

September 30, 2025

## Former Judges' Statement on the James Comey Prosecution

The rights and liberties of Americans are protected by the Constitution and the Rule of Law. Those rights and liberties of every American are in grave danger today, as President Donald Trump continues to corruptly abuse the power of his office by directing the United States Department of Justice and the Federal Bureau of Investigation to target his critics and his perceived political enemies for investigation and criminal prosecution. His every threat and every pretextual investigation and prosecution further corrupts America's democracy and Rule of Law.

In the United States of America, the Constitution forbids President Trump from ordering the unfounded prosecution of his perceived political adversaries and his critics. While the Constitution does not prevent President Trump from firing federal prosecutors, no prosecutor should ever be fired for refusing to bring baseless charges against President Trump's political adversaries and critics. Yet that is exactly what Donald Trump has done. He has fired his own prosecutors because they refused to pursue criminal charges against Americans for whom he harbors personal animus and then he has immediately installed handpicked replacements who have pursued the investigations or indictments that their predecessors declined to bring, despite reportedly having been told that there was insufficient evidence to bring charges.

As a consequence of President Trump's actions over the past nine months that he has been in the presidency, no American is safe from criminal prosecution, regardless of whether they have violated the law and regardless of their political or ideological views.

For the first time in American history, the bedrock First Amendment right of American citizens to disagree with their president and their government and to express their views and opinions on any matter they wish — including their president — is under unprecedented attack by the President of the United States.

All Americans have an obligation as citizens of this great country to speak out against this unprecedented attack on our freedom of speech and to demand that Donald Trump's attacks on our right to speak freely without fear of being persecuted and prosecuted by our government must stop now.

Respectfully Submitted,

Judge Michael Luttig, U.S. Circuit Judge, U.S. Court of Appeals for the Fourth Circuit (Ret.)

Judge Nancy Gertner, U.S. District Judge, District of Massachusetts (Ret.)

Chief Justice Jeffrey Amestoy, Vermont Supreme Court (Ret.)

Chief Justice Thomas A. Balmer, Oregon Supreme Court (Ret.)

Chief Justice Michael L. Bender, Colorado Supreme Court (Ret.)

Associate Justice Margot Botsford, Massachusetts Supreme Judicial Court (Ret.)

Chief Justice Walter L. Carpeneti, Alaska Supreme Court (Ret.)

Chief Judge Rubén Castillo, U.S. District Judge, Northern District of Illinois (Ret.)  
Judge Robert J. Cindrich, U.S. District Judge, Western District of Pennsylvania (Ret.)  
Chief Justice Sue Bell Cobb, Alabama Supreme Court (Ret.)  
Judge Susan E. Cox, U.S. Magistrate Judge, Northern District of Illinois (Ret.)  
Judge Andre M. Davis, U.S. Circuit Judge, U.S. Court of Appeals for the Fourth Circuit (Ret.)  
Judge Morton Denlow, U.S. Magistrate Judge, Northern District of Illinois (Ret.)  
Chief Judge William F. Downes, U.S. District Judge, District of Wyoming (Ret.)  
Associate Justice Fernande R.V. Duffly, Massachusetts Supreme Judicial Court (Ret.)  
Judge David K. Duncan, U.S. Magistrate Judge, District of Arizona (Ret.)  
Judge Gary A. Feess, U.S. District Judge, Central District of California (Ret.)  
Judge James C. Francis IV, U.S. Magistrate Judge, Southern District of New York (Ret.)  
Judge Steven M. Gold, U.S. Magistrate Judge, Eastern District of New York (Ret.)  
Judge A. Benjamin Goldgar, U.S. Bankruptcy Judge, Northern District of Illinois (Ret.)  
Judge Andrew J. Guilford, U.S. District Judge, Central District of California (Ret.)  
Judge Thelton Henderson, U.S. District Judge, Northern District of California (Ret.)  
Associate Justice Geraldine Hines, Massachusetts Supreme Judicial Court (Ret.)  
Associate Justice Robin E. Hudson, North Carolina Supreme Court (Ret.)  
Judge John E. Jones III, U.S. District Judge, Middle District of Pennsylvania (Ret.)  
Associate Justice Barbara A. Lenk, Massachusetts Supreme Judicial Court (Ret.)  
Judge Roanne L. Mann, U.S. Magistrate Judge, Eastern District of New York (Ret.)  
Judge John S. Martin Jr., U.S. District Judge, Southern District of New York (Ret.)  
Judge A. Howard Matz, U.S. District Judge, Central District of California (Ret.)  
Chief Judge Paul Michel, U.S. Circuit Judge, U.S. Court of Appeals for the Federal Circuit (Ret.)  
Associate Justice James C. Nelson, Montana Supreme Court (Ret.)  
Judge Kathleen O'Malley, U.S. Circuit Judge, U.S. Court of Appeals for the Federal Circuit (Ret.)  
Associate Justice Robert F. Orr, North Carolina Supreme Court (Ret.)  
Chief Justice Barbara J. Pariente, Florida Supreme Court (Ret.)  
Judge Shira A. Scheindlin, U.S. District Judge, Southern District of New York (Ret.)  
Judge Fern M. Smith, U.S. District Judge, Northern District of California (Ret.)  
Judge David S. Tatel, U.S. Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit (Ret.)  
Chief Justice Marsha Ternus, Iowa Supreme Court (Ret.)  
Judge Thomas I. Vanaskie, U.S. Circuit Judge, U.S. Court of Appeals for the Third Circuit (Ret.)  
Judge Ursula Ungaro, U.S. District Judge, Southern District of Florida (Ret.)  
Judge T. John Ward, U.S. District Judge, Eastern District of Texas (Ret.)  
Judge Brian Owsley, U.S. Magistrate Judge, Southern District of Texas (Ret.)