

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**NOTICE OF MOTION FOR A PROTECTIVE ORDER REGULATING DISCLOSURE  
OF JUROR ADDRESSES AND NAMES**

PLEASE TAKE NOTICE that the People will move this Court, located at 100 Centre Street, New York, New York, on a date and time to be set by the Court, for a protective order (1) prohibiting disclosure of juror addresses other than to counsel of record for the parties; (2) prohibiting disclosure of juror names other than to the parties and counsel of record; and for such other and further relief as the Court may deem just and proper. A supporting affirmation, memorandum of law, and exhibits are attached to this notice of motion.

DATED: February 22, 2024

Respectfully submitted,

ALVIN L. BRAGG, JR.  
*District Attorney, New York County*

Steven C. Wu  
John T. Hughes  
Philip V. Tisne  
*Of Counsel*

By: /s/ Matthew Colangelo  
Matthew Colangelo  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION AND  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION FOR A  
PROTECTIVE ORDER  
REGULATING DISCLOSURE OF  
JUROR ADDRESSES AND NAMES

Ind. No. 71543-23

Defendant's conduct in this and other matters—including his extensive history of attacking jurors in other proceedings—presents a significant risk of juror harassment and intimidation that warrants reasonable protective measures to ensure the integrity of these proceedings, minimize obstacles to jury selection, and protect juror safety. The People therefore respectfully request a protective order that provides two forms of relief. First, pursuant to CPL § 270.15(1-a), the Court should restrict disclosure of the business or residential address of any prospective or sworn juror other than to counsel of record for either party. Second, pursuant to the Court's inherent authority, the Court should prohibit disclosure of juror names other than to the parties and counsel. For the reasons described below, these tailored restrictions are well within the Court's authority; are amply supported by good cause; are necessary to reduce the risk of jury tampering and intimidation; and accord with even more extensive restrictions that other courts have placed on juror information in recent cases involving this very defendant.

This Court should also put defendant on notice that he will forfeit any statutory right he may have to access juror names if he engages in any conduct that threatens the safety and integrity of the jury or the jury-selection process. The Court need not find such forfeiture now, when jury

selection is still more than a month away, but the People reserve the right to request such relief later if necessary to ensure that an impartial jury can be impaneled.

### **AFFIRMATION**

Matthew Colangelo, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am assigned to the prosecution of the above-captioned case and am familiar with the facts and circumstances underlying the case.

2. I submit this affirmation in support of the People's motion for a protective order regulating disclosure of juror addresses.

3. Defendant is charged with thirty-four counts of falsifying business records in the first degree, PL § 175.10. The charges arise from defendant's efforts to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others' criminal conduct.

#### **I. Defendant's public attacks on and communications about jurors.**

4. Defendant has an extensive history of publicly and repeatedly attacking trial jurors and grand jurors involved in legal proceedings against him and his associates, including recent proceedings in New York.

5. In 2020, after Roger Stone, an official on defendant's 2016 presidential campaign, was found guilty by a jury of obstructing a congressional investigation, making false statements to

Congress, and tampering with a witness, defendant repeatedly attacked the jury and the jury foreperson in the *United States v. Stone* prosecution as “totally biased,” “tainted,” and “DISGRACEFUL!” Ex. 1.

6. In one statement, defendant stated: “There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of ‘Trump’ and Stone. She was totally biased, as is the judge. Roger wasn’t even working on my campaign. Miscarriage of justice. Sad to watch!” Ex. 1 at 3.

7. Defendant targeted the jury foreperson in *United States v. Stone* not only on social media but also in many other public remarks, including during a commencement address, in remarks delivered from the White House, and during a Fox News Town Hall.<sup>1</sup> See Ex. 2 at 3; Ex. 3 at 2-3; Ex. 4 at 3-4; Ex. 5 at 2-3.

8. The presiding judge in *United States v. Stone* later noted that “[t]he foreperson and members of the jury faced a firestorm of outrage from supporters of the President and from the President himself.” Order Denying Mot. for Access to Juror Questionnaires 9 & n.6, *In re: Juror Questionnaires in United States v. Stone*, No. 1:20-mc-00016-ABJ (D.D.C. Nov. 23, 2022) (Ex. 6).

9. In 2022 and 2023, defendant repeatedly attacked the special grand jury in Fulton County, Georgia that investigated election interference in Georgia’s 2020 presidential election contest as “an illegal Kangaroo Court,” “corrupt,” and “a ‘Special’ get Trump Grand Jury”; and singled out the foreperson of that grand jury in his online criticism. Ex. 7 at 1, 3-4.

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<sup>1</sup> Although not relevant to the question whether these and other public attacks demonstrate a likelihood of jury tampering or harassment, the district court considered and rejected allegations of juror misconduct in *United States v. Stone* in a lengthy written opinion following a post-trial evidentiary hearing. See *United States v. Stone*, 613 F. Supp. 3d 1, 6-11, 51 (D.D.C. 2020). Defendant’s attacks on the jury foreperson continued even after the court’s finding that there was no juror misconduct. See Ex. 1 at 4-5 (statements post-dating the district court’s April 2020 opinion rejecting allegations of juror misconduct); Ex. 4 at 3-4 (same); Ex. 5 at 2-3 (same).



10. In May 2023, after a jury in the *Carroll v. Trump* civil lawsuit in federal court in New York found that defendant sexually abused and defamed E. Jean Carroll and awarded her \$5 million in damages, defendant repeatedly attacked the jury in public statements as “hostile” and “partisan,” and claimed: “The partisan Judge & Jury on the just concluded Witch Hunt Trial should be absolutely ashamed of themselves for allowing such a travesty of Justice to take place.” Ex. 8.

11. Defendant also has an extensive history of publicly and repeatedly addressing extrajudicial statements directly to grand jurors involved in legal proceedings against him. These statements reflect defendant’s willingness to talk about jurors in pending cases and even to directly exhort them to reach particular results in their deliberations.

12. For example, defendant issued multiple public statements directed at two different Fulton County grand juries, in one instance stating: “Thank you to the Special Grand Jury in the Great State of Georgia for your Patriotism & Courage. Total exoneration. The USA is very proud of you!!!”; and in another instance stating, “WOULD SOMEONE PLEASE TELL THE FULTON COUNTY GRAND JURY THAT I DID NOT TAMPER WITH THE ELECTION.” Ex. 7 at 2, 5.

13. In March 2023, during the grand jury investigation that led to the indictment in this case, defendant repeatedly directed extrajudicial statements to the members of the grand jury through social media, including by commenting on the credibility of witnesses who testified before the grand jury and suggesting to grand jurors what their views should be.

14. For example, he claimed that one witness (who was called at defendant’s request pursuant to CPL § 190.50(6)) “made a great impression not only on the D.A.’s Office, but the grand jury itself.” Ex. 9 at 1. He said of another witness: “Does anybody believe that SleazeBag disbarred lawyer Michael Cohen went before a Grand Jury yesterday, and did little but talk about it today? . . . . Cohen has no credibility at any level – A Total Loser!” Ex. 7 at 4. And he stated: “I

HAVE GAINED SUCH RESPECT FOR THIS GRAND JURY, & PERHAPS EVEN THE GRAND JURY SYSTEM AS A WHOLE,” because “THE GRAND JURY IS SAYING, HOLD ON, WE ARE NOT A RUBBER STAMP, WHICH MOST GRAND JURIES ARE BRANDED AS BEING, WE ARE NOT GOING TO VOTE AGAINST A PREPONDERANCE OF EVIDENCE OR AGAINST LARGE NUMBERS OF LEGAL SCHOLARS ALL SAYING THERE IS NO CASE HERE.” Ex. 9 at 3.

**II. Defendant has a longstanding history and continuing practice of attacking witnesses, investigators, prosecutors, judges, court staff, and their family members.**

15. In addition to the attacks on and communications to jurors identified above, the People’s April 24, 2023 motion for a protective order catalogued facts demonstrating defendant’s longstanding history of attacking witnesses, investigators, prosecutors, judges, and others involved in legal proceedings against him. *See* People’s Mot. for a Protective Order 2-3, 7-12 (Apr. 24, 2023). This Affirmation incorporates by reference the factual averments and supporting exhibits in the People’s April 24, 2023 motion for a protective order.

16. The People’s November 9, 2023 motion to quash and for a protective order catalogued additional facts demonstrating defendant’s continued attacks on witnesses, prosecutors, judges, court staff, and others involved in legal proceedings against him. *See* People’s Mot. to Quash and for a Protective Order 3-8, 23-24 (Nov. 9, 2023). This Affirmation incorporates by reference the factual averments and supporting exhibits in the People’s November 9, 2023 motion to quash and for a protective order.

17. Defendant has also targeted the family members of judges, prosecutors, witnesses, and others involved in legal proceedings against him.

18. In speeches, television interviews, and social media posts, defendant has persistently and repeatedly attacked—for example—District Attorney Bragg’s wife (Ex. 10);

Special Counsel Jack Smith’s wife, sister-in-law, and mother-in-law (Ex. 11); New York State Supreme Court Justice Engoron’s wife and son (Ex. 12); this Court’s daughter (Ex. 13); Michael Cohen’s wife and father-in-law (Ex. 14); the wife of former Justice Department official Bruce Ohr (Ex. 15); and the wife of former FBI Deputy Director Andrew McCabe (Ex. 16).

### **III. Defendant frequently promises to seek revenge and retribution against his perceived opponents.**

19. Defendant has publicly threatened to seek revenge and retribution against his perceived opponents, including those involved in legal proceedings against him.

20. The day after his initial court appearance in his federal criminal prosecution in the District of Columbia, defendant posted: “IF YOU GO AFTER ME, I’M COMING AFTER YOU!” Ex. 17; *see United States v. Trump*, 88 F.4th 990, 998 (D.C. Cir. 2023).

21. Press accounts collecting defendant’s statements note that threats of retribution are a core theme of defendant’s recent public statements. *E.g.*, Ex. 18 (Ian Prasad Philbrick & Lyna Bentahar, *Donald Trump’s 2024 Campaign, in His Own Menacing Words*, N.Y. Times, Dec. 5, 2023) (collecting defendant’s public statements); Ex. 19 (Brett Samuels, *Trump Signals He’s Out for Revenge in Second Term*, TheHill.com, Nov. 16, 2023) (collecting defendant’s public statements).

22. Defendant’s rhetoric about attacking his perceived opponents is, according to him, part of his longstanding worldview. In a book published in 2004, defendant wrote: “When somebody hurts you, just go after them as viciously and as violently as you can.” Ex. 20. In the same book, defendant wrote: “For many years I’ve said that if someone screws you, screw them back.” Ex. 20.

23. In a book published in 2007, defendant wrote: “My motto is: Always get even. When somebody screws you, screw them back in spades.” Ex. 21. And: “When you are wronged,

go after those people because it is a good feeling and because other people will see you doing it.” Ex. 21. And: “So do not hesitate to go after people. This is important not only for the person you are going after but for other people to know not to mess around with you.” Ex. 21.

**IV. Defendant’s attacks on jurors have caused jurors to fear harassment or tampering.**

24. Defendant’s attacks on jurors in the past have caused them to fear for their own safety and the safety of their families.

25. In response to a third-party request for disclosure of the sealed juror questionnaires in *United States v. Stone*, twelve jurors filed sworn declarations with the federal district court opposing release of the questionnaires and expressing concern that personally-identifying information in the questionnaires would expose them and their families to serious safety risks. *See* Ex. 22 (Jurors’ Br. in Opposition to Release of Questionnaires); Ex. 23 (Juror Declarations); Ex. 24 (Jacqueline Thomsen, *Roger Stone Jurors, Citing Trump Tweets, Say They’ve Been Threatened and Fear Harassment*, N.Y. Law Journal, Apr. 17, 2020); *see also* Order Denying Mot. for Access to Juror Questionnaires 7, *In re: Juror Questionnaires in United States v. Stone*, No. 1:20-mc-00016-ABJ (D.D.C. Nov. 23, 2022) (Ex. 6).

