Are Blanket Pardons Constitutional?

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I. Introduction

In September 1974, President Gerald Ford granted "a full, free, and absolute pardon unto Richard Nixon for all offenses against the United States which he, Richard Nixon, has committed or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974."[1] The effect was to absolve Nixon of all federal criminal liability, not only for the crimes of Watergate that had forced his resignation, but for any federal crime that he might have committed during his one and a half terms in the presidency.

Ford's pardon of Nixon is the only occasion in American history on which a president purported to pardon someone for every possible violation of federal criminal law, known or unknown. The Nixon pardon prompted fierce political backlash against President Ford, but neither Leon Jaworsky, the Watergate Special Prosecutor,[2] nor any other official challenged it in court; hence, it stands as a precedent, however lonely, for the proposition that a blanket pardon—a pardon for all federal crimes and not just an enumerated subset—is constitutional.

Memories of the Ford-Nixon pardon were revived in the last months of the Trump presidency when it was widely speculated that Mr. Trump might issue a spate of sweeping pardons to his family, friends, political associates, or even to himself. A number of commentators (myself included) hypothesized that a Ford-Nixon-style blanket pardon would be attractive to Trump.[3] First, the breadth of possible criminal liability among those in Trump's personal and political orbit, and the uncertainty about which matters might interest a Biden Justice Department, would make it difficult to craft pardon language that fully covered all possible grounds of liability. Second, a pardon warrant limited to those events and legal theories on which the Trump circle felt most vulnerable could provide a road map for later investigators.

Moreover, some of those seeking pardons might have found it awkward to specify, even to the President or his lawyers, exactly what they wanted pardons for. If it is true as reported that Congressman Matt Gaetz, now under federal investigation for alleged sexual offenses, sought a preemptive blanket pardon, he would be a classic example of this dilemma.[4] For all these reasons, it was widely supposed that Trump might issue some pardons on the Ford-Nixon model.

As it turned out, Trump did not issue any blanket pardons, at least so far as is publicly known.[5] There remains the possibility that he issued secret pardons of that type, documents that will appear only if and when their recipients are charged with federal crimes to which such pardons might apply. As I have suggested elsewhere, a secret pardon might be constitutionally valid, so long as it were issued while a president was in office and delivered to its intended beneficiary.[6] And even if Trump did not secretly avail himself of the Nixon precedent, some future president might do so openly. Therefore, it is worth exploring whether a true blanket pardon lies within the scope of the president's authority.

In my view, a presidential pardon need not specify the name of each person or persons covered, nor specifically identify each factual transaction or criminal violation to which the pardon applies. Rather, constitutional text, history, and precedent indicate that a president can properly issue pardons for classes of unnamed persons and for categories of crime, whether delineated by crime type or in relation to a generally defined set of underlying transactions or events. In short, I disagree with my friend Aaron Rappaport, who contends that the pardon power is constrained by a fairly demanding specificity limitation.[7]

Nonetheless, although the question is not free from doubt, I contend that a pardon of the Ford-Nixon style, which purported to cover every possible violation of federal criminal law, whether or not known to the president issuing the pardon, is a constitutional step too far.

II. The Anglo-American Law of Pardons

The primary limitations on the scope of presidential pardon authority arise from the text of the Constitution and the nature of the act of pardoning.

Article II, Section 2 of the Constitution declares, "The President . . . shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." This language has long been read as placing two implicit textual limitations on the federal pardon power. First, the word *offenses* refers to crimes and not civil wrongs.[8] Second, the phrase "offenses against the United States" restricts the president's authority to violations of federal criminal law and does not permit presidential pardons of state crimes.[9]

The word *pardon* itself, as employed and interpreted during centuries of Anglo-American legal usage, imposes a third implicit limitation on presidential pardon authority: pardons can be granted only for crimes committed *before* the pardon was issued. As the Supreme Court wrote in

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Ex parte Garland, "The [pardon power conferred by Article II, section 2] extends to every offence known to the law, and may be exercised *at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction and judgment.*"[10]

Note that *Garland* also holds that a pardon *may* issue for crimes that have already been committed but that have not yet been prosecuted or, if prosecuted, have not yet resulted in conviction. This point has been plain since the founding. At the Constitutional Convention, Luther Martin moved to insert "after conviction" following the words "reprieves and pardons" in the draft pardon clause, but withdrew the motion after James Wilson retorted that "pardon before conviction might be necessary, in order to obtain the testimony of accomplices."[11]

The line drawn by the Court in *Garland*—pardons for past conduct, even if uncharged and unconvicted, are permissible, but there can be no "pardon" for something that has not yet happened—reflects an understanding of the nature of pardons that matches our intuition of what it is to pardon. More importantly from a constitutional perspective, it embodies a correct understanding of the British legal tradition of which the Framers were conscious heirs.

