

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7694
OFFERED BY M . _____**

Page 1, insert after line 3 the following (and redesignate succeeding sections accordingly):

1 SEC. 2. FINDINGS.

2 The Congress finds as follows:

3 (1) On January 25, 2001, the New York Times
4 Editorial Board condemned several pardons granted
5 by President Clinton as “Pardons on the Sly” de-
6 signed “to reward friends or political allies or gain
7 future political advantage”.

8 (2) Among those pardons that the Times con-
9 demned was that of Susan Rosenberg, a member of
10 the Weather Underground—an organization de-
11 scribed by the Federal Bureau of Investigation
12 (FBI) as a “domestic terrorist group” that “claimed
13 credit for 25 bombings—including the U.S. Capitol,
14 the Pentagon, the California Attorney General’s of-
15 fice, and a New York City police station”.

16 (3) On February 28, 2001, Chairman Nadler—
17 then the Ranking Member on the Subcommittee on
18 the Constitution—argued in a hearing regarding the

1 presidential pardon power that “There is little dis-
2 agreement among legal scholars that this power is
3 unrestricted as applied to offenses against the
4 United States, excluding impeachment. There seems
5 to be little disagreement among scholars that Con-
6 gress has no power whatsoever to put any restric-
7 tions or conditions or guidelines on the exercise of
8 this power, other than by starting a constitutional
9 amendment”.

10 (4) On September 16, 1999, then-Attorney
11 General Janet Reno argued in a memorandum to
12 President Clinton that President Clinton should as-
13 sert executive privilege to preclude the disclosure of
14 documents relating to his granting of clemency to 16
15 members of the Puerto Rican group the Armed
16 Force of National Liberation (FALN) that the FBI
17 linked to over 146 bombings.

18 (5) Attorney General Reno further argued that
19 Congress lacks any “authority whatsoever to review
20 a President’s clemency decision” and that “Con-
21 gress’ oversight authority does not extend to the
22 process employed in connection with a particular
23 clemency decision, to the materials generated or the
24 discussions that took place as part of that process,

1 or to the advice or views the President received in
2 connection with a clemency decision”.

3 (6) Despite previously arguing that Congress
4 has “no power whatsoever” to address presidential
5 pardons when President Clinton was in power,
6 Democrats now wish to insert themselves in a proc-
7 ess that the Constitution solely vests in the Presi-
8 dent.

