

Coalition for Integrity

PROTECT THE RULE OF LAW AND JUDICIAL INDEPENDENCE

The United States rightly prides itself and its institutions as committed to the rule of law and judicial independence and has taken strong action against corrupt government officials. These principles require sound legal protections for defendants, competent prosecutors and judges independent of political and personal influence, and active enforcement of anti-corruption laws, such as those banning the use of public office for personal gain. In recent actions, President Trump and Attorney General Barr have undercut U.S. credibility in this battle and undermined U.S. efforts to influence good governance around the world. Prompt action is necessary to reestablish trust that rule of law and judicial independence will be protected. Otherwise, these actions will upend years of efforts to combat corruption around the world.

Political interference in the sentencing recommendations for Roger Stone, found guilty of obstructing the congressional investigation into Russian interference in the 2016 Presidential election, among other things raises profound concerns. Last week, the Department of Justice leadership overruled the sentencing recommendation made by the senior prosecutors who had won Stone's conviction – leading all four Assistant U.S. Attorneys assigned to the case to resign from it. The Justice Department decision followed the President's tweets urging leniency for his friend, Mr. Stone. After Watergate, well-established norms respected by both political parties have limited White House involvement with law enforcement decisions and sentencing recommendations. Any interference, and even actions and statements that create the perception of interference, inevitably result in loss of public confidence in the rule of law.

U.S. efforts to combat corruption at home and abroad also were damaged by President Trump's decision to pardon or commute the sentences of a host of convicted white collar criminals convicted of crimes related to corruption and fraud. We support the wise use of clemency. We become concerned, however, when the careful deliberative process of considering pardons and commutations is supplanted by an overtly political process and when pardons and commutations disproportionately benefit those convicted of crimes such as bribery, corruption and fraud.

Excessive and politicized pardoning of officials convicted of corruption gives a license for bad behavior to many others. It risks undercutting the deterrence to such behavior posed by the threat of prosecution or jail time. U.S. politicians and many around the world will hear the message, "don't worry, the U.S. does not care if you use your office for your own personal gain." This would be a sad departure from the country that battled for the adoption of the OECD Anti-Bribery Convention and the United Nations Convention against Corruption.

The United States needs to reverse course on this issue. The President of the United States and the Attorney General should use the power we have entrusted to them to promote the highest standards of ethics and integrity.



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