

“I beg your pardon”

Listen to the ROOM 2B podcast **CHECKS AND BALANCES** at mrreview.org and complete the following exercise. Be prepared to discuss with your classmates.

1. Why does our constitution empower the president to grant pardons? List advantages and disadvantages of this formal check on the judiciary.
2. Find two (2) examples of a presidential pardon or commutation in your lifetime. Find the factual details leading up to the pardon. Would you have pardoned these two (2)? Explain.
3. Investigate three (3) of the four (4) U.S. Supreme Court cases below and report back on how our judicial branch has defined the president's pardon power over time:

U.S. v. Wilson (1833)
Ex Parte Garland (1867)
Carlesi v. NY (1914)
Burdick v. U.S. (1915)

4. Read the scenario below taken and answer the prompts that follow:

Humanity and good policy conspire to dictate, that the benign prerogative of pardoning should be as little as possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel. As the sense of responsibility is always strongest, in proportion as it is undivided, it may be inferred that a single man would be most ready to attend to the force of those motives which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations which were calculated to shelter a fit object of its vengeance. The reflection that the fate of a fellow-creature depended on his sole fiat, would naturally inspire scrupulousness and caution; the dread of being accused of weakness or connivance, would beget equal circumspection, though of a different kind. On the other hand, as men generally derive confidence from their numbers, they might often encourage each other in an act of obduracy, and might be less sensible to the apprehension of suspicion or censure for an injudicious or affected clemency. On these accounts, one man appears to be a more eligible dispenser of the mercy of government, than a body of men...But the principal argument for reposing the power of pardoning in this case to the Chief Magistrate is this: in seasons of insurrection or rebellion, there are often critical moments, when a well-timed offer of pardon to the insurgents or rebels may restore the tranquility of the commonwealth; and which, if suffered to pass unimproved, it may never be possible afterwards to recall.

Excerpted from Alexander Hamilton, The Federalist Papers #74 (1788).

- A. Describe the main idea or essential claim.
- B. In the context of the scenario, explain how the claim discussed in (A) can be substantiated by using the central argument found in Federalist #70.
- C. Explain how the U.S. Constitution can be changed.