26. Juror E in that case attested that: “Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name. . . . The threat of being exposed and harassed for jury service creates a situation where people may not be willing to serve as jurors.” Ex. 23 at PDF p.18.

27. Juror K attested that after serving on the jury: “I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others. After facing this barrage of harassment, I still feel unsafe. Any more information connected to me

that becomes public puts me in danger, and puts the people I identified in my questionnaire in danger without any legitimate reasons.” Ex. 23 at PDF p.42.

28. In the Fulton County, Georgia criminal investigation involving defendant’s alleged election interference in Georgia’s 2020 presidential election, the disclosure of grand jurors’ identifying information prompted a significant protective response by local law enforcement. In August 2023, the names, ages, and addresses of the 23 Fulton County grand jurors who voted to indict defendant were publicly disseminated online. In September 2023, the Chief of Police for the City of Atlanta submitted a sworn statement to the Fulton County Superior Court (in support of the State’s motion to restrict jurors’ identity in that criminal prosecution) attesting that because of the public disclosure of grand jurors’ identifying information, the Atlanta Police Department “enacted an operational plan to protect those [members of the grand jury] that resided in the city of Atlanta,” and “also contacted the Fulton County Sheriff’s Office who in turn coordinated efforts with the other police departments where grand jurors resided outside the City of Atlanta . . . to ensure that safety measures were put in place to prevent harassment and violence against the grand jurors.” Ex. 25 at PDF p.8.

29. The Atlanta Chief of Police further attested that “[t]he actions taken by local law enforcement to protect the grand jurors, as well as the District Attorney and her family members, require a significant devotion of our capacity and represent a strain on law enforcement resources to allow them to complete their civic duty without being subjected to unnecessary danger.” Ex. 25 at PDF p.9.

### **MEMORANDUM OF LAW**

New York law authorizes this Court, on a showing of good cause, to implement measures to protect prospective and sworn jurors from harassment, tampering, or other harms in defendant’s upcoming felony trial. Defendant’s repeated and years-long pattern of attacking jurors in other

matters, considered alongside his attacks on court personnel and their families, amply support a good-cause finding and warrant reasonable regulations on the disclosure of juror information in this case. Indeed, in the past year alone, courts presiding over three different proceedings involving this defendant have determined that reasonable limits on the disclosure of juror information were necessary to prevent juror harassment.

To that end, the People request two forms of relief. First, the People request that the Court enter a protective order for good cause shown prohibiting disclosure of the business or residential address of any prospective or sworn juror, other than to counsel of record for the parties. CPL § 270.15(1-a). Such a protective order will help prevent jury tampering, harassment, violence, and other potential harms. And because defendant's attorneys will have access to the jurors' addresses, defendant will not suffer any meaningful prejudice, particularly if the court provides neutral jury instructions to explain these procedures.

Second, the People request that the Court enter a similar order prohibiting disclosure of juror names other than to the parties and counsel of record.<sup>2</sup> The Court should also provide notice to defendant that further conduct that undermines the integrity of these proceedings or that threatens the safety and integrity of the jury may result in the forfeiture of any statutory right defendant has to access the names of prospective or sworn jurors. If circumstances warrant and in light of defendant's behavior, the People reserve the right to seek a further protective order prohibiting disclosure of the names of any prospective or sworn juror other than to counsel of record for the parties.

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<sup>2</sup> By separate motion being filed today, February 22, 2024, the People also ask the Court to enter an order restricting defendant's extrajudicial speech by, among other measures, prohibiting him from publicly disclosing the names or other identifying information he learns about prospective or sworn jurors in this matter.

**I. The Court should issue a protective order prohibiting disclosure of jurors' addresses to anyone other than the parties' attorneys of record.**

The People move for an order prohibiting the disclosure of jurors' addresses to anyone other than the parties' attorneys of record. CPL § 270.15(1-a) provides that, “for good cause shown,” the court may issue a protective order “regulating disclosure of the business or residential address of any prospective or sworn juror to any person or persons, other than to counsel for either party.” The statute further states that “good cause shall exist where the court determines that there is a likelihood of bribery, jury tampering or of physical injury or harassment of the juror.”

Good cause determinations “are necessarily case-specific and therefore fall within the discretion of the trial court.” *People v. Linares*, 2 N.Y.3d 507, 510 (2004). As the Court of Appeals has explained, “[b]y its very nature, good cause admits of no universal, black-letter definition. Whether it exists, and the extent of disclosure that is appropriate, must remain for the courts to decide on the facts of each case.” *In re Linda F.M.*, 52 N.Y.2d 236, 240 (1981); *see also Matter of Molloy v. Molloy*, 137 A.D.3d 47, 52-53 (2d Dep’t 2016) (“[G]ood cause should be read in context by considering the statute as a whole,” and “should also be interpreted in accordance with legislative intent, as expressed in the legislative history.”).

Here, defendant’s past and continuing attacks on jurors, witnesses, investigators, prosecutors, judges, court staff, and their family members—which are recounted in detail in the attached affirmation—raise reasonable concerns of juror harassment, tampering, or other harms in this proceeding if appropriate precautions are not taken. These concerns are real, not hypothetical. Defendant has repeatedly targeted jurors in public remarks. *See* Aff. ¶¶ 5-10. And his efforts have directly affected jurors. *See id.* ¶¶ 24-27. For example, a juror in the federal prosecution of Roger Stone, an official on defendant’s 2016 presidential campaign, attested to the “intimidating” effect of “the President of the United States attack[ing] the foreperson of a jury by name,” and said that

the “threat of being exposed and harassed for jury service creates a situation where people may not be willing to serve as jurors.” Ex. 23 at PDF p.18.

Defendant’s attacks have also led his supporters to attack, threaten, or otherwise alarm jurors. For example, a juror in the *United States v. Stone* prosecution noted that, after being “named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others,” the juror felt “unsafe” on account of this “barrage of harassment,” and expressed concern that any additional public disclosures of their information would put them and others in “danger.” Ex. 23 at PDF p.42. Nothing in CPL § 270.15(1-a) precludes a court from relying on the predictable actions of non-parties to determine good cause for limiting disclosure of juror addresses. Thus, the likelihood of harassment or violence by defendant’s supporters or other third parties provides additional good cause to restrict disclosure of juror addresses here.

These facts raise the reasonable concern that allowing public disclosure of jurors’ addresses would risk subjecting the jury to harassment, tampering, violence, and other harms. Although CPL § 270.15(1-a) does not define “harassment” or “tampering,” the potential danger to jurors closely tracks the core conduct of Penal Law provisions that prohibit such misconduct. As discussed above, defendant has previously made public statements that were directed at jurors in pending proceedings to which he was a party, including by urging them to reach a particular decision. Aff. ¶¶ 11-14. Furthermore, public disclosure of jurors’ addresses would make it much easier for defendant’s supporters to attempt to contact jurors—or threaten to do so—to influence the outcome of the proceedings, which would constitute first-degree jury tampering. PL § 215.25 (a person commits first-degree jury tampering when “with intent to influence the outcome of an action or proceeding, he communicates with a juror in such action or proceeding, except as authorized by law”). Similarly, restricting disclosure of juror addresses will make it more difficult for defendant’s



supporters—or other third parties—to harass jurors by, for example, following them in public places or engaging in other courses of conduct that alarm jurors and serve no legitimate purpose. PL § 240.26 (a person commits second-degree harassment when, “with intent to harass, annoy or alarm another person,” they follow “a person in or about a public place or places” or engage “in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose”).

Similar concerns about potential harm to jurors led the federal court presiding over two different civil jury trials against defendant to go well beyond the relief requested here and fully anonymize the jury in those cases by precluding both defendant and his counsel from knowing the names, addresses, and places of employment of prospective and selected jurors. *See Carroll v. Trump*, 663 F. Supp. 3d 380, 381-85 (S.D.N.Y. 2023) (providing for fully anonymous jury in defamation and sexual assault trial that began in April 2023); *Carroll v. Trump*, No. 22-cv-10016 (LAK), 2023 WL 2871045, at \*1-3 (S.D.N.Y. Apr. 10, 2023) (denying motion for partial reconsideration to allow the parties’ “legal teams” to access juror names); *Carroll v. Trump*, No. 20-cv-7311 (LAK), slip op. at \*1-2 (S.D.N.Y. Nov. 3, 2023) (providing for fully anonymous jury in defamation damages trial that began in January 2024) (Ex. 26). The court imposed those protections because it found a “strong likelihood of unwanted media attention to the jurors, influence attempts, and/or of harassment or worse of jurors by supporters of Mr. Trump.” *Carroll*, 663 F. Supp. 3d at 384. The court noted defendant’s “recent reaction to what he perceived as an imminent threat of indictment by a grand jury sitting virtually next door to this Court”—*i.e.*, the grand jury that returned the indictment in this proceeding—“was to encourage ‘protest’ and to urge people to ‘take our country back.’” *Id.* at 382. The court observed that this reaction “reportedly has been perceived by some as incitement to violence.” *Id.* The court further noted that defendant

had “made critical statements on social media regarding the grand jury foreperson in Atlanta, Georgia, and the jury foreperson in the Roger Stone criminal case.”<sup>3</sup> *Id.* at 382; *see also Carroll v. Trump*, No. 20-cv-7311 (LAK), slip op. at \*1-2 (S.D.N.Y. Nov. 3, 2023) (Ex. 26); *Carroll v. Trump*, No. 22-cv-10016 (LAK), 2023 WL 2871045, at \*1 (S.D.N.Y. Apr. 10, 2023). Here, all of those same circumstances demonstrate a “likelihood” of jury tampering and harassment, CPL § 270.15(1-a).

The court presiding over defendant’s criminal trial in Fulton County, Georgia has also issued an order restricting jurors’ identities that provides, among other protective measures, that “[n]o party shall disclose during the pendency of the trial any juror/prospective juror information that would reveal a juror’s/prospective juror’s identity, including names, addresses, telephone numbers, or identifying employment information.” Order on State’s Motion to Restrict Jurors’ Identity, *Georgia v. Trump*, Ind. No. 23SC188947 (Fulton Cnty. Super. Ct. Sept. 25, 2023) (Ex. 27).

Even beyond the specific examples of “good cause” listed in the statute—such as tampering and harassment—disclosure of juror addresses could threaten the integrity of the jury in other ways, too. Public dissemination of jurors’ information in this high-profile case could lead to harassment or threats against not just the jurors themselves, but also to their families and neighbors. Prospective jurors may also be deterred from serving on the jury—thus imposing unnecessary

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<sup>3</sup> The trial court was so concerned about juror safety in the defamation damages trial against defendant that the court suggested to jurors that they “give careful consideration to whether it would be a good idea for you in speaking among the jurors themselves in private to use a name other than your own so that your own name is known only to you and not to other people on the jury. And so the control over availability of your identity is wholly within your person. This is for your own protection. . . . to protect all of you from any unwanted attention, harassment and invasions of your privacy, and to ensure that nothing transpires that might interfere with your impartial and objective study of the evidence and the application of law.” Tr. of Voir Dire 6-7, *Carroll v. Trump*, No. 23-cv-7311 (LAK) (S.D.N.Y. Jan. 16, 2024) (Ex. 28).

obstacles to jury selection—based on concerns that, like jurors in other cases, they or their families and neighbors could be subject to attack. This is particularly so in light of defendant’s well-documented history of attacking the family members of individuals involved in legal proceedings against him, including in this very case, *see* Aff. ¶ 18; and where defendant also has a history of publicly promising revenge and retribution against his perceived opponents, *see id.* ¶¶ 19-23—including for the express purpose of sending a signal to others that if they cross him, they’re next. *See id.* ¶ 23. For these reasons, too, good cause warrants restricting disclosure of jurors’ addresses to anyone other than counsel of record for either party.

