



## President Trump's Pardon of Pat Nolan - A Great Moment for Criminal Justice Reform

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President Donald Trump's pardon of Pat Nolan yesterday is a cause for celebration, not just for Pat and his family, but for Americans across the political spectrum who have come together to support criminal justice reform. Because Pat is both a leader of this movement as well as symbol of its necessity, his pardon is of dual significance.

The facts of Pat's case are known, though obscured in the passage of time. Younger journalists may be seduced by the false negative imagery memorialized in old clippings. Sadly, in prominent cases involving dubious "plea bargains," rogue FBI operatives and compliant, even unethical prosecutors get their version out, while the beleaguered target must remain silent. One downside of today's search engines: they make permanent the past distortions, often fueled originally by leaks from government operatives to favored reporters.

While I have encountered many honest and dedicated FBI agents and DOJ prosecutors, the cast of characters who went after Pat epitomized abuse of investigative power and prosecutorial misconduct. I have recounted the egregious methods and tactics used to bring down Pat and had publicly called for his pardon while working behind the scenes.

As a young man, I helped elect Sen. James L. Buckley and worked for him on Capitol Hill. I remember Jim came back from a meeting with President Richard Nixon. "So what happened?" I asked. "What did the president say when you asked him to fire [a cabinet under-secretary]?" Jim replied, "The President said, 'Senator, I've fired him *three times*.'" So while I was overjoyed when President Trump called Pat ten days ago, I knew that even when the president signs off, it's never for sure *until it happens*.

Pat's case was no doubt compelling for President Trump, who has shown a willingness in seeking pardons to reach beyond the entrenched DOJ bureaucracy, which is typically more likely to validate the already rubber-stamped actions of the aberrant Inspector Javerts. Consider, for example, that President Trump previously commuted the sentence of Shlomo Rubashkin, the details of that case also stunning ([here](#), and [here](#)).

Some personal history: Pat and I were in our late teens when we became active as youth leaders in Ronald Reagan's successful campaign for governor. When Pat and I first encountered Reagan, he would say (as some have said before him) and repeat often into his presidency, "There is no limit to the good you can accomplish if you don't care who gets the credit." As I reflect on Pat's pardon, I look for meaning in Pat's life, which reflects Reagan's sage observation, and that brings me to the First Step Act, landmark criminal justice reform.

Observe that some of President Trump's most ardent foes worked with the president to pass the First Step Act. Most were more interested in results than the glory. The president did what his predecessors would not or could not do. And one of the president's strongest critics, Van Jones, was at the bill signing to praise President Trump *on this issue*. Pat stood slightly behind President Trump but toward the back, as the president prepared to sign the historic bipartisan legislation. Pat is not a small man, but he seemed to blend into the background... that is, until Jared Kushner whispered into the ear of the president who then called Pat forward to thank him personally — Pat the only non-legislator to be so honored, as shown just after minute 32 in the [C-Span video](#).

Then Pat blended back into the background. No interviews with the press. That's because for over a quarter century, Pat has quietly sought results, not the limelight. It is said that success has a thousand fathers, and many would exaggerate their role in the First Step Act. But those surrounding the President at the bill's signing knew that while the legislation was a team effort (conservatives and liberals), the quarterbacks were two men who sought no exaltation — Jared Kushner and Pat Nolan, who made it happen. So, when the President thanked Pat, the others surrounding the Resolute Desk burst into spontaneous applause.

