

Maurer School of Law: Indiana University  
Digital Repository @ Maurer Law

Indiana Law Journal

Volume 2 | Issue 2

Article 2

11-1926

## Work of the Board of Pardons in Indiana

John C. Chaney  
*Indiana Board of Pardons*

Follow this and additional works at: <http://www.repository.law.indiana.edu/ilj>

 Part of the [Courts Commons](#)

### Recommended Citation

Chaney, John C. (1926) "Work of the Board of Pardons in Indiana," *Indiana Law Journal*: Vol. 2: Iss. 2, Article 2.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol2/iss2/2>

This Article is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact [wattn@indiana.edu](mailto:wattn@indiana.edu).

  
**JEROME HALL LAW LIBRARY**  
INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

## WORK OF THE BOARD OF PARDONS IN INDIANA

JOHN C. CHANEY\*

It is said that "In no other country is there such laxity of the enforcement of Criminal laws." In the trial of a criminal there is the question of the *guilt* or *innocence* of the accused person. In an appearance of the criminal before the Board of Pardons, he is guilty as shown by the trial of his case in court; and this is his status in the face of any mitigating circumstance connected with his conviction; and this is also his status in avoidance of the sentence of conviction.

The misuse of the "Reasonable Doubt," in the trial of a prisoner is largely made a screen for the escape of the prisoner from the offended law. It is the consequence of the assumption that the indicted person is innocent until proven guilty. It all arose out of the determination of the American people to avoid tyranny. In the light of present day civilization it is bad philosophy. It is the prime reason for the non-enforcement of our criminal laws. Our system of criminal law makes it difficult to convict one accused of crime; and when there is a conviction and a sentence on the conviction, the same should stand, unless there shall be found some good reason for interferences therewith. One prisoner has, even though convicted, certain rights which our civilization and philosophy of Government vouchsafe to him; but the state has also certain rights which are demanded of the convict.

Constitutional guarantees were never intended to shield the criminal from punishment for the violation of the laws of the land. Having been convicted, with the benefit of all the favors of the law, and after a fair trial which the courts are organized to hold, the conviction and sentence can not be disagreeable. The state is not represented before the Board of Pardons, as it is in the Trial Court; and the presumptions must therefore be resolved in favor of the state. The status of the criminal has been duly determined. He is not innocent.

It is the province of the Board of Pardons, under the act of Creation, "To examine thoroughly and carefully into the merits of all petitions which may be presented to the Governor for a pardon (which is held to include reprieves, paroles, remissions of fine, commutations of sentence, etc.), of any person convicted by any court of the state of Indiana, or by any court-martial held

---

\*See biographical note, p. 175.

under and by authority of the laws of Indiana." The Petition should set forth such reason and reasons for interference with the conviction adjudged by the courts as will warrant a modification of the sentence of the court, and the same should be supported by evidence in accordance with the rules adopted by the Board. To make this effective the Board is authorized to summon and swear witnesses and secure evidential information as does a court of Justice; and even beyond what the Trial Court does, and it has the power to enforce these provisions. It is indeed an Advisory Court.

The Board of Pardons is no town meeting, dealing in haphazard fashion with what comes before it. It has, however, no hard and fast forms of practice, nor technical pleadings upon which to base its action. It will give effect to the meaning of a petition if a meaning may be determined from the language employed, even though it may have to read between the lines to determine the meaning. It will give attention to any meritorious reason for modification of a sentence; when duly supported by evidence; but this does not imply that mere requests constitute such reasons, whether from the high or low, rich or poor. In the equities of its duties, the Board has no favors to bestow nor caprices to serve. It does not disavow the judgments of the courts nor forget the functions of law and order. It upholds the peace and dignity of the state, and it has respect for human rights. It seeks to relieve a mistaken and severe sentence, lighten an unworthy burden, and promote a righteous reformation. It is not influenced by passion, prejudice or love and affection. It is a purveyor of Justice and Equity in the instances where the application of the general laws do not exactly fit an individual case. It is one of the economies of advancing humanity.