At least one other New York trial court has ordered similar relief in a trial that, like this one, “attracted enormous media coverage.” *Newsday, Inc., v. Goodman*, 159 A.D.2d 667, 668 (2d Dep’t 1990). In *People v. Golub*, a trial court in Nassau County issued a protective order restricting disclosure of juror addresses and names “[o]ther than to counsel for the People and the defendant.” *Id.* The court found good cause for a protective order “to ensure the integrity of jury deliberations” because, among other factors, there had been “[d]aily harassment of individuals connected with this case”; the trial required assigning a larger-than-usual presence of court officers in the courtroom and crowd control measures outside; and the defendant’s attorney had “received threats”—all of which gave the court “a realistic concern for protecting the jurors from potential harassment.” *Id.* at 668-69. When a newspaper sought to learn the jurors’ addresses and other personal information by filing an Article 78 petition, the Appellate Division, Second Department, rejected the newspaper’s claims. In doing so, the Appellate Division relied on CPL § 270.15(1-a), and also on the fact that the trial court had made “a specific finding which clearly showed that the petit jurors’ ability to serve, without fear of intimidation or harassment, was in jeopardy.” *Id.* at

670-71. The same concerns justify a protective order shielding jurors' addresses from disclosure in this case too.

Such a protective order would not cause any prejudice to defendant. To the extent that the jurors' addresses could be used to aid the defense in any legitimate, non-harassing manner, defense counsel will have access to the addresses and can use that information. Moreover, the Court could if necessary provide appropriate jury instructions to ensure that the jury does not interpret any procedures the Court adopts as an indication of defendant's guilt, innocence, or dangerousness. *See People v. Flores*, 153 A.D.3d 182, 192 (2d Dep't 2017), *aff'd*, 32 N.Y.3d 1087 (2018).

**II. The Court should prohibit disclosure of juror names other than to the parties and counsel of record.**

The People also request that the Court prohibit disclosure of the names of prospective or sworn jurors other than to the parties and counsel, and provide notice to defendant that further conduct that threatens the safety and integrity of the jury or the jury-selection process may result in the forfeiture of any statutory right defendant himself has to access juror names.

**A. The Court should seal the names of prospective and sworn jurors, and restrict disclosure of those names to the parties and counsel of record only.**

The Court has inherent authority to seal juror names and restrict disclosure of those names to the parties and their counsel of record only. In *People v. Golub*, discussed above, the trial court not only restricted the disclosure of juror addresses to anyone other than the attorneys, but also prohibited disclosure of jurors' names "other than to counsel for the People and the defendant." *Newsday, Inc. v. Goodman*, 159 A.D.2d at 668. That court relied, in part, on the "enormous media coverage" the case had attracted, as well as "[d]aily harassment of individuals connected with this case" that gave the Court "a realistic concern for protecting the jurors from potential harassment." *Id.* at 668-69. Thus, the *Golub* court concluded that to "preserve the integrity of the jury

deliberations in this case,” it was “essential that the names and identity” of the jurors “not be disclosed.” *Id.* at 669.

The Court in *People v. Owens*, 187 Misc. 2d 272 (Sup. Ct. Monroe Cnty. 2001), ordered similar relief. *Id.* at 273-74. There, the court found good cause to order that “[a]ny record of the names and addresses of all jurors shall be sealed in an effort to protect the anonymity of the jurors,” while allowing disclosure of juror names to “defendant and all counsel.” *Id.*

Here, and for the reasons described above, good cause supports sealing the names of prospective or sworn jurors and limiting disclosure of those names to the parties and their counsel. Defendant has previously made public statements explicitly urging his supporters to contact, and attempt to influence, jurors. *E.g.*, Ex. 7 at 2, 5 (“WOULD SOMEONE PLEASE TELL THE FULTON COUNTY GRAND JURY THAT I DID NOT TAMPER WITH THE ELECTION.”). Defendant singled out and repeatedly targeted the foreperson of the jury in the *United States v. Stone* prosecution, which—according to the trial court’s findings after an evidentiary hearing—caused the foreperson and other members of the jury to “face[] a firestorm of outrage from supporters of the President and from the President himself.” Aff. ¶¶ 5-8, 25-27; *see* Order Denying Mot. for Access to Juror Questionnaires 9 & n.6, *In re: Juror Questionnaires in United States v. Stone*, No. 1:20-mc-00016-ABJ (D.D.C. Nov. 23, 2022) (Ex. 6). Jurors have revealed that defendant’s conduct intimidated them, subjected them to a “barrage of harassment,” and put both them and their families in danger. Ex. 23 at PDF pp.18, 42. This and other conduct by this same defendant led a different federal court *twice* to order that the juries in two different civil trials in New York would be fully anonymized—and even to suggest that jurors use made-up names when speaking to each other so there was no risk their identities would later be revealed. *See Carroll v. Trump*, No. 20-cv-7311 (LAK), slip op. at \*1-2 (S.D.N.Y. Nov. 3, 2023) (Ex. 26); *Carroll*, 663 F.

Supp. 3d at 381-85 (S.D.N.Y. 2023); Tr. of Voir Dire 6-7, *Carroll v. Trump*, No. 23-cv-7311 (LAK) (S.D.N.Y. Jan. 16, 2024) (Ex. 28).

If any criminal prosecution in New York warrants the modest measure of sealing juror names, it's this one. Judges have a special duty to protect jurors from threats, including not just physical threats but also harassment and intimidation. *See People v. Lavender*, 117 A.D.2d 253, 256 (1st Dep't 1986) (recognizing trial court's "duty to protect those citizens of the State who are 'drafted' and properly respond to a subpoena summoning them for jury service" from "unnecessary personal risk"). And the Court's "inherent authority 'to impose reasonable rules to control the conduct of the trial,'" *People v. Knowles*, 88 N.Y.2d 763, 766 (1996) (quoting *People v. Hilliard*, 73 N.Y.2d 584, 586 (1989)), surely extends to the reasonable step of sealing juror names—while still providing access to defendant and defense counsel—on a factual showing that public disclosure of those names will risk the integrity of the proceedings and the Court's very ability to impanel a jury.<sup>4</sup> *See Goodman*, 159 A.D.2d at 668; *Owens*, 187 Misc. 2d at 273-74.

**B. The Court should put defendant on notice that any statutory right he may have to access juror names may be forfeited by his conduct.**

In addition, the Court should provide notice to defendant that his conduct threatening the safety and integrity of the jury may result in the forfeiture of any statutory right that defendant himself may have to access juror names.

Ordinarily, defendants and their attorneys learn the names of prospective and sworn jurors during voir dire, as individuals are "drawn and called" from the panel and questioned by the parties

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<sup>4</sup> By this request, the People are not asking to close the courtroom during voir dire or at any other stage, and are not seeking any prior restraint on the press. Instead, the Court may implement an order sealing juror names by asking that the names of prospective jurors be assigned a number by the Commissioner of Jurors before being drawn and called, and that the corresponding names be disclosed only to the parties and their counsel. The courtroom need not be closed because juror names then would not be used in the courtroom.

and the court. CPL § 270.15(1)(a). Although some courts have found that this procedure creates “a statutory right to knowledge of jurors’ names,” *Flores*, 153 A.D.3d at 189; *see also Owens*, 187 Misc. 2d at 273-74, it is well-established that statutory and constitutional rights may be forfeited. *See, e.g., People v. Finkelstein*, 28 N.Y.3d 345, 349 (2016) (defendant may forfeit right to proceed pro se); *People v. Ventura*, 17 N.Y.3d 675, 679 (2011) (defendants who voluntarily abscond may “forfeit[] their right to appeal”); *People v. Perkins*, 15 N.Y.3d 200, 205 (2010) (where defendant’s disruptive conduct made it impossible to conduct lineup, he “forfeited the right to rely on . . . evidentiary rules ordinarily barring the admission of photographic identification evidence”); *People v. Smith*, 92 N.Y.2d 516, 521 (1998) (“egregious conduct by defendants can lead to a deemed forfeiture of the fundamental right to counsel”); *People v. Geraci*, 85 N.Y.2d 359, 367 (1995) (if a defendant “procure[s] a witness’s unavailability,” the court may admit hearsay and defendant forfeits “the right to cross-examine about the substance of those statements”); *People v. Sanchez*, 65 N.Y.2d 436, 443-44 (1985) (defendant may forfeit right to be present at trial).

Applying ordinary forfeiture rules makes sense here. When a defendant’s own actions provide reason to believe that disclosure of jurors’ names to the defendant could lead to attempts to harass, tamper, or threaten the jurors, courts have the inherent power to find that the defendant has forfeited any right that he may have had to be apprised of those names. *See Lavender*, 117 A.D.2d at 256 (noting the trial court’s “duty” to protect jurors from “unnecessary personal risk”). Were it otherwise, courts would be unable to ensure the safety and integrity of juries in extraordinary cases like this one, where there is a significant risk of harassment and tampering.

In *People v. Watts*, the court recognized that this forfeiture principle could preclude a defendant from learning the names of jurors in a criminal case.<sup>5</sup> 173 Misc. 2d 373 (Sup. Ct. Richmond Cnty. 1997). In particular, the court concluded that a defendant may forfeit any right to learn jurors' names if his acts "represent a clear threat to either the safety or integrity of the jury." *Id.* at 377. And the court further explained that "a decision that a defendant has forfeited the statutory right to know jurors' names and addresses must, of necessity, be made prior to the jurors' names being called," because a decision to restrict juror names *after* "any actual act of jury tampering" by the defendant would of course be too late. *Id.*

No case forecloses this Court from taking this additional step on an appropriate record. The only appellate decision to address the question, *People v. Flores*, left the issue open and invalidated a jury-anonymization procedure based on grounds that are not present here. The trial court in *Flores* prohibited both the defendants and their attorneys from learning the names of jurors based not on the defendants' conduct, but instead on generalized concerns that over the "last five years," an "increasing number of jurors" in other cases had expressed that they felt "really uncomfortable giving their names, especially in violent felonies." *Flores*, 153 A.D.3d at 185-86. Citing these facts, the Appellate Division, Second Department, held that the trial court erred when it prevented both defendants and their counsel from learning the names of jurors, *id.* at 190, and the Court of Appeals affirmed, 32 N.Y.3d at 1088. In reaching this conclusion, neither the Court of Appeals nor the Appellate Division foreclosed trial courts' ability to anonymize jurors if an appropriate factual predicate is present. *See Flores*, 32 N.Y.3d at 1088 (assuming without deciding "that trial courts may, under certain circumstances, anonymize jurors"); *Flores*, 153 A.D.3d at 190 (declining

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<sup>5</sup> The *Watts* court ultimately found that the People had failed to make a sufficient showing to demonstrate forfeiture. 173 Misc. 2d at 378. However, the court denied the People's motion "without prejudice to renew upon a showing of additional facts warranting such relief." *Id.*



to “decide at this juncture whether there may ever be circumstances in which a defendant can forfeit the right to know the names of prospective and empaneled jurors because in this case, the County Court’s decision to empanel an anonymous jury was not based on the defendants’ conduct”).

Defendant’s prior behavior arguably has already established sufficient grounds for this Court to find forfeiture of any statutory right he may have to be apprised of jurors’ names. Nonetheless, the People do not seek such relief at this time, with jury selection still more than a month away. Instead, because notice to the defendant is a typical (though not universal) prerequisite for finding that a defendant has forfeited any statutory right (*see, e.g.*, CPL § 260.20), the People at this point ask the Court to explicitly provide notice to defendant that any harassing or disruptive conduct that threatens the safety or integrity of the jury may result in the forfeiture of defendant’s access to juror names. *Cf.* Tr. of Arraignment 27-29 (Apr. 4, 2023) (providing *Parker* warnings to defendant); Tr. of Protective Order Hearing (May 23, 2023) (providing notice to defendant that violation of the Court’s protective order could result in “a wide range of sanctions . . . up to a finding of contempt”). If defendant were to disregard this Court’s clear warning, the Court would be justified—either on motion by the People or on the Court’s own motion—in prohibiting the disclosure of jurors’ names to anyone other than the parties’ attorneys of record, on the basis that any statutory right defendant has to that information has been forfeited through his conduct.

