

(Report prepared by
Sheldon Whitehouse)

IN REGARD:

PETITION FOR PARDON OF

REVEREND WALTER L. ("WADE") DEMERS

1. The Pardon Power in Rhode Island.

The Rhode Island Constitution locates the power to pardon in the Governor, subject to the advice and consent of the Senate. Article IX Section 13 provides:

The Governor, by and with the advice and consent of the Senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the extent such power is now exercised by the General Assembly.

In Rhode Island, the power to pardon has rarely been exercised. There is no case law on pardons in this century from the Rhode Island Supreme Court, and a newspaper search reveals less than twenty pardons in the century and none in the last forty years. See Appendix A. In other states, the power is more commonly exercised. Governors of Pennsylvania, for instance, granted 2,273 acts of clemency between 1967 and 1981, of which 625 were pardons. P. Renninger, A Study of Recidivism Among Individuals Granted Executive Clemency in Pennsylvania 1968-1981 (1982), distributed by the National Governors' Association.

2. What is a Pardon?

A pardon is an act of clemency that "exempts the individual, on whom it is bestowed from the punishment the law inflicts for a crime he has committed." United States v. Wilson, 32 U.S. (7 Pet.) 150, 160 (1833). There is little further definition of particular grounds for pardon and, except for Rhode Island's unique

