter Slevin and George Lardner, Jr. “Rush of Pardons Unusual in Scope, Lack of Scrutiny.” *Washington Post*, March 10, 2001.

<sup>16</sup> The paper can be found online at: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper5.htm>

<sup>17</sup> At the time, individual data on the exercise of clemency after 1932 were not available to researchers (see further commentary below).

<sup>18</sup> Excluding George Washington’s first term, in which no clemency warrants were signed.

Coolidge, Grant, Wilson, Hayes and Johnson were notable for signing a larger than usual number of pardons in their last three days in office (Ruckman 1995b).<sup>19</sup>

In **Table 1** (below), I have somewhat refined the data presented in the 1995 analysis by reporting – again, for the first time anywhere – the actual number of individuals that were affected by clemency warrants in the same time period (1789-1932).<sup>20</sup> By this count, 22 of the 36 administrations feature the largest number of individuals benefiting from clemency decisions in the fourth and final year of the term.

### **Table 1 – About Here**

The administrations summarized from William McKinley forward are of particular interest because they all fall within the time period referred to by Ms. Love’s congressional testimony. The nine administrations, from 1897 to 1932, feature two succession presidencies (McKinley and T. Roosevelt - Wilson and Harding). As can be seen, 6 of the 9 feature the highest numbers in the final year of the term. Since this is not the case in either of the succession terms, the highest figures are found in the last year for 6 out of 7 presidencies where the full term was completed. Likewise, the wild variation within the data (from 54 individuals in one year to 677 in another) and distributions within each administration are not such that one would be easily led to conclude that clemency was exercised “evenly” across these terms.

To further assess Ms. Love’s suggestion that clemency was granted “four or five times” a year in throughout these terms, I have disaggregated the data by months (see **Figures 1-6**). It is important to remember that the last March of each term (labeled “**M**” on the far right) is not actually a complete month, but only three days.

Each of the Figures clearly document that, in no sense of the language, can it be reasonably said that clemency was exercised “four or five times” a year, in any of these administrations. Instead, it appears the pardoning power was used year round, with considerable variation from month to month. Furthermore, **Figures 5, 6, 8 and 9** display what are – at least arguably – “particular increases” at the end of the terms.

### **Figures 1 thru 9 -About Here**

In 1997, *Presidential Studies Quarterly* featured an article that examined general trends in the exercise of clemency in the Twentieth Century. It referenced both of the professional papers discussed above<sup>21</sup> and found that, while presidents have increasingly failed to act on clemency applications (by either granting or rejecting requests), when they have taken action, there has been a clear tendency toward ‘positive’ responses (granting clemency) as terms progress. For example, the average ‘positive’ clemency rate for administrations in the first fiscal year unit of Department of Justice data<sup>22</sup> was 22%. In second and third fiscal year units, averages

---

<sup>19</sup> This paper can be found online at: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper3.htm>. Ms. Love cited it in a 2001 article written for the *Federal Sentencing Review* entitled, “Fear of Forgiving.” 13:125 at footnote 18.

<sup>20</sup> The vast majority of clemency warrants feature the name of a single individual, thus justifying the form of the initial count in the 1995 study. Some warrants, however, contain the names of multiple individuals. Here, I have simply counted each individual separately. See further comments in footnote 28, below.

<sup>21</sup> See endnotes 49 and 71.

<sup>22</sup> When the Department of Justice stopped reporting individual data on the exercise of clemency in 1932, it began reporting aggregate data by fiscal year unit – a practice continued to this day.

jumped to 24% and 29% respectively.<sup>23</sup> The average ‘positive’ clemency rate for the last fiscal year unit of seventeen administrations was 33% (Ruckman 1997).<sup>24</sup>

Finally, in 1999, *Presidential Studies Quarterly* published a second article on executive clemency, this time focusing on individual grants during the administration of Abraham Lincoln. The article referenced all three of studies above<sup>25</sup> and, once again, revealed similar patterns in the exercise of clemency. The number of warrants Lincoln signed generally increased throughout the term and the fourth year featured the largest number of individuals affected by pardons (Ruckman 1999).<sup>26</sup>

Ms. Love told members of Congress that she had “studied” the pardoning power, but the overall conclusions of five empirical studies of historical trends in the exercise of federal executive clemency (two publications and three professional papers) extant at the time of her testimony suggested “last-minute” pardons were, if anything, a great American tradition – a tradition that began with the administration of George Washington and has been, more often than not, adhered to by subsequent presidents.

While none of the studies focused particularly on how “evenly” pardons were granted across terms, no such trend was observed - much less prominent. Whether one is looking at the entire Table, or administrations from William McKinley forward, the presidential terms summarized in **Table 1** are no showcase for “evenly” distributed data.

Of course, the perfectly legitimate rejoinder / defense of Love’s congressional testimony can be found both in the elasticity of her language and its somewhat odd qualification. Members of the House subcommittee were told that there had been no “particular” increases in pardons at “the end” of administrations “from 1900 to 1980.” One person’s idea of “particular” (or “huge”) may very well differ from another’s and, likewise, “the end” of an administration could be defined as the final year, the final week, or the final hour for that matter.

Furthermore, the empirical studies discussed above largely focused on periods of time before 1932. Perhaps in the period 1933 to 1980, Love’s assessments were more accurate.

Even then, the former Pardon Attorney’s testimony should have raised at least moderate concern among members of Congress. First, she provided no data to support her generalizations. Second, her generalizations contradicted relevant published research and professional papers. Finally - and perhaps most interestingly - her generalizations did not even pan out in data published annually by the Department of Justice. **Table 2** provides such data for the exact time period addressed in Love’s statements.

### **Table 2 – About Here**

Once again, even a casual glance at the Table reveals presidents have probably not exercised clemency “evenly” across terms. The Truman administration features a fiscal year unit with 200 grants of clemency and another with 417 (see seventh column, labeled “Total,” in bold

---

<sup>23</sup> This pattern was also evident in a multivariate analysis of clemency from 1934 to 1994. When controlling for such things as the party identification of presidents, previous experience as governor, election years and changes in Department of Justice policy, it was found that with each passage of a fiscal year unit in an administration, there was a 3 percent increase in positive clemency actions (significant at .0001). See Ruckman (1996) posted at <http://ednet.rvc.cc.il.us/~PeterR/papers/paper1.htm>

<sup>24</sup> This study was forwarded, for review, to the U.S. Pardon Attorney, Margaret Colgate Love, and returned with comments. A copy of the final publication was mailed to the Office as well.

<sup>25</sup> See endnotes 72, 73 and 75.

<sup>26</sup> An earlier version of this article can be found here: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper4.htm>

print). The Eisenhower administration features one fiscal year unit with 62 grants of clemency and another with 236. Lyndon Johnson granted clemency in 445 cases during fiscal year 1966. In fiscal year 1968, the number fell to a mere 16.

The only thing that might make one hesitant to judge the matter is the fact that Department of Justice data are awkwardly arranged by fiscal year.<sup>27</sup> On their face, however, it appears once again that Love's generalizations were inaccurate.

### **Empirical Assessment of the Congressional Testimony**

In this section, I provide an additional direct empirical assessment of the former Pardon Attorney's suggestion that, between 1900 and 1980, clemency warrants were signed by Presidents "four or five times a year," and that there was "no particular increase in grants" at the end of administrations. To my knowledge, to this day, Ms. Love has not provided any data - in any format - to support her testimony and has, in fact, since repeated its central claims (see footnote 11, above). Nor am I aware of any effort that has been made to assess the accuracy of her generalizations by any other writer or researcher in the discipline of political science, any member of Congress, or any employee in the Office of the Pardon Attorney or the Department of Justice.

At the time of Ms Love's testimony, empirical research on clemency was truly sparse. This was, in large part, due to the fact that the Department of Justice stopped reporting data that would be useful to researchers after 1932 (see discussion below). In the early months of 2001, however, Pardon Attorney Roger C. Adams temporarily released a set of data CDs containing copies of warrants from Microfilm Set T967 and post-1932 warrants that had been kept on file where Ms. Love worked for seven years, in the Office of the Pardon Attorney.

I recently exchanged data gathered from T967 with a research team headed by Richard Posner at the University of Chicago in return for an initial run through the newly released CDs and compared notes with my own preliminary summarization of the CDs. Below, I present the results of this comparison for administrations from Franklin D. Roosevelt to the second term of Bill Clinton (1933-2001). As it is my understanding that a future re-release of the CDs will address problems such as clarity in images, I intend to clean the data in a later version of this paper (see comments below).

#### **Part One: Yearly Data**

**Table 3** presents original data on the number of individuals who benefited from the clemency decisions in seventeen presidential terms, from 1933 to 2001.<sup>28</sup> The data include pardons, conditional pardons, commutations of sentence, conditional commutations of sentence, respites and remissions of fines, but do not include group pardons or amnesties. Where terms have involved succession presidents (Truman, Johnson and Ford), I have combined the yearly

---

<sup>27</sup> Reporters from the *Washington Post* may very well have tripped on this complexity when they reported President Clinton "granted no pardons at all during four of his first five years as president (Peter Slevin and George Lardner, Jr. "Rush of Pardons Unusual in Scope, Lack of Scrutiny." *Washington Post*, March 10, 2001). Compare, however, with **Table 3** and **Figure 22**, below.

<sup>28</sup> It is the author's general impression that, despite the fact that presidents – especially since Eisenhower - have utilized so called "master warrants" (to reduce time spent signing signatures) today, an individual warrant is signed for each clemency recipient. Therefore, there it is no longer important to make distinctions between the number of warrants signed and the actual number of recipients.

figures with those of the previous presidents (Roosevelt, Kennedy and Nixon), but separated them in the Table with a forward slash (“/”).

### Table 3 – About Here

My own count of the warrants signed by each president resulted in aggregate figures that are at some variance with official data, reported by the Department of Justice. This may be due to duplicate warrants that I was unable to discover, or warrants that - for whatever reason - did not actually make it onto the CD set.<sup>29</sup> That is to say, at this point in time, I have no reason to question the validity of official data and want to report the differences in my own counting to be as follows:

Clinton	+ 6	Kennedy	+ 1
Reagan	+ 1	Eisenhower	- 14
Carter	+ 4	Truman	+10
Nixon	+ 4	FDR	- 88

Given the consistent findings of previous research, it is noteworthy that 7 of the 17 terms in **Table 3** feature the highest number of clemency decisions in the fourth year of the term, including three of the last four. The total number of pardons granted by President Clinton places him near the bottom of administrations covered in the Table – with only Bush and Reagan granting fewer – and he set no high marks in the data for any single year of his two terms. Even with the last-minute increase in pardons, there are 10 other years in the Table featuring marks higher than Clinton’s fourth year.

In addition, it is noteworthy that the variation in the exercise of clemency across each of the terms is considerable - much like that seen in **Table 1** and reported in the studies previously discussed. At first glance, there is little that smacks of “evenness” in the Table.

To dramatize the point, I have re-calculated the data in terms of the percentage of an administration’s pardons that were granted in each of the four years of the term. The range of the yearly percentages in **Table 4** is, again, quite broad (from 0 to 77 percent) and – using 25 percent as a possible baseline of “evenness” across the term – one can see there only two terms in the entire Table where all four years fall between 20 and 30 percent (Franklin Roosevelt’s second term and the succession term of Nixon and Ford). There are no terms that feature three such years and less than half (6) feature even two.

One can also see that, in 6 of the 17 terms, thirty percent or more of the pardons were granted in the fourth year. Three additional terms are at the 29 percent mark.<sup>30</sup>

### Table 4 – About Here

In sum, an initial glance at the data presented in **Tables 3** and **4**, and a review of the clemency decisions of presidents from 1900 to 1932 (See discussion of **Table 1**, above) would suggest that, in the period 1900 to 1980, presidents rarely, if ever, granted pardons “evenly”

<sup>29</sup> I have confirmed – with the Office of the Pardon Attorney - the existence of at least one such warrant that was not copied onto the CD set.

<sup>30</sup> On the other hand, the thirty percent mark is met or topped in only 3 of the first years, 6 of the second years and 6 of the third years.



across the term and – in 10 of 21 terms – they granted the highest number of pardons in the fourth and final year.

But was clemency granted “four or five times” a year throughout the terms that are summarized in **Tables 3** and **4**?

## **Part Two: Monthly Data**

As noted above, Ms. Love’s unsupported suggestion that, from 1900 to 1980, there were no “particular” increases in the exercise of clemency at the end of administrations is not easy to interpret with precision. But, to continue the exploration of the realm of reasonable possibilities, **Figures 10 - 26** provide the monthly distribution of clemency recipients for each administration.

### **Figures 10 thru 26 – About Here**

The possible benefits of this approach are seen quite clearly in **Figures 13** and **21**. The succession presidency of Harry Truman and the presidency of Jimmy Carter did not feature the highest number of pardons in the fourth year (in **Table 3**). The monthly data, in **Figures 13** and **21**, make it quite clear, however, that there were “particular” increases in clemency decisions in the final months of both terms. As the reader scans the Figures in this section, it is again important to keep in mind that the final months of each term (March – labeled “**M**,” and January – labeled “**J**,”) are not complete months, but only three days and nineteen respectively.