Dated: February 22, 2024

Steven C. Wu  
John T. Hughes  
Philip V. Tisne  
*Of Counsel*

Respectfully submitted,

/s/ Matthew Colangelo

Matthew Colangelo

Christopher Conroy

Susan Hoffinger

Becky Mangold

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212-335-9000

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**AFFIRMATION OF SERVICE**

The undersigned affirms under penalty of perjury that on February 22, 2024, he served the foregoing Motion and the accompanying Affirmation, Memorandum of Law, and Exhibits on counsel for defendant (Todd Blanche, Emil Bove, Susan Necheles, Gedalia Stern, and Stephen Weiss) by email with consent.

Dated: February 22, 2024

Respectfully submitted,

/s/ Matthew Colangelo  
Matthew Colangelo  
Assistant District Attorney

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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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**THE PEOPLE OF THE STATE OF NEW YORK**

**-against-**

**DONALD J. TRUMP,**

**Defendant.**

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**MOTION FOR A PROTECTIVE ORDER REGULATING DISCLOSURE  
OF JUROR ADDRESSES AND NAMES  
Indictment No. 71543-23**

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**Alvin L. Bragg, Jr.  
District Attorney  
New York County  
One Hogan Place  
New York, New York 10013  
(212) 335-9000**

# Ex. 1

← Post



**Donald J. Trump** ✓

@realDonaldTrump

...

Now it looks like the fore person in the jury, in the Roger Stone case, had significant bias. Add that to everything else, and this is not looking good for the "Justice" Department. [@foxandfriends](#) [@FoxNews](#)

7:57 AM · Feb 13, 2020

💬 10K

↻ 13K

❤ 54K

🔖 61



← Post



**Donald J. Trump**   
@realDonaldTrump

...

“Judge Jackson now has a request for a new trial based on the unambiguous & self outed bias of the foreperson of the jury, whose also a lawyer, by the way. ‘Madam foreperson, your a lawyer, you have a duty, an affirmative obligation, to reveal to us when we selected you the.....

7:58 AM · Feb 18, 2020

 9.8K  10K  46K  67 



Post your reply

Reply



**Donald J. Trump**  @realDonaldTrump · Feb 18, 2020

...

.....existence of these tweets in which you were so harshly negative about the President & the people who support him. Don't you think we wanted to know that before we put you on this jury? Pretty obvious he should (get a new trial). I think almost any judge in the Country.....

 1.2K  5.1K  27K  



**Donald J. Trump**  @realDonaldTrump · Feb 18, 2020

...

.....would order a new trial, I'm not so sure about Judge Jackson, I don't know.” @Judgenap (Andrew Napolitano) @foxandfriends

 2.7K  4.9K  25K  

← Tweet



**Donald J. Trump** ✓  
@realDonaldTrump

...

There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of "Trump" and Stone. She was totally biased, as is the judge. Roger wasn't even working on my campaign. Miscarriage of justice. Sad to watch!

3:01 PM · Feb 25, 2020

**11.7K** Retweets   **2,220** Quotes   **60.3K** Likes   **72** Bookmarks





← Post



**Donald J. Trump** ✓  
@realDonaldTrump

...

Does anybody really believe that Roger Stone, a man whose house was raided early in the morning by 29 gun toting FBI Agents (with Fake News @CNN closely in toe), was treated fairly. How about the jury forewoman with her unannounced hatred & bias. Same scammers as General Flynn!

7:47 AM · Apr 30, 2020

💬 13K

↻ 15K

❤ 60K

🔖 106



← Post



**Donald J. Trump**   
@realDonaldTrump

...

"I said NO to a deal, Lou. If I would be willing to re-remember.....they would recommend no jail time, & I said NO. This President needs to be re-elected, Lou. One of the greatest Presidents in my lifetime. I would never give false testimony against him." Roger Stone @LouDobbs..

8:19 AM · May 20, 2020



4.5K



10K



48K



67



Post your reply

Reply



**Donald J. Trump**  @realDonaldTrump · May 20, 2020

...

....Roger Stone has been treated very unfairly. How about that jury Forewoman, does anybody think that was fair. DISGRACEFUL! Stay tuned. @FoxNews And guys like Low Ratings Psycho Joe Scarborough are allowed to walk the streets? Open Cold Case!



6K



8K



33K



## Ex. 2



REMARKS

# Remarks by President Trump at a Commencement Address at Hope for Prisoners Graduation Ceremony | Las Vegas, NV

— LAW & JUSTICE | Issued on: February 20, 2020



Las Vegas Metropolitan Police Department  
Las Vegas, Nevada

11:57 A.M. PST

MR. PONDER: Thank you, sir.

THE PRESIDENT: Good to see you. How long have you been doing this?

MR. PONDER: Eleven years.

THE PRESIDENT: That's fantastic.

MR. PONDER: Yes, sir. Thank you.

THE PRESIDENT: Jon has been doing this for 11 years, and he's done incredible. And so many people have such respect for him and — I shouldn't tell you this. Should I tell it to you now or should we wait? (Laughter.)

AUDIENCE MEMBER: Tell us!

AUDIENCE MEMBER: Tell us, sir.

THE PRESIDENT: So they're all saying, "He's done so well. He's saved so many lives. He's created happiness in so many families." "Sir, would you consider Jon Ponder for a full pardon?" (Applause.)

tremendously grateful for the families, the loved ones. And I know they're even more grateful, because without them, you wouldn't be here. You wouldn't be here. (Applause.) So I want to thank you.

And joining us for this ceremony are two leaders who have devoted so much to advancing medical cures to help people overcome the stranglehold of addiction: Sheldon and Miriam Adelson. And they've been great friends of mine for a long time. (Applause.) Stand up, Sheldon. What a family. What a family.

And Miriam is a doctor — a great doctor. She doesn't have to be a doctor. You can trust me — her husband doesn't need the money. (Laughter.) But she devotes her life — it's the most important thing to her — to addiction. And every time she learned something new — and there's still plenty to learn — but she'll call me and tell me what they're learning about addiction.

And the job you do, Miriam, and what you've done, Sheldon, just overall is incredible. (Applause.) And really great. Two great people. Just great people.

And they like a place called Israel very much. Would you say that's correct? (Applause.) Maybe I have to use the word "love" a place called Israel, right? In your case.

Thank you as well to Las Vegas Mayor Carolyn Goodman for being here. Carolyn, thank you very much. Great — great job. (Applause.) And also, the tireless advocate — because Carolyn has been very much involved with criminal justice reform along with Jared Kushner, who has been very, very much involved.

I don't know — (applause) — I think — I think, Jared, I'm starting — where is Jared? Thank you, Jared. We're going to — he never wants any credit. He does a lot. He works hard. But that's working out very well, Carolyn, isn't it? It's working out well for everybody.

And tremendous support. And we had liberal support, we had conservative support. And they came to me and they needed some help, and we got help from some very unexpected places. Votes. We needed votes. And we got some great people — Republicans in all cases, in this case. But we got some great people to vote for criminal justice reform.

So — in fact, very conservative Republicans. So that was a good sign. Very bipartisan. And it was a terrific thing, and we really — we did something that they've been trying to do for a long time, and we got it done. We get a lot of things done. We get a lot of things done. (Applause.)

Now, you see a lot of press back there. So before we go any further, I want to address today's sentencing of a man, Roger Stone. Roger Stone. He's become a big part of the news over the last little while. And I'm following this very closely, and I want to see it play out to its fullest because Roger has a very good chance of exoneration, in my opinion. (Applause.)

I've known — and you people understand it probably better than anybody in the room. I've known Roger Stone and his wife, who's really a terrific woman, for a long time. And Roger is definitely a character. Everybody sort of knows Roger. Everybody knows him. And most people like him. Some people probably don't, but I do and I always have. He's a smart guy. He's a little different. But those are sometimes the most interesting. But he's a good person. His family is fantastic. He's got a fantastic family. And there's always a reason for that, isn't there?

Roger was never involved in the Trump campaign for President. He wasn't involved. I think early on, long before I announced, he may have done a little consulting work or something, but he was not involved when I ran for President. And he's a person who, again, he knows a lot of people having to do with politics. His whole life is politics. That's what he is.

And it's my strong opinion that the forewoman of the jury — the woman who was in charge of the jury — is totally tainted. When you take a look, how can you have a person like this? She was a anti-Trump activist. Can you imagine this? (Laughter.) Now, you wouldn't know about a bad jury. Anybody here know about bad? No? (Laughter.) These people know more about bad juries than everybody here, including the sheriff and the mayor and everybody. (Laughter.)

They know about bad juries. We're not going to say it too much, so let's not say it in front of more cameras than this. (Laughter.) But you're my experts, okay?

No, but this is a woman who was an anti-Trump person, totally. Now, I don't know if this is a fact, but she had a horrible social media account. The things she said on the account were unbelievable. She didn't reveal that when she was chosen.

And she's, I guess, from what I hear, a very strong woman, a very dominant person, so she can get people to do whatever she wants. And she got on, and then she became the foreperson, forewoman, on the jury. And I assume they asked her a question: "Do you have any bias? Do you have any..." She didn't say that. So is that a defrauding of the court? You tell me.

But does this undermine our fair system of justice? How can you have a person like this? Did she delete her social account? And when Roger was determined by the same jury to be guilty before the judge issued a sentence — and he was determined to be guilty — and she started going a little wild. She's very happy. And she started saying things that people said, "That's strange. That's strange." And then they started looking at it, and how can you have a jury pool tainted so badly? It's not fair. It's not fair.

And, you know, it's not happening to a lot of other people, because you could — look, I won't name names, but everybody knows who I'm talking about. What's happening over there? Nobody, nobody.

There are people that are even in Roger Stone's basic business of politics that were going to be in big trouble. Well-known people. The biggest people. Big trouble. They were forced to leave their firm.

One man was forced to leave his firm and he was going to — bad things were going to happen to him the following day. Nothing happened. Nothing happened. He was the biggest; nothing happened. But it happened to Roger Stone, and it happened to General Flynn. And it happened to — I won't name names. (Laughter.) It happened to a lot of people, and destroyed a lot of people's lives.

And I'm here to make a fair system. Again, Roger is not somebody who worked on my campaign. I know Roger, but a lot of people know Roger. Everybody sort of knows Roger. And what happened to him is unbelievable. They say he lied. But other people lied too. Just to mention, Comey lied. (Laughter.) McCabe lied. Lisa Page lied. Her lover, Strzok — Peter Strzok — lied. You don't know who these people are? Just trust me, they all lied. (Laughter and applause.)

You had people that forged documents. You had people that wrote fake dossiers and brought them to the FBI, and used people in the Justice Department to get them to the FBI. And these people know — in the front row, you know better than anybody in this room what the hell I'm talking about, probably. (Laughter.)

So I'm only responding to you. I'm not even talking to the folks all the way (inaudible). (Laughter.) But they get it better than anybody too. A lot of bad things are happening, and we're cleaning it out. We're cleaning the swamp. We're draining the swamp. I just never knew how deep the swamp was. (Applause.)

So if this woman was tainted, I hope the judge will find that she was tainted. And if she isn't tainted, that will be fine too. But I'm not going to do anything in terms of the great powers bestowed upon a President of the United States. I want the process to play out. I think that's the best thing to do, because I'd love to see Roger exonerated, and I'd love to see it happen because I personally think he was treated very unfairly.

They talk about witness tampering. But the man that he was tampering didn't seem to have much of a problem with it. (Inaudible) think they know each other for years. And it's not like the tampering that I see on television when you watch a movie. That's called tampering — with guns to people's heads and lots of other things.

