

# Campaign Legal Center's Proposed Solutions to Corruption of the Presidential Pardon Power

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Under the U.S. Constitution, the president has significant power to offer clemency and grant pardons for federal offenses. This authority was designed by the Framers to be a tool for mercy, and to provide a means for correcting inequities within the criminal legal system. However, the expansive nature of the pardon power has sometimes invited questionable grants of executive clemency by presidents of both parties, and there has long been a need for greater guardrails to deter corruption.

Since returning to office, President Donald Trump has exacerbated this problem to an enormous degree, abusing public trust and **fundamentally transforming the presidential pardon power into a tool for rewarding donors and allies.**<sup>1</sup> Repeated examples demonstrate how President Trump has routinely issued pardons to wealthy individuals following large contributions to his super PAC,<sup>2</sup> political committees,<sup>3</sup> or inaugural committee,<sup>4</sup> or after the pardon recipient channeled benefits to Trump family businesses.<sup>5</sup>

Alarmingly, the pardons that have made news are likely just the tip of the iceberg: it is impossible to know how much other pardon recipients may have channeled to entities associated with the president that do not report their donors or investors, such as dark money groups, the East Wing ballroom project, Trump's meme coin, or any of his myriad other business ventures. Meanwhile, pardon-seekers are routinely paying millions of dollars to lobbyists and political fixers to advocate for executive clemency—and only a fraction of that

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<sup>1</sup> See Brendan Fischer, *Inside the Pardon Playbook: An Analysis of President Trump's Clemency Abuses*, Campaign Legal Ctr. (Mar. 12, 2026), <https://campaignlegal.org/update/inside-pardon-playbook-analysis-president-trumps-clemency-abuses>.

<sup>2</sup> For example, President Trump pardoned nursing home executive Paul Walczak after his mother gave \$1 million to Trump's super PAC, and pardoned foreign billionaire Julio Herrera Velutini after \$3.5 million was routed to Trump's super PAC in the name of his daughter. See Brendan Fischer, *Inside the Pardon Playbook: An Analysis of President Trump's Clemency Abuses*, Campaign Legal Ctr. (Mar. 12, 2026), <https://campaignlegal.org/update/inside-pardon-playbook-analysis-president-trumps-clemency-abuses>; see also Campaign Legal Ctr., *Campaign Legal Center Calls on FEC to Investigate Apparent Straw Donor Scheme Involving Multi-Million Dollar MACA Inc. Contributions* (Feb. 17, 2026), <https://campaignlegal.org/press-releases/campaign-legal-center-calls-fec-investigate-apparent-straw-donor-scheme-involving>.

<sup>3</sup> For example, President Trump pardoned tech executive Trevor Milton after Milton and his wife donated over \$1.8 million to Trump's joint fundraising committee, Trump 47 Committee Inc., a month before the 2024 election; Milton also gave \$750,000 in September 2024 to the MAHA Alliance super PAC, which primarily made independent expenditures supporting Trump or opposing Kamala Harris. See Individual contributions from "Trevor Milton" and "Chelsea Milton," 2023-24, FEC.gov, [https://www.fec.gov/data/receipts/?data\\_type=processed&contributor\\_name=chelsea+milton&contributor\\_name=trevor+milton&two\\_year\\_transaction\\_period=2024&max\\_date=12%2F31%2F2026](https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=chelsea+milton&contributor_name=trevor+milton&two_year_transaction_period=2024&max_date=12%2F31%2F2026) (last visited May 6, 2026); see also Matt Ott, *Convicted of Bilking Investors, Nikola Founder and Trump Donor Gets a Presidential Pardon*, Associated Press (Mar. 28, 2025), <https://apnews.com/article/nikola-trevor-milton-fraud-trump-pardon-3fceb0a3820cecb205656f2dc3f6764>; see also

<sup>4</sup> For example, President Trump pardoned Tim Leiweke—who was indicted by the Department of Justice under President Trump—after Leiweke donated \$250,000 to the president's inaugural committee. See Karen Yourish, Kenneth P. Vogel, & Charlie Smart, *Hundreds of Big Post-Election Donors Have Benefitted from Trump's Return to Office*, N.Y. Times (Dec. 22, 2025), <https://www.nytimes.com/interactive/2025/12/22/us/politics/trump-donors-fundraising-benefits.html>.