The monthly distribution data are, of course, also a nice direct test of the validity of Ms. Love’s statement that pardons were generally granted “four or five times” a year throughout these administrations. Clearly this assessment is wildly inaccurate for the first three terms of Franklin Roosevelt (**Figures 10,11, 12**), the succession presidency of Harry Truman (**Figure 13**) and Truman’s first complete term (**Figure 14**), where it would be more accurate to say clemency was exercised year round, or eleven or twelve times a year.<sup>31</sup>

On the other hand, the first and second terms of Dwight Eisenhower (**Figures 14** and **15**) appear to be the first in recent history that are worthy of the “four or five times” a year description. Indeed, Eisenhower granted pardons, on average, in 4.7 months of each year across the two terms. Still, one cannot help but also notice that both of the terms feature what - to that point – was one of the most “particular” (or “huge”) last minute pardoning bonanzas in history.<sup>32</sup> **Figure 14** features giant leaps in the final months of the first term while **Figure 15** indicates considerable activity in the final days of the second term.<sup>33</sup>

The Kennedy and Johnson succession term (**Figure 17**) and the first half of Lyndon Johnson’s first complete term (**Figure 18**) indicate a return to the year round approach - where, again, “four or five times” a year simply does not apply. The administrations of Richard Nixon,

---

<sup>31</sup> Using 16 to 20 months where clemency was exercised as a measure of “four to five times” a term, I found only 2 administrations within the range of Love’s generalization (Nixon/Ford and Carter). On the other hand, 6 administrations were above 40 months and 2 were above 20. The two remaining administrations featured pardons in 10 and 14 months.

<sup>32</sup> I realize Eisenhower set no record for the number of pardons in a term, in a single year, or in the fourth year of the second term. The increase is quite notable, however, relative to the rest of the term.

<sup>33</sup> Previous to Eisenhower, higher percentages in the last year of the term can only be found in the administration of John Adams (73 percent) and the first term of James Monroe (58 percent).

Nixon / Ford and Carter (**Figures 19-21**) all feature more infrequent monthly use of clemency,<sup>34</sup> but, once again, there are clear exaggerations at the end of the terms, especially the last month and a half.

The administrations of Reagan, Bush and Clinton (**Figures 22-26**) are beyond the boundaries of Ms. Love's statement before the congressional subcommittee but, likewise, display infrequent, erratic use of pardons across the terms and last minute blitzes. George Bush granted almost half of all of his pardons in the final month and a half of his term. At the time of this very "particular" increase, the U.S. Pardon Attorney was none other than Margaret Colgate Love.

In sum, for at least 15 of the 21 presidential terms covering the period 1900-1980, it is simply preposterous to say pardons were granted "four or five times" a year. Where such language has been comfortably approximated by presidential behavior, there have also generally been significant increases in clemency grants late in the term.

### **The Congressional Testimony Revisited**

How can an individual with significant experience in the Department of Justice and the Office of the Pardon Attorney, and direct access to all of the critical data that anyone could ever hope for, have such a wildly inaccurate sense of the historical use of clemency? How could testimony before a Congressional subcommittee be so completely unsupported, without any objection, or anyone even noticing? Why was there so little care and concern about historical accuracy in the very wake of Bill Clinton's great pardon scandal?

I see the following as among the more significant possible explanations.

#### **Politics (Of Course)**

The more historically minded reader may have already observed how recent pardon "scandals" have interestingly emerged when there has been a shift in partisan control of the White House. **Table 3** also makes vivid the tendency of incoming (investigating) administrations to respond to such "scandals" with immediate, significant declines in the exercise of clemency – as if to say, "we are truly different from the previous administration."

Harry Truman's late-pardon controversy<sup>35</sup> was followed by a significant drop in clemency in the first year of the Eisenhower administration. Scholars routinely credit Ford's pardon of Richard Nixon as a contributing factor to his election defeat and the lowest figure for the Carter administration is found in the first year of the term. George Bush got considerable criticism for his late-term Iran Contra pardons<sup>36</sup> and Bill Clinton followed the controversy with a complete halt in pardoning for a year. Of course, the man who followed the "unprecedented" Clinton pardon scandal is on a record setting pace for pardon parsimony.<sup>37</sup> In sum, partisan

---

<sup>34</sup> Nixon exercised clemency, on average, 2.5 months each year. For the Nixon and Ford term, the average is 4.3 and for Carter it is 4.5.

<sup>35</sup> Truman pardoned several individuals against the recommendation of the Pardon Attorney in the final days of his administration including: Representative Andrew J. May, J. Parnell Thomas (former Chair of the House Un-American Activities Committee) and Edward F. Pritchard (former advisor to Franklin Roosevelt).

<sup>36</sup> Bush pardoned six individuals indicted in cases related to the so-called Iran-Contra scandal. The pardons effectively ended Lawrence Walsh's six-year, thirty five million dollar investigation.

<sup>37</sup> In a sense, Lyndon Johnson's scandal came in the middle of the term and he reduced pardons himself as a preemptive strike. A U.S. Senator criticized 70 commutations granted mid-way through the term and the fact that they included a noted Cleveland organized crime figure. Johnson was reported to have been "disgusted" by media

motives cannot be ignored when thinking about the incidence of congressional hearings and “investigations,” the selection of witnesses and the quality of testimony elicited.<sup>38</sup>

When Margaret Love told the congressional subcommittee that presidents previous to Mr. Clinton had pardoned “three or four times” a year and “evenly” across the term, it certainly satisfied the sense that she was a valuable “expert” witness. But her unsupported assessment was also acceptable enough to Clinton’s congressional critics, because it facilitated the general characterization of his “last-minute” pardons as odd and unusual - which, in politics, are only a step away from indefensible and unacceptable.

There was even a little something in the assessment for Clinton’s supporters – as few and unenthusiastic as they may have been at the time. The hearings were held, after all, because of the tremendous media focus and public interest. It is much better for a member of Congress to be part of what is perceived to be an important public dialogue than to be an irrelevant bystander. Love’s commentary legitimized the formal care and concern of every member of the subcommittee.

Imagine, on the other hand, if Ms. Love had testified in this manner:

Given his previous record, Mr. Clinton issued a fairly large number of pardons on his last day in office. But, throughout history, most presidents have pardoned the highest number of people in the last year of the term – including Bush, Carter, Reagan, and Ford – and several presidents have increased output significantly in the final days and months of the term – including Coolidge, Grant, Wilson, Hayes, Andrew Johnson, Franklin Roosevelt, Truman, Eisenhower, Ford, Carter, Reagan and Bush. However, Mr. Clinton set no records for pardons granted in a single term, or granted in a two-term presidency. He set no records for pardons in the fourth year of a term, or for pardons granted a single year, in any of his eight years as president. Nor did he set the record for pardons granted in a single month or a single day. If anything, he *may* have set a new record for the highest number of pardons granted on the last day in office. But I cannot speak to that point, because I have never collected or studied data on the topic.

Such a statement would have been more expert sounding - and accurate - but there would have been little satisfaction gained from it for it would have also said, in essence, “why are we even here? There is nothing to see.” Likewise, the nation’s leading newspapers may not have had as good of an opportunity to feature more headlines about how a “former Pardon Attorney” was so “critical” of Clinton.

## **A Literature of Neglect**

In recent years, writers have generously fed the misconception that very little has been written with respect to the pardoning power. In fact it would be more accurate to say that the literature is voluminous, but contains little that is distinct for fresh, systematic insight into the world of federal executive clemency. Most of what has been written features a legal and/or historical

---

coverage of the commutations and brought clemency to an abrupt halt. Nixon, whose campaign was already stressing the need for “law and order” extended the sharp decline early in his own presidency.

<sup>38</sup> While Love’s resume was certainly impressive, one might have easily questioned her objectivity as a witness in a congressional hearing of this type. She had clearly been critical of both Clinton’s policy and Clinton himself.

viewpoint and – apart from a small core of critical pieces (Adler 1989; Buchanan 1978; Duker 1977; Kobil 1991) and an even smaller number of larger works (Humbert 1941; Jensen 1922; Moore 1989) – there has, for many years, been a steady yield of anecdote, perspectives of so called “insiders,” jurisprudential nuance, and willingness to capitalize on the literature’s accumulated weaknesses.

Political scientists have been of little assistance - Adler (1989) and Morris (1998) being notable exceptions. My own review of the literature found a mere four articles in social science journals on the pardoning power. Each article appeared in *Presidential Studies Quarterly* and only one featured anything like systematic data analysis.<sup>39</sup>

In sum, when a member of Congress (or anyone else) attempts to gain insight on pardons by a competent literature review, there is precious little material that is original, systematic and informative and much worth skipping over entirely. The observation of a 1939 *Report* of the Attorney General remains true: the pardoning power is a “neglected orphan,” which has grown without “adequate treatment” from scholars and researchers.

### **The Hurdles**

A third explanation for the uncritical acceptance of Love’s unsupported assessment had to do with the impractical nature of investigating the clemency practices of the administrations she addressed. Previous to President Clinton’s last-minute pardons, and Rodger Adams’ release of the data CDs, the hurdles between a researcher outside of the Department of Justice and information about pardons were sizeable. As mentioned above, for information on individual pardons from 1789 to 1893, one had to consult the handwritten warrants copied in Microfilm Set T967. To this day, there is no “descriptive pamphlet” for the six rolls and - to the best of my knowledge - I continue to be the only person to have summarized and analyzed their content.

Individual volumes of the *Annual Report* of the Attorney General could be used to study the exercise of the pardoning power from 1894 to 1932. Here, researchers could find all of the information once found in handwritten warrants and additional commentary by the president and/or the Attorney General. To my knowledge Humbert (1941) is the only individual – beside myself - to have summarized and analyzed the content of these reports and I am the only researcher who has disaggregated the data - by individual presidents and the year of each term.

In 1933, the Roosevelt administration stopped reporting individual statistics on clemency and, to this day, the Department of Justice reports only aggregate data arranged by fiscal year unit. That is to say, there is no way to determine, from current editions of the *Annual Report*, who was pardoned, what offenses were pardoned or exactly when pardons were granted.

In sum, at the end of the Clinton administration, the options were quite limited and rigorous, systematic analysis of empirical trends in the exercise of clemency across time came at a very high cost - a cost that few were willing to pay. The unfortunate – but typical - approach of authors, reporters and even public officials was to risk inaccuracies by living with ambiguities of aggregate (but easily obtained) data. Where users kept within the severe limits of the data, there was little light to be shed. Where the limits were misunderstood, brushed over, or simply ignored, the results were disastrous.

---

<sup>39</sup> Orman and Rudoni (1979) “Exercise of the President’s Discretionary Power in Criminal Justice Policy.” 9:415-27; Pederson (1977) “Amnesty and Presidential Behavior: A Barberian Test.” 7:175-85; Rozell. (1994). “President Ford’s Pardon of Richard M. Nixon” 24:131-37; Shichor and Ranish (1980) “President Carter’s Vietnam Amnesty.” 10:443-450.

Kathleen Dean Moore's otherwise outstanding work, *Pardons: Justice, Mercy and the Public Interest* (1989) features a characteristic example. On page eighty-two, Moore writes:

The average number of pardons per year during [the Reagan] administration was 41. This is the lowest average for any president in U.S. history – not just the lowest percentage of applicants or prison inmates, but also the lowest average number of pardons for any president.

Moore does not identify what specific source(s) she used to reach this dramatic conclusion, but **Table 1** (below) demonstrates Reagan could not possibly have had the “lowest average” number of pardons per year “for any president in U.S. history.” At least four presidents failed to grant 41 pardons at all, the entire time they were in office (Washington, Adams, W.H. Harrison and Garfield). Thomas Jefferson never pardoned more than 25 individuals in any of the eight years that he was president. Franklin Pierce never topped 40. Washington (first term and second term), Adams, Jefferson (first and second term), Madison (first and second term) Pierce and Buchanan all averaged fewer than 41 pardons per year.

The explanation for Moore's inaccurate assessment is quite simple. The host of presidents with yearly averages lower than Reagan served in office before 1893 and – at the time her book was written – the only way she (or anyone else) could have gotten information about clemency decisions in that time period was to wade through Microfilm Set T967.<sup>40</sup>

Likewise, if the former Pardon Attorney, Ms. Love, had simply taken the time to study volumes of the *Annual Report* of the Attorney General from 1900 to 1932, or thumb through clemency warrants from 1933 to 1980 that were in her Office, and arrange the individual data as I have (in **Figures 1-6** and **Figures 10-26**), neither she (nor anyone else) would have ever concluded presidents in that period granted pardons “four or five times a year” without “particular” increases near the end of the term.

### Disincentives for Congress

Philander Chase Knox, the U.S. Attorney General from 1901-1904, discovered a culture of favor and expectation in Washington when he began his service in the second term of William McKinley. A member of Congress once approached him to seek a pardon for a robber who was also a “friend” and “great supporter.” When Knox balked at the request, the Congressman blurted angrily, “I understand that each Congressman has a right to two pardons during his term and I want this to be one of mine.”