So we're going to see what it is. Maybe there was tampering and maybe there wasn't. But I can tell you that there was tremendous lying. Really, lying and leaking classified documents. That, you don't know about. But they leaked classified documents.

You know, there was a young sailor who took pictures of an old submarine and sent them to his mother and a friend. And they destroyed his life. I let him out. They were considered classified. Now, Russia and China, I guarantee you, have the pictures of this submarine, for a long time. The submarine was like 30 years old. They had them in the first year; they didn't have to wait for the 30th year. But this is a famous story. And they had these pictures, and they put him in jail. He sent them to his mother and to his friend. His friend was not interested in what you're thinking. And there were many other cases where documents were leaked, even accidentally. It's so — classified documents are so important that even if they are leaked accidentally —

Now, Hillary Clinton leaked more classified documents than any human being, I believe — (laughter) — in the history of the United States of America. Right? And she deleted 33,000 emails. And she said, "Oh..." And, by the way, if you did it: five years, maybe more. Okay? But you never have access to classified. Very few people have access. She deleted 33,000 emails. I kept waiting. Because, you know, they can talk Benghazi; they can talk 100 different things.

What people understand is when you get rid of this kind of evidence — so the United States Congress said they subpoenaed her. They wanted to see her emails. After getting the subpoena, she deleted 33,000 emails. And they said — do you remember this? — "yes, the emails were about her yoga classes, her exercising, and her daughter's wedding." Thirty-three thousand about her daughter's wedding? (Laughter.) That must have been the greatest wedding of all time. (Laughter.) And nothing happened to her. And yet, they'll put a young sailor in an old submarine, with a picture — a couple of pictures — they'll put him into jail.

And I pardoned him because it was unfair that she was able to do it at the highest level, and his level wasn't — what he did was, it was confidential. "Confidential" is a much lower class than "classified."

So I tell you this because it's interesting. This is part of our nation. This is what's going on now.

So I'm going to let this process play out. And we want to have a great and fair court system. And I hope you had a fair and — you know, fair and wonderful court system. But perhaps you didn't. Perhaps you didn't. And if you didn't, we want to straighten it out. But we have to straighten it out also at the top level.

So we had a lot of dirty cops. FBI is phenomenal. I love the people in the FBI. But the people at the top were dirty cops. And if you would have read the report written about Comey — 78 pages of kill, with a reference of "Go get him." They really said it: "Go get him." And then you read about McCabe and you see what they said. It's so bad. And we're just waiting. I'm not doing any — I'm just sitting here, standing here, talking to you. We're waiting. (Laughter.)

So I just want to let the fake-news media know that — (laughter) — I just want to let them know, because there's few people more dishonest than these people, I will tell you that. And you have some very good ones. A hell of a lot more dishonest than most of you in the audience were. (Laughter.)

But I'm going to let the media know that I'm going to watch the process; I'm going to watch it very closely. And at some point, I'll make a determination.

But Roger Stone — and everybody — has to be treated fairly. And this has not been a fair process. Okay? (Applause.) Thank you.

So when I ran for President, I pledged to fight for those who have been forgotten, neglected, overlooked, and ignored by politicians in our nation's capital. And you understand that very well.

For decades, no one was more forgotten than citizens coming out of prison who were ready to go into a brand-new, beautiful start but couldn't find a job. They couldn't find people who believed in them.

And one of the great things that happened is I, and my administration, and a lot of very talented people that work with me, we created the strongest economy in the history of our country. (Applause.) We have the best unemployment numbers. We have the best unemployment numbers for African American. Best in history. Asian American — best in history. (Applause.) Hispanic American — best in history. (Applause.) Our country is booming. We've never done better. It's the best economy we've ever had.

So when people come out — as an example, yourselves. You're going to get great jobs. And I'll tell you the end result — and we do studies on this: People with businesses are going to hire you. They want you more than you want them. This is the first time this has happened. Okay? (Applause.) This is the first time. They want you to do it. And they wouldn't have given you that second chance. We call it "second chance." But they wouldn't have given you that second, and in some cases, a third chance. That's okay. But they wouldn't have given you that second chance. Now they're doing it because they need people, because the economy is so good.

And I'll tell you the end result: Employers are calling. The numbers that we're getting, the respect that you're getting from people that are doing the hiring — they can't even believe it. I had one gentleman, I talked to him — he had seven people came out of prison. He's got seven people working for him. He said, "They're among my best." (Applause.) He said, "They are among my best people." He said, "I cannot believe it."

DANYDJT00208707



## Ex. 3



REMARKS

# Remarks by President Trump Before Marine One Departure

Issued on: February 23, 2020



South Lawn

9:03 A.M. EST

THE PRESIDENT: Hello, everybody.

Q What's your message to the people of India today?

Q (Inaudible) win for Bernie Sanders?

THE PRESIDENT: Well, I think it was a great win for Bernie Sanders. We'll see how it all turns out. They've got a lot of winning to do. I hope they treat him fairly. Frankly, I don't care who I run against. I just hope they treat him fairly. I hope it's not going to be a rigged deal because there's a lot of bad things going on. And I hope it's not going to be one of those. So we'll see what happens.

But I congratulate Bernie Sanders. And if it's going to be him, he certainly has a substantial lead. We'll see what happens.

Q Have you been briefed that Russia is trying to help Bernie Sanders? And if so, what's your message to Putin? Are you comfortable with him intervening?

THE PRESIDENT: Nobody said it. I read where Russia is helping Bernie Sanders. Nobody said it to me at all. Nobody briefed me about that at all. What they try and do is — certain people like certain people to have information. No different than it's been.

But I have not been briefed on that at all. Nobody told me about it. They leaked it. Adam Schiff and his group — they leaked it to the papers and — as usual. They ought to investigate Adam Schiff for leaking that information. He should not be leaking information out of intelligence. They ought to investigate Adam Schiff.

Q Are you trying to block the publication of Bolton's book?

THE PRESIDENT: You'll have to ask the Attorney General. I don't know where it stands. But you'll have to ask the Attorney General.

Q Did you call him a traitor? Mr. President, did you call him a traitor?

Q (Inaudible.)

THE PRESIDENT: Say it?

Q Do you believe that Russia is trying to interfere to help Bernie Sanders?

THE PRESIDENT: You'll have to ask Bernie Sanders that. I mean, he'd know better than me. I have not been briefed to that effect. But you'll have to ask Bernie Sanders.

Q Are you concerned about Russian interference?

THE PRESIDENT: I think what it could be is, you know, the Democrats are treating Bernie Sanders very unfairly. And it sounds to me like a leak — a leak from Adam Schiff, because they don't want Bernie Sanders to represent them. It sounds like it's '16 all over again for Bernie Sanders.

And he won. He had a great victory yesterday. But you know what's happening. You can see the handwriting on the wall. And I watched last time, with respect to him. And they might've tried to do it with me, but I was able to catch it. That would be a terrible thing if that were the case.

Q Vladimir Putin said the other day that other countries are trying to split Russia and Ukraine apart, and if they came together, they would absolutely be a world superpower — Ukraine and Russia. What do you make of President Putin's comments?

THE PRESIDENT: Well, I'd like to see them come together. I think if they came together in the sense that they got along with each other, that would be a great thing. It would be a great thing for the world. If Ukraine and Russia could work out some agreement where they get along, to me that would be very good.

Q (Inaudible) Mick Mulvaney as the Chief of Staff?

THE PRESIDENT: Yeah. Sure. He's here now. Sure. No problem.

Q Mr. President, what's your updated thinking about a pardon for Roger Stone?

THE PRESIDENT: Well, I've seen a very sad thing going on with respect to Roger Stone. You have a juror that's obviously tainted. She was an activist against Trump. Said bad things about Trump and said bad things about Stone.

And she somehow wheedled her way onto the jury. And if that's not a tainted jury, then there is no such thing as a tainted jury. I think it's a disgrace. And I could say plenty more about that whole situation, but I'll hold it.

I don't know why they gave a judgment — why the judge ruled prior to ruling on that. Because, in theory, you should rule on that and then you see what happens. But the judge gave a sentence without discussing that, and I guess she's going to bring that up at a later date.

But I do think this: That juror is so biased and so tainted that that shouldn't happen in our criminal justice system. That's for sure.

Q What if he doesn't get a new trial? What if she says no new trial? What are you going to do?

THE PRESIDENT: We'll see what happens.

Q Who will you nominate for Director of National Intelligence?

THE PRESIDENT: We have four or five people that are great, very respected. In the meantime, we have our Ambassador to Germany who is a very smart person. And he's doing a great job.

Q Who's on the list?

THE PRESIDENT: I can't tell you yet, but I'll be announcing it very —

Q Why did you dismiss Maguire? Why did you dismiss him? Were you unhappy with him?

THE PRESIDENT: His time came up. You know, I think it was — March 11th, his time comes up. He ran out of time. Because on March — I think it was a date of March 11th. He's a very nice man. His time came up, so he had to leave on March 11.

Q What is your message to the people of India? You are traveling to India today. What is your message to the people of India?

THE PRESIDENT: Well, I look forward to being with the people of India. We're going to have many millions and millions of people. It's a long trip.

But I get along very well with the Prime Minister, Prime Minister Modi. He's a friend of mine. I committed to this trip a long time ago, and I look forward to go — going.

We're taking — as you know, the First Lady is coming. Some of you are coming. I hear it's going to be a big event. Some people say the biggest event they've ever had in India. That's what the Prime Minister told me. This will be the biggest event they've ever had. So it's going to be very exciting. I'm going to be there one night. That's not too much.

And then I'm stopping in South Carolina. We're doing a big rally. And then I'll be doing CPAC on Saturday. So there's not a lot of time for rest, I will say that.

Q Will Bernie be the nominee?

## Ex. 4



REMARKS

# Remarks by President Trump in a Fox News Town Hall | Green Bay, WI

Issued on: June 25, 2020



Jet Air Hangar  
Green Bay, Wisconsin

Q Thank you, Mr. President. Thanks for joining us. We're going to take some audience questions throughout the hour. You're here in Wisconsin. One of the things everybody is looking for — and we'll get into more detail throughout the hour — is the economy. You are going to leave this town hall, and you're going to announce that you're building 20 new ships. You're rebuilding the military.

THE PRESIDENT: That's right.

Q And how many jobs?

THE PRESIDENT: Well, it's going to be probably 6,000, 7,000 jobs; it could go up to 10 [thousand] in Wisconsin alone. And it's a great shipyard that was on hard times, and now it's a very good shipyard, and a lot of people are going to be working. And it's one of the most beautiful ships. It looks like a yacht with a lot of ammunition on it. I will tell you, it's really something. And we'll probably end up with 20 or 25. And these are big ones. Beautiful ships. And they do a beautiful job in Wisconsin.

So, I'm here. It's, sort of, like a launch. We're starting work, and the contract is all given. And you won it right here. So congratulations, folks. (Applause.)

Q We as a nation, we've been watching. There was universal agreement that what happened to George Floyd should never happen, can never happen again.

THE PRESIDENT: Right.

Q And you've been very outspoken about it as well, but — and there were peaceful protesters, but then there were people rioting. We see anarchy. We see rocks and bottles and bricks and Molotov cocktails thrown at police officers.

Q You mentioned General Flynn. We saw Peter Strzok's notes. Now, a lot of it was redacted. I — and my sources have been telling me — and this program —

THE PRESIDENT: It's big stuff.

Q — I've devoted almost three years to unpeeling every layer of the onion. In fact, what we now know is that there was that January 5th meeting in the Oval Office. Barack Obama was there. Joe Biden was there. Barack said he wants only "our people" on this. In other words, the day before, General Flynn was exonerated; the case was going to be closed. Then Joe Biden brought up the Logan Act, which you mentioned earlier: 1799 law that nobody has ever been prosecuted for.