In ordinary usage, to pardon someone is to forgive the person for past misconduct. Even in nonlegal, interpersonal settings, the choice to pardon or forgive another requires knowledge of the conduct forgiven and evaluation of that conduct as a prerequisite of the choice to forgive.

In religion, orthodox Christian theology presumes a sinful mankind that requires the forgiveness of God as an act of grace. This concept is institutionalized in Catholic theology, which makes petitions for forgiveness integral to the interaction of the faithful with the Church in the form of the sacrament of reconciliation (or penance). Baptized Catholics are enjoined to participate regularly in this sacrament, which consists of four steps: *confession* (admitting and naming one's sin); *contrition* (expressing sorrow for one's sin); *satisfaction* or penance (in which the sinner shows a "firm purpose of amendment," sometimes by performing an act to repair the harm done by sin, and sometimes through prayer); and *absolution* from sin (a declaration of forgiveness offered by the priest acting *in persona Christi*, "in the person of Christ").[12] Absolution (pardon) is available only for past sin, *which the penitent must identify* in order for the priest to evaluate its severity and impose an appropriate penance, performance of which is a prerequisite to forgiveness.

In early English legal theory, law was an emanation of the will of the king. Even as Parliament grew in authority and took an increasing share in the power of making law, the idea of law, even statutory law, as deriving its legitimacy from the sovereign power of the monarch remained powerful.[13] It was therefore thought proper for the monarch, as an exercise of the royal prerogative, to be able to relieve individual subjects of the effects of the law in particular cases. This aspect of royal power took two forms: the pardon power and the dispensing power.

In some periods of English history, the distinction between the pardon and dispensing powers was hazy. However, by no later than the 1600s, the two mechanisms had become legally distinct. Pardons could be issued only for past conduct, while dispensations could cover future conduct.[14] Moreover, a dispensation could not be applied to any ordinary common law criminal offense, those said to be "malum in se."[15] In effect, a dispensation was a kind of royal license to ignore an otherwise applicable statute, and it was often used to give recipients commercial advantages, sometimes amounting to monopolies or favorable trade concessions. In the 1689 Bill of Rights, enacted after the Glorious Revolution deposing King James II, the Crown was denied the dispensing power.[16]

The point for present purposes is that by the time of the American Revolution and the subsequent American constitutional founding, a "pardon" in English law was, by definition, an act of forgiveness (or at least remission or reduction of penalty) for *past* conduct only. This limitation implies the same requirement that ordinary language and religious tradition suggest, namely that the pardoning authority must be aware of at least the general character of the conduct being pardoned in order to exercise judgment before wielding the sovereign prerogative of clemency. Such judgment is impossible for events that have not yet occurred.

The principle that royal knowledge of the facts and circumstances surrounding a criminal offense is a necessary condition precedent to a valid pardon was explicitly incorporated into certain aspects of British pardon law. William Blackstone wrote in 1769 that "it is a general rule, that, wherever it may reasonably be presumed that the king is deceived, the pardon is void. Therefore any suppression of truth, or suggestion of falsehood, in a charter of pardon, will vitiate the whole; for the king was misinformed."[17] Sir Edward Coke had made the same observation in the previous century, writing in his famous *Institutes of the Laws of England*, "And that party which informeth not the king truly, is not worthy of his grace and forgiveness, and therefore either *suppressio veri* or *expressio falsi* doth avoid the pardon."[18]

The requirement of disclosure of underlying facts was in certain respects very demanding, extending not only to underlying facts, but also to the procedural posture of a case. For example, if a defendant seeking to plead the king's pardon for a particular crime had already been attainted or convicted for that crime, the pardon would be void even where the Crown was aware of the particulars of the pardoned criminal conduct if the defendant had not disclosed the attainder or conviction prior to issuance of the pardon.[19]