Knox's experience came to mind when it was learned that several current and former members of Congress supported clemency applications in the final days of the Clinton administration. Among them were Senators Orrin Hatch (R-Utah) and Fred Thompson (R-Tennessee) and former Senator David Pryor (Arkansas). Representatives Earl Hilliard (D-Alabama), Charles Rangel (D-New York), Jim Ramstad (R-Minnesota), Dale E. Kildee (D-Michigan), Danny Davis (D-Illinois), Maxine Waters (D-California), Patrick Kennedy (D-Rhode Island) and Xavier Becerra (D-California) lobbied for pardons as well as former Representatives William Clay (D-Missouri), Esteban Torres (D-California) and Ron Dellums (D-California).<sup>41</sup>

<sup>40</sup> T967 is not cited in Moore's list of references at pages 245 to 263).

<sup>41</sup> “Congressmen, Senators Weighed in on Pardons.” *USA Today*, March 9, 2001.

While we will perhaps never really know, it just doesn't seem implausible to suspect that the individuals whose names happened to be singled out in news reports did not represent the population of Congressmen who supported applications – formally and informally – and employed the privilege of access to high places on behalf of those seeking pardons. I submit this is well worth remembering when one sees congressional committees calling hearings and “investigating” pardoning. If such processes go far enough, there is a better than average chance they will eventually wind up focusing on other members of Congress. Thus, the clemency problem is a feature of both the executive and legislative branches and there are powerful incentives for Congress to “investigate” lightly, and with great caution.

It follows that no one should ever really expect a serious movement in Congress to restrict the president's pardoning power. Numerous proposals of constitutional amendments have been an effective strategy for grabbing the headlines and appearing to be relevant (or a “key player”) in public debate. But such causes have no electoral benefit and, if anything, may create a more restrictive environment for members of Congress.

Ms. Love may have even drawn attention to the need to consider similar disincentives for lawyers who add Department of Justice experience to their resumes and wind up testifying in hearings on pardons. At best, they would shed light on policies and practices. At worst, they might simply defend the bureaucratic framework necessitating their employment or argue for change that enhances their own power within that framework or prestige in the profession. In a December 2002 *Washington Post* editorial, Love interpreted Bush's stinginess in handing out pardons as “indifference” to the “value and purpose” of clemency. She also called on Bush to “bolster public confidence in the overall morality of the criminal justice system” by using the pardon power “courageously and creatively” and “wisely and generously.”<sup>42</sup> Ms. Love is currently in private practice in the Washington area and (understandably enough) advertises executive clemency as an area of personal expertise.

### Conclusion

So, then, how are we to think about “last-minute” pardon scandals?

The historical record suggests presidents have usually granted the highest number of pardons in the last year of the term. Whether such increases deserve the “last-minute” tag is entirely a matter of definition. The data presented above indicate increases in the final months of an administration are not uncommon.

The scandalous nature of “last-minute” pardons may very well be the function of erratic or infrequent use of clemency across the term, or substantive matters related to individual decisions. But it is also reasonable to suggest more recent “scandals” are equally the by-product of partisan transition in the White House. The exaggerated decline in clemency that decorates the first year of incoming administrations seems to further validate the point. As such, given all of the attention to Clinton's final pardons, no one should have really expected anything but severe parsimony from George W. Bush, who was already quite well known for stinginess with pardons as the Governor of Texas.

---

<sup>42</sup> “The Quality of the President's Mercy.” *Washington Post*, December 19, 2002.

**Table 1**

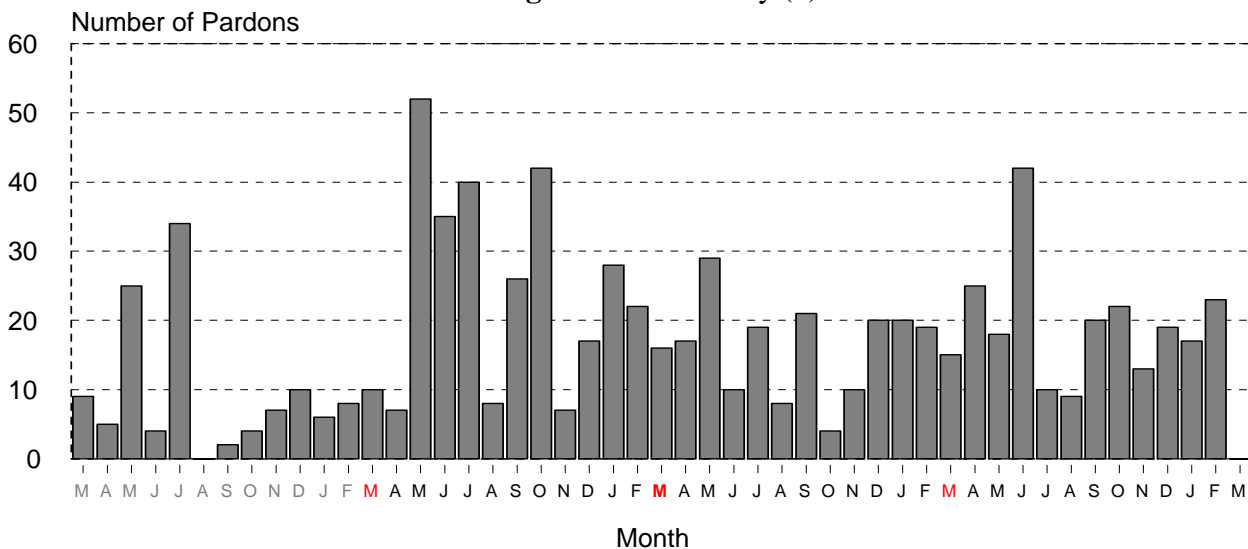
Number of Individuals Affected by Clemency Warrants, 1789-1932

President	Year of Term				Total
	1	2	3	4	
Washington (1)	0	0	0	0	0
Washington (2)	0	7	7	<b>14</b>	28
Adams	0	3	7	<b>27</b>	37
Jefferson (1)	10	11	10	<b>17</b>	48
Jefferson (2)	21	25	16	18	80
Madison (1)	39	20	24	<b>49</b>	132
Madison (2)	18	18	33	<b>43</b>	112
Monroe (1)	5	38	43	<b>117</b>	203
Monroe (2)	90	95	94	70	349
J.Q. Adams	51	61	55	49	216
Jackson (1)	47	51	69	57	224
Jackson (2)	48	48	48	<b>84</b>	228
Van Buren	85	29	47	80	241
W.H. Harrison	3	-	-	-	3
Tyler (s)	38	76	50	72	236
Polk	48	72	71	<b>121</b>	312
Taylor	33	10	-	-	43
Fillmore (s)	-	33	73	71	177
Pierce	34	40	38	34	146
Buchanan	21	23	37	<b>77</b>	158
Lincoln	80	83	98	<b>115</b>	376
Lincoln	6	-	-	-	6
Johnson (s)	133	238	161	198	730
Grant (1)	116	192	134	<b>247</b>	689
Grant (2)	232	213	119	<b>235</b>	799
Hayes	246	300	167	270	983
Garfield	3	-	-	-	3
Arthur (s)	57	85	48	<b>163</b>	353
Cleveland	86	107	131	<b>161</b>	485
Harrison	116	126	166	<b>213</b>	621
Cleveland	133	154	131	<b>254</b>	672
McKinley	114	294	193	233	834
McKinley	113	-	-	-	113
T. Roosevelt (s)	54	124	156	<b>163</b>	497
T. Roosevelt (1)	175	144	79	134	532
Taft	201	186	189	<b>239</b>	815
Wilson (1)	239	188	227	<b>321</b>	975
Wilson (2)	276	341	447	<b>677</b>	1741
Harding	389	346	155	-	890
Coolidge (s)	-	-	195	241	436
Coolidge (1)	279	205	255	<b>459</b>	1198
Hoover	198	274	334	<b>440</b>	1246

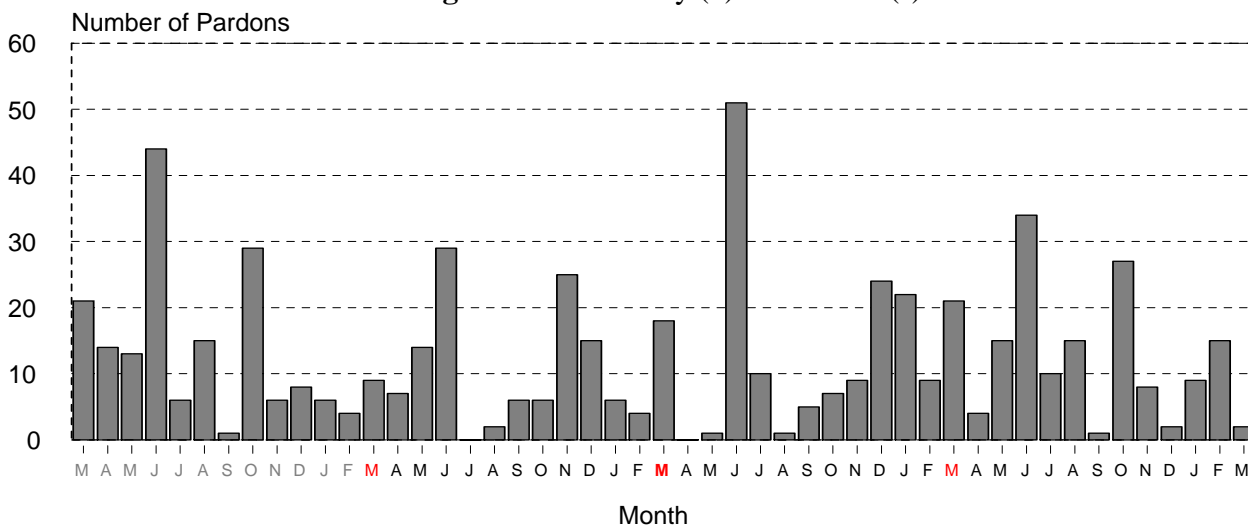
**Sources:** National Archives Microfilm Set T967, *Annual Report of the Attorney General*, P.S. Ruckman.

