

Name of Panel: I Beg Your Pardon?!? Executive Clemency in the Final Days of Trump

Date | Time | Location: December 8, 2020 | 2:00 p.m. to 3:00 p.m. ET | Online

Brief Description:

In his four years as president, Donald Trump has used the office's executive clemency power to pardon or commute the sentences of political allies, enablers, Republican party players and donors, as well as controversial military figures charged with war crimes. With his term soon coming to an end, concern is growing that President Trump will extend clemency to additional allies, to family members, and even to himself. This discussion focuses on the reach, limits, and effect of executive clemency, the process by which requests for clemency should be evaluated, and what role, if any, Congress and the courts might play in addressing potentially improper exercises of the pardon power.

Panelists' Names and Bios:

- **Kim Atkins**, *Senior Opinion Writer, The Boston Globe; Contributor, MSNBC (moderator)*
- **Rachel Barkow**, *Vice Dean and Segal Family Professor of Regulatory Law and Policy; Faculty Director, Center on the Administration of Criminal Law, NYU Law*
- **Larry Kupers**, *Kupers Law; former Deputy and Acting Pardon Attorney, U.S. Department of Justice Office of the Pardon Attorney*

Agenda of Panel: 2:00 p.m. to 3:00 p.m. (1.0 hours of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40min)
- Q&A (15 min)

Materials for Panel:

- Rachel Barkow & Mark Osler, *Restructuring Clemency: The Cost of Ignoring Clemency and a Plan for Renewal*, 82 U. CHI. L. REV. 1 (2015).
- Max Ufberg, *I Ran the Pardon Office and Saw Trump Upend the Clemency System*, MEDIUM (Feb. 24, 2020).
- [Memorandum Opinion on Presidential or Legislative Pardon of the President](#) from Mary C. Lawton, Acting Assistant Attorney General, Office of Legal Counsel, to Deputy Attorney General (Aug. 5, 1974).
- Frank O. Bowman, III, *Why a Self-Pardon Is Not Constitutional*, JUST SECURITY (Nov. 24, 2020).
- Jack Goldsmith, *Trump Loves to Use the Pardon Power. Is He Next?*, N.Y. TIMES (Nov. 11, 2020).
- Jonathan Turley, *Yes, Donald Trump Can Pardon Himself, But It Would Be a Disastrous Idea*, USA TODAY (JUNE 4, 2018).