

FREE + FAIR FILES BRIEF IN U.S. v. ADAMS TO PROTECT THE RULE OF LAW

Brief on Behalf of Former U.S. Attorneys Urges the Court to Conduct a Factual Inquiry

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NEW YORK — FREE + FAIR LITIGATION GROUP today filed a friend-of-the-court brief to protect the rule of law after the U.S. Department of Justice's extraordinary request to dismiss the prosecution of *United States v. Eric Adams*. In the amicus brief (URL), three former U.S. Attorneys advise the Court on procedural steps it can take to protect the rule of law; and offer ten questions which the Court may use to conduct a factual inquiry before deciding whether to dismiss the case.

The facts surrounding the DOJ's extraordinary request **"raise important issues about the rule of law, executive power, and the authority of courts to preserve the integrity of the justice system,"** according to the brief. "The DOJ does not seek dismissal for well-recognized law enforcement purposes" but rather "for reasons that may be pretextual, and contrary to the public interest," argue the U.S. Attorneys. "If indeed there was a 'quid pro quo' agreement between the DOJ and Mayor Adams, [we] believe that the Court should not become a party to its implementation."

In the brief, the U.S. Attorneys ask the Court "to conduct a factual inquiry before ruling" on the request. As part of its inquiry, the Court could seek "written and testimonial evidence," including correspondence between the Acting Deputy Attorney General and Mayor Adams' counsel, as well as "the handwritten notes the DOJ apparently seized" during a January 31, 2025 meeting." The U.S. Attorneys recommend the following ten issues to guide the inquiry:

- Does the DOJ possess information to support its assertion that the Adams prosecution was brought as a "politically motivated witch hunt?" Conversely, do the nature of the charges, the strength of the evidence, and the surrounding circumstances indicate that the Adams prosecution was pursued for bona fide law enforcement reasons?
- Are there facts that would warrant a finding that the Adams investigation and prosecution were pursued for illegitimate reasons? Specifically, does the Department have evidence that the investigation

and prosecution were brought as political retribution related to Mayor Adams' calls upon the Biden administration to provide greater resources to address immigration in New York?

- Can the DOJ present evidence to suggest that the return of the indictment was intended or timed to damage the electoral prospects of Mr. Adams?
- Does or will the pendency of the indictment preclude Mayor Adams from enforcing federal, state, and local laws concerning immigration?
- Did Mayor Adams request, or did DOJ offer, the dismissal of Mayor Adams' indictment in exchange for his assistance in immigration enforcement? If so, was this an appropriate use of federal law enforcement authority?
- Did counsel for Mayor Adams meet and/or negotiate with DOJ personnel, without the involvement of SDNY prosecutors, to develop a rationale for dismissing the case against him?
- Does the DOJ have any evidence that Damian Williams, while United States Attorney, took any actions in this case to further a personal political agenda? Is there any reason to believe that any actions he took after leaving the United States Attorney's Office would interfere with the pending prosecution of Mayor Adams?
- To what extent, if any, did Mayor Adams inappropriately attempt to curry favor with President Trump, and did any such efforts influence the decision of DOJ to seek the dismissal of the indictment?
- Is the request to dismiss the indictment without prejudice intended to induce Mayor Adams to cooperate with the Trump Administration's policy objectives or political efforts?
- Given the nature of the charges, the strength of the evidence, and the defendant's position of public responsibility, what facts exist to indicate that dismissal of the indictment would be in the public interest? What impact would such a dismissal have on the public's confidence in the integrity of the judicial process, including among the voters and taxpayers of New York City, who are the constituencies most affected by the crimes charged in the indictment?

"What is at stake here is far more than an internal prosecutorial dispute about an individual case," the U.S. Attorneys argue, citing "concerns about respect for the rule of law and the division of power between the Executive and Judicial Branches of

government.” “The best way to address these concerns is to conduct an inquiry that will allow the Court—and ultimately the public—to determine where the interests of justice may lie,” they conclude.

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