<sup>5</sup> President Trump pardoned Binance founder ChangPeng Zhao after Zhao's company took steps that enriched the Trump family by billions of dollars. See Angus Berwick, Patricia Kowsmann, & Rebecca Ballhaus, *How a Billionaire Felon Boosted Trump's Crypto Company en Route to a Pardon*, Wall St. J. (Oct. 25, 2025), [https://www.wsj.com/finance/currencies/binance-trump-crypto-pardon-cz-changpeng-zhao-1007fde9?reflink=desktopwebshare\\_permalink](https://www.wsj.com/finance/currencies/binance-trump-crypto-pardon-cz-changpeng-zhao-1007fde9?reflink=desktopwebshare_permalink).

advocacy is publicly reported.<sup>6</sup> By using pardons in this manner, President Trump is creating a loyalty-based system where allegiance and money determine who is held accountable under the law, while victims are deprived of justice.

President Trump is not the first president to misuse the pardon power to benefit donors and the politically connected. For instance, 25 years ago, then-President Bill Clinton triggered a massive scandal—and was even rebuked by a former president from his own party—when he pardoned the ex-husband of a donor to his presidential library.<sup>7</sup> Congress should pass legislation to shine a light on these transactions and identify potential violations of the law on the part of pardon-seekers, intermediaries, or government officials *other than* the president (who likely has immunity for the exercise of core constitutional powers, including the pardon power, following the Supreme Court’s decision in *Trump v. United States*<sup>8</sup>).

Although the Constitution grants broad power to the president to issue pardons,<sup>9</sup> there are solutions Congress could pursue without a constitutional amendment to address many of the worst abuses and help restore the rule of law. These include:

1. **Strengthening disclosure requirements for pardon recipients and lobbyists;**
2. **Clarifying civil and criminal liability for pardon seekers who corruptly seek to buy a pardon; and,**
3. **Establishing a congressional commission to study presidential pardons.**

The following pages of this report detail how these ideas could be enacted through legislation. Each is well within Congress’s constitutional authority as a co-equal branch of government, and all would go a long way to ensuring the presidential pardon power does not remain a tool for political corruption.

## 1. Strengthening Disclosure Requirements for Pardon Recipients and Lobbyists

Congress should require the disclosure of gifts or political contributions made by pardon recipients to the president and related entities, as well as strengthen the rules governing pardon lobbying.

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<sup>6</sup> See Kenneth P. Vogel, *Pardon Industry Offers Rich Offenders a Path to Trump*, N.Y. Times (Mar. 6, 2026), <https://www.nytimes.com/2026/03/06/us/politics/schwartz-trump-pardon-industry.html>.

<sup>7</sup> See Dan Greenberg, *It Was Twenty (Five) Years Ago Today...*, Cato at Liberty (Feb. 11, 2026), <https://www.cato.org/blog/it-was-twenty-five-years-ago-today> (recounting President Clinton’s pardon of Marc Rich).

<sup>8</sup> 603 U.S. 593 (2024).

<sup>9</sup> See U.S. Const. art. II, § 2, cl. 2 (authorizing the president to “grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment”); Ex parte Garland, 71 U.S. 333, 380 (1866) (finding that with the exception of impeachments, the pardon power is “unlimited.”); U.S. v. Klein, 80 U.S. 128, (1871) (holding conditional pardons are constitutional).

