

October 2nd, 2023

We, the undersigned organizations, many of which are part of the Not Above the Law coalition, write to protect American jurors and the jury system, among the most important stars in the constellation of institutions that form the rule of law. Jurors—past, present, and future—are under attack from Donald Trump and those who do his bidding. The attacks are sure to accelerate with the approach of his criminal conspiracy trials in Washington and Atlanta for his attempt to undermine our constitutional republic and to overturn the results of the 2020 election.

Self-serving assaults on institutions and individuals are what Trump and his enablers do. These attacks threaten centuries-old American institutions designed by the Framers to hold to account any leader who would be king.

Accountability is the centerpiece of the rule of law. No one is above it. We hardly need to enumerate the escalating attacks on jurors and the jury system.

- On August 4, three days after a DC grand jury indicted Trump, he infamously posted on social media, “If you go after me, [I will come after you.](#)” Experts told NBC News that “statements like that go to the heart of why there are rules about pretrial public comments to prevent [parties] from seeking to influence the prospective jury pool.
- On August 7, he posted this message: “[No way](#) I can get a fair trial,. . . in Washington, D.C.” It’s hard to miss the import of this message in a jurisdiction that draws its jury pool from a population of which [45% are Black Americans.](#)
- On August 17, reports emerged that Trump’s followers posted [on-line attacks](#) on the Fulton County, Georgia grand jurors who voted on August 13 to indict him. As Georgia law provides, these grand jurors were identified on the indictment.
- On September 6, Fani Willis felt compelled to ask the Fulton County Superior Court to [protect the identities of trial jurors and potential trial jurors](#) as the criminal trials of those the grand jury indicted move forward.
- On September 8, the day that a Georgia state court released the December 2022 special grand juror report recommending Trump’s indictment and others allegedly involved in overturning the 2020 election, he posted this [attack](#) on them: “Essentially, they wanted to indict anybody who happened to be breathing at the time.”

Trump’s reasons seem obvious considering his history. Before the elections in 2016 and 2020, Trump predicted that they would be “rigged” against him. Those messages were meant to shake Americans’ trust in the result if he lost.

After his 2020 loss, he spread the “big lie” that he won, and has repeated that lie ever since. He has successfully eroded faith in democracy and elections among his followers.

Trump is now deploying the same, pre-judgment playbook upon the jurors and system of justice positioned to decide his fate in criminal court.

His attacks are designed to eviscerate an institution of justice inherited from English law and in existence in America before the Constitution that enshrined it. Juries protect individual freedom.

As Jeffrey Abramson, Professor of Government and Law emeritus at the University of Texas and one of America's foremost experts on juries, has written:

The jury [serves the cause of liberty](#), precisely by limiting the concentration of power in state hands – – by placing an independent body between the state and the accused.

But the jury also reflects a companion tradition where we free ourselves, not so much from the government, but by being the government. Ordinary citizens, make the decision about who shall be freed and who shall be subject to loss of their liberty.

Trump, by undermining institutions that check both government power and lawless individuals, aims to release himself from all constraints. For this reason, his vicious attacks on juries are sure to escalate.

It is up to all of us, as eminent Yale historian of totalitarianism Timothy Snyder has written, to speak up and [defend such institutions under attack](#): “Institutions do not protect themselves. They fall, one after the other, unless each is defended from the beginning.”

We do so now and encourage others who believe in the rule of law and the jury system to join.

Sincerely,

Agency for Humanity

American Family Voices

Citizens for Responsibility and Ethics in Washington (CREW)

Clean Elections Texas

Common Cause

Constitutional Accountability Center

DC Vote

DemCast USA

Democratic Messaging Project AND Local Majority

Fix Democracy First

Free Speech For People

Government Accountability Project

Indivisible

Indivisible Ca Green Team

Indivisible Media City Burbank

Indivisible Santa Fe

Indivisible Ventura

LA County Voters Action Coalition (LACVAC)

Lawyers Defending American Democracy

Milepost 5 Tenant Council

Oregonizers

People For the American Way

People Power United

Public Citizen

Rooted in Resistance

Secure Elections Network

Sierra Club

Stand Up America

The Workers Circle

Validate the Vote USA

Venice Resistance