The apparent requirement of royal foreknowledge and individualized judgment was complicated by the ancient English practice of issuing broad general pardons for classes of enumerated offenses. These general pardons did not supplant individual pardons issued by royal warrant; rather, they existed alongside the royal power of mercy in

individual cases. The reasons for the custom of issuing general pardons are somewhat beyond the scope of this discussion, but included the need to placate discontented factions in periods of civil unrest or rebellion, and the general notion that periodic remission of the law's severity demonstrated the monarch's benevolence and mercy.[20]

Two aspects of general pardons are relevant to the present discussion. First, for a long time, the monarch issued such pardons in his or her own name and solely as an exercise of royal prerogative. As the powers of Parliament increased, it began to assert an authority to pardon. However, in 1535, during the reign of Henry VIII, Parliament passed an act consolidating pardon power wholly in the Crown, declaring that, as to "any treasons, murders, manslaughters or any kinds of felonies,"

> the King's Highness, his heirs and successor Kings of this realm, shall have the whole and sole power and authority [of pardoning] united and knit to the Imperial Crown of this Realm, as of good right and equity it appertaineth, any grants, usages, prescriptions, act or acts of Parliament, or other things to the contrary thereof notwithstanding.

Thereafter, the Crown sometimes issued general pardons solely in the name of the monarch, but general pardons increasingly took the form of bills formally proposed by the Crown as exercises of the sovereign pardon power and then ratified by the legislature.

Second, in early times, it was not uncommon for general pardons to embrace broad classes of felonies, or indeed virtually all felonies. However, Parliament increasingly exercised its influence to restrict the scope of such actions. As early as the reign of Richard II in the late 1300s, Parliament enacted a statute declaring that a royal pardon could not cover treason, murder, or rape unless the text of the pardon specifically included that offense.[21] The theory of the statute was not that the king could not lawfully pardon such offenses, but that it was presumed the king would not do so if aware of the aggravated nature of the crime. As Blackstone said, "the statute of Richard the second . . . enlarges by implication the royal power; provided the king is not deceived in the intended object of his mercy."[22]

By the mid-1700s, general pardons issued solely in the name of the monarch were effectively unknown, and general pardons issued by the king-in-parliament had become both rare and highly specific. They emerged after careful negotiations between the Crown and the legislature and consisted primarily of pages of detailed lists including and excluding both particular offenses and classes of offenders.[23]

Nonetheless, the existence of general pardons, particularly the old ones purporting to pardon virtually all felonies, posed a theoretical dilemma for English jurists and legal commentators. How could a general pardon for virtually all felonies, most of which were certainly unknown to the Crown at the time of the pardon, be valid if an individual pardon was invalidated by the king's ignorance of even procedural details of the particular case? William Hawkins, in his influential *Treatise of the Pleas of the Crown* (1716), described the problem, saying that old authorities holding that a general pardon for all felonies would be effective for any felony

> [do not] seem easy to reconcile . . . with the general Rules concerning Pardons, agreed to be good in other Cases; for if a Felony cannot be well pardoned where it may be reasonably intended that the King, when he granted the Pardon was not fully apprised of the State of the Case, much less doth it seem reasonable that it should be pardoned where it may be well intended that he was not apprised of it at all. And if a Felony whereof a Person be attainted cannot be well pardoned, even tho' it appear that the King was informed of all the Circumstances of the Fact, unless it also appear that he was informed of the Attainder, much less doth it seem reasonable that a Felony should be well pardoned where it doth not appear that he knew any Thing of it: For by this Means, where the King in Truth intends only to pardon one Felony, which may be very proper for his Mercy, he may by Consequence pardon the greatest Number of the most heinous Crimes, the least of which, had he been apprised of it, he would not have pardoned.[24]

Hawkins resolves the tension by pointing to the fact that by his era—the early 1700s—general pardons were almost invariably issued, not by the king personally, but by the king-in-parliament (where, as we have seen, they were carefully circumscribed by the statutory text), whereas the individual royal pardon warrants he found in the official Register enumerated the particular offense or offenses covered.[25] I read Hawkins as saying that the foreknowledge requirement for pardon validity is met in the case of general pardons issued by the king-in-parliament by the careful deliberation inherent in legislation and by the specific textual delineation of the classes of persons and offenses to be covered. Likewise, in the case of individual pardons, the foreknowledge requirement was met by the then extant practice of specifically enumerating the matters pardoned in the pardon warrant and invalidating individual pardons as to which the Crown was ignorant of critical facts.

