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POLITICO

Obama denies batch of pardons

By: Josh Gerstein

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After months of pleas from those who favor more use of the president's pardon power, President Barack Obama has finally acted on the issue—disappointing many of those advocates by denying hundreds of requests for sentence commutations and dozens of criminal pardons.

White House and Justice Department officials confirmed that Obama has yet to grant any pardons or commutations since taking office. Earlier this month, officials said, Obama formally denied 605 commutation petitions and 71 pardon requests, a record that criminal justice reform advocates find troubling.

"We'd like to see him being a lot more generous and actively granting clemency, but it doesn't seem to be a high priority of this administration at all," said Molly Gill of Families Against Mandatory Minimums, an organization advocating the elimination of harsh federal punishment for certain low-level crimes. "Obviously, there are a lot of political decisions that go into clemency decisions, particularly in an election year."

According to Pardon Power, a blog that tracks clemency issues, Obama is currently the fourth-slowest president to commute or void a prisoner's sentence. Only Presidents Bill Clinton, George W. Bush and George Washington have taken longer, according to P.S. Ruckman of Rock Valley College in Illinois.

However, Obama's "about 30 days from passing Clinton" to become third slowest, Ruckman said, though he added that details on Washington's grants of clemency are murky.

Neither the White House nor the Justice Department would release the list of those denied clemency by Obama this month.

Last month, the Justice Department argued in federal appeals court that the government has the right to keep secret the names of those refused pardons or commutations. A former Washington Post reporter, George Lardner Jr., sought the names for a book he's writing on executive clemency.

Ohio State University professor Doug Berman, a clemency advocate, said he believes Obama will soon grant pardons and commutations, which traditionally come during the holiday season.

"Kudos to the president for acting, because simply not acting and giving the impression this is going into some black box is actually worse," Berman said. "Wishfully thinking, I would hypothesize that this is a precursor to some future grants. ... Obama has been disappointing so far in that he has sent signals he's going to do nothing or, as of now, deny, but I'm cautiously hopeful."

Margaret Love, a former Justice Department pardon attorney under Clinton and President George H.W. Bush, said she'd like to see Obama grant pardons to some immigrants who have long completed their sentences or never served time but now face deportation because of criminal convictions still on their records.

"It would be wonderful to see President Obama take some action in some of the cases I know are pending where people are under the threat of deportation," said Love, including Chibueze Okorie, a Nigerian who is a Presbyterian minister in Brooklyn, N.Y.

In 1989, he pleaded guilty in federal court to driving a van for a heroin gang and was sentenced to 18 months in prison. Since his release, his community work has been praised by officials, including former Sen. Hillary Clinton, now Obama's secretary of state. But under a 1996 law, Okorie might be forced to leave the country because he was convicted of an aggravated felony.

In May, Democratic Gov. David Paterson of New York set up a commission to deal with cases of green card holders who were convicted before the 1996 law kicked in or who pleaded guilty without realizing deportation was an option.

"Congress set up this list of aggravated felonies. This was a conscious decision," said Ira Mehlman of the Federation for American Immigration Reform. "This is something that ought to be addressed in the legislature, not done by the president or Gov. Paterson exercising their executive clemency privileges."

CORRECTION: An earlier version of this story said Obama has denied all pending pardon requests. While he has yet to grant any such requests, several hundred applications remain pending, according to Justice Department statistics.



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