

Do Only Turkeys Get Pardons?

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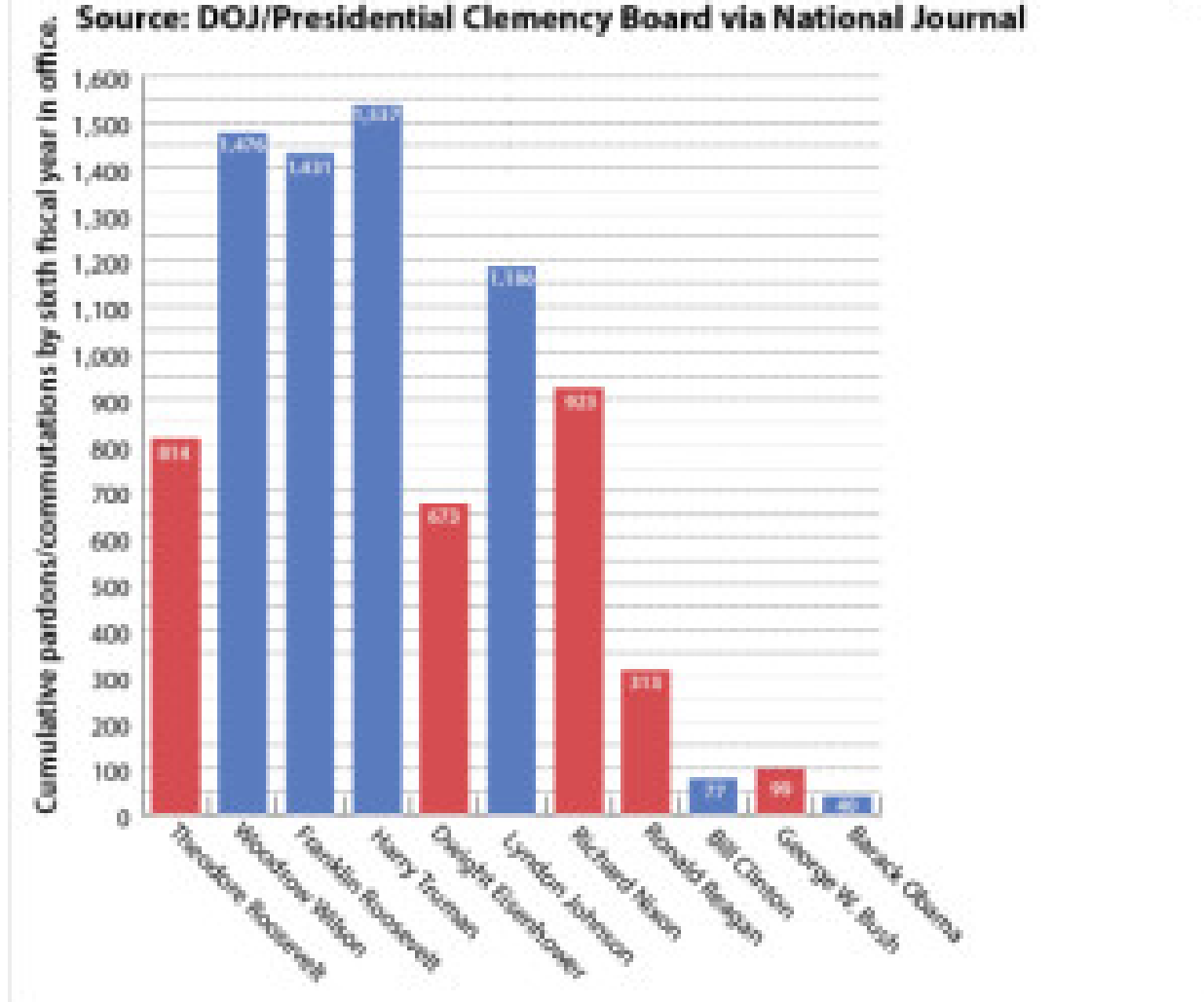
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It is a Thanksgiving tradition for the president to pardon a turkey. This year, [CNN reports](#), it was a Minnesota bird named Popcorn. But is executive clemency limited to avians? This post briefly explores the available data.

Decline in federal clemency. Though he pardoned a turkey, President Obama has not pardoned many people. The *New York Times* observed [here](#) that “Obama’s use of the pardon power remains historically low. In four and a half years, he has received almost 10,000 applications for clemency and has granted just 39 pardons and one sentence commutation.” The graph below shows how President Obama compares to other two-term presidents in terms of pardons and commutations:

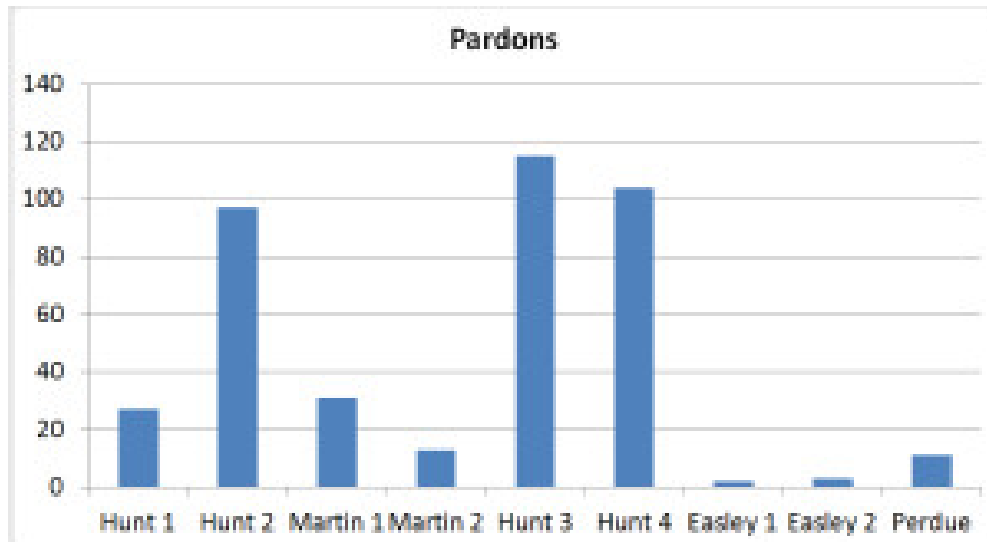
Pardons and commutations by sixth year of presidency

Source: DOJ/Presidential Clemency Board via National Journal



Obviously, there's a modern trend towards more limited use of executive clemency that extends beyond the current president. I speculate that the increased media scrutiny given to pardons and commutations has made presidents reluctant to exercise clemency. Whether that's a good thing (because it promotes consistency in the criminal justice system and minimizes the capricious and perhaps political amelioration of sentences) or a bad thing (because it mercilessly fails to recognize those who have truly changed their ways) is a question beyond the scope of this post.

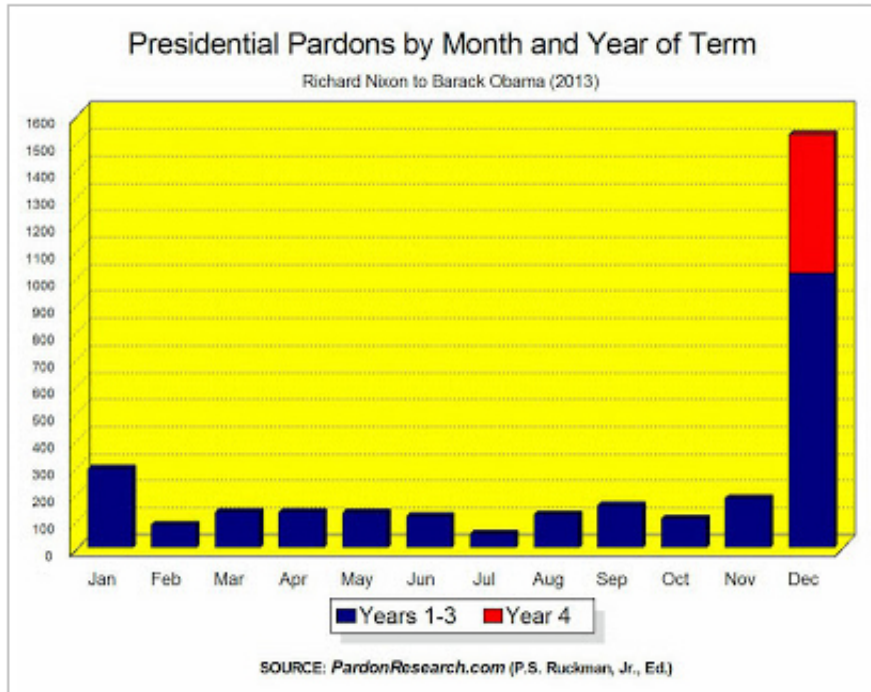
North Carolina data. The same trend of more limited use of the clemency power may be present in North Carolina as well, though the effect of four terms of Governor Hunt is so strong that it is a bit hard to tell. I compiled data from the Governor's Clemency Office into this chart:



I looked briefly for data from other states and didn't find a clear trend. For example, Governor Brown in California appears to be granting clemency more often than his predecessors. However, I have heard that [this book](#) by Margaret Colgate Love contains nationwide analysis and statistics supporting the idea that clemency is increasingly infrequent.

Types of clemency. The Office of Executive Clemency has [this helpful web page](#) that discusses the various types of clemency in North Carolina, including commutations, pardons of forgiveness, pardons of innocence, and unconditional pardons. It's worth remembering that some instances of clemency are acts of mercy, but others are acts of justice. For example, according to press reports, most of Governor Easley's pardons were in cases in which DNA evidence exonerated the defendant, while almost all of Governor Perdue's pardons concerned the [racially tainted Wilmington 10 cases](#).

The future of clemency. It is too early to tell how much, or how little, Governor McCrory will exercise executive clemency. And the jury may still be out on President Obama, as well. As the graphic below from [the Pardon Power blog](#) shows, about half of all pardons occur in December, apparently in connection with the Christmas season, and a disproportionate number of pardons are granted in the final year of a president's term.



Readers, what do you think? Are pardons just for turkeys now? What explains the decline? If we are witnessing the end of clemency, is that a good thing or a bad one?