Note that in both types of eighteenth-century English pardon, (1) the pardon extended to an enumerated subset of less than all crimes; and (2) the specific scope of the pardon was determined either by negotiation between the executive and legislative branches in light of contemporary political and legal considerations, or by individual judgment of the monarch acting on full information about the offenses for which pardon was sought. Thus, by 1787, the English legal tradition drawn on by the American Framers contemplated a broad pardon power, but the evidence suggests that it did not then embrace a power to issue a pardon of all offenses whether known or unknown to the sovereign.

III. American Pardon Practice

The Framers gave the constitutional pardon power exclusively to the president. They considered, but rejected, giving Congress any role in the presidential pardon process.[26] It is generally held that the scope of the power confided in the president is roughly coextensive with the pardon power of the British king at the time of the founding. By implication, this means that a president can issue both individual and group pardons, and that pardons can extend to particular incidents and to classes of crime. This has been American practice.

Presidents have issued many individual and group pardons. As noted at the outset, the Ford-Nixon pardon is the only individual grant purporting to cover all federal crimes whatever. However, a fair number of individual pardons have named the recipient but provided broad coverage of multiple crimes that either were or might have been charged in connection with a particular incident or series of events. For example, President George H. W. Bush pardoned Caspar Weinberger and five others involved in the so-called Iran-Contra Affair "for all offenses charged or prosecuted by independent counsel Lawrence E. Walsh or other members of his office, or committed by these individuals and within the jurisdiction of that office."[27]

The language of the Weinberger pardon covers not only offenses actually charged by the Independent Counsel, but uncharged offenses within the jurisdiction of his office that might still have been within the statute of limitations. I find nothing constitutionally inappropriate about a pardon of this kind. One may disagree with President Bush's judgment in granting it, but he was familiar with the facts of the matter and made a determination that the beneficiaries deserved clemency, not for any crime they may ever have committed, but for offenses related to Iran-Contra and within the Independent Counsel's jurisdiction.[28]

Presidents have, on more than two dozen occasions, issued group pardons or amnesties, sometimes extending to large numbers of people.[29] Among the most well known are multiple proclamations by Presidents Lincoln and Andrew Johnson during and after the Civil War pardoning Confederates, and clemency for Vietnam-era deserters and draft evaders granted by Presidents Ford[30] and Carter.[31]

For present purposes, there are two critical points about all previous American amnesties: (1) They were often very broad in that they covered classes, not named persons; and because such pardons extended not only to persons who had already been charged with crime, but also to those who had not, they sometimes covered persons completely unknown to the president or even to the government generally. (2) All American group pardons or amnesties have been limited, either by reference to the beneficiaries' participation in certain specified events or by enumeration of the offenses pardoned, or both.

For example, Andrew Johnson's pardons covered thousands of former Confederate soldiers and government officials for actions committed during four years of Civil War, but were limited to the offense of treason.[32] If a Confederate soldier had committed murder, rape, or robbery in violation of the laws of war, or any other ordinary federally prosecutable crime, those offenses were not covered.

Less well known, but extremely important for considering constitutional limits on presidential pardons, is President James Madison's 1815 pardon of followers of the pirate and smuggler Jean Lafitte, who aided American forces at the Battle of New Orleans during the War of 1812. Madison's proclamation granted, to all who assisted in the defense of Louisiana,

> a full and free pardon of all offenses committed in violation of any act or acts of the Congress of the said United States touching the revenue, trade, and navigation thereof or touching the intercourse and commerce of the United States with foreign nations at any time before the 8th day of January, in the present year 1815, by any person or persons whomsoever being inhabitants of New Orleans and adjacent country, or being inhabitants of the said island of Barrataria and the places adjacent.

The language of this proclamation was plainly written to let the entire unnamed band of Barrataria brigands off the hook for all their prior maritime skullduggery without inquiring too carefully into the details. Yet, broad though this pardon was, it was limited to *persons* who lived in Louisiana and aided American forces against the British, and covered only *offenses* against laws regulating trade and commerce.

