

# PARDON INFORMATION AND INSTRUCTIONS

## *Information and Instructions on Pardons*

*Please read carefully before completing the pardon application*

### **1. Submit the petition to the Office of the Pardon Attorney**

All petitions, except petitions relating to military offenses (see paragraph 6 below), should be emailed to the Office of the Pardon Attorney at [USPardon.Attorney@usdoj.gov](mailto:USPardon.Attorney@usdoj.gov). While email allows your transmission to be accepted and processed more quickly and allows us to correspond with you more easily, we will also accept mailed materials at the U.S. Department of Justice, Office of the Pardon Attorney, 950 Pennsylvania Avenue, Washington, D.C. 20530. The completed pardon petition must be entirely legible; therefore, please type or print in ink. The form must be completed fully and accurately and notarized in order to be considered. You may attach to the petition additional pages and documents that amplify or clarify your answer to any question. **Please do not staple, glue, bind or tape any portion of your petition or supplemental documents. We also will not accept pictures of documents, so they must be scanned on a flatbed scanner and submitted in PDF format if sent electronically.**

### **2. Federal convictions only**

Under the Constitution, only federal criminal convictions, such as those adjudicated in the United States District Courts, may be pardoned by the President. In addition, the President's pardon power extends to convictions adjudicated in the Superior Court of the District of Columbia and military court-martial proceedings. However, the President cannot pardon a state criminal offense. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities of the state where you reside or where the conviction occurred (such as the state board of pardons and paroles) to determine whether any relief is available to you under state law. If you have a federal conviction, information about the conviction may be obtained from the clerk of the federal court where you were convicted.

### **3. Five-year waiting period required**

Under the Department's rules governing petitions for executive clemency, 28 C.F.R. §§ 1.1 *et seq.*, an applicant must satisfy a minimum waiting period of five years before he becomes eligible to apply for a presidential pardon of his federal conviction. The waiting period, which is designed to afford the petitioner a reasonable period of time in which to demonstrate an ability to lead a responsible, productive, and law-abiding life, begins on the date of the petitioner's release from confinement. Alternatively, if the conviction resulted in a sentence that did not include any form of confinement, including community or home confinement, the waiting period begins on the date of sentencing. In addition, the petitioner should have fully satisfied the penalty imposed, including all probation, parole, or supervised release before applying for clemency. Moreover, the waiting period begins upon release from confinement for your most recent conviction, whether or not this is the offense for which pardon is sought. You may make a written request for a waiver of this requirement. However, waiver of any portion of the waiting period is rarely granted and then only in the most exceptional circumstances. In order to request a waiver, you must complete the pardon application form and submit it with a cover letter explaining why you believe the waiting period should be waived in your case.

#### **4. Reason for seeking pardon**

In answering question 20, you should state the specific purpose for which you are seeking pardon and, if applicable, attach any relevant documentary evidence that indicates how a pardon will help you accomplish that purpose (such as citations to applicable provisions of state constitutions, statutes, or regulations, or copies of letters from appropriate officials of administrative agencies, professional associations, licensing authorities, etc.). In addition, you should bear in mind that a presidential pardon is ordinarily a sign of forgiveness and is granted in recognition of the applicant's acceptance of responsibility for the crime and established good conduct for a significant period of time after conviction or release from confinement. A pardon is not a sign of vindication and does not connote or establish innocence. For that reason, when considering the merits of a pardon petition, pardon officials take into account the petitioner's acceptance of responsibility, remorse, and atonement for the offense.

#### **5. Multiple federal convictions**

If you have more than one federal conviction, the most recent conviction should be shown in response to question 2 of the petition and the form completed as to that conviction. For all other federal convictions, including convictions by military courts-martial, the information requested in questions 2 through 6 of the petition should be provided on an attachment. Any federal charges not resulting in conviction should be reported in the space provided for prior and subsequent criminal record (question 7).

#### **6. Pardon of a military offense**

If you are requesting pardon of a court-martial conviction only, you should submit your completed petition directly to the Secretary of the military department that had original jurisdiction in your case, and listing in your responses to questions 2 through 6 and question 15 of the petition form all pertinent information concerning your court-martial trial and conviction. The addresses for submitting a request for a pardon of a court-martial conviction are as follows:

U.S. Army:  
Secretary of the Army  
Department of the Army  
ATTN: OTJAG-CLD  
Pentagon  
Washington, DC 20310

U.S. Navy/U.S. Marine Corps:  
Office of the Judge Advocate General  
Criminal Law Division (Code 20)  
1254 Charles Morris Street S.E.,  
Suite B01  
Washington Navy Yard, D.C. 20374

U.S. Air Force:  
Secretary of the Air Force  
Attention: AFLOA/JAJR  
1500 W. Perimeter Road,  
Suite 1170  
Joint Base Andrews Naval Air Facility, MD 20762

