



September 8, 2017

The U.S. Commission on Civil Rights Denounces the Pardon of Former Sheriff Joe Arpaio

The U.S. Commission on Civil Rights, by majority vote, denounces President Donald J. Trump's pardon of former Sheriff Joe Arpaio.¹ The pardon of Mr. Arpaio, who repeatedly violated the civil rights of Latino residents of Maricopa County, Arizona and also violated a federal court order to desist from violating those civil rights, flouts the rule of law. Moreover, because these violations occurred while Mr. Arpaio was acting as a law enforcement officer, the pardon erodes the promise of fair administration of justice. Pardoning a person convicted of deliberately and flagrantly defying a federal court order over a sustained period of time undermines the rule of law in this country by signaling that supporters and allies of the President who violate civil rights and ignore orders from federal courts will not be held accountable as our system of justice requires.

The many court decisions filed over the course of nearly a decade of litigation against Mr. Arpaio and the Maricopa County Sheriff's Office establish a disturbing course of intentional violations of civil rights. In 2007, litigants filed a class action lawsuit on behalf of all Latino persons who had or would be detained in Maricopa County, Arizona, claiming that Mr. Arpaio and his office had illegally and without authorization engaged in discriminatory behavior against Latino individuals in Maricopa County.² Despite a federal court ordering Mr. Arpaio and his office to stop their unlawful behavior,³ court records show that he made repeated public statements that he understood he was violating the court's order, including that he would "never give in to control by the federal government;" even if the Supreme Court struck down an Arizona immigration law, he declared, "I'm still going to do what I'm doing."⁴

The underlying reasons for Mr. Arpaio's criminal conviction are alarming. Latino residents of Maricopa County sought justice for the violation of their civil rights, only to be confronted with Mr. Arpaio's public and blatant contempt for the law after a court vindicated their claims. The pardon functionally endorses racial profiling and abuses of authority, contrary to the work of the

¹ The White House, President Trump Pardons Sheriff Joe Arpaio, Aug. 25, 2017, <https://www.whitehouse.gov/the-press-office/2017/08/25/president-trump-pardons-sheriff-joe-arpaio>.

² First Amended Complaint (Class Action), *Melendres et al. v. Arpaio et al.*, Case No. 2:07-cv-02513, Dkt. 18 at 3 (D. Ariz. Jul. 16, 2008), available at <https://www.aclu.org/legal-document/ortega-melendres-et-al-v-arpaio-et-al-first-amended-complaint>.

³ Order, *Melendres et al. v. Arpaio et al.*, Case No. 2:07-cv-02513, Dkt. 494 at 27, 29, 40 (D. Ariz. Dec. 23, 2011), available at <https://www.clearinghouse.net/chDocs/public/PN-AZ-0003-0021.pdf>; see also Findings of Facts and Order Setting a Hearing for May 31, 2016, *Melendres et al. v. Arpaio et al.*, Case No. 2:07-cv-02513, Dkt. 1677 at 3 (D. Ariz. May 13, 2016), available at <https://www.aclu.org/legal-document/ortega-melendres-et-al-v-arpaio-et-al-2016-order>.

⁴ Findings of Fact and Conclusions of Law, *U.S. v. Arpaio*, Case No. 2:16-cr-01012, Dkt. 210 at 3-4 (D. Ariz. Jul. 31, 2017), available at <http://images.phoenixnewtimes.com/media/pdf/verdict.pdf>.

hundreds of thousands of hardworking law enforcement officers around the country who faithfully uphold the law.

Chair Catherine E. Lhamon said, “The President’s pardon of Sheriff Arpaio damages the fabric of our nation by condoning – from law enforcement – deliberate, flagrant violation of a court order specifically to protect fundamental constitutional principles. The federal courts fulfilled their obligation to protect and uphold civil rights, and it is anathema to the fair administration of justice for the President to dismiss that judgment.”

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).