thinkalong

Current events for the curious classroom

IS THE PRESIDENTIAL PARDON TOO POWERFUL?

THIS ACTIVITY SHOULD TAKE ABOUT 90 MINUTES. IF LEARNERS ARE ABLE TO REVIEW MEDIA PRIOR TO THE LESSON, ACTIVITY TIME SHOULD BE 45 TO 60 MINUTES.

INVESTIGATE

Read, watch, and listen to the three media resources on the Thinkalong module. Learners can use the Investigate graphic organizer to summarize each piece of media and record new information. Below are summaries of the three pieces of media curated in the Thinkalong module.

SO YOU WANT A PRESIDENTIAL PARDON
NPR | February 26, 2019 | Video
4:26 minutes

In this episode of Ron's Office Hours, NPR's Ron Elving takes a look at the history of presidential pardon and exactly how powerful a president's pardon powers are.
- The power to pardon is strong because it exists outside of the system of checks and balances. There is no judicial review from the courts and Congress can't intervene.
- Pardons were traditionally used by kings, so while some founding fathers of the United States saw the pardon as too much power for one individual, those who supported strong federal powers pushed for the right to pardon to be included in the Constitution.
- The U.S. Constitution allows the president to pardon any federal offense except in cases of impeachment. This does not apply to crimes prosecuted by the states.
- Presidents have generally used their pardon power at the end of their presidency to ease tensions in times of national crisis, like President Ford's pardon of Richard Nixon after the Watergate scandal. President Trump's pardons to political allies early in his term raised questions about the president's right to self-pardon. Most scholars believe a self-pardon would not be legal.

THE POWER OF PRESIDENTIAL PARDONS
PBS NewsHour | December 25, 2020 | Video [Transcript]
8:09 minutes

While presidential pardons are often criticized for being politically motivated, they can also change peoples' lives.
- Charles "Duke" Tanner was a first-time offender in a nonviolent drug charge and sentenced to life in prison without parole. He and 5 other nonviolent offenders were granted clemency by President Trump and released in October of 2020.
- According to the American Civil Liberties Union, Black men are 20 times more likely to receive prison sentences of life without parole for nonviolent crimes than whites, and clemency is a way to reverse unfair sentences from the war on drugs.
- While Tanner was fortunate to have the CAN-Do Clemency Foundation assisting him with his application to the Office of the Pardon Attorney, many of Trump's pardons were friends and political allies who did not go through the normal application process.
- Critics of the pardon and clemency process say that the having Office of the Pardon Attorney within the U.S. Department of Justice is a conflict of interest and the entire process is too secretive, biased, and in need of reform.

Using public media — video, audio and digital reports — about newsworthy topics, these classroom-based exercises help learners to think critically about media messages, develop informed opinions, and practice how to take a stand.

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A LOOK AT THE PRESIDENT'S PARDON POWER AND HOW IT WORKS
PBS NewsHour | August 26, 2017 | Article
536 words

President Trump used his pardon power for the first time in 2017 to pardon former Arizona Sheriff Joe Arpaio, who faced a 6-month prison sentence for a misdemeanor contempt of court.
- The pardon process usually entails a convicted person filling out a request with the U.S. Department of Justice's Office of the Pardon Attorney, which then makes a recommendation to the Deputy Attorney General, who then adds a recommendation and forwards the request to the White House.
- Arpaio's pardon was unusual for a few reasons: he did not submit an application, his pardon occurred before he was sentenced, and he was pardoned for a misdemeanor (or failure to follow a court order).
- Arpaio was Trump's first pardon, but as of August 7, 2017, the White House had 376 pending requests for pardons and 1,508 for clemency.

KEY WORDS
Look out for these important keywords in the news stories. Discuss the definitions with your learners and see how they affect the understanding of the story.

- Clemency
- Commutation
- Misdemeanor

CONTEMPLATE

Learners will use media literacy questions to critically engage with news by thinking about its purpose, searching for bias and discussing missing perspectives. They will answer the 5 Key Questions of Media Literacy created by the Center for Media Literacy, which are:

1. Who created this message?
2. What creative techniques are used to attract my attention?
3. How might different people understand this message differently than me?
4. What values, lifestyles and points of view are represented in, or omitted from, this message?
5. Why is this message being sent?

A graphic organizer is included in this guide and the Thinkalong website to help learners answer these five questions about each piece of media.

DEBATE

Use the debate tool on the module webpage to help form evidence-based responses to the debate question.

Thinkalong is designed to help learners engage with real issues that are relevant to their lives. Structured discussions allow learners to practice their critical thinking skills through evidence-based debate with their peers. Discussions are designed to take about 30 minutes. Educators are encouraged to modify aspects that work best for their learners.

To encourage civil discourse, please review the Code of Conduct with your learners.

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