Pardon of a military offense will not change the character of a military discharge. An upgrade or other change to a military discharge may only be accomplished by action of the appropriate military authorities. To apply for a review of a military discharge, you should write to the relevant military branch, at the address listed below:

U.S. Army:  
Army Review Boards Agency  
1901 South Bell Street  
Arlington, Virginia 22202-4508

U.S. Navy/U.S. Marine Corps:  
Secretary of the Navy  
Naval Council of Personnel Records  
702 Kennon Street, SE  
Suite 309  
Washington Navy Yard, DC 20374-5023

U.S. Air Force:  
Air Force Review Boards Agency  
SAS/MRBR  
550C Street West  
Suite 40  
Randolph Air Force Base, Texas 78150-4742

## **7. Additional arrest record**

In response to question 7, you must disclose any additional arrest or charge by any civilian or military law enforcement authority, including any federal, state, local, or foreign authority, whether it occurred before or after the offense for which you are seeking pardon. Your answer should list every violation, including traffic violations that resulted in an arrest or criminal charge, such as driving under the influence. Your failure to disclose any such arrest, whether or not it resulted in conviction, may be construed as a falsification of the petition.

## **8. Credit status and civil lawsuits**

In response to question 14, you must list all delinquent credit obligations, whether or not you dispute them. You must also list all civil lawsuits in which you were named as a party, whether as plaintiff or defendant, including bankruptcy proceedings. You must also list all unpaid tax obligations, whether federal, state, or local. You may submit explanatory material in connection with any of these matters (such as an agreed method of payment for indebtedness).

## **9. Character references**

At least three character affidavits must accompany the petition. If you submit more than three, you should designate the three persons whom you consider to be primary references. The affidavit forms provided are preferred. However, letters of recommendation may be substituted if they contain the full name, address, and telephone number of the reference, indicate a knowledge of the offense for which you seek pardon, and bear a notarized signature. Persons related to you by blood or marriage cannot be used as primary character references.

## **10. Effect of a pardon**

While a presidential pardon will restore various rights lost as a result of the pardoned offense and should lessen to some extent the stigma arising from a conviction, it will not erase or expunge the record of your conviction. Therefore, even if you are granted a pardon, you must still disclose your conviction on any form where such information is required, although you may also disclose the fact that you received a pardon. In addition, most civil disabilities attendant upon a federal felony conviction, such as loss of the right to vote and hold state public office, are imposed by state rather than federal law, and also may be removed by state action. Because the federal pardon process is exacting and may be more

time-consuming than analogous state procedures, you may wish to consult with the appropriate authorities in the state of your residence regarding the procedures for restoring your state civil rights.

### **11. Scope of investigation**

Pardon officials conduct a very thorough review in determining a petitioner's worthiness for relief. Accordingly, you should be prepared for a detailed inquiry into your personal background and current activities. Among the factors entering into this determination are the nature, seriousness and recentness of the offense, your overall criminal record, any specific hardship you may be suffering because of the conviction, and the nature and extent of your post-conviction involvement in community service, or charitable or other meritorious activities. We encourage you to submit information concerning your community contributions.

### **12. Penalty for false statements**

The failure to fully and accurately complete the application form may be construed as a falsification of the petition, which may provide a reason for denying your petition. In addition, the knowing and willful falsification of a document submitted to the government may subject you to criminal punishment, including up to five years' imprisonment and a \$250,000 fine. See 18 U.S.C. §§ 1001 and 3571.

### **13. Exclusive Presidential authority**

The power to grant pardons is vested in the President alone. No hearing is held on the pardon application by either the Department of Justice or the White House. You will be notified in writing directed to the last address you provided during the pardon process when a final decision is made on your petition. There is no appeal from the President's decision to deny a clemency request. The Office of the Pardon Attorney does not disclose information regarding the nature or results of any investigation that may have been undertaken in a particular case, or the exact point in the clemency process at which a particular petition is pending at a given time. As a matter of well-established policy, the specific reasons for the President's decision to grant or deny a petition generally are not disclosed by either the White House or the Department of Justice. In addition, documents reflecting deliberative communications pertaining to presidential decision-making, such as the Department's recommendation to the President in a clemency matter, are confidential and not available under the Freedom of Information Act. If your petition is denied, you may submit a new petition for consideration two years from the date of denial.

*For more information, please see our Frequently Asked Questions page at  
<https://www.justice.gov/pardon/frequently-asked-questions>*

# PRIVACY STATEMENT FOR PARDONS

## IMPORTANT NOTICE To Applicants for Pardon

*The following notice is provided pursuant to the Privacy Act of 1974 to help you to understand what is involved in petitioning for pardon and why we need to obtain certain information about you.*

The information that we request from you on the accompanying pardon application form, and in any ensuing background investigation, is needed to develop the basis for an informed judgment about whether you should be granted a pardon. This is our only purpose in asking you to complete and sign the application and, if necessary, requesting that an investigation be made into your character and activities. You are under no obligation to furnish any information. However, if you do not provide all the information requested, we may be unable to process your application. Failure to provide your Social Security number will not prejudice your case.