Petitioners who imagine that any and every unproven thing prevails before the Board of Pardons should be undeceived. The truth and the whole truth is demanded without modification or evasion. Professional men before the Board are held to as strict accountability as that enforced by the courts of Justice. Pardons are seldom recommended, for the Courts are usually sure of the criminal and the crime, so that there is a scarcity of reasons for a pardon.

CASES RECOMMENDED BY PARDON BOARD.

Month	Pardons	Paroles	Commutations	Parole and Remission of Fine	Permission to Pay in Installments	Refusals	Stricken from Docket and Withdrawn	Remission of Fine	Remission of Judgment on Forfeited Bond	Temporary Paroles
1923										
October	--	2	4	1	3	25	2	--	--	2
November	--	4	2	3	2	35	3	--	--	--
December	--	13	2	1	3	30	5	--	--	--
1924										
January	--	6	6	1	7	21	1	3	--	--
February	--	9	5	--	5	25	2	2	--	--
March	2	6	8	1	7	48	4	1	--	--
April	--	6	8	--	12	40	6	2	1	--
May	1	--	2	--	1	37	2	1	--	--
June	--	2	2	--	3	42	2	--	--	--
July	--	6	3	--	4	33	--	4	--	1
August	--	5	1	--	4	34	2	--	--	--
September	--	6	2	--	2	32	8	--	1	--
	3	65	45	7	53	407	37	13	2	3
1924										
October	--	7	1	--	2	23	2	--	--	--
November	--	2	1	--	4	22	2	--	--	--
December	--	8	1	--	9	25	--	--	--	--
1925										
January	--	8	2	--	6	35	4	1	--	--
February	--	12	1	--	3	45	2	1	--	--
March	1	19	9	2	1	65	1	5	--	--
April	--	12	5	1	1	79	3	--	--	--
May	--	7	11	--	1	65	--	--	--	--
June	--	5	10	--	3	86	2	1	--	--
July	1	4	9	1	1	111	1	3	--	--
August	--	--	--	--	--	--	--	--	--	--
September	1	6	5	--	2	99	9	1	--	--
	3	90	55	4	33	660	26	12	--	--
1925										
November	--	6	22	--	--	116	3	2	--	--
1926										
January	--	9	20	2	1	122	4	2	--	1
March	1	5	29	2	--	114	4	4	--	1
May	1	2	30	--	3	162	3	1	2	1
July	--	--	12	--	--	149	9	1	--	--
September	--	--	14	--	--	148	6	--	--	1
	2	22	127	4	4	811	29	10	2	4

The Board has recommended but two pardons in the recent four months of 1926. One was where a prisoner without counsel was grossly imposed upon, both as to his plea and because of the excessive fine; the other was compelled by the deportation act of the Government. Reprieves involve a delicate discretion and are recommended only when it seems possible that the prisoner is entitled to some protection he has not had in court. Paroles are recommended only where some manifest injustice is done by the imprisonment, through circumstances beyond the prov-

ince of the court, or from development of conditions and situations since sentence.

Remissions of fine are never recommended except in instances where the prisoner and his friends are unable to pay the fine, and the officers of the trial court and those officers who have charge of the School Fund recommend it—supported, often, by the further reason, that, in view of new and material evidence, the period of the sentence is shown to be sufficient punishment for the crime committed.

Temporary (short time) paroles are frequently recommended, (not because of the prisoners' merits) because of the demands of humanity in those who suffer from the prisoner's faults—or because of their illness and approaching death. Occasionally, although definite promises are required of the prisoner as to his conduct and for his return to prison, the privileges of the parole are violated—yet 95 per cent of the paroled parties keep their promises. Commutations of Sentence, required a righteous discrimination of criminal, crime, sentence, penalty, the prisoners criminal history, together with circumstances which could not be weighed by the court, or which did not come before the court.