Years earlier, just before Charles Kushner was about to enter prison, he and his family had sought advice from a man known for his wisdom, compassion, and understanding. Pat Nolan, Chuck Colson's protégé, was the head of Justice Fellowship, the companion organization to Colson's Christian prison ministry outreach, Prison Fellowship. Over the years Pat has worked closely with the Jewish outreach in prisons and jails, Chabad's Aleph. And one concern of the Kushner family was how Charles Kushner could keep kosher in prison. Pat met with the Kushners and their son Jared and his fiancée. But it was only years later during the presidential campaign that Pat realized who Jared and Ivanka were. When Pat contacted Jared during the 2016 campaign, the candidate's son-in-law invited Pat to Trump Tower. But Pat, who has had serious health problems for years, was too ill to travel at that time. Jared and Pat would meet, after Trump's victory. Jared later would confess, "Criminal justice reform was not part of our agenda, it wasn't even on our radar screen." Jared would tell Pat, "Because of what my family faced and what other families go through, I thought this is something we have to address." Soon, Pat and conservative leaders like former Virginia attorney general Ken Cuccinelli, now a CNN contributor, would be meeting at the White House with Jared to pursue a long-term strategy that would take nearly two years for its fruition. Like Pat, former prosecutor Cuccinelli believes that *some* people should be in prison, and perhaps for a long time. But, as Ken told me several years ago, evangelical crusader Pat has inspired him to see the need for reforming a broken system.

For more than two decades Pat has worked to build a conservative coalition for reforming the criminal justice system, that coalition involving many of our old friends, like former Reagan Attorney General Ed Meese, and iconic conservative leaders like Richard Viguerie, David Keene, and Grover Norquist. The libertarians, especially the Cato Foundation and *Reason* magazine, have long championed this cause. Even Barack Obama acknowledged the leadership of the libertarian Koch brothers.

Oddly, former House Speaker Newt Gingrich first introduced Pat to liberal-progressive Van Jones, who later would embrace conservatives who Jones himself acknowledged were the leaders in criminal justice reform. Republican governors like Mitch Daniels of Indiana were pioneering reformers. The heretical Jones would later antagonize his own leftist allies by

crediting Trump for leadership on this issue. On meeting Van Jones for the first time, Pat had quipped, “We’ll just check our guns at the door.”

Several years ago, Democrat political leader Donna Brazile had joined the Gingrich-Jones duo in sponsoring a conference on criminal justice reform. It’s a long list of odd bedfellows that Pat organized over several years, including Karen Bass. Elected after Pat’s time in the California State Assembly, Democrat Bass became the powerful Speaker of the State Assembly. Today, she heads the Congressional Black Caucus where she helped Pat expand his coalition. This was no easy task, because some partisan Democrats seemed more interested in defeating anything Trump favored than passing criminal justice reform. But many Democrats, such as another Nolan ally, Virginia Congressman Bobby Scott, put principle above partisanship, in working with the Trump Administration on this defining issue.

Even John Burton, the former California Democratic Party chairman, who in the State Assembly, and later as the Democrat leader of the State Senate, was a long-time adversary of Pat’s, more recently told him, “You’re doing the Lord’s work.” This is, of course, music to Pat’s ears, as he is a man of faith, and believes in a divine path, that what happened to him, happened for a reason.

Long ago I was on a government delegation abroad with then Illinois legislator Dick Durbin, now the number two Democrat in the U.S. Senate, as Democratic Whip. How could I know that a generation later, Dick would be ranking minority member on a Senate Judiciary subcommittee hearing Pat testify about his work on the national commission on safety and abuse in prisons. That was the beginning of a latter day Nolan-Durbin relationship that would prove integral in passing the First Step Act, and hopefully more criminal justice reform to come.

Pat also was a member of the Commission on Prison Rape. I partnered Pat with my (now) friend, and onetime adversary (I supported, she opposed, California’s successful Proposition 209 to prohibit gender and race preferences in California government), the legendary civil rights lawyer and police reform expert Connie Rice, as she co-authored with Pat a compelling *Los Angeles Times* article on the need to implement the Prison Rape Commission’s recommendations. Sadly, if not inexplicably, President Obama’s Attorney General Eric Holder, seemed to side with the prison bureaucracy in resisting reform.

Ironically, where President Obama failed on significant criminal justice reform, an issue of particular concern to African Americans (and now contentious within the Democrat presidential primary), it was President Trump who closed the loop. But all this was a long way in coming. I remember when Pat testified years ago before a Senate committee about rewriting federal criminal law. Democratic Senator Jim Webb could not find other colleagues to collaborate with him.

