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Reviewing Clemency in a Time of Change

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FOREWORD

REVIEWING CLEMENCY IN A TIME OF CHANGE

MARK OSLER*

At their best, symposiums bring together informed deep thinkers with contrasting viewpoints at a crucial moment in the development of an important issue. This University of St. Thomas Law Journal symposium on clemency law—partly out of careful planning, partly out of luck—was exactly that.

As President Obama's second term comes to a close, no one knows what the end-game will be in the realm of federal clemency. Obama promised, but has not yet delivered, a policy and implementation radically different than his predecessors. It was in this time of flux that several legal scholars met to discuss and debate the possibilities and hazards of clemency writ anew.

The symposium featured the writers included here and several others who gave remarkable presentations. Nekima Levy-Pounds, for example, addressed the racial context of Obama's clemency project, while Congressman Keith Ellison described the legislative mood. Former U.S. Pardon Attorney and current clemency expert Margaret Colgate Love presented options for action, and Amy Baron-Evans, one of the nation's leading appellate advocates in the sentencing realm, offered her own view. Villanova professor and sometimes provocateur Steven Chanenson offered a spell-binding and (for me, especially) challenging presentation as the "Clemency Curmudgeon," carefully poking holes in some efforts to revive federal commutations in the wake of an unsuccessful war on drugs.

This issue contains articles by three well-known and important experts. P.S. Ruckman and Jeffrey Crouch are political scientists who teach us law professors the history and implications of clemency. Both are at the forefront of the field, and offer important insights that will guide scholars in the future. Adam Stevenson, our third writer, is a clinician at the University of

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Wisconsin who brings not only an academic but a practitioner's view to the subject.

Only in January of 2017 will we fully know what the legacy of the Obama clemency initiative will be. The materials here will offer important context to all the clemency developments that history has yet to reveal.