

**February 17, 2022**

## **An Open Letter to Americans**

Speaking at a [rally](#) in Texas on January 29, 2022, former President Donald J. Trump publicly raised the idea of using the [presidential pardon power](#) for people who have pled guilty to crimes related to the insurrection on January 6th when they came to Washington at his invitation to “stop the steal.”

Days afterward, the Republican National Committee voted to legitimize the violent insurrection on January 6th at the U.S. Capitol by describing it as “legitimate political discourse.”

In pairing a call for action against those who would hold him accountable with the promise of clemency for such action, Trump threatens to refashion the presidential pardon power into a tool for tyranny.

Every American must treat this novel threat to our democracy with the seriousness it deserves and ensure that it is soundly rejected.

Should Trump be re-elected, any pardons of the January 6 insurrectionists would roughly mirror President Andrew Johnson’s [pardon of A.H. Garland](#) in 1865 “for all offenses by him committed, arising from participation, direct or implied, in the Rebellion [i.e. the Civil War.”<sup>12]</sup> Garland was a member of the Congress of the Confederacy.

But there are key differences between the centuries.

It is novel for a former president to publicly dangle pardons for partisans at a public rally.

It is novel to float the prospect of “protests” to intimidate prosecutors in New York City, New York State, and Georgia investigating corruption and Trump’s attempted coup d’etat.

It is novel for a twice-impeached former president telling his supporters that he would abuse his power to pardon them for engaging in an insurrection he incited with baseless lies in an attempt to overturn the legitimate results of the election.

Every American must respond to this unprecedented threat to our democracy and the rule of law.

Trump's public rhetoric increases the threat of stochastic terrorism — “lone wolf” attacks – or “protests” that could escalate into mob violence like we saw on January 6th in Fulton County, New York, or state houses across our union.

While the drafters of the Constitution might not have anticipated that a sitting president would someday incite the partisans he rallied at the nation's Capitol into a seditious mob to violently obstruct the peaceful transfer of power and overturn an election, they knew about the history of demagogues, populism, the power of lies, and the vulnerability of governments to partisanship and dysfunction.

In his [farewell address in 1796](#), President George Washington warned his fellow Americans of an “extremity” when “the disorders and miseries” of rank partisanship gradually incline “the minds of men to seek security and repose in the absolute power of an individual,” and “the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.”

225 years later, a corrupt former President is consolidating his negative power over one of the two major political parties of the United States, demanding loyalty to himself over the party or the Constitution. Instead, he requires public repetition of the big lie that he lost the 2020 presidential election because of widespread voter fraud, rejecting the duly cast ballots of more than 81 million of his fellow Americans.

Neither Congress nor the courts nor the White House can afford to slumber while the threat of authoritarianism grows and festers in the open.

It's crucial that the stewards of the institutions that protect and defend democracy respond to the ongoing legitimization of political violence and invocation of the pardon power to defend insurrectionists.

Federal and state prosecutors can and should evaluate whether the former President's public and private actions to date constitute obstruction of justice.

The U.S. government must not allow conspirators at any level of government to evade accountability for subversion, sedition, or inciting an armed insurrection to try to obstruct the peaceful transfer of power.

We look forward to the U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol convening public hearings in prime time exploring all

of these issues, breaking through the partisan rancor to arm all Americans who revere the Constitution with the knowledge required for self-governance.

Signed,

The Digital Democracy Project

Public Citizen

Stand Up America

MoveOn Civic Action

People for the American Way

League of Conservation Voters

Indivisible

Citizens for Responsibility and Ethics in Washington (CREW)

Equal Justice Society

American Family Voices

Coalition to Preserve, Protect & Defend

The National Vote

Common Defense

End Citizens United/Let America Vote

Lawyers Defending American Democracy

The Center for Popular Democracy

Unite for Reproductive & Gender Equity

Accountable.US

Bend the Arc: Jewish Action

Clean Elections Texas

Our Maryland