## **A. Require Pardon Recipients Disclose All Donations to the President and Related Entities**

Congress should require pardon recipients to disclose to the Department of Justice (DOJ) anything of value, including any contribution, donation, gift, service, payment, transfer, contract, investment, goods, or other benefit, provided by the pardon recipient, at the pardon recipient's direction or on their behalf, to:

- The president or an immediate family member of the president;
- Any entity established, financed, maintained, controlled by, or operating with the explicit or implicit purpose of advancing a financial, political, electoral, or reputational benefit of, the President or an immediate family member;
- Any entity in which the president or an immediate family member holds a financial interest<sup>10</sup>; or
- Any lobbyist, intermediary, or other person in connection with seeking or obtaining executive clemency.<sup>11</sup>

To ensure this information is transparent, the **DOJ should also be required to publish these reports on a publicly available website within a reasonable time period.**

This proposal would not only capture donations to the president's campaign, but also to associated super PACs or dark money groups, as well as to entities like an inaugural fund or a presidential library, made by the clemency recipient or on their behalf. It would also require the disclosure of all things of value provided to, or invested in, business ventures owned or controlled by the president or their family.

To ensure the reporting requirements are not overly broad, Congress could establish an inflation-adjusted minimum disclosure threshold—perhaps \$10,000—to exempt smaller donations. The reporting period would be the year before the president took office, to capture financial support provided in the previous election cycle, with annual reporting obligations for the four years that follow the pardon. Only pardon recipients who provided things of value exceeding the relevant threshold would be required to file a report.

To ensure this information is transparent, the DOJ would also be required to publish these reports on a publicly-available website within a reasonable time period. Transparency can both

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<sup>10</sup> This category should exempt publicly-traded securities where the president or a family member is not a director or officer, or where they do not, in the aggregate, own more than 10 percent of all shares.

<sup>11</sup> To ensure pardon seekers are not required to disclose payments made for genuine legal services, this category should contain an exemption for payments made exclusively for bona fide legal services provided in connection with representation before a court of law. For payments made in part for such legal services and in part for clemency-related advocacy, only the portion reasonably attributable to clemency-related advocacy shall be disclosed, based on a good-faith allocation by the recipient.

deter corrupt acts on the part of pardon-seekers and enable journalists and watchdog groups to engage in additional fact-finding that can uncover potential corruption.

Enforcement should rest with the Attorney General, with an extended statute of limitations—perhaps ten years—to ensure that violations can be addressed after a president’s term(s) end(s).

Although the Supreme Court held in *Trump v. United States*<sup>12</sup> that the President has absolute immunity for the exercise of core constitutional powers, that immunity only attaches to the President, it does not extend to private individuals who corruptly offer things of value to obtain clemency, or act as intermediaries in such corrupt arrangements. The disclosure required under this proposal would not intrude upon the president’s clemency decisions, but instead would help identify and deter potential corruption on the part of clemency seekers or intermediaries.

## **B. Tighten Lobbying Disclosure for Paid Pardon Advocates**

As noted, pardon seekers are routinely paying political fixers to advocate for pardons before the president. Some paid advocates have registered as lobbyists—in 2025, lobbying firms reported nearly \$5.2 million in payments from clients seeking clemency from Trump, which is eight times more than was disclosed in 2024 under President Biden<sup>13</sup>—but many others have not, because they assert their work falls under Lobbyist Disclosure Act (LDA) exceptions for legal services, or because they claim their direct lobbying for pardons does not exceed the LDA’s 20 percent reporting threshold.

**To address these issues, Congress could adopt a lower threshold for lobbying registration when engaging in paid advocacy for a pardon.** For example, legislation has already been introduced<sup>14</sup> to require that a person register as lobbyist within two days after a single clemency-focused lobbying contact on behalf of a paid client, without regard for the typical 20 percent threshold, and with no exceptions for legal work. Congress might add an exception to the disclosure requirement for payments to lawyers for time spent preparing a pardon application that follows the traditional process, where career officials at the DOJ review petitions using established criteria such as rehabilitation, acceptance of responsibility, and the interests of justice.

## **2. Clarifying Criminal and Civil Liability for Pardon Recipients**

**Next, Congress should amend the federal bribery statute, 18 U.S.C. § 201, to clarify that offering or granting a pardon or commutation is an “official act,” covered by the existing**

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<sup>12</sup> 603 U.S. 593 (2024).

