

SERIES: CORRUPT AMERICA ♦

What Is a Sentence Worth?

An AI Wrangler illustrated story



From the film

MARTY

Four people who appear in this twelve-episode series left the story early — not because their convictions were overturned on appeal, not because they served their time, but because someone signed a document. I'm Marty Shepard, and this is Corrupt America.

CAROL

And before you go further — I want to make sure we're being precise, because there are at least two very different documents that can do that.

MARTY

There are, and the difference matters enormously. A commutation ends a punishment — the prison door opens, but the court's verdict stays in the record. A pardon does something else entirely: it forgives the offense, and what a jury found becomes, in practical terms, undone. Both instruments appear in this episode, and the difference between them is the whole argument.

CAROL

We've spent eleven stories asking how public officials abuse the trust placed in them. This episode is asking what happens after the system responds — and whether the response holds.

MARTY

Exactly right. Four people in this series received executive clemency: two were Democrats, two were Republicans. I want to say that plainly, because the mechanism we are discussing is not the property of one party. It predates every political figure in this story by roughly two hundred and fifty years.

CAROL

Which somehow makes it feel more serious, not less.

MARTY

Rod Blagojevich was the governor of Illinois, convicted in twenty eleven on multiple federal corruption counts — the kind of case where the wiretaps read

like a script that Sidney Lumet would have called too on-the-nose. A federal judge sentenced him to fourteen years. He served roughly eight of them before President Trump commuted the sentence in twenty twenty. The prison door opened. The conviction remained. Then, in February twenty twenty-five, in the early weeks of President Trump's second term, Blagojevich received a full pardon.

CAROL

So the commutation in twenty twenty wasn't sufficient — five years later he needed the conviction itself gone.

MARTY

The legal difference is real. After a commutation, Blagojevich was still, in the public record, a convicted felon. A full pardon changes that calculus — it can restore rights, affect professional licensing, and fundamentally reframe how the conviction travels. What it cannot do is travel back and un-deliberate the jury. Somewhere there are jurors who spent weeks weighing that evidence and returned a verdict in good conscience. I think about them.

CAROL

So do I. And I think about the fact that the same jury system is the thing we're relying on to catch the next one.

MARTY

Now — Blagojevich is one of the two Democrats. One of the two Republicans is Duncan Hunter, a congressman from California who pleaded guilty to conspiracy, having spent more than one hundred and fifty thousand dollars in campaign funds on family vacations, hotel stays, groceries, video games, and, memorably, airfare for the family's pets. He was pardoned in December twenty twenty by President Trump — not commuted, pardoned. The offense forgiven. Hunter never served a single day.

CAROL

That is the distinction I want listeners to hold onto — a pardon doesn't mean a court found him not guilty. He pleaded guilty. The pardon means the offense was forgiven. Those are not the same thing.

MARTY

They are not, and Hunter had pleaded guilty, so there was no ambiguity about what a court had found. The second Republican in this group is George Santos, who pleaded guilty to twenty-three counts of fraud, identity theft, and campaign finance violations, and was sentenced to eighty-seven months. He surrendered to

federal prison in July twenty twenty-five. He had been inside roughly three months when a commutation — dated the seventeenth of October twenty twenty-five — released him. His conviction stands. What the commutation also cancelled, along with the remaining sentence, was the restitution he owed to the people he had defrauded.

CAROL

The people he stole from are still out the money. That cost doesn't appear anywhere in the legal definition of commutation.

MARTY

The legal definition is, as you say, scrupulously neutral on that point. Now, in three of these four cases we are discussing people who were convicted or who pleaded guilty — which means at some stage a court made a finding, and clemency addressed what came after that finding. The fourth case is different in kind, and it is the one this episode has been building toward.

CAROL

This is Henry Cuellar.

MARTY

Henry Cuellar, Democratic congressman for Texas. Federal prosecutors charged him with bribery and acting as an unregistered foreign agent, among other counts. In December twenty twenty-five, President Trump pardoned him. And here is what must be said plainly, without softening: Cuellar was pardoned while those charges were still pending. He was never tried. There was no conviction to forgive because there was no verdict. Henry Cuellar has not been found guilty of anything by any court. He was charged, and then he was pardoned, and the charges are gone.

CAROL

So what does a pardon do, legally, when there's no conviction behind it? What has actually happened?

MARTY

It terminates the federal proceedings. The charges cannot be pursued further. Whether the act of accepting a pardon constitutes an acknowledgment of anything is a question constitutional scholars have argued since the founding, and I am not going to resolve it here. What it does not constitute is a verdict of any kind. Cuellar is, in the full and correct sense of the phrase, presumed innocent — and he is also, now, pardoned. Those two things coexist. The Constitution permits both, and no court has ever said otherwise.

CAROL

I keep reaching for an everyday comparison and I cannot quite land on one. It's not an acquittal. It's not a dismissal for insufficient evidence. It is something older and blunter than either of those, and it arrives before the process has said anything at all.

MARTY

It is. The pardon power in the American Constitution is among the broadest and least constrained executive authorities in the document. Courts have been reluctant to limit it. What has shifted is not the power itself but the profile of the recipients, the frequency of its use, and the moment in a case when it arrives. When you place these four cases beside each other — Blagojevich commuted, then pardoned; Hunter pardoned before he entered a cell; Santos commuted with restitution cancelled; Cuellar pardoned before any trial — the common thread is not the party of the recipient. The common thread is the existence of the pen, and the willingness to use it.

CAROL

And the people who bore the cost of what those four officials did — the constituents, the institutions, the individuals who were defrauded — none of them received a corresponding instrument. There is no pardon for the harm done to them.

MARTY

That is the question this series has been circling since the first episode, and the one I am unwilling to paper over with a tidy conclusion: what is a sentence worth, if it can be ended? What is a conviction worth, if it can be erased? What is the jury's work worth, if it can be set aside by a single act of constitutional authority? I do not have answers. I have twelve episodes of court records, sentencing transcripts, and the persistent unsettled feeling that the machinery we built to hold power accountable depends entirely on whether the people who operate it believe it should hold them too. Blagojevich was convicted and then pardoned. Hunter was pardoned before he served a day. Santos's conviction stands; his victims' restitution does not. Cuellar was pardoned before trial and was never convicted of anything. The republic is older than any of them, and it is still here, and the question is still open. I'm Marty Shepard.

CAROL

And I'm Carol. Thanks for sitting with us.