

Jeffrey Crouch. *The Presidential Pardon Power*. (University of Kansas Press, 2009), pp. 208. \$34.95. ISBN -978-0-7006-1646-6

As Assistant Professor of American politics at American University, Jeffrey Crouch has done an excellent job of tackling a subject that is oftentimes overlooked, but constitutes a very important aspect of executive power vested in the President of the United States. *The Presidential Pardon Power* clarifies the intriguing and sometimes secretive practice of issuing presidential pardons for scholars interested in this often-fascinating subject.

Crouch begins by providing the reader with an account of the founding fathers and their struggle to create the executive branch at the constitutional convention. More specifically, he describes the sometimes agonizing and arduous task of debating the merits of including a pardoning provision, and in particular whether the presidency as an institution should have such an authority devoid of institutional checks. In particular, he does an excellent job of describing to the reader the original intent of the founders to create the pardon power as “an act of grace” or “for the public welfare.” Crouch’s long and detailed exploration of federal court cases related to the pardoning power – and how these cases have shaped and influenced presidential pardons — is especially well done. The historic use of the pardon in relation to these high profile cases explores some of the possible motivations behind these particular pardons. Particularly interesting is Crouch’s examination of the deeply controversial decision by President Ford to pardon Richard Nixon shortly after Nixon’s resignation. More specifically, he suggests that Ford’s unprecedented use of the pardon reignited the original constitutional debate concerning the possible abuse of power. The author then

demonstrates how, in the short run, this perceived abuse of the pardon by Ford contributed to a backlash by Congress, who then attempted to reassert itself against perceived executive excesses in the face of mounting skepticism regarding the executive branch's ability to investigate itself.

The remainder of the book devotes itself to the author's primary and underlying theories of pardoning power. Crouch's primary thesis is that a number of the most recent presidential uses of the pardon violate the spirit, if not the intent, of the framers. He does not overtly state that Ford's pardon was an act of purely political maneuvering designed to protect a fellow Republican. But regardless of his intent, Ford's pardoning of Nixon created the deleterious effect of insulating the executive branch from external investigation by the legislative branch. Crouch believes that Ford's actions in the long term have fostered a cavalier attitude toward the pardon power that would later be repeated by successive presidents, who, unlike Ford, would indeed engage in the use of the pardon for purely political purposes. Regardless of intent, the three most recent Presidents appear to have deployed the pardon for largely partisan purposes. However, Crouch is careful to point out that the constitutionally of each individual pardon is not so much the problem as is the apparent politicization of the pardoning power.

Crouch does an excellent job of pointing out instances where past presidents like Theodore Roosevelt, Calvin Coolidge, and Harry Truman have refused to use the pardon to shield wrong-doing on the part of members of their administrations. In Crouch's view, Nixon's abuses of executive power provoked reforms that have probably contributed to these recent abuses. For example, the Independent Counsel Statute, designed to facilitate exposure of executive branch misdeeds, has ironically presented recent presidents with frequent rationales for resisting these investigations, and has thus further contributed to an environment ripe for executive abuse of the pardon.

Overall, the work is commendable on a number of fronts. First, the author tends to shy away from the use of complex jargon that would impede a layperson's understanding of the surrounding legal issues. Second, the layout of the material is easy to follow, and builds logical support for the author's conclusion. Third, the author should be commended for his objective and unbiased treatment of the subject. Crouch is even-handed in his criticism of what he takes as an abuse of

the pardon, condemning Republican and Democratic abuses in the same terms, a quality frequently lacking in the often-polemical literature on the subject.

In terms of the resources used to document and research the book, Crouch uses a variety of materials to fully develop the subject at hand. He utilizes traditional books, as well as a series of primary sources such as letters and reports designed to provide the reader with a rich tapestry of source material. The research notes he employs are quite discernible and can be used by any subsequent researcher seeking additional information regarding the topic at hand.

In sum, the book provides an interesting interpretation of an important topic. As such, *The Presidential Pardon Power* is heartily recommended for all with even a passing interest in the presidency in general and the issue of presidential pardoning in particular.

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