**Figures 1-9: Clemency Grants by Month of Administration, 1900-1932**

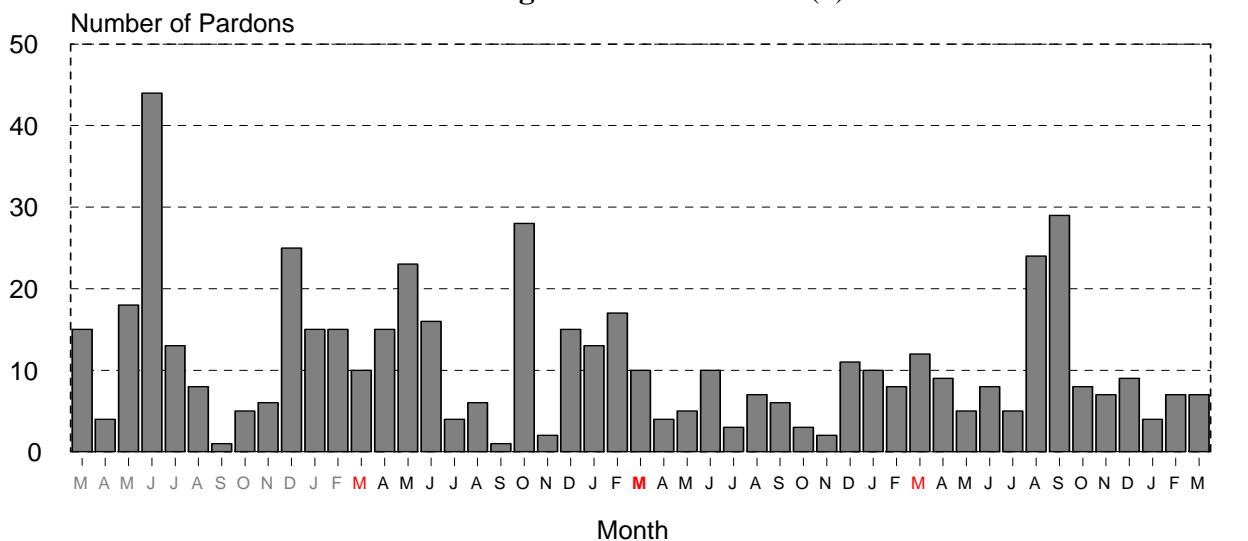
**Figure 1 – McKinley (1)**



**Figure 2 – McKinley (2)/ Roosevelt (s)**

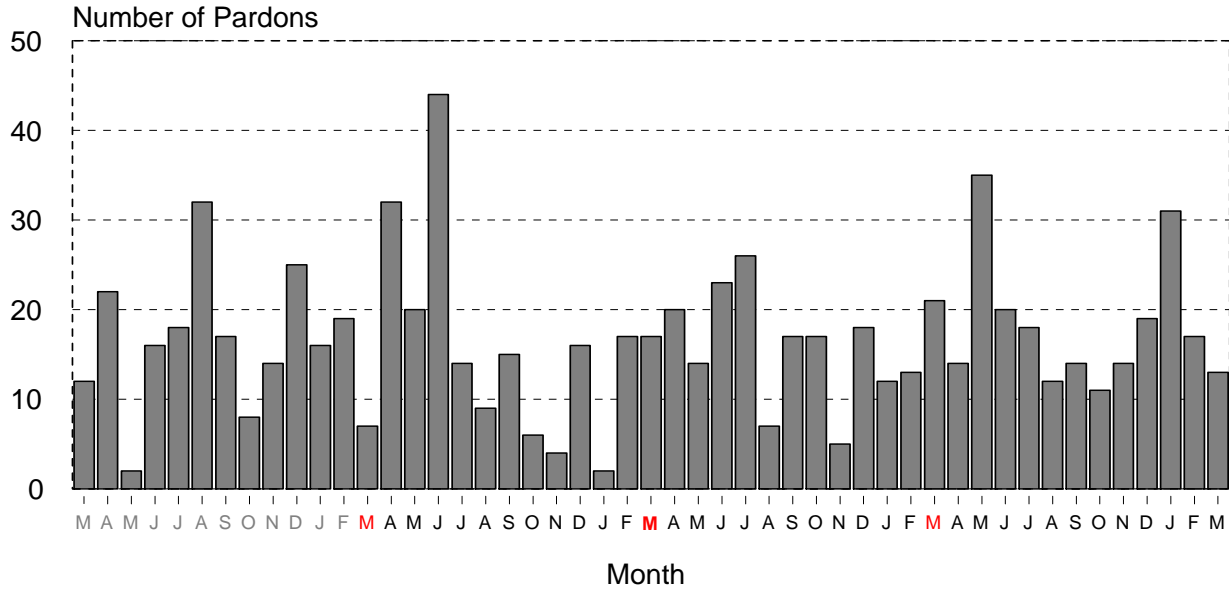


**Figure 3 – T. Roosevelt (1)**

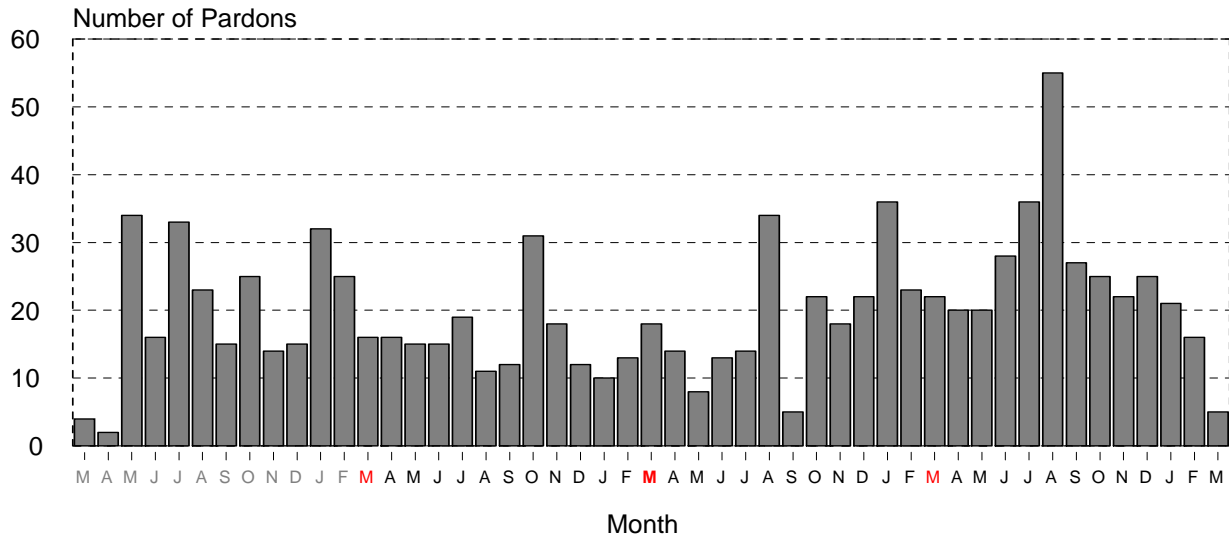




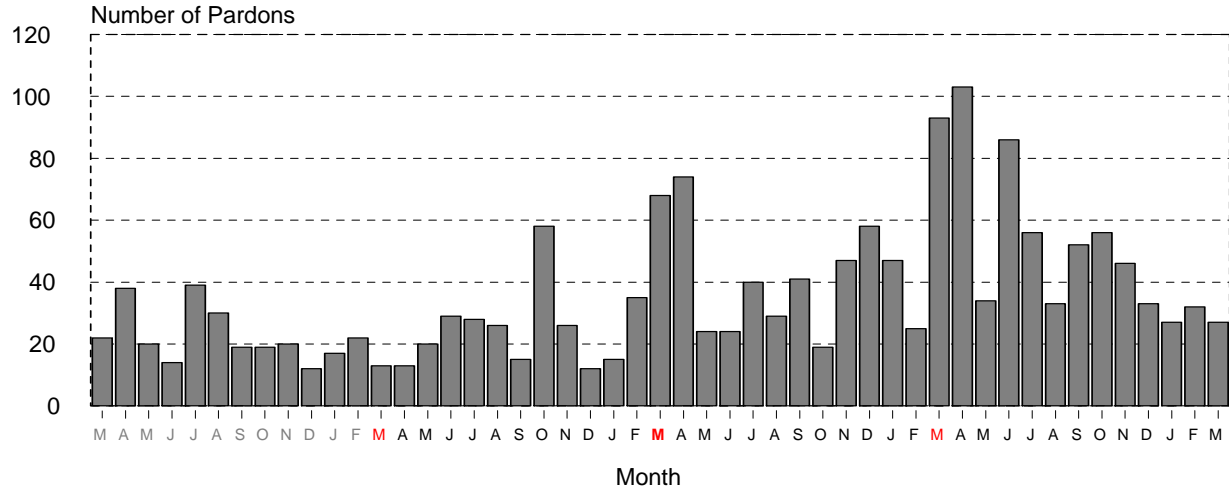
**Figure 4 – Taft**



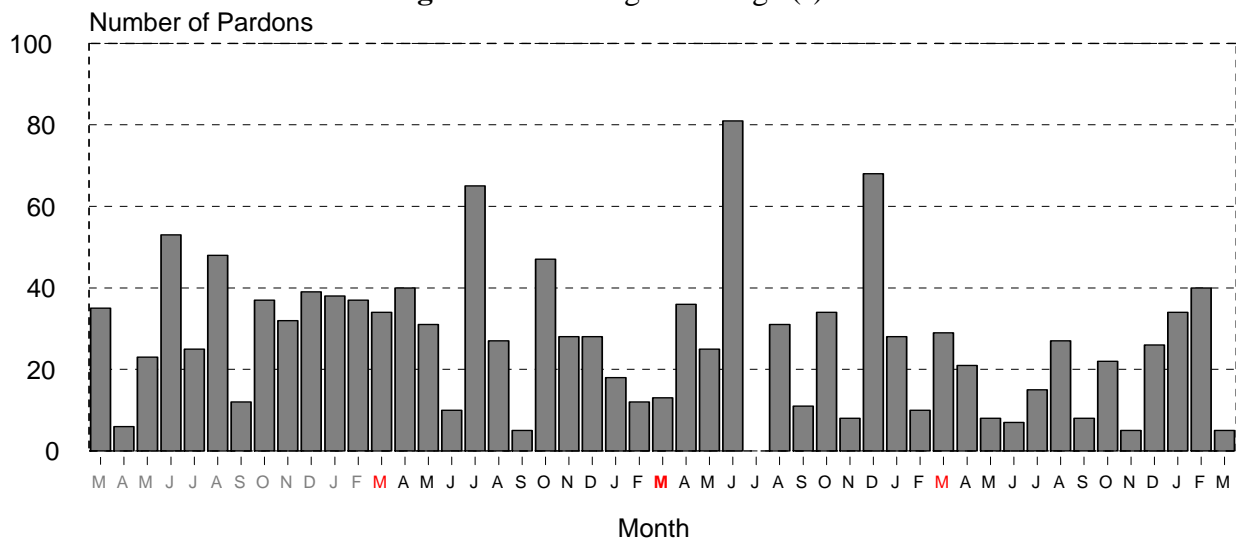
**Figure 5 – Wilson (1)**



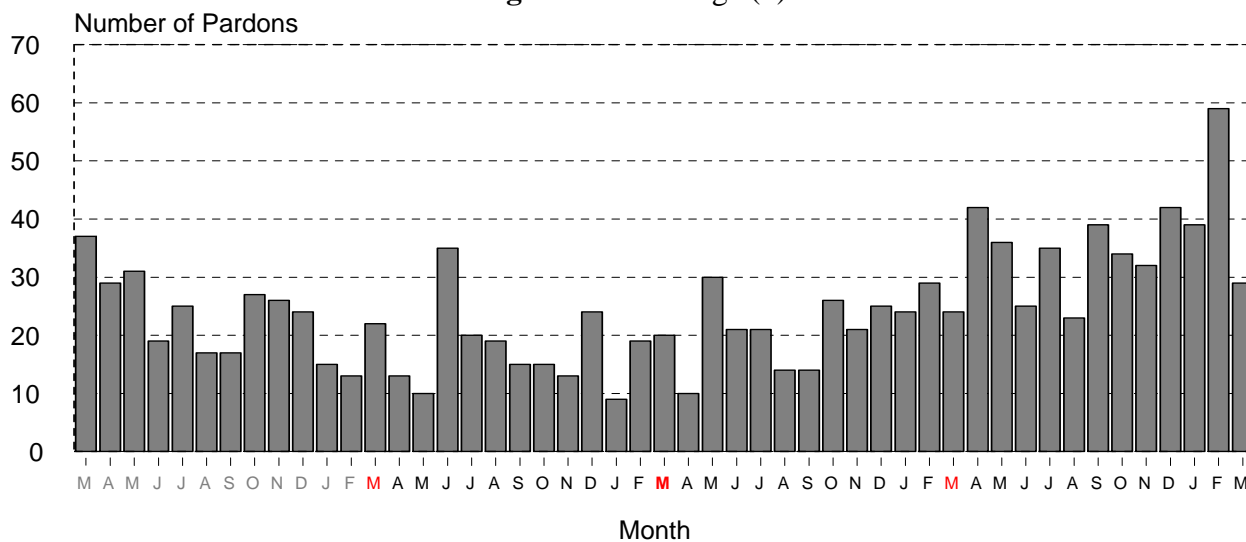
**Figure 6 – Wilson (2)**



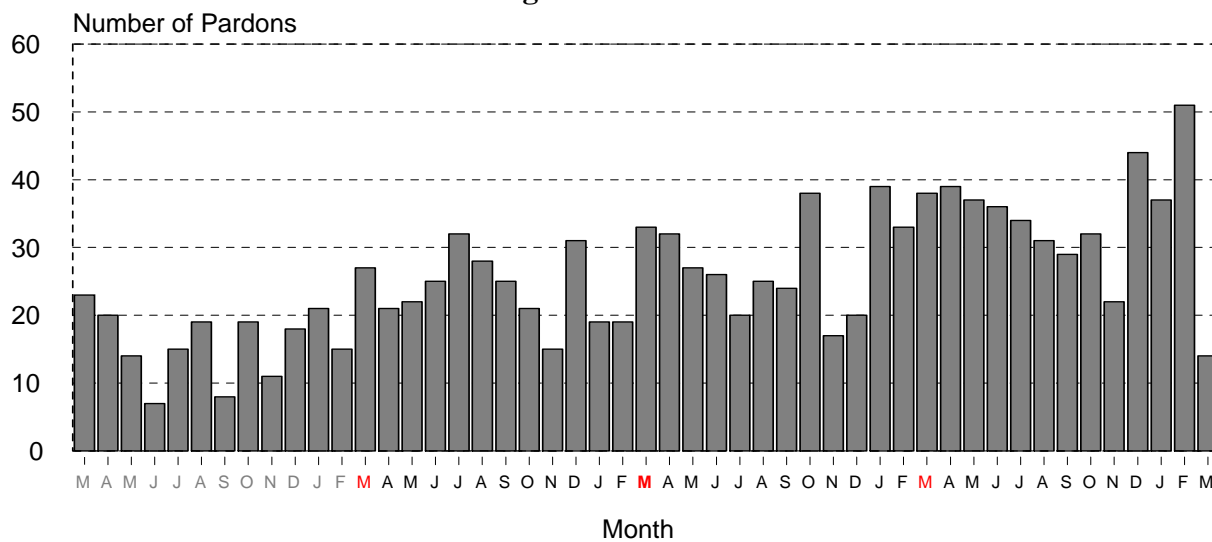
**Figure 7 – Harding / Coolidge (s)**



**Figure 8 – Coolidge (1)**



**Figure 9 – Hoover**



**Table 2**

## Department of Justice Clemency Statistics, 1900-1980

Fiscal Year	Petitions Pending	Applications	Pardons	Commutations	Respite / Remissions	<b>Total</b>	Denials	No Action
1900	68	677	129	73	18	<b>220</b>	131	332
1901	45	796	162	50	14	<b>226</b>	117	448
1902	50	738	92	36	6	<b>134</b>	181	366
1903	107	543	70	57	7	<b>134</b>	131	316
1904	69	585	87	62	13	<b>162</b>	122	278
1905	90	574	109	52	4	<b>165</b>	119	278
1906	76	627	96	52	6	<b>154</b>	124	363
1907	81	523	71	30	14	<b>115</b>	116	272
1908	49	460	53	22	9	<b>84</b>	56	235
1909	134	463	90	52	9	<b>151</b>	79	220
1910	147	645	111	119	25	<b>255</b>	139	290
1911	108	393	82	64	16	<b>162</b>	84	163
1912	92	412	108	78	20	<b>206</b>	55	173
1913	70	661	82	100	26	<b>208</b>	75	324
1914	124	664	104	116	29	<b>249</b>	102	345
1915	92	662	78	86	22	<b>186</b>	101	309
1916	158	889	116	107	46	<b>269</b>	109	436
1917	233	938	182	96	50	<b>328</b>	31	510
1918	302	934	119	90	43	<b>256</b>	140	640
1919	200	1,115	116	262	37	<b>415</b>	50	576
1920	274	1,028	198	341	100	<b>639</b>	25	440
1921	198	1,224	174	264	47	<b>485</b>	156	578
1922	208	1,144	162	187	41	<b>390</b>	182	536
1923	244	1,317	138	199	46	<b>383</b>	306	758
1924	114	1,515	105	120	22	<b>247</b>	264	897
1925	221	1,568	182	96	11	<b>289</b>	266	1017
1926	227	1,209	127	96	21	<b>244</b>	241	755
1927	196	949	89	110	22	<b>221</b>	161	633
1928	130	1,261	110	172	40	<b>322</b>	119	706
1929	244	1,544	160	179	29	<b>368</b>	148	1082
1930	190	1,141	121	85	15	<b>221</b>	129	783
1931	198	1,195	163	114	31	<b>308</b>	113	785
1932	187	1,203	189	137	39	<b>365</b>	115	699
1933	211	1,235	199	69	36	<b>304</b>	60	686
1934	397	1,061	114	53	37	<b>204</b>	192	662
1935	400	1,407	211	36	64	<b>311</b>	184	757
1936	555	944	154	183	53	<b>390</b>	325	455
1937	329	1,080	192	37	59	<b>291</b>	137	653
1938	328	1,287	219	28	92	<b>339</b>	160	797
1939	319	1,215	172	32	40	<b>244</b>	139	729
1940	422	1,293	242	31	40	<b>313</b>	104	791
1941	510	1,367	178	15	18	<b>211</b>	74	910
1942	682	1,272	305	21	51	<b>377</b>	55	599
1943	923	1,019	332	17	10	<b>359</b>	55	748
1944	780	781	424	10	10	<b>444</b>	60	586
1945								
1946	438	977	279	28	3	<b>310</b>	570	
1947	535	779	308	13	2	<b>323</b>	483	
1948	508	657	178	15	0	<b>193</b>	411	

**Table 2 – Cont.**

## Department of Justice Clemency Statistics, 1900-1980

Fiscal Year	Petitions Pending	Applications	Pardons	Commutations	Respite / Remissions	Total	Denials	