Our authority for requesting the information solicited in the accompanying pardon application form is the United States Constitution, Article II, Section 2 (the pardon clause); Orders of the Attorney General Nos. 1798-93, 58 Fed. Reg. 53658 and 53659 (1993), 2317-2000, 65 Fed. Reg. 48381 (2000), and 2323-2000, 65 Fed. Reg. 58223 and 58224 (2000), codified in 28 C.F.R. §§ 1.1 *et seq.* (the rules governing petitions for executive clemency); and Order of the Attorney General No. 1012-83, 48 Fed. Reg. 22290 (1983), as codified in 28 C.F.R. §§ 0.35 and 0.36 (the authority of the Office of the Pardon Attorney).

In the course of investigating your application, an agent of the United States Government may interview you and those persons who have executed character affidavits or written letters of reference on your behalf. In addition, neighbors, former and present employers, associates, and other individuals who may be able to provide relevant information concerning you may be interviewed. While such inquiries are made discreetly and a reasonable effort is made not to disclose the underlying nature of the investigation, we cannot assure you that the reason for the inquiry will not become known to some or all of the persons interviewed. Moreover, pursuant to long-standing policy, this office would, if asked, confirm that a specific individual has applied for or was granted or denied clemency.

After the President has taken favorable final action on an application, a public affairs notice is prepared describing each grant of clemency (such a notice may be prepared for a denial of clemency in cases of substantial public interest). A copy of each warrant of clemency is maintained in this office as a public and official record. Copies of the public affairs notices, clemency warrants, and lists of recent clemency recipients are routinely made available to the public upon request.

Executive clemency files are compiled and maintained to assist the President in exercising his constitutional pardon power and are routinely made available to him, members of his staff, and other government officials concerned with clemency proceedings. The Pardon Attorney may disclose the contents of executive clemency files to anyone when the disclosure is required by law or the ends of justice. In particular, public record documents that may be compiled in the course of processing a clemency application, such as the judgment order from the criminal case for which pardon is sought, trial or sentencing transcripts, court opinions, and newspaper articles, are generally made available upon request by third-parties (including representatives of the news media) pursuant to the Freedom of Information Act, unless such disclosure could reasonably be expected to constitute an unwarranted invasion of the petitioner's personal privacy. In addition, unsolicited Congressional correspondence is treated in the same manner. On the other hand, non-public documents that may be compiled in the course of processing a clemency application, such as the petition and supporting documents, the

presentence investigation report, the results of any background investigation, and the report and recommendation of the Department of Justice to the President, are not generally available under the Freedom of Information Act.

The foregoing rules apply to the disclosure of documents in the possession of the Department of Justice. However, the President and his immediate staff are not subject to the constraints of the Freedom of Information and Privacy Acts. Accordingly, while clemency-related documents in the possession of the White House traditionally have not been made public, they may be legally disclosed at the discretion of the President. In addition, clemency-related documents retained by the White House at the end of a presidential administration will become part of the President's official library, where they become subject to the disclosure provisions of the Presidential Records Act.

Moreover, in accordance with the ruling by the federal court of the District of Columbia in *Lardner v. Department of Justice*, 638 F.Supp.2d 14 (D.D.C. 2009), affirmed, *Lardner v. United States Department of Justice*, No. 09-5337, 2010 WL 4366062 (D.C. Cir. Oct. 28, 2010) (unpublished), the Office of the Pardon Attorney is obliged to release existing lists of the names of persons who have been denied executive clemency by the President to anyone who requests such records pursuant to the Freedom of Information Act. Given the frequency of such requests, the Office of the Pardon Attorney has started to proactively disclose the names of persons who have been denied executive clemency by the President on our website, in accordance with our Freedom of Information Act obligations.

**PART I - EXECUTIVE CLEMENCY**

**Sec.**

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**Authority:** U.S. Const., Art. II, Sec. 2; authority of the President as Chief Executive; and 28 C.F.R. §§ 0.35, 0.36.

**§ 1.1 Submission of petition; form to be used; contents of petition.**

A person seeking executive clemency by pardon, reprieve, commutation of sentence, or remission of fine shall execute a formal petition. The petition shall be addressed to the President of the United States and shall be submitted to the Pardon Attorney, Department of Justice, Washington,

D.C. 20530, except for petitions relating to military offenses. Petitions and other required forms may be obtained from the Pardon Attorney. Petition forms for commutation of sentence also may be obtained from the wardens of federal penal institutions. A petitioner applying for executive clemency with respect to military offenses should submit his or her petition directly to the Secretary of the military department that had original jurisdiction over the court-martial trial and conviction of the petitioner. In such a case, a form furnished by the Pardon Attorney may be used but should be modified to meet the needs of the particular case. Each petition for executive clemency should include the information required in the form prescribed by the Attorney General.

