

***For Immediate Release***

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**Contact:** [Contact@FreeSpeechForPeople.org](mailto:Contact@FreeSpeechForPeople.org)

## **Government Watchdogs Call on New York Legislature to Pass Bill Closing Double Jeopardy Loophole**

*Bill would apply to self-dealing presidential pardons*

NEW YORK, NY (April 10, 2019) - A coalition of legal experts and government watchdog groups, led by Free Speech For People and Protect Democracy, issued a letter today urging the New York legislature to close a double jeopardy loophole in state law which may currently allow certain defendants pardoned by the president for their *federal* crimes to also escape prosecution for their *state* crimes. As written, the bill applies solely to pardons that raise the prospect of presidential self-dealing.

“In light of the president’s continued threats to abuse the presidential pardon power to try to shield him and his associates from accountability for criminal conduct, it is urgent that the New York legislature pass this bill to close this gap under New York state law as it applies to the case of self-dealing presidential pardons to family, political aides, business associates, and potential adverse witnesses,” says John Bonifaz, President of Free Speech For People.

Such narrowly-focused legislation has legal precedent. The New York Legislature has passed twelve previous exemptions to the double jeopardy loophole, including [one in 2011](#) in the Leona Helmsley tax fraud case.

The coalition letter to the New York Assembly and the New York State Senate outlines how the bill would ensure that state prosecutors could bring cases against certain defendants pardoned by the president for self-dealing purposes. The letter also addresses the constitutionality of the bill and how it maintains all other double jeopardy protections.

“This bill has been carefully tailored to allow New York to hold a president’s closest associates accountable for their criminal activity, while preserving all constitutional protections,” says Ron Fein, Legal Director of Free Speech For People. “Whether the president is a Democrat, Republican, or none of the above, a presidential pardon for his or her top aides or family members should not close the door on accountability under state law.”

“Presidential pardons are meant to provide mercy in cases where it serves the cause of justice,” says Aditi Juneja, an attorney with Protect Democracy. “Pardons that are used to obstruct justice or evade accountability undermine the pardon system and threaten the very health of our democracy. New York must act to ensure that when pardons are granted, they are used to vindicate justice and not to place certain individuals above the law.”

“New York state law should not allow a president or associates of a president to escape accountability for state crimes through self-dealing presidential pardons,” says Eva Paterson, the President and Co-Founder of the Equal Justice Society. “By closing the double jeopardy loophole, the New York legislature can protect and preserve the rule of law.”

“The president of the United States must not be able to abuse the pardon power to escape accountability for crimes committed and to obstruct justice,” says Adrienne Kirschner, Executive Director of The Loyal Opposition. “The double jeopardy bill closes up a loophole, ensuring that the rule of law is not undermined. The bill is narrowly drawn so that it does not undermine 5th Amendment double jeopardy protections in other contexts.”

“This bill would ensure that New York's double jeopardy law will not prevent the state's prosecutors from holding the president's closest associates accountable,” says Noah Bookbinder, Executive Director of Citizens for Responsibility and Ethics in Washington. “Reports that President Trump may have dangled pardons before Paul Manafort and Michael Cohen demonstrate the need for New York and other states to ensure that Trump associates face accountability for criminal conduct if the President uses his power to undermine convictions and sentences obtained in federal court.”

“Unfortunately, our president and those around him have shown time and again their interests come before those of the country and of justice,” says Autumn Dornfeld, Program Director of Action Group Network. “This legislation makes it possible for justice to be served even when corrupt leaders at the federal level attempt to subvert the law.”

“New York's representatives have an opportunity to ensure that no president, today or in the future, can shield his or her political cronies from criminal prosecution. We strongly urge the Assembly to close this dangerous loophole and uphold the fundamental principle that no one is above the law,” says Stand Up America.

“Again and again Trump has shown that he believes that he is above the law and will go to any lengths necessary to protect himself and his associates,” says Jonah Minkoff-Zern, Co-Director, Public Citizen’s Democracy Is For People Campaign. “Ensuring that he cannot fully pardon his associates can ensure that no-one is above the law and that individuals are more likely to cooperate in ongoing investigations into Trump’s malfeasance.”

The co-signatories to the letter include: Free Speech For People; Protect Democracy; Action Group Network; Coalition to Preserve, Protect, and Defend; Citizens for Responsibility and Ethics in Washington; Equal Justice Society; Public Citizen; Stand Up America; and The Loyal Opposition.

Read the full letter [here](#).

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**Protect Democracy** is a nonpartisan nonprofit organization dedicated to preventing American democracy from declining into a more authoritarian form of government. Learn more at <https://protectdemocracy.org>.