LESSON 4

Pardons and Expungement: Understand What a Pardon Can Change

Look back at the result you wrote down in Lesson 3. If you want to work in a particular field, you may need to know how a licensing board would consider your conviction. If you want to change how the record itself is treated, you need to find out what relief the law allows in the court that handled your case.

Begin with two questions.

- What do I want to be able to do?
- What rule governs that opportunity, and who applies it?

You may already have a written notice that identifies the obstacle. You may still need to find out whether your conviction affects the opportunity you want. Either way, name the opportunity before you decide what relief to study.

Understand what can change on your record

A presidential pardon expresses forgiveness for a federal offense. It can relieve some legal restrictions associated with the conviction and may help when you apply for a job or a professional license. Both the conviction and the pardon appear on the criminal record. If an application asks for information about a conviction, read the exact question and the accompanying instructions so you understand what the decision-maker asks you to disclose.

Expungement concerns how the law treats the record itself. In the federal system, courts grant expungement in limited circumstances. The Office of the Pardon Attorney directs people with questions about a federal expungement to the court where the conviction occurred. For a state conviction, look to the law and procedures of the state that handled the case. The available remedies and their effects vary.

Start with your judgment if you need to confirm which court handled your case or which offense appears in the record. Those facts will help you ask a more specific question about your options and understand which authority can answer it.

Sources include the U.S. Department of Justice, Office of the Pardon Attorney, "Frequently Asked Questions," and the Office of Legal Counsel's opinion "Whether a Presidential Pardon Expunges Judicial and Executive Branch Records of a Crime."

Pause and write.

- What outcome are you seeking, and what would you want to find out about how your record affects it?
- Which facts from your judgment would help you explain your question clearly?

Find the rule that affects your opportunity

Think back to Renee from Lesson 2. She wants to enter a profession that requires a state license. Before spending money on training, she can ask the licensing board how it considers a federal conviction. She can also ask how the board would treat a pardon and what education, exams, or other qualifications she would need to complete.

Suppose the instructions Renee receives say that the board reviews criminal history as part of the application. She could ask the board whether it offers an initial review before she enrolls in a training program and what information it would need for that review. A dated copy of the instructions and any written answer would give her a record to use when deciding how to invest her time.

If you have a particular outcome in mind, use the questions below to begin. If you need a paper copy of the requirements, ask the office that applies them how to request one. Write down the name of the office, the date you asked, and what you still need to learn.

My goal	Where I would start	A question to ask
Understand how a pardon could affect a specific opportunity.	The written rule of the office, employer, or board making the decision.	How do you consider a federal conviction for which a pardon has been granted?
Learn whether expungement may be available in my case.	The judgment and the court that handled the case.	What expungement procedure, if any, applies to this kind of case?
Qualify for a professional license.	The licensing board's current requirements and application instructions.	What qualifications does the board require, and how does it review a criminal record?

Pause and write.

- Who makes the decision about the opportunity you want? Which document or office could help you understand the rule that person applies?
- What would you want to know before you invest time or money in preparing for that opportunity?

Use what you learn to move your plan forward

While Renee waits for a response, she can review training descriptions and find out which skills would help her in more than one kind of work. If the board identifies a barrier, she can ask what review or relief may be available. She can also explore work that uses the same skills and has different requirements. Each answer gives her information she can use to decide what to do next.

You can use a release plan to record the work you want to pursue, the requirements you have confirmed, and the steps you intend to take. Use a journal entry to explain what you learned, how it affected your plans, and what you did with that information. If someone asks about your preparation, you can point to a specific course, a project, or a responsibility you took on and explain how it connects to your goal.

Pause and write.

- Which skill or responsibility could you work on now while you learn more about the rules that affect your goal?
- How would you adjust your plan if the office you contact identifies a requirement you had overlooked?

Write your journal entry

Date your entry. Name one opportunity you want to pursue and one question you want to answer about it. Then choose an action you can take in the next seven days and set a date to review what you learned.

- What opportunity or responsibility am I preparing for, and what do I still need to learn about how my conviction affects it?
- What question could I put in writing, and who would I ask to answer it?
- What can I work on this week while I wait for an answer, and what will I record about that work?

Carry your notes into the next lesson. The more clearly you can describe your goal and the rule that affects it, the easier it will be to identify which clemency questions you still need to answer.