

June 26, 2012

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

As criminal and constitutional law professors with an interest in sentencing and corrections, we write to urge you to convene a hearing at your earliest convenience to examine the Office of the Pardon Attorney's conduct with regard to applicants for sentence commutations. Recent revelations about the workings of that office convince us that further investigation is called for.

Most recently, a news story jointly published by Pro Publica and *The Washington Post* on May 14 revealed disturbing new information about the conduct of the Office of the Pardon Attorney, which is located within the U.S. Department of Justice.¹ This alleged conduct includes the withholding of critical information from the President. An earlier story, in December, 2011, described troubling racial disparities in the pattern of grants and denials of clemency under the current Pardon Attorney.²

The President's pardon power is unique; it is in many instances the only route to justice available for federal prisoners who genuinely merit consideration for early release. The Pardon Attorney is the gatekeeper for the thousands who apply for clemency each year.

Virtually the only governmental check on the pardon power of the president is the ability of the Congress to investigate its use. While Congress properly plays no role in the actual consideration of clemency petitions, there is a duty of oversight relating to the operation of this office. Pursuant to that important duty, we urge you to convene a hearing at your earliest convenience, and will offer whatever help we can.

cc: The Honorable Lamar Smith
The Honorable John Conyers

¹ The article is available at http://www.washingtonpost.com/investigations/clarence-aaron-was-denied-commutation-but-bush-team-wasnt-told-all-the-facts/2012/05/13/gIQAEZLRNU_story.html.

² http://www.washingtonpost.com/investigations/propublica-review-of-pardons-in-past-decade-shows-process-heavily-favored-whites/2011/11/23/gIQAEInVQO_story.html.

Sincerely,

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