<sup>13</sup> See Vogel, *supra* note 6.

<sup>14</sup> *Pardon Transparency and Accountability Act of 2025*, S. 256, 119<sup>th</sup> Cong. (2025).

**law, and extend the statute of limitations to ensure future administrations could pursue prosecutions.**<sup>15</sup> Doing so would make clear that a pardon-seeker violates the bribery statute by corruptly giving or offering anything of value in exchange for a pardon, and could subject such a pardon recipient to criminal liability even if the president cannot be prosecuted.

Such amendments would also help underscore why disclosure obligations are being imposed on pardon recipients—namely, as a means of identifying and deterring potential corruption on the part of clemency seekers or intermediaries, rather than as a means of interfering with the president’s clemency decisions.

**The statute could also be amended to clarify that pardons cannot be solicited or offered to influence participation in an investigation or to coerce a state or local official to enact the president’s policy preferences.** Congress could do this by clarifying that a pardon is a “thing of value” under the relevant provisions of the statute. This would address situations like Trump’s pardon of Roger Stone at the end of his first term, which appeared to reward Stone’s refusal to cooperate with investigations into the president.<sup>16</sup>

In addition, to capture corrupt bargains struck during a political campaign, including political donations made in exchange for the promise of a future pardon, Congress could extend the federal bribery law to also cover candidates for federal office.

Finally, because a president may exert control over the DOJ—making it less likely the agency would prosecute someone who bribed the president or an administration official—Congress could extend the statute of limitations for such bribery offenses beyond the current five years to preserve the ability to bring such cases under future leadership.

### 3. Creating a Congressional Commission on Presidential Pardons

Congress should establish a bipartisan commission to examine the use of the presidential pardon power, including patterns of potential abuse, gaps in existing safeguards, and options for reform.

Such a commission could be created by legislation because it neither limits the effect of any presidential pardon, nor subjects presidential pardons to legislative control, and it

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<sup>15</sup> The current statute of limitations for the federal bribery statute is five years. See 18 U.S.C. § 3282; U.S. Dep’t of Justice, *Criminal Resource Manual* § 650, *Length of Limitations Period*, <https://www.justice.gov/archives/jm/criminal-resource-manual-650-length-limitations-period>.

<sup>16</sup> See Michael S. Schmidt & Maggie Haberman, *Trump Commuted Roger Stone’s Sentence*, N.Y. Times (July 10, 2020), <https://www.nytimes.com/2020/07/10/us/politics/trump-roger-stone-clemency.html>.

therefore would not impede the president's power under the Constitution.<sup>17</sup> Moreover, it has precedent in congressional investigations into pardons granted by past presidents.<sup>18</sup>

A commission on presidential pardons could be grounded in Congress's constitutional authorities in several ways, including:<sup>19</sup>

- **Oversight authority:** as part of Congress's supervision of executive branch functions, the commission could assess the operations of the Office of the Pardon Attorney, including, for example, whether the Office is being routinely bypassed;
- **Impeachment authority:** the commission could help inform a potential impeachment inquiry where evidence suggests use of the pardon power for purposes that are otherwise illegal (e.g. bribery);
- **Constitutional reform:** the commission could develop findings and proposals in support of a potential constitutional amendment addressing the scope or limits of the pardon power; or
- **Legislative development:** the commission could gather facts and develop recommendations in support of statutory reforms, including measures like those described above.<sup>20</sup>

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<sup>17</sup> See *Ex parte Garland*, 71 U.S. at 380.

<sup>18</sup> See *Pardon of Richard M. Nixon, and Related Matters: Hearings Before the Subcomm. on Criminal Just. of the H. Comm. on the Judiciary*, 93d Cong. 90-151 (1974) (testimony of President Gerald Ford).

<sup>19</sup> Jacob R. Straus & Karen L. Shanton, *Congressional Commissions: Overview and Considerations for Congress*, Cong. Rsch. Serv. R40076 (Jan. 21, 2026), <https://www.congress.gov/crs-product/R40076>.

<sup>20</sup> See *id.*