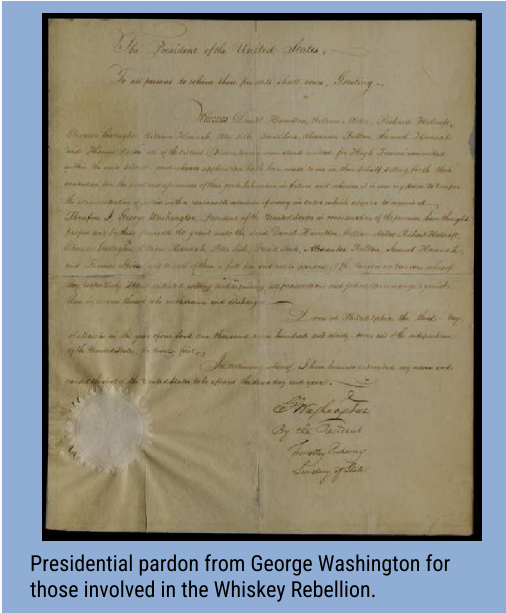


Civics is all around us. There is a lot to know about the government and how “We the People” interact with the government and each other. Let’s help each other expand our civic literacy.

On December 1st, 2024, President Joe Biden **pardoned** his son, Hunter Biden, for several **felony crime convictions**. This decision sparked controversy as President Biden had previously stated he would not involve himself. The president **issued** a “full and unconditional pardon” for any offenses Hunter Biden has “committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024.” So, what exactly is a presidential pardon, and how has it been used?

According to the **U.S. Constitution Article II, Section 2**, “The President ... shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of impeachment.” This broad power gives the president the constitutional power to show forgiveness to individuals who have committed **federal crimes**; a pardon for a **state crime** must come from a governor of the state in which the person was convicted if the governor has that power. A presidential pardon does not declare a person innocent, and they are still considered to have been convicted of a crime. Instead, it simply ‘forgives’ the offense and restores some rights (e.g., right to vote, hold political office, sit on a jury) that may have been lost because of the conviction. Pardons are also



Presidential pardon from George Washington for those involved in the Whiskey Rebellion.

supposed to lessen the stigma around a conviction. **According to the U.S. Supreme Court**, pardons do not have to be accepted by the individual they are granted to. Because accepting a pardon is often considered to be an admission of guilt, some people will refuse a pardon in order to maintain their innocence.

Throughout the history of the United States, presidential pardons have frequently sparked controversy. Every president has chosen to use this executive power differently. Some presidents, like William Henry Harrison and James Garfield, chose not to offer any pardons during their presidencies. Others, such as Franklin D. Roosevelt, **granted nearly 4,000 pardon petitions**. Some rely on the Office of the Pardon Attorney in the Department of Justice to review requests for pardons and make recommendations, but this is not required.

Some of the more controversial examples of pardons include: **President Andrew Johnson** issuing a mass pardon to thousands of former Confederates after the Civil War; **President Gerald Ford** preemptively pardoning President Richard Nixon for any crimes that may have been connected to Watergate; **President Jimmy Carter’s** pardoning of Vietnam draft dodgers; **President George H.W. Bush** pardoning former government officials involved in the Iran-Contra scandal; **President Bill Clinton’s** pardoning of former donors and his brother; and **President Donald Trump** pardoning the father of his son-in-law for financial crimes and witness tampering.



One of the more interesting questions surrounding this executive power is **whether presidents have the authority to pardon themselves for a federal crime**, a fear reflected by the **arguments of the Anti-Federalists**.

To Think and To Do: At the 1787 Constitutional Convention, the argument over executive pardoning power was heavily debated by the Federalists and Anti-Federalists. Follow the link **HERE** to read more about the opinions offered by both sides. Should there be more limits placed on presidential pardons?

Learn More:

- [Frequently Asked Questions](#), Office of the Pardon Attorney, Department of Justice
- [History of the Presidential Pardon](#), The White House
- [Presidential Pardons](#), Ballotpedia



Lou Frey Institute