1949	561	638	178	17	1	<b>196</b>	313	
1950	690	504	400	14	3	<b>417</b>	338	
1951	439	467	189	10	1	<b>200</b>	228	
1952	478	477	192	6	0	<b>198</b>	214	
1953								
1954	681	461	55	7	0	<b>62</b>	346	
1955	732	662	59	4	0	<b>63</b>	684	
1956	647	585	192	9	0	<b>201</b>	568	
1957	463	585	232	4	0	<b>236</b>	443	
1958	369	406	98	6	0	<b>104</b>	302	
1959	369	434	117	2	0	<b>119</b>	286	
1960	398	437	149	5	0	<b>154</b>	244	
1961		481	226	18		<b>244</b>	266	
1962	408	595	166	16	0	<b>182</b>	315	
1963	506	592	133	43	2	<b>178</b>	233	
1964		921	315	73		<b>388</b>	437	
1965	783	1,008	195	80	0	<b>275</b>	569	
1966	947	865	364	80	1	<b>445</b>	726	
1967	641	863	222	23	0	<b>245</b>	520	
1968	739	749	13	3	0	<b>16</b>	415	
1969		724	0	0		<b>0</b>	505	
1970	1,276	459	82	14	0	<b>96</b>	698	
1971	941	454	157	16	0	<b>173</b>	648	
1972	574	516	235	18	2	<b>255</b>	410	
1973	425	485	202	4	1	<b>207</b>	341	
1974	362	426	187	8	0	<b>195</b>	337	
1975		610	147	9		<b>156</b>	325	
1976	385	742	106	11	0	<b>117</b>	442	
1977		738	129	8		<b>137</b>	301	
1978	868	641	162	3	0	<b>165</b>	836	
1979	508	710	143	10	0	<b>153</b>	448	
1980	617	523	155	8	3	<b>166</b>	256	242

Source: U.S. Department of Justice

**Table 3**

Individuals Benefiting from Clemency Decisions, 1933-2001\*

President	Year of Term				Total
	1	2	3	4	
FDR (1)	178	221	454	220	1073
FDR (2)	278	263	245	<b>279</b>	1065
FDR (3)	261	346	428	360	1395
FDR (4)/ Truman (s)	66 / 288	239	332	198	1487
Truman (1)	342	274	177	204	997
Eisenhower (1)	22	73	135	<b>310</b>	540
Eisenhower (2)	49	192	126	<b>236</b>	603
Kennedy / Johnson (s)	144	183	249 / 65	268	909
Johnson (1)	333	371	135	15	850
Nixon (1)	1	265	253	208	727
Nixon (2) / Ford (s)	149	146	33 / 100	<b>176</b>	604
Carter	69	194	135	172	570
Reagan (1)	51	100	41	61	253
Reagan (2)	35	25	32	<b>62</b>	154
Bush	10	0	29	<b>38</b>	77
Clinton (1)	0	42	14	0	56
Clinton (2)	23	36	37	<b>313</b>	409

\* Including pardons, conditional pardons, commutations of sentence and conditional commutations, remissions of fines and respites, but not group pardons or general amnesties.

**Table 4**

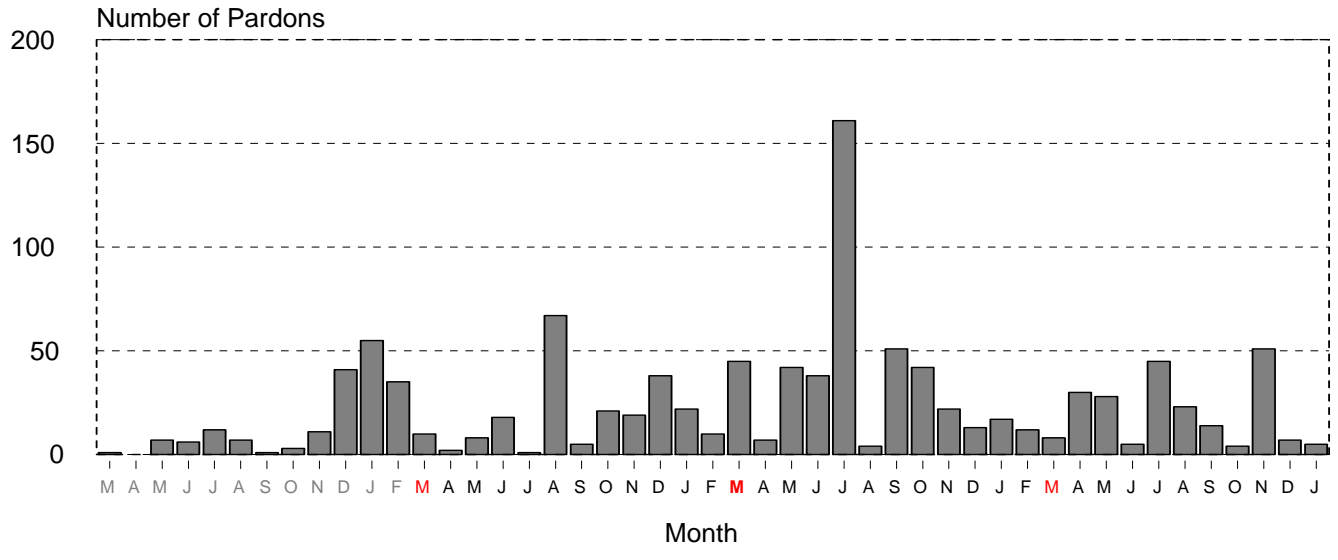
Percentage of Individuals Benefiting from Clemency Decisions, 1933-2001\*

President	Year of Term			
	1	2	3	4
F. Roosevelt (1)	17	21	42	21
F. Roosevelt (2)	26	25	23	26
F. Roosevelt (3)	19	25	31	26
FDR / Truman (s)	32	21	30	18
Truman (1)	34	27	18	20
Eisenhower (1)	4	14	25	<b>57</b>
Eisenhower (2)	8	32	21	<b>39</b>
Kennedy / Johnson (s)	16	20	35	29
Johnson (1)	39	44	16	1
Nixon (1)	-	36	35	29
Nixon (2) / Ford (s)	25	24	22	29
Carter	12	34	24	30
Reagan (1)	20	40	16	24
Reagan (2)	22	16	21	<b>40</b>
Bush	13	-	38	<b>49</b>
Clinton (1)	-	75	25	-
Clinton (2)	6	8	9	<b>77</b>

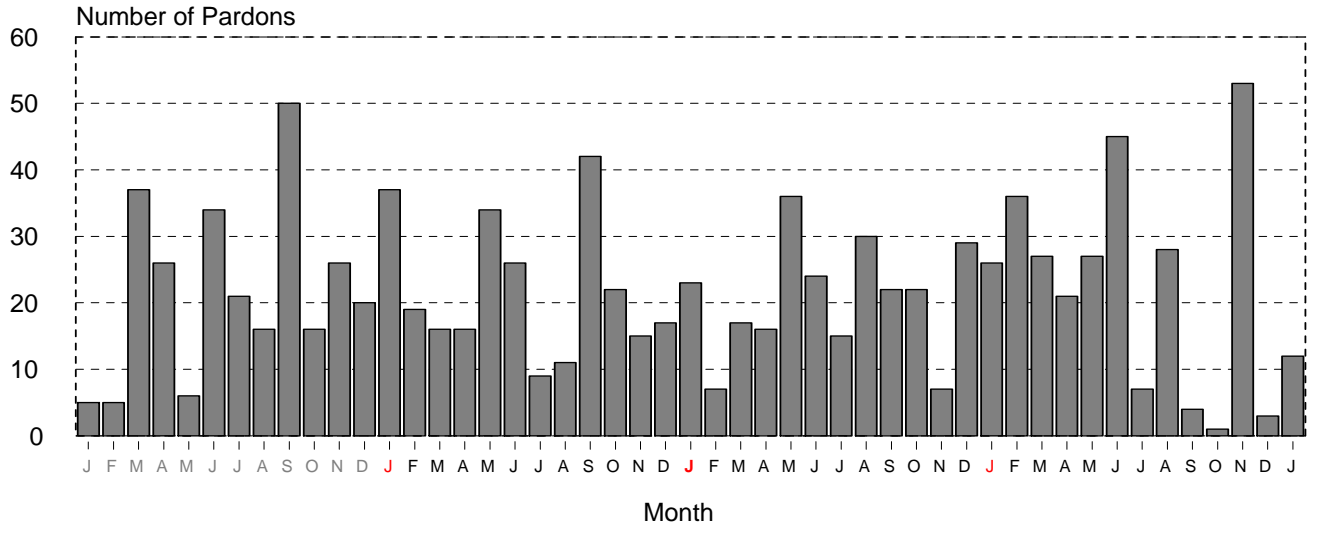
\* Including pardons, conditional pardons, commutations of sentence and conditional commutations, remissions of fines and respites, but not group pardons or general amnesties.