Now, not only was it that, we've now learned that there was premeditated fraud on a FISA court to spy on you as a candidate — you and your transition team —

THE PRESIDENT: It's unbelievable.

Q — and deep into your presidency. And James Comey signed three of the four warrants, but he came to you after he signed the first one in Trump Tower and said, "Well..." — again, now we know the bulk of information was Hillary's dirty Russian disinformation dossier.

THE PRESIDENT: Which she paid a lot of money for.

Q She paid for it. They knew it. They said they had verified it. It turned out to be all untrue. But it ended up, for you, to be — and the country — a three-year nightmare.

My question though is this: I mean, General Flynn lost four years of his life.

THE PRESIDENT: Right.

Q Roger Stone is supposed to report to jail and the jury foreperson in his case. Paul Manafort's case was dead. And they — and many people that worked for you paid how much in lawyers' fees —

THE PRESIDENT: Yeah.

Q — over this lie?

THE PRESIDENT: So, start in reverse order: Paul Manafort. They sent in a book, it looked like he got all sorts of cash. It turned out to be a fraud. What they did to that man — what they did to Paul Manafort.

Roger Stone — what they've done to Roger Stone because he knew me. He wasn't on the campaign except the very, very beginning. What they did with Roger Stone. What they did to General Flynn.

And how about Papadopoulos? I didn't know Papadopoulos, but what they put him through — he turned out to be totally — they had a tape of his conversation that was supposed to be — this conversation was like a perfect conversation.

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They also have a tape of Flynn's conversation with the Russian ambassador, which is a normal thing to do. You're going to have that position. You start calling up because you want to coordinate between countries. And the tape was — as I said with the Russia, with the Ukrainian situation — it was a perfect tape. It was a perfect conversation that he had.

What they've done to Ge- — to General Flynn, who's a nice man — a tough guy, a smart guy, a great general. I'll tell you, General Milley said he's one of the finest people. You know, he's just a good man — Flynn. What happened to him — the way they went after him — and if you remember — you remember well — the FBI left. They said he did nothing wrong. They said he didn't lie. They didn't say he lied; they said he didn't lie. They persecuted him.

Q They threatened to put his son in — go after his son.

THE PRESIDENT: They said to me, "What was the toughest..." — friends of mine — "What's the toughest country to deal with? Who is it? Is it China? Is it Russia? Could it be North Korea?" I said, "No, it's the United States of America. The toughest country to deal with" because we have Schumer and Pelosi and people that are bad people that I honestly believe don't love our country.

What they do to our country and what they've done with this scam — the whole scam. Flynn is a piece of it. The Mueller scam. Now it came out that Mueller should have announced in the first week that we did nothing wrong. In other words, they had evidence in the first few days that there was no collusion with Russia. There was nothing to do with Russia. They knew that immediately; he didn't have to take two or two and a half years. They knew it immediately.

What they've put this country through — Jeff Sessions was a disaster. He was a total disaster because he basically let it happen — unknowingly, because he's not very smart. But they let it happen. And it's a shame what they put this country through.

Q As you look — we now have the Durham report. We now have the Inspector General report. I would imagine there's probably going to be indictments at the end of this. When you look at the names of the people — for example, the jury foreperson in Roger Stone's case was prejudiced against — that was not a fair or partial jury.

THE PRESIDENT: No, no. Can you believe it, even? Can you believe it? The hatred that she had for him and for me.

Q And you.

THE PRESIDENT: And she said, "Oh, no. I don't..." You know, she acted like she was an innocent. She ran for Congress or something, and lost, but she was, like, pretending to be an innocent. How did she even get into the jury pool? She must have had a little contact. But — and the judge, who's been brutal — the judge who sentenced Roger has been brutal. Take a look at what she's done to people.

Q Same judge in the Manafort case.

THE PRESIDENT: Well, take a look at what she did for Hillary-related things, okay? It wasn't brutal there. But look at what — what she did to people. Just take a look at what she's done.



And Roger Stone had a jury foreman — forewoman who was a disaster. How that's not declared a mistrial or more than a mistrial is incredible to anybody that sees it. This is a person that hated Roger Stone, hated me, and obviously said wonderful things; otherwise, she couldn't have gone in the jury.

Q It looks like he reports to jail, I believe, in four days.

THE PRESIDENT: Yeah.

Q Are you thinking about a pardon for any of them?

THE PRESIDENT: Well, we're going to — we're going to see. I don't want to get into that.

Q Commutation?

THE PRESIDENT: But I think he was treated very unfairly.

Q Clearly.

THE PRESIDENT: You know, other than he may have been involved very early on — and I've known him for a long time, but I've known him like everybody in Washington knew him. You have a lot of guys in Washington, they do — he was not involved in the campaign. Maybe a little bit at the very, very beginning, but he wasn't inv- — he wasn't a part of the campaign.

But he's a professional. They've destroyed his life. Totally destroyed his life. What they've done to Roger Stone is incredible. And the jury forewoman stands out. And to have — at least not give him a new trial is inconceivable.

And, by the way, she was a dominant person. The jurors said she was very dominating in the room. She dominated. He got a tremendously big sentence.

You see these guys. They're burning down buildings. They're ripping down statues. They're hurting police. They don't go to jail. Nothing happens to them. They give — they wanted to give him nine years in jail.

Q A process crime.

THE PRESIDENT: Yeah, if that. If that. And then you have these prosecutors who were Mueller-related — the whole Mueller-related thing.

One friend said to me, "You have to be the most innocent man in the history of the United States." I had 18 angry Democrat geniuses — all smart; smart as hell. Mueller lost it, but they were all smart as hell. All these guys were after me. They spent 45, 49, 55 — I hear all different numbers — million dollars over a period of two and a half years. And they got nothing on me.

Q It was all —

## Ex. 5



REMARKS

# Remarks by President Trump in a Roundtable with Stakeholders Positively Impacted by Law Enforcement

— LAW & JUSTICE | Issued on: July 13, 2020



East Room

2:14 P.M. EDT

THE PRESIDENT: Great to have you here. Nice group. Some familiar faces. So thank you all very much for being at the White House. Very special house. Very special place. I'm grateful to be joined by citizens whose lives have been saved by law enforcement heroes. And that's what they are: They're heroes. And they're being very unfairly treated over the last long period of time, but over the last few years. It's terrible what's happening.

We're also joined by two amazing officers: South Carolina Deputy Sheriff William Kimbro. Where's William? William? William? What happened to William? Okay.

MS. ROLLINS: Mr. President, he is holding a baby (inaudible).

THE PRESIDENT: Oh, okay.

MS. ROLLINS: The baby was crying, so he took (inaudible).

THE PRESIDENT: That's a good excuse. That's good. (Laughter.)

And Palm Beach County Deputy Sheriff Corey Reece. Hi, Corey. Good.

In recent weeks, our country's police officers have been really under siege. I want to thank — first of all, I do want to thank Vice President Pence for all the work he's done on this and, in particular, Attorney General Bill Barr, because the job he's done has been amazing. It's been — it's been 24 hours a day. I guess I could say 28 hours a day. Right? It never ends, but it's been a great job that you've both done. We appreciate it. Mike, we appreciate it very much.

So we do the testing, and by doing the testing, we have tremendous numbers of cases. If we didn't do the — as an example, we've done 45 million tests. If we did half that number, you'd have half the cases, probably — around that number. If we did — if we did another half of that, you'd have half the numbers. Everyone would be saying, "Oh, we're doing so well on cases."

But when I see it reported in the night — you can check me out on this — I mean, they always talk about — they're always talking about cases, the number of cases. Well, it is a big factor that we do — we have a lot of cases because we have a lot of testing, far more than any other country in the world. And it's also the best testing.

Yeah, please.

Q Mr. President, the federal government is set to resume federal executions for this first time in more than a decade, potentially as soon as a couple of hours from now. Are you monitoring the last-minute appeals on that case?

And have you given any consideration to —

THE PRESIDENT: Well, I think what I'm going to do is be answered by our Attorney General. Do you mind, Bill?

ATTORNEY GENERAL BARR: Yes, sir. We obviously monitor the appellate process.

Q And, Mr. President, have you given any consideration to using your clemency powers to stop these executions and commute them to life sentences?

THE PRESIDENT: Well, I've — I've looked at it very strongly, and in this particular case, I'm dealing with Bill and all of the people at Justice. And it's always tough. You're talking about the death penalty. But when you talk about people that did what this particular person did, that's tough also. So we're going to see what happens.

Right now, they have a stay, I believe, right? They have a stay. And we'll let the courts determine the final outcome. And that's what's going to happen. Okay?

Q A question about (inaudible), sir. You're asking Americans to have full faith in law enforcement. How do you respond to critics who say you undermined your own federal law enforcement agency, the DOJ, when you commuted the sentence of Roger Stone?

THE PRESIDENT: Well, if you look back on it, this was an investigation that should have never taken place. You have guys like Comey, you have McCabe, you have Strzok, you have his lover, Lisa Page. You have all of these people running around. You have Brennan and Clapper, who lied to Congress. You have many, many people. You have people that changed documents going into the FISA courts. And it's a terrible thing.

And this is an investigation that they said should have ended before it started; it should have started. And if it did, it should have ended immediately, because they found, as you know as well as I do, they found nothing initially, but it went on for two years or longer.

And — no, I did — I'm getting rave reviews for what I did for Roger Stone. And he, frankly, is going to go and now appeal his case. He had a jury forewoman who hated Roger Stone and who hated, probably, me. But she went on a false pretense. And he wasn't given a fair trial. He wasn't — it's not a fair trial. He wasn't given another trial. He should have been given another trial.

I won't say more. I won't talk about the judge. I'm not going to — why would I ever talk about a judge? But this was a judge that gave, I believe, solitary confinement to Paul Manafort. Al Capone didn't have solitary confinement.

So these are things that happened. And if you look at President Bush, President Clinton, President Obama — take a look at what they did. Frankly, it's very unfair. Roger Stone was treated very unfairly, in my opinion, and so were many others on this side.

In the meantime, you have the other ones who are — admitted lying before — they admitted. They lied before Congress. They leaked. They leaked classified information, which is something you just can't do. And what are they doing? So we'll see what happens.

But, no, we're getting rave reviews for what I did. Okay?

Q Are you going to be able to hold the convention in Jacksonville with all this virus spreading?

THE PRESIDENT: Well, we're going to see. It built up a little bit, but we're going to do something that will be great.

We think we're doing very well. We had some poll numbers a little while ago that are great. You know, it's the same story: It's suppression polls that we had in 2016. Phony polls. Fake news, phony polls. Same thing.

And we're doing very well. We're doing well in Georgia, we're doing well in Texas. I read where I was one point up in Texas. I'm not one point up in Texas; we're many points up. I saved their oil industry. Two months ago, I saved the oil industry. There would have been — I created it; we became number one. We have millions of jobs. And we saved it, so Texas is not going to have to let go of millions and millions of people. Oklahoma, North Dakota — many states.

We have — we're at \$40 a barrel, and yet, you can buy gasoline for under \$2. Nobody has ever seen it like this. So we have the biggest energy in the world. We're number one in oil, as you know — oil and gas — by far. We're now number one in the world. And we would have had millions of people out of work. I saved it.

And then they say I'm leading by one point in Texas. They said it last time too. They said Texas is too close to call. This was, like, three months before the election. And then I won Texas in a blowout. They called it the minute the polls closed. They said that about Utah. They said that about — Georgia, they said the same thing, that Georgia is, "Oh, we can't — it's too close. They'll never be able to determine. We'll have to wait until Election Night." On Election Night, two seconds after the polls closed, they called Georgia.

So, you know, it's the same thing. We have the same thing. They're phony polls. They're suppression polls.

But to think that after saving the oil and gas business, and millions and millions of jobs — I'm leading Texas by one point? I don't think so. Go ahead.

