

Presidential pardons research paper example

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Introduction

A presidential pardon is the clemency of an offense and the withdrawal of a pertinent penalty. The head of state or the president is responsible for granting this pardon. This process usually follows a number of procedures before it can take place. It involves remission, commutation, pardoning and reprieve. Currently, a number of countries offer presidential pardons for convicts who have ensured that they settled their debts to the community. Sometimes presidential pardons are given to those individuals who have been convicted wrongfully. However, today, such cases of wrongful conviction are often handled by an appeal instead of pardon. In this view, I will discuss three significant things concerning presidential pardon which includes its value, the steps involved in the application and people who are legible for application.

Anyone who has been convicted of a criminal offense by the military court martial or the federal court and may be interested in recovering his situation may decide to apply for a presidential pardon. It is true that the odds of applying for a pardon by the president are quite discouraging. For instance, the total numbers of presidential pardon that President Clinton managed to grant were less than one hundred. Anyone who wants to apply for a presidential pardon has to include detailed and exact information. When one re-examines a part of his life during which his or her conduct was officially pronounced to be criminal will comprehensibly develop feelings that he thought of dropping a long time ago. An individual's application will prompt the Federal Bureau of investigations to conduct investigations of his past by interviewing his employer, family, friends and neighbors. In any case that the

applicant makes an honest mistake in the confession of his discretions that brought conviction of a minor traffic violation, be it before or after the federal criminal offense, he will be assumed to have misinterpreted himself under the oath and considered not fit for pardon and perhaps impeached for false swearing under the federal law. There are several reasons why an individual may need a presidential pardon.

The value of a federal or presidential pardon

First, if an individual was convicted of a military or federal crime, he certainly suffered from and may still be anguished of legal disabilities, civil disabilities or disqualifications. This is because, apart from the sentence that may be imposed on the criminal offender, there are a number of civil disabilities that are inflicted. A civil disability is the absence or lack of legal ability of executing an act and the term is commonly applied to designate inability for the complete delight of ordinary legal rights. Civil disability is a term that is the same as legal disability and both of the expressions means disqualifications or disabilities developed by positive law, as opposed to physical disabilities. Disabilities can either be special or general. A disability may be considered general when it debilitate an individual for conducting legal acts of a general class, or offering them their ordinary legal effect. Disabilities, which have grave unfavorable effect on a criminal during his incarceration and after his discharge from parole include refutation of privileges like occupational licenses, getting a number of jobs, holding public office, voting, getting pension and insurance benefits, maintaining family relationships and getting into legally-enforceable accord. For instance, a well-known and general form of civil disability that results from a conviction

of a drunk driver is the suspension or revocation of an individual's privilege to drive a motor car. Another general legal disability is one that prohibits an individual who is convicted of crime from acquiring a firearm under punishment of supplementary criminal accountability. Presidential pardon is significant because it eliminates or removes any disabilities that take place from the military or federal crime that is the theme of the pardon.

As a result of an appropriation limit of the United States congress that is exemplified in the law 109-stat. 468, the bureau of firearms, tobacco and alcohol has been sort to use any public funds on the restoration of disabilities program. Consequently, ATF cannot consider applications of people who are convicted of felonies for reinstatement of the privilege of the federal firearms. At least for the time being, this actually leaves the presidential pardon process as the restricted avenue for an individual who is convicted of an offense of federal felony to recuperate both the privileges of the federal firearm and state that had been lost because of the military or federal conviction. One of the court of appeals in California has recognized the presidential pardon as eradicating some states disabilities such as criminal liability under the statute of " a felon who possesses a gun"

Another reason for looking for a presidential pardon just like mountain climbing is because it exists. People feel that it is better to go to their grave after they have done all things possible in their power to rectify their mistakes. Convicts also feel that the good in them ought to be interred with their bones. They want their grand children to know of them as good people. They don't want their children to identify them with as bank embezzlers or people who rip off their loan or savings. To put it succinctly, the convict may

have the desire to clear his name in the general sense or to have the complete extent that they can legally conduct.

The twelve steps that are required for the work book application of the presidential pardon

The detailed amount and nature of the information that is needed for the application of a presidential pardon makes anyone who considers this application to develop and maintain a workbook for federal pardon. This work book may be quite simple. It may be a three-ring binder that has at least 12 tabbed dividers. The first twelve tabs of the dividers may be labeled to match to the 12 critical groups of information that are necessary to efficiently apply for the presidential pardon. Materials that have been collected in support of the application may be segregated and stored in an orderly manner behind the tabbed dividers. This material ought to be printed or typed by hand since it may be essential at times to Photostat and transmit the material by Fax or indicate it in person to other people. If this is printed or typed, this will accelerate the process of discussing the materials with other people and will also shun the probability of confusion that may come from reading notes that were written by hand. Any extra tabbed dividers may be used for various personal notes. These may be written by hand since they are not meant for communication to any other person. This method has an extra advantage of maintaining the material comparatively private such that they are shown to someone (for instance, a court clerk); it may not disclose everything in the workbook to that individual. The work book includes these twelve steps: Prelude info, Bibliography info, The offense that is to be pardoned, Employment, Residencies, Character affidavit, Personal

oath and certification, Reasons why the convicted felon needs a presidential pardon, Civil rights restoration efforts, Military record, Financial and civil info, and Criminal record that relates to the offense

While the material at the site is organized chiefly to foresee the needs of applying for a presidential pardon, extra info has been added to foresee the needs of applying for explosive privileges for the petitioner to conduct a parallel attempt on those lines with the same workbook.

People who can apply for presidential pardon

The petition for presidential pardon may not be filed until the waiting period expires at least five years subsequent to the release date of the petitioner from the confinement, or in case there was no prison sentence imposed. This occurs on the expiration of at least five years following the date the petitioner was convicted. In some instances that involve violation of public trust, perjury, income tax laws, laws of gun control, violation of narcotics laws, violent crimes and other serious crimes, there ought to be no filing of petition until the waiting period expires after seven years. The period of waiting may be waived for the aliens who want pardon to avoid deportation. There is usually no petition that is submitted by an individual who is on parole or probation. Applications for pardons relate only to violations of the United States laws. Applications that relate to infringement of possessions law of the US or territories subject to authority are submitted to the suitable agency or official of the territory or the possession concerned.

Communications, memoranda, reports or petitions that are furnished or submitted in relation with the consideration of a petition for executive clemency are always available to the officials who consider the petition. They

may also be availed for inspection when the Attorney General has to make his judgment. They have to be disclosed by ends of justice or by law.

Works Cited

Jeffrey, Crouch. The presidential pardon power. Lawrence, Kan.: University Press of Kansas, 2009.