Figures 10-26: Clemency Grants by Month of Administration, 1933-2001

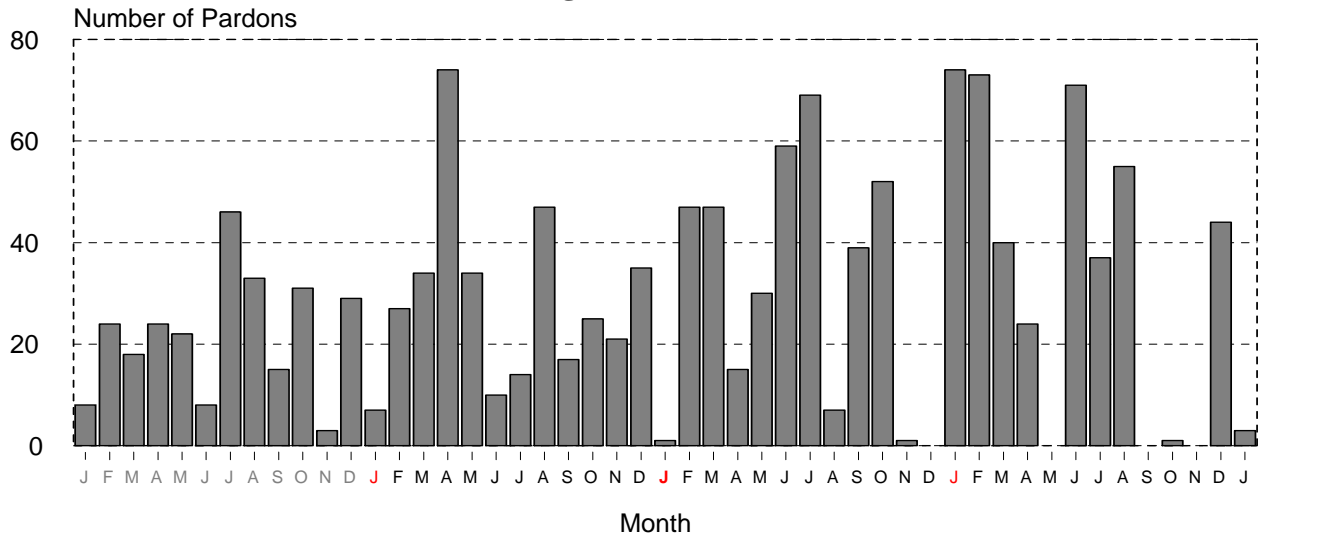
**Figure 10 – F. Roosevelt (1)**



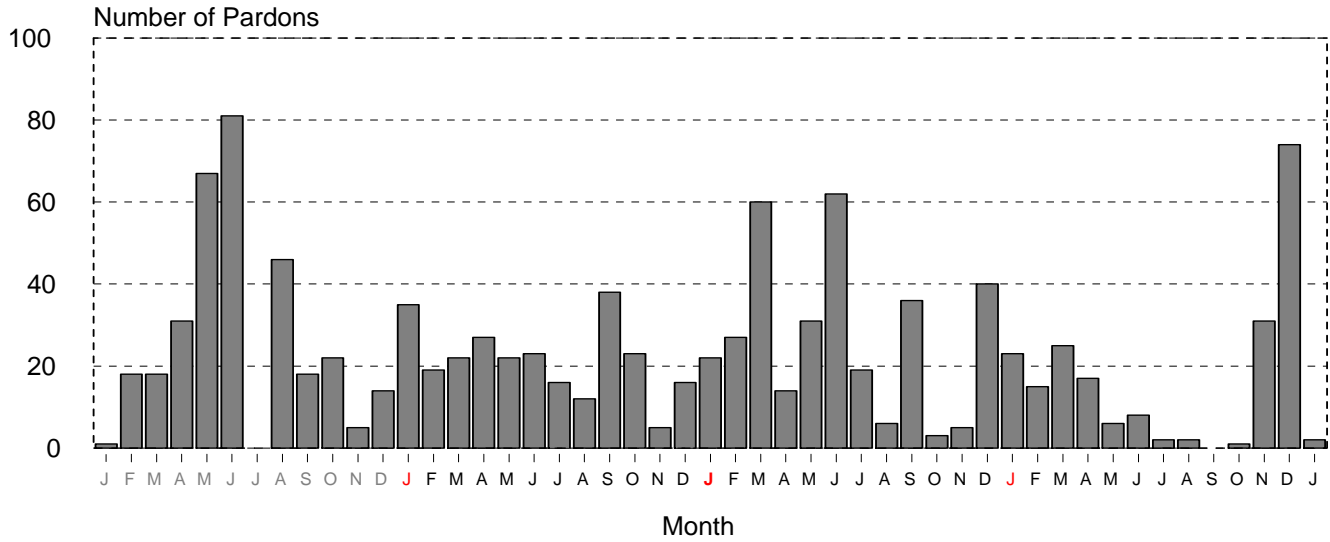
**Figure 11 – F. Roosevelt (2)**



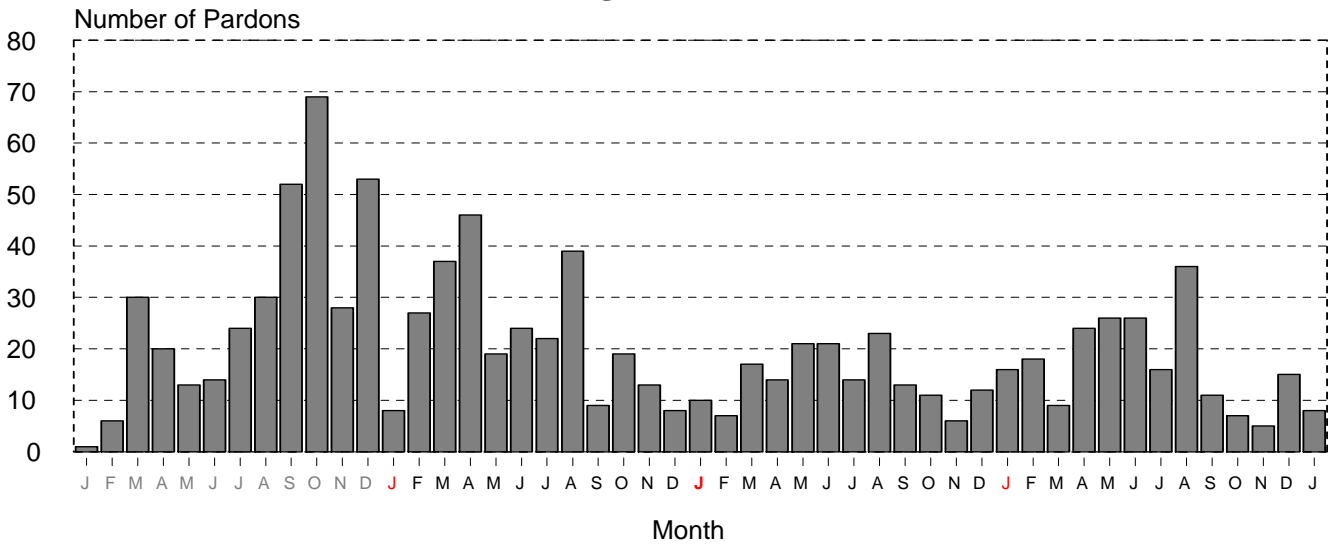
**Figure 12 – F. Roosevelt (3)**



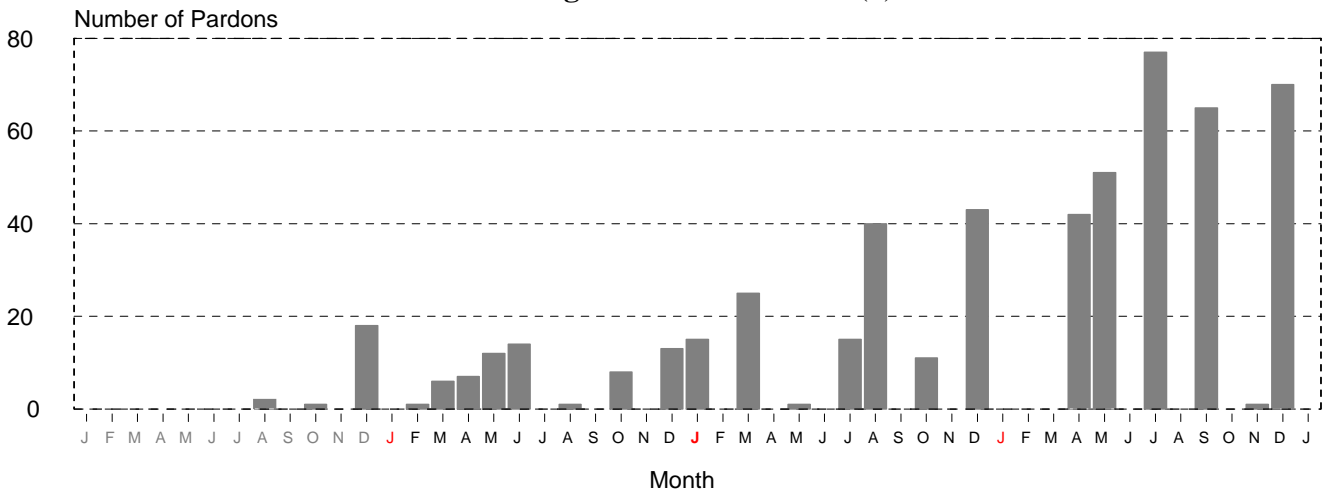
**Figure 13 – FDR / Truman (s)**



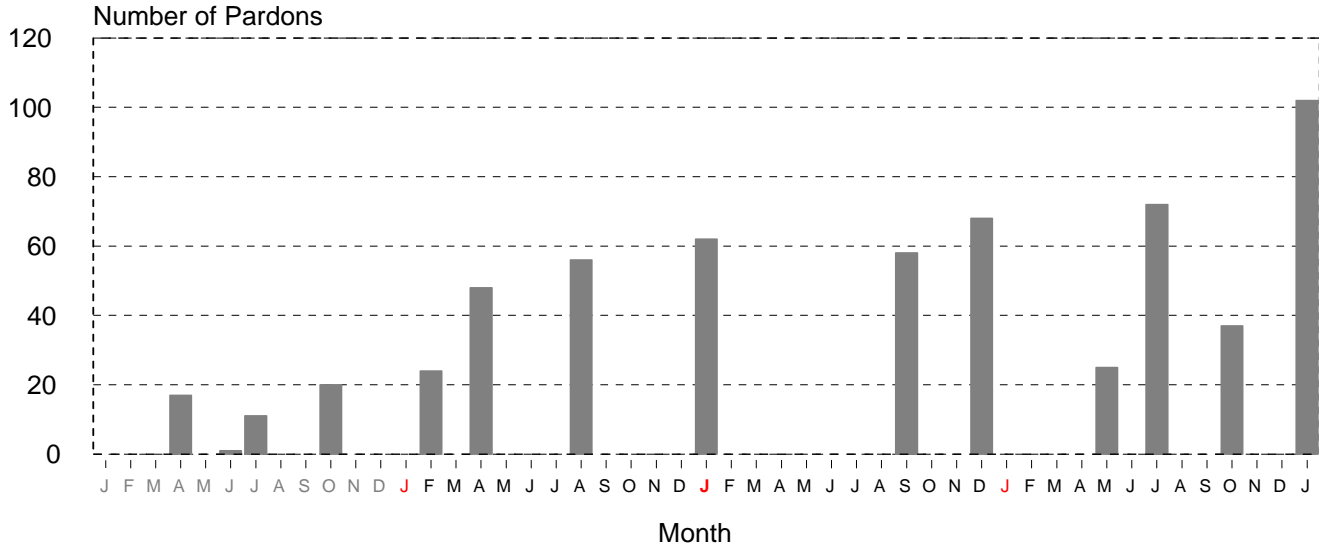
**Figure 14 – Truman 1**



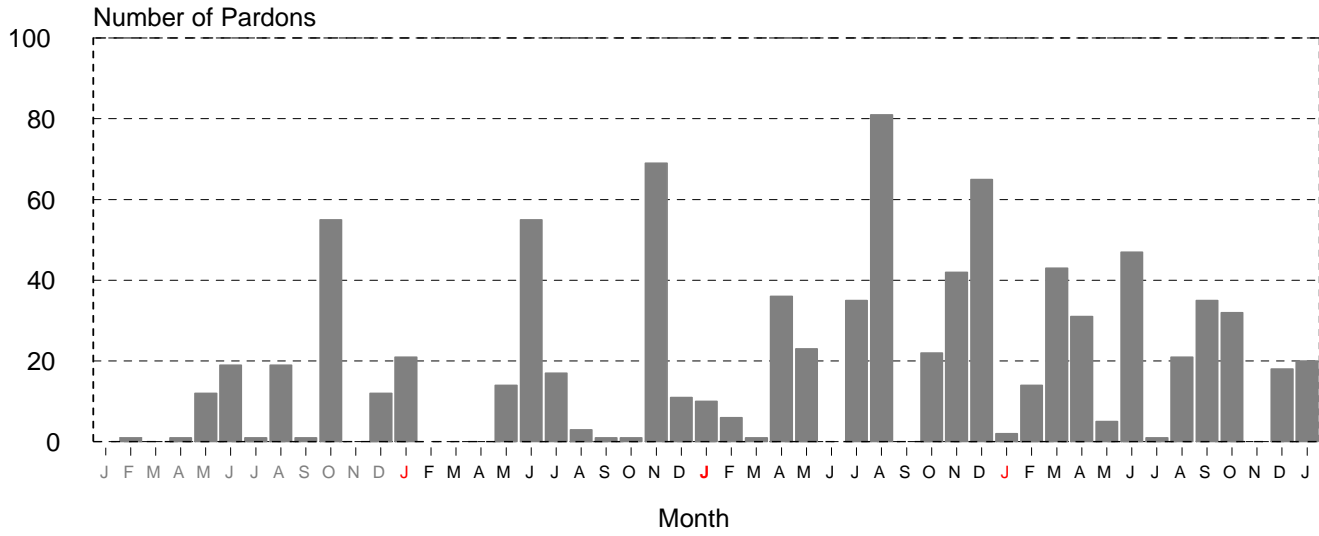
**Figure 15 – Eisenhower (1)**



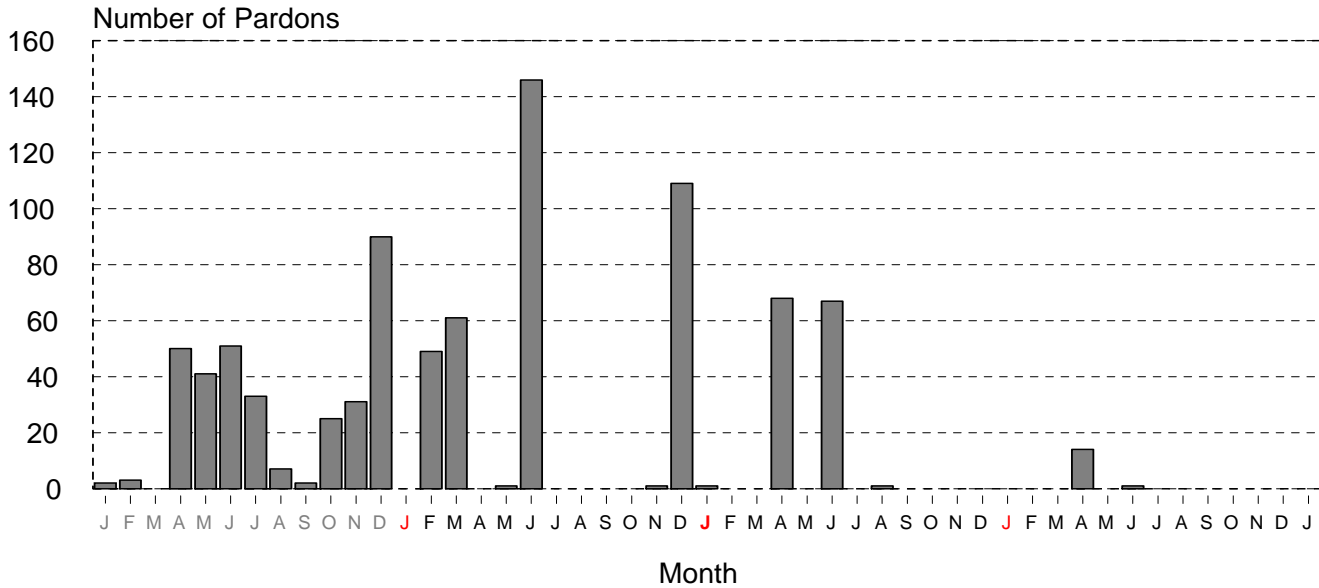
**Figure 16 – Eisenhower (2)**



**Figure 17 – Kennedy / Johnson**

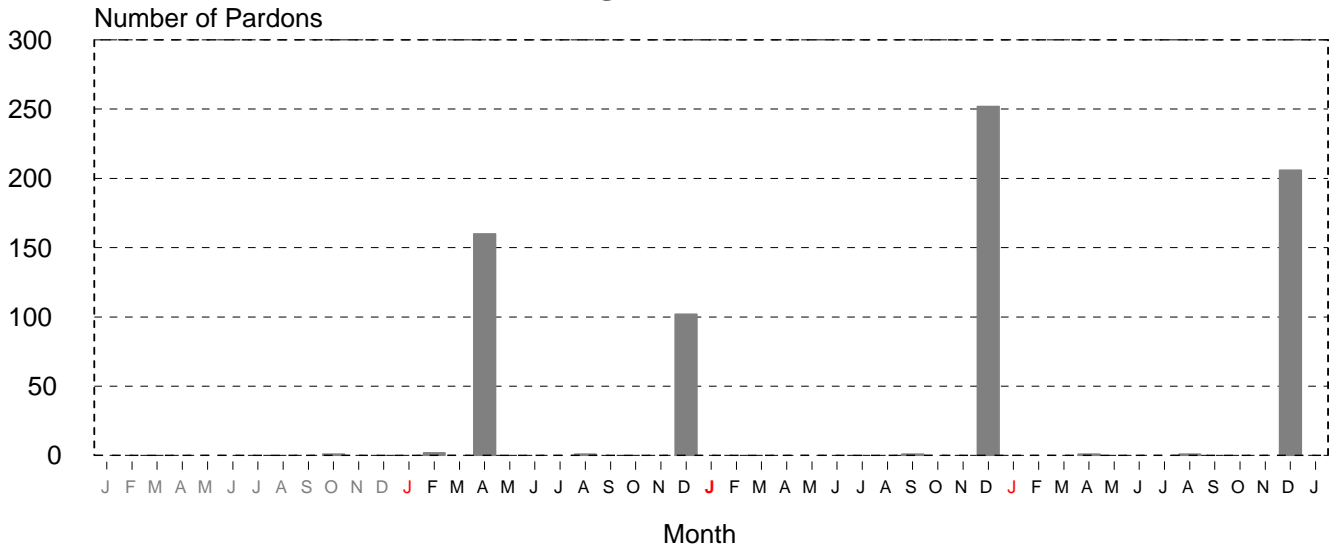


**Figure 18 – Johnson (1)**

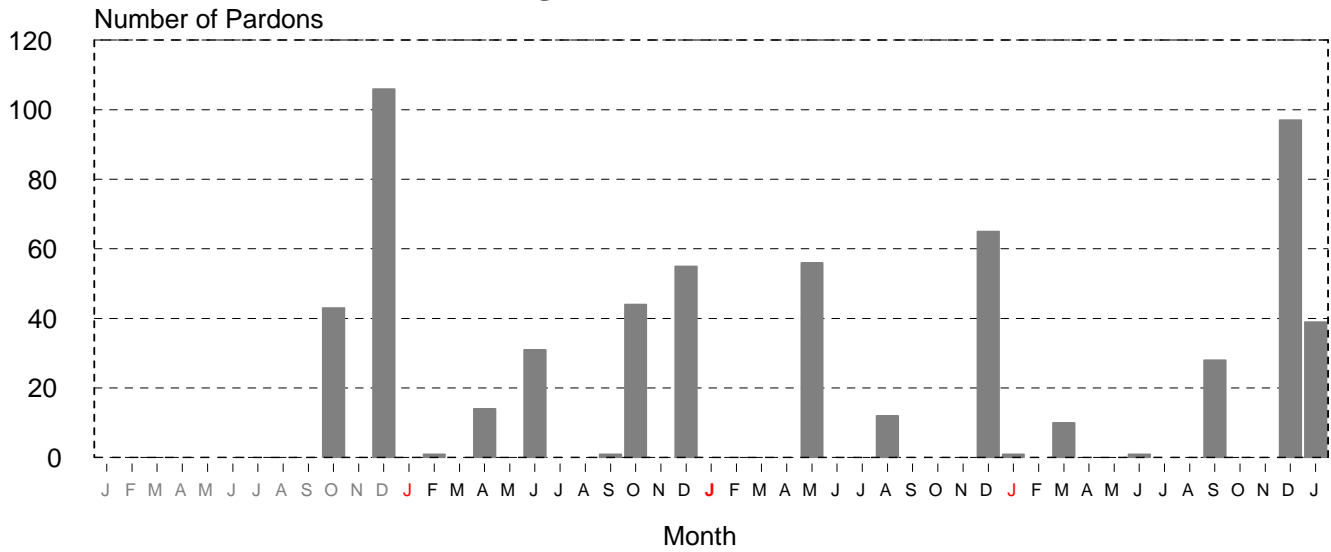




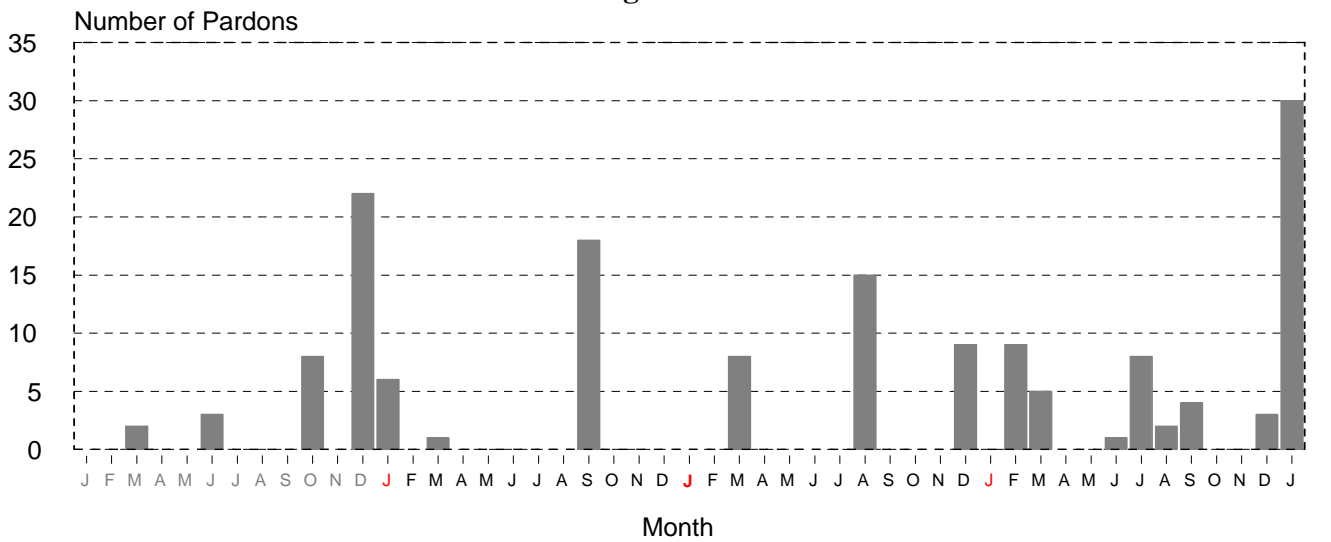
**Figure 19 – Nixon (1)**



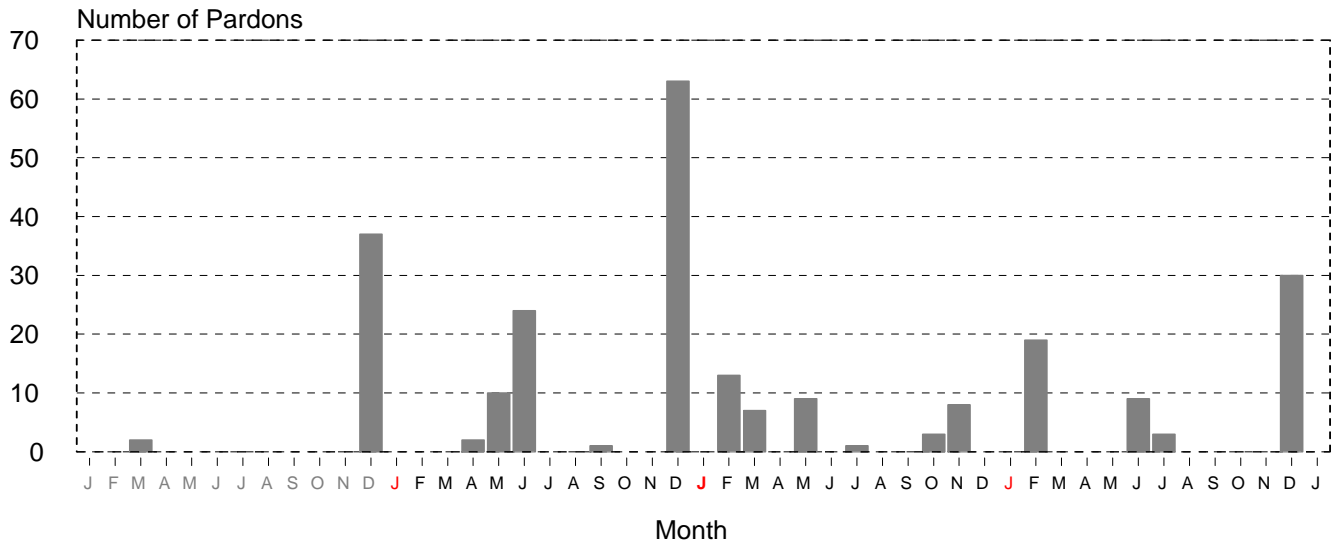
**Figure 20 – Nixon (2) / Ford (s)**



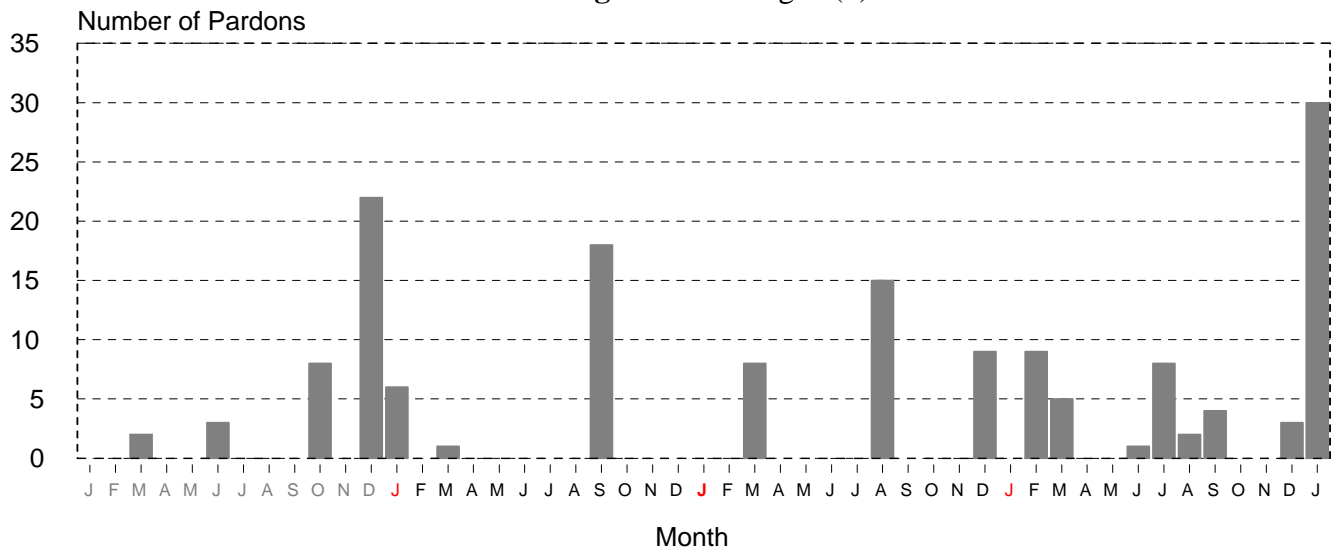
**Figure 21 – Carter**



**Figure 22 – Reagan (1)**



**Figure 23 – Reagan (2)**



**Figure 24 – Bush**

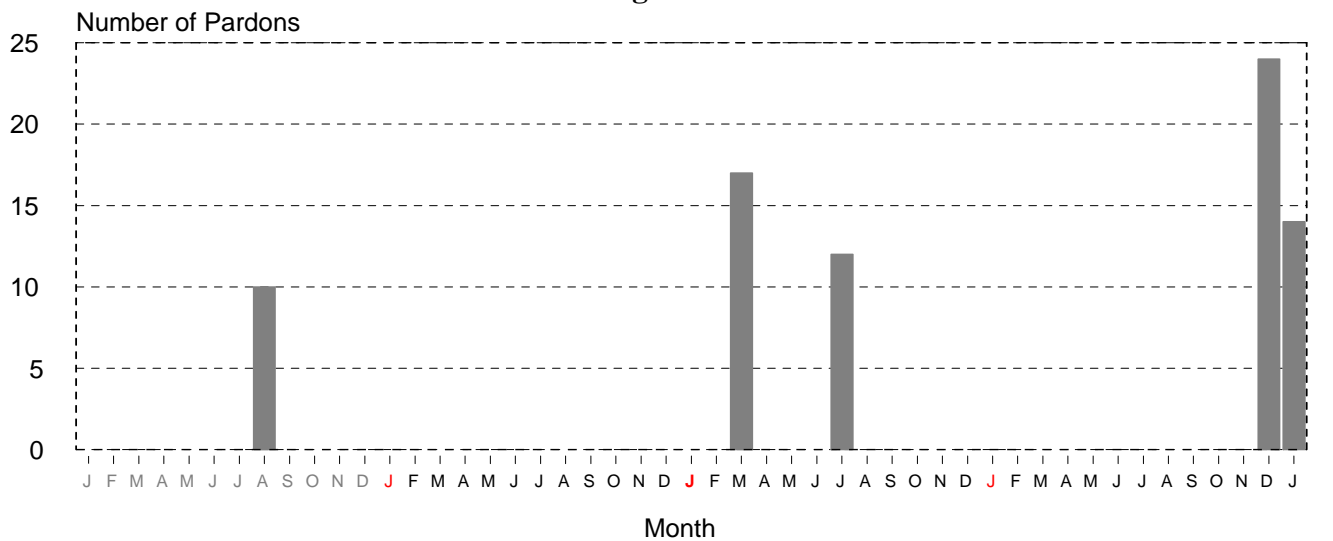


Figure 25 – Clinton (1)

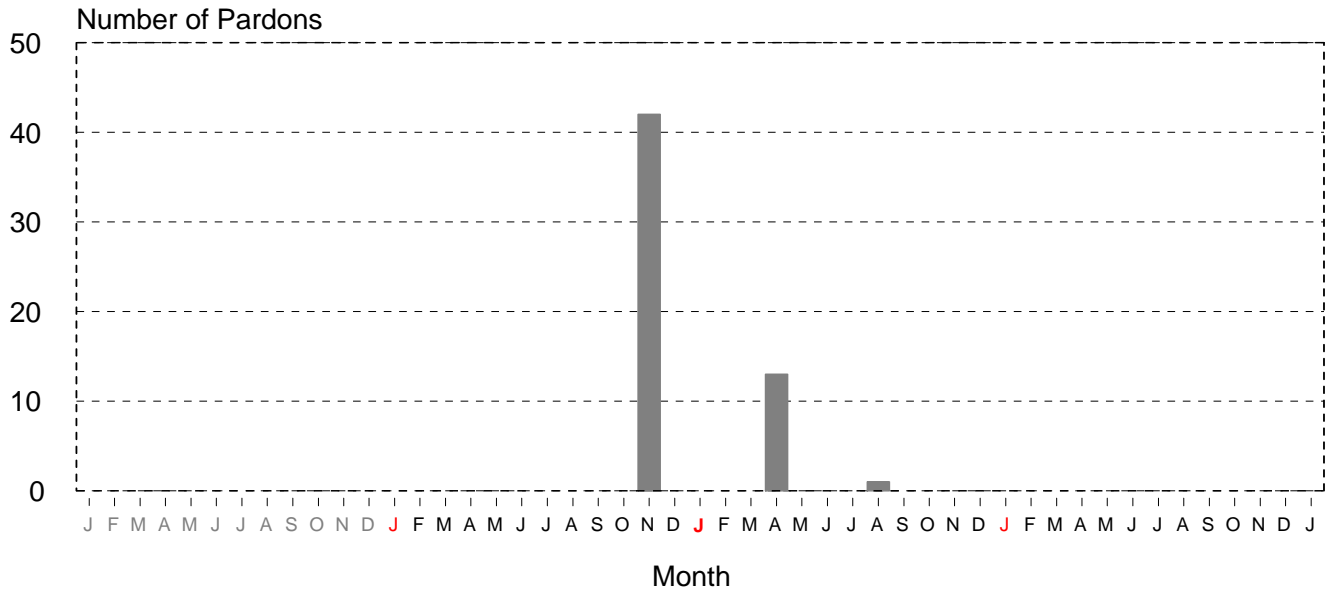
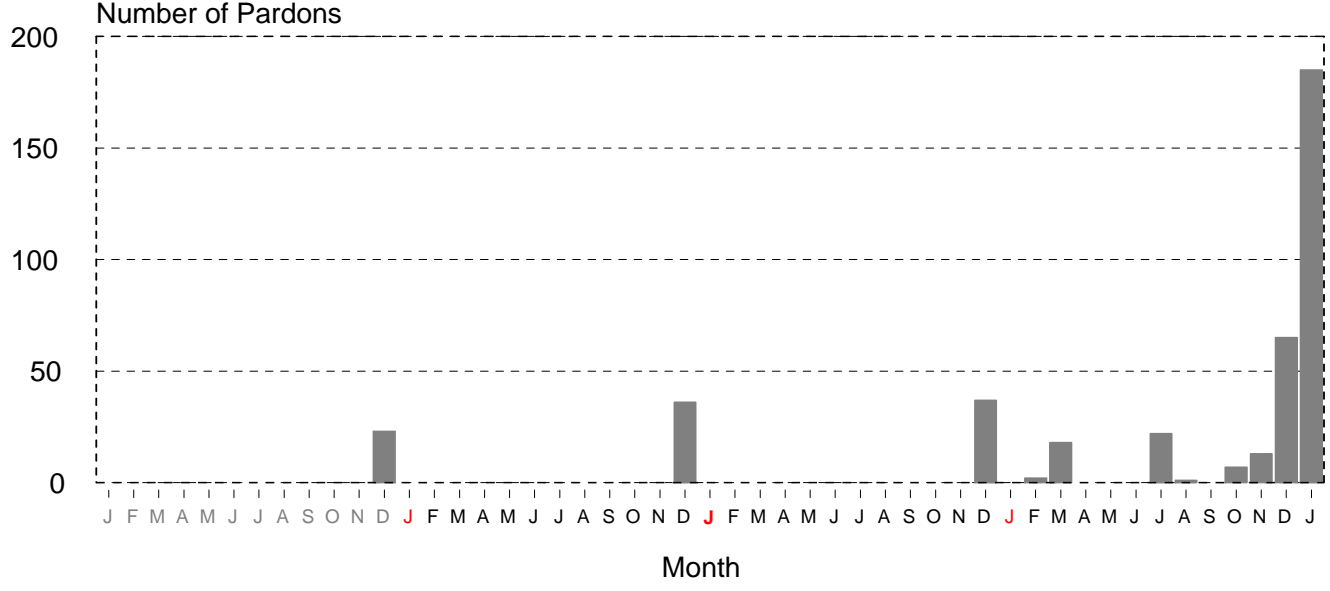


Figure 26 – Clinton (2)



## References

- Adler, David Gray. 1989. "The President's Pardon Power," in *Inventing the American Presidency*, Tomas E. Cronin (Editor), University Press of Kansas.
