

By Dave Philipps

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President Trump has indicated that he is considering pardons for several American military members accused or convicted of war crimes, including high-profile cases of murder, attempted murder and desecration of a corpse, according to two United States officials.

The officials said that the Trump administration had made expedited requests this week for paperwork needed to pardon the troops on or around Memorial Day.

One request is for Special Operations Chief Edward Gallagher of the Navy SEALs, who is scheduled to stand trial in the coming weeks on charges of [shooting unarmed civilians](#) and killing an enemy captive with a knife while deployed in Iraq.

The others are believed to include the case of a former [Blackwater security contractor](#) recently found guilty in the deadly 2007 shooting of dozens of unarmed Iraqis; the case of Maj. Mathew L. Golsteyn, the Army Green Beret accused of [killing an unarmed Afghan](#) in 2010; and the case of a [group of Marine Corps snipers](#) charged with urinating on the corpses of dead Taliban fighters.

The officials, who spoke on condition of anonymity because they were not authorized to speak publicly, said they had not seen a complete list, and did not know if other service members were included in the request for pardon paperwork.

The White House sent requests on Friday to the Justice Department's Office of the Pardon Attorney, which alerted the military branches, according to one senior military official. Pardon files include background information and details on criminal charges, and in many cases

include letters describing how the person in question has made amends.

The official said while assembling pardon files typically takes months, the Justice Department stressed that all files would have to be complete before Memorial Day weekend, because the President planned to pardon the men then. A second United States official confirmed the request concerning Chief Gallagher.

The military branches referred questions to the Justice Department, which declined to comment on the matter.

Mr. Trump has often bypassed traditional channels in granting pardons and wielded his power freely, sometimes in politically charged cases that resonate with him personally, such as the conviction of the former [Arizona sheriff Joe Arpaio](#). Earlier this month, the president pardoned former [Army First Lt. Michael Behenna](#), who had been convicted of killing an Iraqi during an interrogation in 2008.

While the requests for pardon files are a strong sign of the president's plans, Mr. Trump has been known to change his mind and it is not clear what the impetus was for the requests. But most of the troops who are positioned for a pardon have been championed by conservative lawmakers and media organizations, such as Fox News, which have portrayed them as being unfairly punished for trying to do their job. Many have pushed for the president [to intervene](#). The White House declined to comment.

Pardoning several accused and convicted war criminals at once, including some who have not yet gone to trial, has not been done in recent history, legal experts said. Some worried that it could erode the legitimacy of military law and undercut good order and discipline in the ranks.

"These are all extremely complicated cases that have gone through a careful system of consideration. A freewheeling pardon undermines that whole system," said Gary Solis, a retired military judge and armor officer who served in Vietnam. "It raises the prospect in the minds of the troops that says, 'Whatever we do, if we can get the folks back home behind us, maybe we can get let off.'"

Chief Gallagher's lawyer, Timothy Parlatore, was surprised by the news that the president could be considering a pardon, and said ideally the chief would be acquitted at trial.

"We want the opportunity to exonerate my client," Mr. Parlatore said in an interview. "At the same time, there is always a risk in going to trial. My primary objective is to get Chief Gallagher

home to his family. To that end, Chief Gallagher would welcome any involvement by the president.”

Other than violating military law, the cases the president is said to be considering defy easy categorization.

Navy SEALs who served with Chief Gallagher told authorities he indiscriminately shot at civilians, gunning down a young woman in a flowered hijab and an unarmed old man. They also said he stabbed a teenage captive, then bragged about it in text messages. His trial is set to start at the end of this month. If convicted, he faces life in prison. He has pleaded not guilty and denies all charges.

Major Golsteyn is charged with killing an Afghan man that he and other soldiers said had bomb-making materials. After an interrogation, the soldiers let the man go. Fearing that the man would return to making improvised explosives, which had already killed two Marines in the area, Major Golsteyn later said he killed the man.

Mr. Trump has singled both men out on Twitter, calling Major Golsteyn a “U.S. Military hero,” and praising Chief Gallagher for his service to the country.

The Blackwater contractor, Nicholas A. Slatten, is one of several Blackwater contractors charged in the killing of 17 Iraqis and the wounding of 20 more on a Baghdad street. After a number of mistrials and other delays, he is the only one who has been convicted.

The Marines charged in urinating on the corpse of a Taliban fighter were caught after a video of the act was found.

The fact that the requests were sent from the White House to the Justice Department, instead of the other way around, is a reversal of long-established practices, said Margaret Love, who served as the United States pardon attorney during the first Bush administration and part of the Clinton administration.

Long ago, presidents wielded clemency power directly, Ms. Love said, but that changed at the end of the Civil War when President Lincoln delegated review of clemency requests to his attorney general. Since then, cases have generally been vetted by Justice Department lawyers before being sent to the president.

President Trump has upended that practice, often issuing pardons with little or no notice to the Justice Department, she said, adding that the fact the department is requesting files on men like Chief Gallagher at all suggests that Attorney General William P. Barr is trying to re-exert some authority over the process.

Process aside, she said that pardoning the men would be an abrupt departure from the past.

“Presidents use pardons to send messages. They recognize when a process wasn’t just or when punishments were too extreme, like for some nonviolent drug cases,” she said. “If this president is planning to pardon a bunch of people charged with war crimes, he will use the pardon power to send a far darker message.”

*Eric Schmitt, Maggie Haberman and Katie Benner contributed reporting.*