

BILL CLINTON'S CLEMENCY RECORD

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The juxtaposition of Richard Nixon's refusal to pardon Vietnam era war resisters with his own subsequent pardon by Gerald Ford catapulted the presidential pardoning power and the issue of clemency to the forefront of debate from coffee shops to Congress. More recently, Bill Clinton's expansive use of clemency triggered the last major brouhaha of his administration. This paper explores Clinton's use of presidential pardons within the context of the overall historical record of American presidential clemency.

Previous research has shown that the willingness to exercise executive clemency or to avoid its use is related to presidential character. Despite general public opposition to clemency, which based on a perception that such intervention short-circuits the normal judicial process, the group of presidents characterized as active and flexible—especially the Mount Rushmore presidents—have been willing to invoke this controversial presidential power. Because the Willie Horton publicity during the 1988 presidential campaign tainted public opinion against exercise of this power and made it politically risky, Clinton felt constrained not to use his authority to pardon during the first half of his administration. However a review of Clinton's action shows that by 1999, he had reverted to classic active/flexible behavior. He chose to grant conditional clemency to sixteen Puerto Rican nationalists despite unanimous Federal law enforcement opinion to the contrary.

Clinton drew even stronger criticism at the very end of his administration for the unprecedented number of pardons he issued during his final Hundred Days. A former *New Republic* editor concluded that there was "no adequate, rational explanation" for Clinton's last-minute pardons ("Psycho," *New Republic*, March 12, 2001). Perhaps vocal cynics should have ferreted out the nation's archives instead of looking for the alleged "smoking gun." If they had, they would have discovered that Clinton merely was acting in the tradition of other active-flexible chief executives, including his own hero, Abraham Lincoln—the nation's Great Reconciler whose legacy was a record of unprecedented magnanimity.