- Buchanan, G. Sidney. 1978. "The Nature of a Pardon Under the United States Constitution." 39 *Ohio State Law Journal* 36-65.
- Duker, William F. 1977. "The Presidential Power to Pardon: A Constitutional History," 18 *William and Mary Law Review* 475-538.
- Humbert, W. H. 1941. *The Pardoning Power of the President*. Washington, D.C.: American Council on Public Affairs.
- Jenson, Christen. 1922. *The Pardoning Power in the States*. The University of Chicago Press: Chicago, Illinois.
- Kobil, Daniel T. 1991. "The Quality of Mercy Strained: Wresting the Pardoning Power from the King." *Texas Law Review*, 69: 569-641.
- Microfilm Set T967. National Archives. Washington, D.C.
- Moore, Kathleen Dean. 1989. *Pardons: Justice, Mercy, and the Public Interest*. Oxford University Press: New York.
- Morris, Mark. 1998. "The Overlooked Relevance of the Pardon Power." in *Presidential Frontiers Unexplored Issues in White House Politics* (Ryan J. Barrilleaux, ed.) Praeger: Westport, Connecticut.
- Ruckman, P.S., Jr. (forthcoming) *Pardon Me, Mr., President: Adventures in Federal Executive Clemency*.
- Ruckman, P.S., Jr. 2001. "The Pardoning Power: The *Other* Civics Lesson." Paper presented at the Annual Meeting of the Southern Political Science Association, Atlanta, GA.
- Ruckman, P.S., Jr. 1997. "Executive Clemency in the United States: Origins, Development, and Analysis (1900-1993)," *Presidential Studies Quarterly*, 27: 251-271.