## Ex. 6

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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IN RE:

JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

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Misc. Action No. 20-0016 (ABJ)

**ORDER**

This matter concerns a request by Michael Cernovich to obtain access to information provided by jurors as part of the jury selection process in the 2019 criminal trial of Roger Stone, *United States v. Roger Stone*, 19-cr-0018. Mot. for Limited Permission to Intervene [Dkt. # 4] (“Mot.”) at 1. Cernovich, who is “a journalist and a concerned citizen,” sought the juror identification number of the jury foreperson and all of the jurors’ written questionnaire responses, in an effort to address his concerns about the fairness of the trial. Statement of P. & A. in Supp. of Mot. [Dkt. # 4-1] (“Mem. in Supp.”) at 1.

Stone’s criminal case ended more than two years ago, after Stone received a grant of clemency from then-President Donald Trump, and Stone dismissed his pending appeal of his conviction. But given the continued divisions in this country surrounding the former President and the 2020 election, the former President’s role in political discourse today, and the fact that Stone remains active as a political commentator, one cannot state with assurance that the risks to the jurors who heard his case have abated. Moreover, the questionnaire completed by the one juror identified in the motion as the subject of interest to Cernovich has already been released. Accordingly, the Court will **DENY** the motion for access to the juror questionnaires that have not already been made public. The jurors’ ongoing interest in keeping their written

answers and private information confidential, and in avoiding exposure and harassment, outweigh any lingering public interest in the closed criminal case. Further, the Court will **DENY AS MOOT** the request for the foreperson’s jury number since the foreperson’s written questionnaire response has already been released as part of an April 2020 ruling by the Court. *See United States v. Stone*, No. CR 19-0018 (ABJ), 2020 WL 1892360, at \*41–42 (D.D.C. Apr. 16, 2020), appeal dismissed, No. 20-3033, 2020 WL 5358671 (D.C. Cir. Aug. 19, 2020).

### **BACKGROUND AND PROCEDURAL HISTORY**

Roger Stone – a political operative and long-time associate of former-President Donald Trump – was indicted on January 24, 2019 in connection with the investigation of Special Counsel Robert Mueller into possible interference by the Russian government in the 2016 presidential election. *Stone*, Indictment [Dkt. # 1]. The indictment charged one count of obstructing a congressional proceeding, one count of witness tampering with respect to that proceeding, and five counts of making false statements to Congress. *Id.*

#### **I. The Stone Trial**

Both the Special Counsel investigation and the Stone prosecution garnered substantial public interest and reporting by the media – along with the ire of the President himself.<sup>1</sup> Given this intense publicity, the Court solicited the parties’ views on the use of a written questionnaire to aid jury selection, and the parties agreed. *See Stone*, Tr., Status Conf., Mar. 14, 2019 [Dkt. # 66] at 12 (“THE COURT: . . . I take it that you’re going to want to do a jury questionnaire.” [Defense

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<sup>1</sup> *See* @realDonaldTrump, Twitter (Jan. 25, 2019, 12:16 PM) (“Greatest Witch Hunt in the History of our Country! NO COLLUSION! Border Coyotes, Drug Dealers and Human Traffickers are treated better. Who alerted CNN to be there?”) <https://twitter.com/realdonaldtrump/status/1088832908494888961> (no longer available); PBS, Jan. 25, 2019, <https://www.pbs.org/newshour/politics/president-donald-trump-blasts-arrest-of-confidant-roger-stone-on-twitter>.



Counsel]: Yes, ma'am.”); Gov’t Resp. to Minute Order [Dkt. # 192] (stating no objection to using questionnaire); Def.’s Resp. to Minute Order [Dkt. # 193] (same). The parties jointly proposed a written questionnaire to the Court, *Stone*, Notice of Proposed Written Jury Questionnaire [Dkt. # 184], which stated plainly on the first page that the responses to the questionnaires would remain confidential. *Stone*, Proposed Jury Questionnaire [Dkt. # 184-1] at 2 (“To protect your identity, the only page that contains your name is the certification page, which will remain confidential and will be shared only with court personnel and the attorneys. After a jury has been selected, all copies of your response to this questionnaire will be returned to the Clerk of the Court and kept in confidence, under seal, away from public viewing. This questionnaire will NOT be made public.”). The final version of the questionnaire used at trial provided the same: “The parties and the Court have agreed that all information contained in this questionnaire will be kept confidential.” *Stone*, Juror Questionnaire [Dkt. # 247] (“JQ”) at 1.

Several weeks before the start of trial, potential jurors were summoned to the courthouse to complete the questionnaire. The Court explained to the panel that the questionnaire was “designed to help ensure that we have a fair and impartial jury.” *Stone*, Hearing Tr. of Sept. 12, 2019 [Dkt. # 356] at 9. The Court also told the potential jurors that their identities and answers would remain confidential:

In case you are concerned about this, I want to assure you that your names are not going to be made public at this time and it’s our intention that your answers to these questionnaires will not be made public.

To protect your identity, the only part of the questionnaire that includes your name is the certification you will sign on the last page. And if, on the date you return for the completion of the jury selection process, we need to discuss your answers with you, you’re not going to have to talk in front of

all the other jurors. We're going to let you speak to the parties in the case one at a time.

*Id.* The group then proceeded to answer the questions in writing, providing information about themselves and, in some cases, about their spouses, partners, or family members. *See generally* JQ.

Many of the questions sought sensitive, personal, and personally identifying information, including potential jurors' age, gender, marital status, education and employment information, organizational affiliations and activities, and explanations of whether they or any of their close friends or family members had ever run for or held political office, been employed by or had any association or connection with Congress or a congressional committee, or had been the victim of a crime or arrested for, charged with, prosecuted for, or convicted of any crime. *See id.* The questionnaire also asked if jurors knew any of the parties, counsel, or court staff who would be involved in the trial or if they had views or opinions about any of them or the Special Counsel's investigation. *Id.* One hundred and twenty potential jurors completed the questionnaire. The prosecution and defense received the written answers in their entirety and proposed strikes for cause of potential jurors based on those answers. *See Stone*, Minute Orders (Sept. 13, 2019); Gov't "For Cause" Juror Strikes [Dkt. # 208] (Sealed); Def.'s "For Cause" Juror Strikes [Dkt. # 209] (Sealed). On September 18, the Court struck thirty-eight potential jurors, and its ruling was without prejudice to the renewal of any parties' strike that had been denied, based on the jurors' answers at the individual voir dire to follow. Order [Dkt. # 221] (Sealed).

On November 4, 2019, the day before the trial was to begin, the defense sought reconsideration with respect to nine jurors who were not included in the Court's September 18 order. *See* Def.'s Mem. on Jury Selection [Dkt. # 249] (Sealed).

As part of its effort to ensure that the trial was “conducted in a fair and orderly manner,” the Court entered an order establishing protocols to protect the privacy and anonymity of the jurors while also affording the public access to the proceedings.<sup>2</sup> *Stone*, Order [Dkt. # 242] (“Trial Logistics Order”) ¶¶ II(A)(5), (7); IV(A), (B) (reserving seats in the courtroom for the members of the press and the public, providing for a separate Media Room for the press, and an overflow courtroom for the press and the public); *id.* ¶ IX(A) (strictly prohibiting “[a]ny attempt to contact or interact with jurors, to obtain the locations of their residences or job sites, or to otherwise ascertain their identities in any way”); *see also Stone*, Tr. Nov. 4, 2019 [Dkt. # 293] at 4 (explaining at the pretrial conference, which was open to the public, about the availability of the overflow room).

Trial began on November 5, 2019 with two days of jury selection. *See Stone*, Minute Entry (Nov. 5, 2019); Minute Entry (Nov. 6, 2019). Potential jurors who had not already been disqualified were summoned to the courthouse to answer questions in person. *See generally id.* They were identified by the juror numbers assigned by the Jury Office, not by name. *See Stone*, Tr. Nov. 5, 2019 (Morning) at 3–10. But voir dire was open to the public and the press, and the prospective jurors were not hidden from public view. The Court and counsel for both sides asked the prospective jurors questions, which were answered publicly, unless a prospective juror asked to answer a specific question privately in front of only counsel and the Court. At the outset, the Court explained that the jury would not be sequestered, but that procedures would be established

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<sup>2</sup> The Local Rules of this court provide that judges handling “widely publicized or sensational criminal cases” may enter special orders to govern such matters as “the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.” D.D.C. LCrR 57.7(c).

during trial to help ensure their security and privacy, and to provide additional public access to the proceedings with media and overflow rooms. *Stone*, Tr. Nov. 5, 2019 [Dkt. # 294] (Morning) at 13; Tr. Nov. 6, 2019 [Dkt. # 296] (Morning) at 246.<sup>3</sup>

Despite these protections, the prospective jurors faced harassment even before the jury was selected. On the first day of voir dire, Alex Jones of Infowars.com incorrectly asserted that a potential juror was a former aide to President Barack Obama and urged viewers to “look up [the prospective juror’s] husband,” who he called a “member of the deep state intelligence community.” The Alex Jones Show, InfoWars, Nov. 5, 2019 (beginning at 2:12:00), <http://tv.infowars.com/index/display/id/10149>. On the second day, Jones threatened to release the name of a potential juror, stating that the prospective juror was “one of their minions, and we’ve got her name, and we’re going to release it.” The Alex Jones Show, InfoWars, Nov. 6, 2019 (beginning at 00:13:45), <http://tv.infowars.com/index/display/id/10153>; *see also* Deanna Paul, *Alex Jones threatened to name a Roger Stone juror. Experts say that might be jury tampering.*, Wash. Post, Nov. 7, 2019, <https://www.washingtonpost.com/politics/2019/11/07/alex-jones-threatened-name-roger-stone-juror-experts-say-that-might-be-jury-tampering/>.

During individual voir dire conducted in the courtroom, Stone moved to strike two additional prospective jurors for cause based on their oral answers, which the Court denied. *See Stone*, Tr. Nov. 5, 2019 (Morning) at 41–45; Tr. Nov. 5, 2019 (Afternoon) at 171–174. After thirty-two jurors were qualified, the parties exercised their preemptory strikes. Only one of the eleven jurors that had been the subject of a defense objection was seated on the jury.

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<sup>3</sup> The transcript of the entire individual voir dire process was made available to the public. *Stone*, Tr. Nov. 5, 2019 [Dkt. # 294] (Morning), [Dkt. # 295] (Afternoon); Tr. Nov. 6, 2019 [Dkt. # 296] (Morning), [Dkt. # 297] (Afternoon).

Twelve jurors and two alternates were selected to serve on the jury, and after hearing the evidence and deliberating, the jury convicted Stone on all counts on November 15, 2019. *Stone*, Verdict Form [Dkt. # 260].

After the trial, Stone renewed his claim that one juror he moved to strike during individual voir dire was biased and should have been excused for cause. *See* Order [Dkt. # 288] (Redacted). The Court denied the motion and later posted a redacted version of its order, which quoted from the juror questionnaire, on the public docket. *Id.* Stone did not challenge any other juror at that time.

The verdict prompted a deluge of media and public attention, and immediately after trial, some jurors expressed concern to the Court about their safety and anonymity. *See, e.g.*, Jurors’ Br. in Opp. to Release of Questionnaires [Dkt. # 19] (“Opp.”), Decl. of Juror C ¶ 3.c (stating that after the trial, jurors asked the Court “what would happen to their personal information, since they were concerned for the safety of themselves and their families”); *see also* Decl. of Juror A ¶ 6; Decl. of Juror B ¶ 6; Decl. of Juror I ¶ 4.b; Decl. of Juror J ¶ 3.c.