Pat’s profound commitment to criminal justice reform also reflects the legacy of Alexis de Tocqueville, author of the classic of conservatism, *Democracy in America*. And as a Christian, Pat understands the Judeo-Christian concept of restorative justice. Recruited by the inspired Chuck Colson to head up Justice Fellowship, Pat was already well liked in the national conservative movement. Highly respected for his leadership skills that had seen him elected to the California State Assembly at the age of 28 and selected by his colleagues to be Republican Leader when he was just 34, Pat was a principled conservative with political acumen. He would bring the Republicans in the State Assembly to within five votes of gaining the majority.

How could Pat have known, when he entered prison, how his life would change? When he left prison, his life would take on new meaning, at Chuck Colson's Prison Fellowship, and then Justice Fellowship.

From the moment Pat arrived at Justice Fellowship he changed the national discussion on criminal justice. Harry Reid was attempting to limit the religious freedom of inmates. Pat dived right in, recruiting an odd couple — Senators Ted Kennedy and John Ashcroft — to lead the effort to kill Reid's proposal. Only Pat could have put this duo together. Pat organized the news conference outside the Capitol with Kennedy and Ashcroft announcing a broad coalition to oppose Reid's efforts. Reid lost, and the coalition pressed for permanent protection for inmates' religious rights, passing the Religious Land Use and Institutionalized Persons Act (RLUIPA). When these and other religious protections were challenged in the Supreme Court, Pat organized the filing of *Friend of the Court* briefs in three separate SCOTUS cases, with the Court upholding inmates' religious freedom 9-0 in each case.

The coalition from RLUIPA set to work on holding prison authorities accountable for eliminating rape in prison. As I noted, Pat served on the Prison Rape Commission. A strong bipartisan coalition drafted and passed the Prison Rape Elimination Act (PREA) unanimously. Pat also helped build a similarly broad coalition to support the Second Chance Act, which shifted prisons from warehousing prisoners to providing them with programs to lessen recidivism. This legislation targeted programming to prepare inmates for jobs and to help them be good parents, spouses, and good neighbors.

Critical to continued successes is the support of respected conservative leaders Pat worked assiduously over the years to recruit. I've mentioned several and would also add (among many others) Bob Woodson, Brent Bozell, Ken Blackwell, Jim Dobson, Ralph Reed, Tony Perkins, Bill Bennett, and Ward Connerly.

It is remarkable that Pat has been a leader, and therefore a part of four signing ceremonies at the White House: RLUIPA (Clinton), PREA and Second Chance Act (Bush 43) and First Step Act (Trump). And to think he was able to play a major part in passing these important bills despite being a convicted felon!

After his election back in 1978 as a supporter of California's legendary Proposition 13, which started the national tax revolt, Pat served eight terms in the California State Assembly, two of them as the Assembly Republican Leader. He was a leader then on behalf of victims' rights and one of the original sponsors of the Victims' Bill of Rights (California's Proposition 15). In more recent years, he has worked to bring victims and perpetrators together.

Pat's book *When Prisoners Return* describes the important role of the Church in helping prisoners get back on their feet after their release. Pat has convinced many skeptics that prison ministry can help reduce prison violence and also reduce recidivism.

A frequent expert witness at Congressional and state legislative hearings on prison work programs, juvenile justice, prison safety, offender reintegration, and religious freedom, Pat has lectured at judicial conferences and legal conventions. He has coauthored articles for the *Notre Dame Law School Journal of Law, Ethics and Public Policy*, and the *Regent Law School Law Review*. He is widely published, including in the *Washington Post*, *Wall Street Journal*, and *New*

*York Times*. And he has appeared as a frequent guest on programs ranging from Montel Williams to Sean Hannity.

Pat has been honored with awards from the Vera Institute of Justice, the Justice Roundtable, and the Center for Policing Equity. Just two months ago, the American Conservative Union, founded by Wm. F. Buckley, Jr. honored Pat. And the ACU Foundation renamed its Center for Criminal Justice Reform to be “The Nolan Center for Justice.” Bill Buckley, “the godfather of the conservative movement” would have been proud of Pat. Indeed, perhaps Pat’s most fitting accolade is from former federal prosecutor Arthur Rizer, who called Pat “the godfather of criminal justice reform.” And President Trump made Pat Nolan an offer he could not refuse.