- Ruckman, P.S., Jr. 1996. "Federal Executive Clemency in the United States, 1934 – 1994: An Empirical Analysis. Paper presented at the Annual Meeting of the Southern Political Science Association. Atlanta, GA.  
Posted at: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper1.htm>
- Ruckman, P.S., Jr. 1995a. "Presidential Personality and Executive Clemency: A Reexamination." *Social Science Quarterly*, 76: 213-221.
- Ruckman, P.S., Jr. 1995b. "Federal Executive Clemency in the United States. 1789-1995. A Preliminary Report. Paper presented at the annual meeting of the Southern Political Science Association, Tampa, FL.  
Posted at: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper3.htm>
- Ruckman, P.S., Jr. 1994. "Policy as an Indicator of 'Original Understanding:' Executive Clemency in the Early Republic (1789-1817)." Paper presented at the annual meeting of the Southern Political Science Association, Atlanta, GA.  
Posted at: <http://ednet.rvc.cc.il.us/~PeterR/papers/paper5.htm>
- Ruckman, P.S., Jr. and David Kincaid. 1999. "Inside Lincoln's Clemency Decision Making." *Presidential Studies Quarterly*, 29: 84-99.
- U.S. Attorney General. 1939. *Survey of Release Procedures*. Volume III, U.S. Government Printing Office: Washington D.C.
- U.S. Attorney General. 1893-2001. *Annual Report*. U.S. Government Printing Office, Washington, D.C.