



## U. S. Department of Justice

Pardon Attorney  
WHB 456221

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Washington, D.C. 20530

MAY 27 2005

Mr. George C. Hook  
1802 Camden Drive  
Glenview, Illinois 60025

Dear Mr. Hook:

Your letter to the President of March 28, 2005, concerning your request for a pardon, was referred to this office for response. You enclosed with it a copy of an earlier letter to this office presenting your arguments for entertaining a request for pardon at this time, notwithstanding the five-year waiting period provided by 28 C.F.R. § 1.2. We had previously received the letter you sent directly to this office and had it under review when your March letter was forwarded to us.

After due consideration of your arguments in support of a waiver of the waiting period, the decision has been made not to process your request for a pardon at this time. In the consideration leading to this decision, we reviewed the materials you initially submitted in support of your pardon request and those you submitted more recently, along with various materials related to your previous request for commutation of your sentence. While we understand this decision is not the one you wanted, you may submit a pardon application when you have satisfied the waiting period in July 2009.

While not addressing each of the statements in your letter, a few points of clarification might aid in considering this letter. We agree that the President's power to entertain pardon requests is not limited by the guidelines he chooses to follow in administering his clemency power, as the rules reflect and as you have pointed out. Clearly, the President *could*, if he chose to, consider your pardon request at this time. We also agree that the President has the power to grant a pardon based on a claim of innocence. However, as we have stated before, very few waivers of the waiting period have been granted in recent years, and pardons based on innocence are extremely rare. This description reflects a pattern that has evolved over time and is accurate for current actions, in the context of receiving many requests from convicted persons who seek to be pardoned as soon as possible, including many, who, like you, continue to dispute that they are guilty notwithstanding a jury verdict of guilt and appellate affirmation of the conviction. We in this office are confident that our practice comports with the White House's expectations about the application of the Rules Governing Executive Clemency. The examples you cite in your letter of cases purportedly involving waiver of the five-year waiting period reflect a misinterpretation of the relevant facts.<sup>1</sup>

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<sup>1</sup>In this regard, your statement that the five-year waiting period was adopted in October 1993 suggests, incorrectly, that there was no waiting period before then. In fact, the requirement of a waiting period has long been incorporated into the clemency rules, either expressly or effectively, by virtue of other limitations on the extent of consideration that a pardon request would get. For example, in the past, pardon requests were not forwarded to the  
(continued...)

We also adhere to our earlier advice about your request for a pardon for Ms. Viana. Again, the question is not whether a grant of pardon would be within the President's power, but whether considering the request you made is consistent with the rules and practices followed in administering the pardon power. Third-party requests for clemency are not entertained, nor are requests for pardon before conviction. Ms. Viana has not applied for a pardon and would not be eligible to apply at this time in any event because she is facing charges in the case but has not been convicted. If she is convicted, the question of the five-year waiting period would be addressed with the awareness of the decision that was made on that matter in your case.

Thank you for writing to the President.

Sincerely,



Roger C. Adams  
Pardon Attorney

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<sup>1</sup>(...continued)

President unless an affirmative recommendation that a pardon be granted was offered by an official solicited for comment, such as the prosecutor or sentencing judge. In 1993, the length of the waiting period was made uniform for all offenses, thus reducing the previous seven-year period for some crimes (such as frauds involving substantial sums) to five years. Moreover, the examples cited in note 1 of your letter include many persons whose sentences were commuted, not persons who were granted full pardons after service of sentence. While their cases (in other Administrations) may reflect presidential decisions to grant clemency despite the fact that various administrative requirements were not met, most are not cases in which a full pardon was granted after a waiver of the five-year waiting period, and none involves an action by the current President.