IV. Presidents May Not Pardon "All Federal Offenses"

Thus, both British and American usage support the commonsense principle that *a valid pardon presupposes awareness by the president of that which is being pardoned as a logical and legal precondition for an exercise of judgment about the propriety of granting clemency*. Of course, in advancing this rule, historical usage requires that we understand the word *awareness* in a particular sense.

As to persons, the president need not be aware of the identity of every individual covered by a pardon. It is sufficient that, at the time the pardon was issued, the president knew of the existence of a group of persons who committed a class of offenses or participated in identified events and intended to extend clemency to that group. As to offenses, the president need not have been aware of each section of the federal criminal law to which a pardon might apply. It is sufficient that the president was aware of the basic set of factual events or transactions to which a pardon applies and that he intended to offer pardon for all the violations of federal law occurring during those events or transactions.

I hasten to concede that this is not a hugely significant restriction on presidential pardon authority. A pardon is likely to withstand constitutional challenge so long as the president has been informed generally about the nature of the matter pardoned and if White House draftsmen frame the language of the pardon warrant to make clear the

president's intention to pardon a very broad swath of conduct and/or a wide array of identified statutory violations.

For example, disgraceful though such an act would have been, I think President Trump could, before leaving office, have issued a valid group pardon for the participants in the January 6, 2021, attack on the Capitol. Such a proclamation might well have provided the stimulus necessary to secure sufficient Republican senatorial votes for conviction in the later impeachment trial, and it might have created a genuine clamor for criminal prosecution of Trump himself once out of office. But the pardon would, in my view, have been valid as to the insurrectionists themselves.

The rule posited here would come into play only if a president purported to pardon offenses of which he had no knowledge at all. This constraint is useful only insofar as it rules out a Nixon-style pardon of "all federal crimes" committed by some other person, whether known to the president or not. But that limitation does, at the very least, make some potential abuses of the pardon authority more difficult and thus less likely.

Notes

* The author is also Dean's Visiting Scholar at Georgetown University Law Center.

1 Presidential Proclamation 4311—Granting Pardon to Richard Nixon (Sept. 8, 1974), https://www.presidency.ucsb.edu/documents/proclamation-4311-granting-pardon-richard-nixon.

2 Jaworsky apparently considered challenging the Nixon pardon on various grounds, but ultimately decided against it. Leon Jaworsky, The Right and the Power: The Prosecution of Watergate 244–49 (1976).

3 Frank O. Bowman, III, *The Presidential Pardon Power and the Problem of Impunity*, 23 N.Y.U. Journal of Legislation and Public Policy __ (2021).

4 Michael S. Schmidt, Maggie Haberman & Nicholas Fandos, *Matt Gaetz, Loyal for Years to Trump, Is Said to Have Sought a Blanket Pardon*, N.Y. Times (April 6, 2021), https://www.nytimes.com/2021/04/06/us/politics/matt-gaetz-trump-pardon.html.

5 For a complete list of the pardons and commutations publicly known to have been issued by President Trump, see *Pardons Granted by President Donald Trump*, Office of the Pardon Attorney, U.S. Dep't of Justice, https://www.justice.gov/pardon/pardons-granted-president-donald-trump.

6 Bowman, *Presidential Pardon Power*, *supra* note 3.

7 Prof. Rappaport and I have written a series of articles explaining our positions. *See* Aaron Rappaport, *An Unappreciated Constraint on the President's Pardon Power*, 52 Conn. L. Rev. 271, 317–18 (2020) [hereinafter Rappaport, *Unappreciated Constraint*]; Frank O. Bowman, III, *The Constitutionality of Non-specific Pardons*, Just Security (Dec. 14, 2020); Aaron Rappaport, *Are Blanket Pardons Constitutional? A Reply to Bowman*, Just Security (Dec. 17, 2020); Frank O. Bowman, III, *Purpose, Not Specificity, Limits the Pardon Power: A Rejoinder to Rappaport*, Just Security (Dec. 28, 2020).

8 *See, e.g., Ex parte* Grossman, 267 U.S. 87, 113–14 (1925) (holding that the President may pardon a criminal, but not a civil, contempt).

