LESSON 2

Pardon or Commutation: Understand What You Are Asking For

In Lesson 1, you wrote down what you would want a clemency decision to change. Read your answer again. You may have written that you want to return home sooner. You may have named a job you hope to pursue after your sentence. The next step is to explain what you would ask the President to do and how that decision could affect the rest of your plans.

Start with two questions.

- Which part of my sentence would I want the President to reduce?
- If I'm seeking a pardon, what would I want presidential forgiveness to help me accomplish?

One question may fit your circumstances better today. Consider what you know about your sentence and what you would need to find out before explaining your request to someone else.

If you want a shorter sentence

A commutation reduces all or part of a federal sentence a person is serving. The language of the grant tells you which part of the sentence the President reduced and what terms apply. A grant can also remit an unpaid criminal financial penalty, such as a fine or restitution, if the President includes that relief.

Think back to Luis, who wants an earlier release. Suppose his judgment includes a prison term, a period of supervised release, and restitution. To prepare a request, he can start by writing down the prison term he wants shortened and explaining what an earlier release would allow him to do. If the President issues a grant that addresses only his prison term, Luis would use the judgment to plan for supervision and restitution. He could then work on where to live, how to earn a living, and how to meet his obligations in the community.

Start with the judgment and any later orders that changed your sentence. Write down the term you want reduced and the record that shows it. If your request concerns money, identify the obligation and find a record showing the amount you still owe. Dates and amounts give you something specific to work from as you consider what to ask for.

Pause and write.

- If you wanted a commutation, what part of the sentence would you ask the President to reduce, and why?
- How would the change affect the plans or responsibilities you're preparing for?

If you want a pardon

A pardon expresses the President's forgiveness for a federal offense. It can restore certain rights restricted because of the conviction and may help with employment or professional licensing. The effect depends on the rule that applies to the opportunity you are considering. Both the conviction and the pardon appear on the federal record.

Recall Renee, who finished her sentence several years ago and wants to pursue new work. Suppose she learns that the work requires a state license. She could begin by finding out which agency issues the license and how it considers a federal conviction. If the agency has a written rule or has explained its decision in a letter, that gives Renee something specific to study. She can ask how the agency would consider a pardon and explain why the opportunity matters to her.

The Office of the Pardon Attorney's regular pardon process generally calls for completing the sentence and meeting a waiting period. For someone who served time in confinement, the usual waiting period is at least five years after release. The Department may waive the waiting period in exceptional cases. These filing rules guide the Department of Justice. The President has the constitutional authority to grant a pardon before a sentence ends. We'll look more closely at the regular filing instructions in the lesson on pardon applications.

Pause and write.

- If you sought a pardon, what would you hope it could help you do?
- Who makes the decision about that opportunity, and what would you want to learn about the rule they apply?

Compare the two requests

You may have more than one goal. The comparison below can help you name each goal and identify the first fact to check.

Question	Commutation	Pardon
What am I asking for?	A reduction in the federal sentence I'm serving.	Presidential forgiveness for a federal offense.
What detail would clarify my goal?	The part of my sentence I want reduced, such as my prison term or an unpaid fine.	What I hope to accomplish, such as pursuing work that requires a license.
What can I check now?	My judgment, any later orders, and the dates or amounts relevant to my request.	My sentence dates and, if a specific restriction affects me, the agency or rule behind it.

Sources for this comparison include the Office of the Pardon Attorney's "Frequently Asked Questions," the federal clemency regulations in 28 C.F.R. Part 1, and Article II, Section 2 of the U.S. Constitution.

Write a separate sentence for each goal you identified. A person who hopes to come home sooner could write, “I want to request a reduction in my prison term so I can begin working in the community sooner.” A person who wants a pardon could write, “I’m seeking forgiveness for my federal offense, and I want to learn how a pardon could affect my application for a license.” As you gather facts, add the dates, records, or rules that apply to your own situation.

Pause and write.

- Which of your goals relates to the terms of your sentence? Which relates to a consequence of the conviction?
- What information would help you decide what to study next?

Write your journal entry

Date your entry and describe the result you hope to achieve in your own words. If your goal is still taking shape, use the entry to identify a question you want to answer. Choose one step you can take in the next seven days.

- What would I ask the President to do, and how would that decision affect my plans?
- Which detail do I need to verify? Where could I find the record or rule that answers my question?
- What work did I commit to in Lesson 1 that I want to continue this week? What will I write down when I review my progress?

Bring your proposed request and your questions into Lesson 3. We’ll look at who makes the decision, how others contribute to the review, and what you can keep doing as you prepare.