The minimum and maximum sentence is authorized by the legislature after the experience of society with the flagrancy of crime, but should be always respected. Laws, however, are general in character, and sometimes do not exactly fit an individual case, may be severe in an individual case, or the crime might have been expiated by one of the lesser penalty laws. As an instance of this there is the record of a conviction of immature youths in a circuit court of the state and sentences of one to eight years at the Reformatory, when the facts show that the crime merited a small fine or a jail sentence; and in any other court would probably have had such action.

In the main the courts do their full duty by the prisoner. It follows that a large majority of the Petitions for clemency are denied, because justice has been faithfully administered. Indeed if judges were relieved of certain minimum and maximum sentence laws, which prevent a definite period of sentence, the exceptions to unalloyed justice would be greatly reduced.

While we do well to hold to the idea, of reformation, we must not forget that justice demands punishment for law violations. American civilization can be relieved of crime through the prompt enforcement of the criminal laws, rather than by showering the prisoner with flowers in the penitentiary. Prayers for mercy should not be allowed to supplant a righteous discrimination of the Board of Pardons, for "Righteousness exalteth a nation and sin is a reproach to any people." On this theory the Board of Pardons Acts.

# INDIANA LAW JOURNAL

Published Monthly, October to June, inclusive, by The Indiana State Bar Association

EXECUTIVE OFFICE, 217 STATE HOUSE, INDIANAPOLIS, INDIANA  
EDITORIAL OFFICE, BLOOMINGTON, INDIANA

SUBSCRIPTION PRICE \$3.00 A YEAR SINGLE COPIES 50 CENTS  
Canadian Subscription Price is \$3.50; Foreign, \$4.00

Subscription price to individuals, not members of the Indiana State Bar Association, \$3.00 a year; to those who are members of the association the price is \$1.50 and is included in their annual dues, \$5.00.

The complete management of the Indiana Law Journal is exercised by The Indiana State Bar Association through its officers. The Editor, Editorial Boards and other officers of The Journal are appointed by the President of The Indiana State Bar Association with the advice and approval of the Board of Managers. The Indiana State Bar Association founded the Indiana Law Journal and retains full responsibility and control in its publication. The participation of Indiana University School of Law is editorial.

## OFFICERS AND BOARD OF MANAGERS OF THE INDIANA STATE BAR ASSOCIATION

WILLIAM A. PICKENS, <i>President</i> .....	Indianapolis
JAMES A. VAN OSDOL, <i>Vice-President</i> .....	Anderson
JOEL A. BAKER, <i>Secretary-Treasurer</i> .....	Indianapolis
JAMES M. OGDEN.....	Indianapolis
WILLIS E. ROE.....	East Chicago
FRANK N. RICHMAN.....	Columbus

PAUL L. SAYRE, *Editor*  
JOEL A. BAKER, *Business Manager*

### Advisory Board of Editors

WILLIAM A. PICKENS, *Chairman*

Claris Adams, Indianapolis	William F. Elliott, Indianapolis
Charles S. Baker, Columbus	Louis B. Ewbank, Indianapolis
Albert J. Beveridge, Indianapolis	Galitzen A. Farrabaugh, South Bend
Louden L. Bomberger, Hammond	Donald Fraser, Fowler
William P. Breen, Fort Wayne	John S. McFaddin, Rockville
Clarence M. Brown, Richmond	Abram Simmons, Bluffton
C. Severin Buschmann, Indianapolis	Dan W. Simms, Lafayette
Sumner Clancy, Indianapolis	Evans B. Stotsenburg, New Albany
George M. Eberhart, Huntington	Conrad Wolf, Kokomo

### Faculty Board of Editors

PAUL V. McNUTT, *Chairman*

Robert C. Brown	James J. Robinson.
Charles M. Hepburn	Hugh E. Willis

### Student Board of Editors

CHARLES F. REED, *Chairman*

Albert E. Bloom	Thomas Longfellow, Jr.
Sherwood Blue	Robert W. Miller
Basil B. Clark	Ross E. Myers
Ralph M. Cooper	Gerald R. Redding
James O. Hanner	Alfred V. Ringer

The Indiana State Bar Association does not assume collective responsibility for matter signed or unsigned in this issue.