**§ 1.2 Eligibility for filing petition for pardon.**

No petition for pardon should be filed until the expiration of a waiting period of at least five years after the date of the release of the petitioner from confinement or, in case no prison sentence was imposed, until the expiration of a period of at least five years after the date of the conviction of the petitioner. Generally, no petition should be submitted by a person who is on probation, parole, or supervised release.

**§ 1.3 Eligibility for filing petition for commutation of sentence.**

No petition for commutation of sentence, including remission of fine, should be filed if other forms of judicial or administrative relief are available, except upon a showing of exceptional circumstances.

**§ 1.4 Offenses against the laws of possessions or territories of the United States.**

Petitions for executive clemency shall relate only to violations of laws of the United States. Petitions relating to violations of laws of the possessions of the United States or territories subject to the jurisdiction of the United States should be submitted to the appropriate official or agency of the possession or territory concerned.

**§ 1.5 Disclosure of files.**

Petitions, reports, memoranda, and communications submitted or furnished in connection with the consideration of a petition for executive clemency generally shall be available only to the officials concerned with the consideration of the petition. However, they may be made available for inspection, in whole or in part, when in the judgment of the Attorney General their disclosure is required by law or the ends of justice.

**§ 1.6 Consideration of petitions; notification of victims; recommendations to the President.**

(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.

(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:

- (i) That a clemency petition has been filed;
- (ii) That the victim may submit comments regarding clemency; and
- (iii) Whether the clemency request ultimately is granted or denied by the President.

(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim,

the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.

(3) For the purposes of this paragraph

(b), "victim" means an individual who:

- (i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the commission of the crime for which clemency is sought (or, in the case of an individual who dies or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and
- (ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR § 551.152 of the offender's release from custody.

(4) For the purposes of this paragraph

(b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR § 551.152.

(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.

(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable

action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment, the President should grant or deny the petition.

**§ 1.7 Notification of grant of clemency.**

When a petition for pardon is granted, the petitioner or his or her attorney shall be notified of such action and the warrant of pardon shall be mailed to the petitioner. When commutation of sentence is granted, the petitioner shall be notified of such action and the warrant of commutation shall be sent to the petitioner through the officer in charge of his or her place of confinement, or directly to the petitioner if he/she is on parole, probation, or supervised release.

**§ 1.8 Notification of denial of clemency.**

(a) Whenever the President notifies the Attorney General that he has denied a request for clemency, the Attorney General shall so advise the petitioner and close the case.

(b) Except in cases in which a sentence of death has been imposed, whenever the Attorney General recommends that the President deny a request for clemency and the President does not disapprove or take other action with respect to that adverse recommendation within 30 days after the date of its submission to him, it shall be presumed that the President



concur in that adverse recommendation of the Attorney General, and the Attorney General shall so advise the petitioner and close the case.

**§ 1.9 Delegation of authority.**

The Attorney General may delegate to any officer of the Department of Justice any of his or her duties or responsibilities under §§ 1.1 through 1.8.

**§ 1.10 Procedures applicable to prisoners under a sentence of death imposed by a United States District Court.**

The following procedures shall apply with respect to any request for clemency by a person under a sentence of death imposed by a United States District Court for an offense against the United States. Other provisions set forth in this part shall also apply to the extent they are not inconsistent with this section.

(a) Clemency in the form of reprieve or commutation of a death sentence imposed by a United States District Court shall be requested by the person under the sentence of death or by the person's attorney acting with the

person's written and signed authorization.

(b) No petition for reprieve or commutation of a death sentence should be filed before proceedings on the petitioner's direct appeal of the judgment of conviction and first petition under 28 U.S.C. § 2255 have terminated. A petition for commutation of sentence should be filed no later than 30 days after the petitioner has received notification from the Bureau of Prisons of the scheduled date of execution. All papers in support of a petition for commutation of sentence should be filed no later than 15 days after the filing of the petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the

assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this § 1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

**§ 1.11 Advisory nature of regulations.**

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, Section 2 of the Constitution.

Published in the FEDERAL REGISTER of the National Archives and Records Administration of the United States, October 18, 1993, Vol. 58, No. 199, at pages 53658 and 53659; as amended by a publication in the FEDERAL REGISTER of the National Archives and Records Administration of the United States, August 8, 2000, Vol. 65, No. 153, at page 48381; and as amended by a publication in the FEDERAL REGISTER of the National Archives and Records Administration of the United States, September 28, 2000, Vol. 65, No. 189, at pages 58223 and 58224, 28 CFR §§ 1.1 et seq. See also 28 CFR § 0.35

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