9 *Grossman*, 267 U.S. at 113 ("We have given the history of the clause to show that the words 'for offences against the United States' were inserted by a Committee on Style, presumably to make clear that the pardon of the President was to operate upon offenses against the United States, as distinguished from offenses against the States").

10 *Ex parte* Garland, 71 U.S. 333, 380 (1866) (emphasis added).

11 5 Debates on the Adoption of the Federal Constitution in the Convention Held at Philadelphia, in 1787 (Jonathan Elliot ed., 1845).

12 Rev. Msgr. Richard B. Hilgartner, *The Sacrament of Penance and Reconciliation: Forgiveness in Four Easy Steps*, United States Conference of Catholic Bishops, http://www.usccb.org/beliefs-and-teachings/how-we-teach/catechesis/catechetical-sunday/sacramental-forgiveness/teaching-aid-hilgartner.cfm. *See also* Catechism of the Catholic Church, at 373–74 (describing the sacrament of penance).

13 As King James I wrote in 1616, kings emerged "before any estates or ranks of men, before any parliaments were holden, or laws made, and by them was the land distributed, which at first was wholly theirs. And so it follows of necessity that kings were the authors and makers of the laws, and not the laws of the kings." King James I, The True Law of Free Monarchies: or The Reciprocal and Mutual Duty Betwixt a Free King and His Natural Subjects (1616). The True Law was a treatise, possibly written to counteract emerging contractarian theories of government. The work was first published in Scotland in 1598 and later in England upon James's accession to the English throne.

14 F. W. Maitland, The Constitutional History of England 303 (H. A. L. Fisher, ed. 1961) ("[P]ardon relates to something that has already been done, dispensation to something that is to be done in the future").

15 *Id.* at 304.

16 An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown (1689) (declaring "That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal"). See also 4 William Blackstone, Commentaries on the Laws of England ch. 33, p. 433 (1769).

17 4 Blackstone, *supra* note 16, ch. 31, at 393.

18 Edward Coke, 3 Institutes of the Laws of England 238 (1644).

19 4 Blackstone, *supra* note 16 ("A pardon of all felonies will not pardon a conviction or attainder of felony; (for it is presumed the king knew not of those proceedings) but the conviction or attainder must be particularly mentioned"); William Hawkins, A Treatise of the Pleas of the Crown 383–84 (7th ed. 1795)

20 *See, e.g.,* Blackstone, *supra* note 16, at 389–91. Modern scholars have also suggested that occasional general pardons were useful in clearing overcrowded court dockets and overcrowded prisons and jails.

21 4 Blackstone, supra note 16, at 393 (describing 13 Rich. II, st. 2, c. 1).

22 *Id.* at 393–94.

23 *See, e.g.,* An Act for the King's Most Gracious, General, and Free Pardon (1750), https://babel.hathitrust.org/cgi/pt?id=mdp.35112204864203&view=1up&seq=1023.

24 4 Hawkins, *supra* note 19.

25 *Id.* at 384.

26 There is some debate over whether Congress possesses a power to pardon independent of the president, but that is a question for another day.

27 Text of President Bush's Statement on the Pardon of Weinberger and Others, Associated Press (Dec. 25, 1992), https://www.nytimes.com/1992/12/25/us/pardons-text-president-bush-s-statement-pardon-weinberger-others.html.

28 President Trump issued a number of pardons similar in structure, notably those of Michael Flynn and Steve Bannon. His pardon of Joseph Arpaio also had some notably open-ended language.

29 Rappaport, *Unappreciated Constraint*, *supra* note 7 (appendix).

[30] Andrew Glass, *This Day in Politics: Ford Issues Partial Amnesty to Vietnam Deserters, Sept. 16, 1974*, Politico (Sept. 16, 2018), https://www.politico.com/story/2018/09/16/ford-amnesty-vietnam-deserters-815747.

[31] Andrew Glass, *President Carter Pardons Draft Dodgers, Jan. 21, 1977*, Politico (Jan. 21, 2018), https://www.politico.com/story/2018/01/21/president-carter-pardons-draft-dodgers-jan-21-1977-346493.

[32] *See, e.g.*, Presidential Proclamation 179—Granting Full Pardon and Amnesty for the Offense of Treason Against the United States During the Late Civil War (Dec. 25, 1868).