

The Broad Scope of the Hunter Biden Pardon

'There's a general practice as to when pardons ought to be issued ... and presidents get to exercise it for good reasons and bad reasons,' Malcolm said.

12

27

Save



Hunter Biden, accompanied by his wife, Melissa Cohen Biden, arrives at federal court in Wilmington, Del., on June 11, 2024. Matt Rourke/AP Photo



By Jacob Burg

12/4/2024 Updated: 12/4/2024

A A Print

President Joe Biden **issued** on Dec. 1 a full and unconditional pardon for his son, Hunter Biden, encompassing any “offenses against the United States” between Jan.1, 2014, and Dec. 1, 2024.

he turn of events came about after the president had pledged he couldn’t use his pardoning powers for his son.



In early June, four days into Hunter Biden’s federal gun trial, Biden said he would not **pardon** his son if the jury convicted him. A week later, the Delaware jury found the younger Biden **guilty** on all charges for lying on a federal gun application.



he president again **told** reporters that he would not pardon or commute whatever sentence his son is given.



“I am satisfied that I’m not going to do anything. I said I’d abide by the jury decision ... and I will not pardon him,” the president said at the time.

Then, in September, Hunter Biden surprised prosecutors by **pleading** guilty to all nine charges in his federal tax case, avoiding a drawn-out trial. He had pleaded not guilty to all nine counts in January.

Meanwhile, surprise moves had also occurred in the presidential election race. President Biden had dropped out of the presidential race in late July and handed the reins to Vice President Kamala Harris, who ultimately lost to President-elect Donald Trump.

Trump is set to assemble a new team at the Department of Justice (DOJ) after inauguration day.

“Obviously Joe Biden is concerned the Trump administration Department of Justice is going to come after his son pretty

aggressively. So that's why they did what they did," former federal prosecutor Neama Rahmani told The Epoch Times.

Blanket Pardons

Legal experts told The Epoch Times that Hunter Biden's pardon is not only sweeping in scale but also largely unprecedented within the history of presidential pardons. Just one seemingly compares—President Gerald Ford's blanket pardon of former President Richard Nixon.

"With Nixon and Watergate, we had a sense of what the potential universe of charges would be," Rahmani said.

"There's a general practice as to when pardons ought to be issued, but it is a plenary power, and presidents get to exercise it for good reasons and bad reasons," John Malcolm, former deputy assistant attorney general for the DOJ's criminal division, told The Epoch Times.

Malcolm, who is also vice president of the Heritage Foundation's Institute for Constitutional Government, noted that the Nixon pardon was broad and covered any federal crime that he could have committed while he was in office, between Jan. 20, 1969, and Aug. 9, 1974.

"It was just a broad time period and a blanket pardon. And that's what [Hunter's] was. And I'm not aware of any other pardon that was like that. Every other pardon has been for federal offenses that were particularized," Malcolm said. "It's always crime specific."

There have been numerous examples of presidential pardons, some specific and others more broad.

President Thomas Jefferson pardoned anyone who had been convicted under the Alien and Sedition Act passed during the John Adams administration because he considered the law unconstitutional and its subsequent prosecutions "categorically unfair," Malcolm said.

President Jimmy Carter issued a blanket [pardon](#) for anyone who had evaded the draft during the Vietnam War.

“They are usually given to people either because it was a very unfair process ... [or] because they thought the law was unfair, or sometimes they were minor offenses and people have led an exemplary life since that time,” Malcolm said.

Some are more controversial, he said, referring to President Bill Clinton’s highly scrutinized pardon of fugitive Marc Rich, which drew ire from Carter.

Clinton also pardoned his half-brother Roger Clinton, who was facing drug charges.

There’s also the mirroring justification for the pardon compared to some of the ones Trump issued for political allies during his first term, Rahmani said, when he alleged that those recipients were victims of unfair prosecution.

“Donald Trump opened that door, and Joe Biden walked right through it,” Rahmani said.

In a [statement](#) explaining the pardon, Biden called his son’s treatment a “miscarriage of justice.”

“I believe in the justice system, but as I have wrestled with this, I also believe raw politics has infected this process,” Biden wrote.

The timing of the pardon is also noteworthy, according to lawyer and legal commentator John Shu, who served in both Bush administrations. Shu told The Epoch Times that President Biden issued the pardon before Hunter’s sentencing hearings in his gun and tax cases.

If the president had waited until after the sentencing hearings, Having a felony record could have jeopardized Hunter Biden’s law license. Gun ownership and voting rights can be affected as well, depending on one’s state of residence.

While Trump cannot undo the pardon in office, nor can his Justice Department reopen criminal probes into Hunter Biden based on conduct within the span of time stated in the pardon, that does not mean President Biden's son is free from legal scrutiny moving forward, Malcolm said.

Either the Justice Department or Congress could issue a subpoena to bring Hunter Biden before a grand jury, since, in accepting a blanket pardon, he no longer has at his disposal the Fifth Amendment right against self-incrimination for federal charges, although it would likely still apply for state charges or crimes outside of the time window given in the pardon.

Lawmakers or prosecutors could ask the younger Biden "all kinds of questions about [his] conduct and the conduct of [his] family members," including his uncle and his father, Malcolm said.

If Hunter Biden refuses to answer the questions, Congress or the DOJ could hold him in civil contempt.

"I'm not saying that the Trump administration will do this, or should do this, but they could do that," Malcolm said.

There's precedence for that, according to Shu. When Steve Bannon and Peter Navarro, both Trump administration officials, were subpoenaed by Congress during its investigation into Jan. 6, 2021, the two were charged for contempt of Congress when they refused to comply. Both spent time in jail this year over the charges.

Sign up for the Epoch Opinion newsletter. Our team of Canadian and international thought leaders take you beyond the headlines and trends that shape our world.

[Sign up with 1-click >>](#)



Jacob Burg

Author

Jacob Burg reports on national politics, aerospace, and aviation for The Epoch Times. He previously covered sports, regional politics, and breaking news for the Sarasota Herald

Author's Selected Articles

South Korea President Withdraws Martial Law 6 Hours After Decree: Here's What to Know

Dec 03, 2024



Biden Meets Angolan President, Says US Is 'All in on Africa'

Dec 03, 2024



First Lady Announces White House Holiday Theme: 'Season of Peace and Light'

Dec 02, 2024



5 Critical Elections to Watch Out for in 2025

Nov 30, 2024

