Pardoning Power of the President

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scorn and rage and indifference from the ultimate values of our mortal lot.”

LEO P. HARLOW*


Professor Humbert has not written merely about pardons or the President’s power. On the contrary he has discussed: (1) the history of clemency in England and the American Colonies and in the constitutional convention; (2) these forms of clemency, to wit: “full pardon, pardon to terminate sentence and restore civil rights, pardon to restore civil rights, conditional pardon, amnesty, amnesty on condition, reprieve, commutation, commutation on condition, and remission of fines and forfeitures”; (3) the court decisions which have interpreted the pardoning power; and (4) the administration of the pardoning process and the country’s experience with it. All of this is done with apparent thoroughness in one hundred and forty-two pages which contain a small amount of repetition.

This book gives very little opportunity for a reviewer to “strut his stuff”. The scholarship has been of that careful type that has left no important error upon which one can take a free merry-go-ride. There is nothing exciting about the publication nor great issues to debate. It is just a plain recital of very plain, unemotional facts and opinions with a number of statistical tables. It cannot be affirmed that the book is one of great value but rather it is one concerning a subject of minor importance, as governmental affairs are rated, honestly set forth.

No doubt, a journalist could have developed many human interest stories from the files of the pardon attorney in the Department of Justice but an examination of these was denied to the author.

The last chapter is entitled “Conclusion”, but it is not recommended to a reformer looking for an issue or a minister looking for a text for a sermon. “Aside from criticism by Congress of presidential acts of clemency during the period of Civil War and of Reconstruction, and aside from criticism prompted by isolated instances of the exercise of clemency upon questionable grounds, there has been only one damaging criticism of the President’s exercise of the pardoning power”. This was contained in a study of naval courts-martial.

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