

NACOLE condemns in the strongest possible terms the pre-sentencing pardon of former Maricopa County Sheriff Joe Arpaio by President Trump. Former Sheriff Arpaio was found to have led a department that conducted racial profiling, illegally detained individuals, and failed to investigate sexual assault – all motivated by anti-Latino racism. He then blatantly disregarded the court’s orders which were intended as an important step in correcting the past abuses. The conviction of the chief law enforcement officer of one of the nation’s largest counties for contempt of court was an important step in building trust between law enforcement and the communities they serve – but President Trump has undermined that step with his unprecedented and reckless action.

President Trump did not follow the Department of Justice’s own process or guidelines for issuing a pardon. In fact, the public announcements coming from the White House have implied that former Sheriff Arpaio was not guilty of a crime and was – in the President’s opinion – upholding the law. The President has abused his Constitutional authority to effectively overturn the decision of the court, undermining the ability of courts to enforce their rulings and rendering meaningless the concept of clemency as forgiveness for a crime.

It is unprecedented for the President to use his authority to pardon someone for violating their oath to uphold the Constitution and to effectively eliminate the power of a Federal court to hold someone in contempt for violating its order. For all intents and purposes, this pardon authorizes elected officials and government employees to violate the Constitution and violate civil rights of individuals with impunity if those violations are in alignment with the political positions of the President.

Our nation’s second president John Adams stated that the United States is “a government of laws and not of men,” - an important principle of our nation. While the Constitution’s framers may not have foreseen the possibility that a President would use the power of the pardon to undermine the Constitution itself, this is what has just happened. President Trump’s pardon of former Sheriff Arpaio violates the principle of separation of powers and subverts the Constitution itself.