With trial over, the jurors were relieved of their duty not to speak about the trial, and while many of them chose not to comment publicly, some did. For instance, on November 22, 2019, the *Washington Post* published a piece written by one of the jurors about his experience on the jury, which expressed his regard for the process and for his fellow jurors.<sup>4</sup>

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<sup>4</sup> *The Washington Post* (Nov. 22, 2019, 3:42 PM) [https://www.washingtonpost.com/opinions/i-was-a-juror-in-roger-stones-trial-we-took-his-rights-seriously/2019/11/22/234d7df0-0d46-11ea-97ac-a7ccc8dd1ebc\\_story.html](https://www.washingtonpost.com/opinions/i-was-a-juror-in-roger-stones-trial-we-took-his-rights-seriously/2019/11/22/234d7df0-0d46-11ea-97ac-a7ccc8dd1ebc_story.html).

## II. Post-Trial Proceedings

On February 10, 2020, the government filed a sentencing memorandum requesting a sentence for Stone within the Sentencing Guideline range of seven to nine years. *See* Gov’t Sentencing Mem. [Dkt. # 279]. The memorandum was signed by the four Assistant United States Attorneys and Special Assistant United States Attorneys who prosecuted the case, and it was submitted over the name of the newly-appointed U.S. Attorney. *See id.* at 26. The President responded to the prosecutors’ request in a series of angry and disparaging public statements issued overnight,<sup>5</sup> and the next day, the U.S. Attorney’s Office reversed course and filed a supplemental memorandum, calling the sentence requested in the memorandum that it had filed the day before “excessive and unwarranted.” Gov’t Suppl. & Am. Sentencing Mem. [Dkt. # 286] at 4. The supplemental memorandum was filed without the signatures of the prosecuting attorneys – who had withdrawn from the case or resigned from the office entirely that day – but by another Assistant United States Attorney. *See id.* at 5.

This turn of events caused the foreperson to express her support for the prosecution team in a February 12, 2020 social media post, attaching a copy of the *Washington Post* opinion piece

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<sup>5</sup> *See, e.g.*, The White House (Feb. 11, 2020, 4:13 PM), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-signing-ceremonys-153-supporting-veterans-stemcareers-act/> (“They ought to be ashamed of themselves . . . . I think it’s a disgrace.”); @realDonaldTrump, Twitter (Feb. 11, 2020, 6:45 PM), <https://twitter.com/realdonaldtrump/status/1227423392078409728?lang=en> (“Who are the four prosecutors (Mueller people?) who cut and ran after being exposed for recommending a ridiculous 9 year prison sentence to a man that got caught up in an investigation that was illegal, the Mueller Scam, and shouldn't ever even started? 13 Angry Democrats?”) (no longer available); *id.*, Twitter (Feb. 12, 2020 4:06 AM), <https://twitter.com/realdonaldtrump/status/1227564604177469441> (“Two months in jail for a Swamp Creature, yet 9 years recommended for Roger Stone (who was not even working for the Trump Campaign). Gee, that sounds very fair! Rogue prosecutors maybe? The Swamp!”) (no longer available).

written by the other juror. In the post, she identified herself as the foreperson of the jury, which prompted members of the public and Stone's defense team to search the internet for information about her. Two days later, on February 14, 2020, Stone filed a motion for new trial, alleging misconduct by the foreperson based on "newly discovered" information. *See Stone*, Mot. for New Trial [Dkt. # 312] (Sealed); Am. Mot. for New Trial [Dkt. # 313] (Sealed). The motion did not allege misconduct by any other juror. The foreperson and members of the jury faced a firestorm of outrage from supporters of the President and from the President himself.<sup>6</sup>

On February 25, 2020, the Court held an evidentiary hearing on the motion, allowing the defense to question the foreperson about her social media posts and permitting the parties to question two other jurors, one selected by each side, about the jury's deliberations and the foreperson's management of the deliberations. *See generally Stone*, Hrg. Tr. (Feb. 25, 2020) [Dkt. # 347].

This hearing was partially closed to the public.

I think it's without question . . . that this is a highly publicized case and that in a highly polarized political climate in which the President himself has shone a spotlight on the jury through his use of social media, which doesn't just reach those who follow him on Twitter but also gets reported in the news media, the risk of harassment and intimidation of any jurors who may testify in the hearing scheduled for later today or in juror misconduct is extremely high and that individuals who may be angry about Mr. Stone's conviction or other developments in the news may choose to take it out on them personally.

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<sup>6</sup> *See* @realDonaldTrump, Twitter (Feb. 25, 2020, 4:01 PM), <https://twitter.com/realdonaldtrump/status/1232395209125707776> ("There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of 'Trump' and Stone. She was totally biased, as is the judge. Roger wasn't even working on my campaign. Miscarriage of justice. Sad to watch!") (no longer available); *see also* Tucker Carlson, Fox News, Feb. 14, 2020 (beginning at 3:03), <https://www.foxnews.com/opinion/tucker-carlson-why-the-roger-stone-case-should-horrify-you-whether-youre-republican-or-democrat>.

Hr’g. Tr. (Feb. 25, 2020) [Dkt. # 346] at 11. Given this, the Court made a finding that “[m]aking the jurors’ names or physical appearance known to the public this afternoon would put them at substantial risk of harm,” and that “a specific and significant interest in juror safety and freedom from harassment and intimidation” outweighed the “public interest in an entirely open proceeding.” *Id.* at 15–16. While members of the public were not allowed in the courtroom itself, a live audio feed of the hearing was made available for the public in an adjacent courtroom. *Id.* at 19. “In other words, every single aspect of this proceeding w[as] public, with a very limited exception of what any testifying jurors look like and what their names, online account names are, and their juror numbers are.” *Id.* Transcripts of the proceeding were made available to the public two days later. *See Stone*, Docket Entries (Feb. 27, 2020) (making public transcripts available); Hr’g. Trs. (Feb. 25, 2020) [Dkt. # 346] [Dkt. # 347].

On April 16, 2020, the Court denied the motion for new trial in an 81-page ruling. *Stone*, Order [Dkt. # 362]; *Stone*, 2020 WL 1892360. The ruling attached the foreperson’s written questionnaire response in redacted form. 2020 WL 1892360, at \*41.

On April 30, 2020, Stone appealed the final judgment in his case, Notice of Appeal [Dkt. # 376], but he dismissed the appeal after then-President Donald Trump granted him clemency for his convictions, *see Stone*, Notice of Grant of Clemency [Dkt. # 393]; Order of D.C. Circuit [Dkt. # 400], ending the criminal matter.



### III. Cernovich's Motion

On February 24, 2020, ten days after Stone filed his motion for new trial, but before the hearing had been conducted or the motion had been decided, Cernovich filed the instant motion.<sup>7</sup> Cernovich sought to obtain the foreperson's juror identification number and the written questionnaires completed by all of the individuals who deliberated as jurors in the case. Mot. at 1; Mem. in Supp. at 7.<sup>8</sup> Noting that the jury questionnaire asked potential jurors if they had opinions about the Special Counsel's investigation into the 2016 presidential election and if they had written or posted anything about the investigation, he asserted, "based on information and belief," that the foreperson "did not disclose these important points in her answers to the written questionnaire." Mem. in Supp. at 4.

On March 23, 2020, a coalition of reporters filed an amicus brief in support of Cernovich's motion, Br. of the Reporters Committee for Freedom of the Press and 21 Media Organization [Dkt. # 15] ("Amicus Br.").

On March 25, 2020, the government filed its response to the motion, Gov't Resp. to Mot. [Dkt. # 16], and the jurors whose questionnaires were the subject of the motion filed their

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<sup>7</sup> The motion was originally filed in Stone's criminal case. *Stone*, 19-cr-0018, Mot. for Limited Permission to Intervene [Dkt. # 351] at 1. Because the Federal Rules of Criminal Procedure do not provide for intervention by third parties in criminal cases, the Court opened this miscellaneous matter for consideration of Cernovich's request. *Stone*, Minute Order (Mar. 10, 2020) (deeming his Motion for Limited Permission to Intervene to be a petition for access to the foreperson's juror identification number and the completed written juror questionnaires in *United States v. Stone*); see Mot. at 1.

<sup>8</sup> The motion requests "the written jury voir dire questionnaire answers that have been collected in this case," Mot. at 1, which could be understood to seek the 120 completed questionnaires, but the supporting memorandum makes clear that Cernovich seeks the "written voir dire answers of *the jurors*." Mem. in Supp. at 7 (emphasis added).

opposition.<sup>9</sup> Opp. The opposition was supported by declarations by the jurors, identifying them on the public docket solely by alphabetical letter. *See* Opp., Decls. of Jurors A–J.

No reply brief was filed.

### LEGAL STANDARD

It is well-established that the First Amendment affords the public a presumptive right of access to criminal trials. *See Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 604–06 (1982). But “the right . . . is not absolute.” *Id.* at 606. Courts may “inhibit the disclosure of sensitive information” in criminal trials, including information about jurors, when certain interests outweigh the public’s right to access. *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 510 (1984), quoting *Globe Newspaper*, 457 U.S. at 606–07.

Such interests include the rights of jurors to privacy when voir dire “touches on deeply personal matters that [a prospective juror] has legitimate reasons for keeping out of the public domain,” *Press-Enterprise Co.*, 464 U.S. at 511, and juror interest “in remaining free from real or threatened violence.” *United States v. Edmond*, 52 F.3d 1080, 1090 (D.C. Cir. 1995) (internal quotation marks omitted). The D.C. Circuit has recognized that “extensive publicity . . . [can] enhance the possibility that jurors’ names would become public and expose them to intimidation or harassment.” *Id.* at 1091 (upholding the impaneling of an anonymous jury in a case that involved a large-scale cocaine distribution conspiracy and attracted “substantial pretrial publicity”) (internal quotation marks omitted); *see also Sheppard v. Maxwell*, 384 U.S. 333, 353 (1966) (finding that public identification of jurors in a highly publicized case had “exposed them to

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<sup>9</sup> On March 2, 2020, the Court appointed pro bono counsel pursuant to Local Civil Rule 83.11 to represent the jurors. *See* Minute Order (Mar. 2, 2020).

expressions of opinion from both cranks and friends” and that a state trial court’s failure to protect against inherently prejudicial publicity deprived the defendant in a murder case of fair trial).

Congress permits district courts to keep the names of prospective jurors “confidential in any case where the interests of justice so require,” 28 U.S.C. § 1863(b)(7), and the D.C. Circuit has held that voir dire may be closed to the public if a court “make[s] findings that an open *voir dire* proceeding threatens either the defendant’s Sixth Amendment right to a fair trial or a prospective juror’s privacy interests,” that prospective jurors make “affirmative request[s]” for private *voir dire* examination, and that the court consider alternatives to closure that will adequately protect the interests of prospective jurors. *Cable News Network, Inc. v. United States*, 824 F.2d 1046, 1048 (D.C. Cir. 1987) (edits in original) (internal citations omitted), citing *Press-Enterprise*, 464 U.S. at 511–12.

### ANALYSIS

Movant Cernovich asked the Court to release the jurors’ questionnaire responses and the foreperson’s jury number so he and others could assess whether Stone received a fair trial and whether “public trials are being conducted consistently with constitutional requirements.” Mem. in Supp. at 7. The amici support the motion. Amicus Br. at 12 (arguing that release would “allow members of the public to assess for themselves the foreperson’s service on the jury”). Noting that Stone’s then-pending motion for new trial was based on the foreperson’s questionnaire, the government agreed that the foreperson’s juror number should be released and that the questionnaires should be made public in redacted form “to shield the jurors’ identities.” Gov’t. Resp. at 1, 5.

At the time of trial, the Court agreed with the parties that it would be appropriate and efficient to use a written questionnaire to identify jurors who might be subject to challenges for

cause, and the parties were also in agreement that the responses would be kept confidential, given the significant publicity surrounding the trial and the threat of juror harassment. *See Stone*, Tr., Status Conf., Mar. 14, 2019 at 12; Gov’t Resp. to Minute Order [Dkt. # 192]; Def.’s Resp. to Minute Order [Dkt. # 193]. The Court further found it appropriate to take steps to ensure the anonymity and security of the jurors once trial began. Trial Logistics Order; *see D.D.C. LCrR 57.7(c)*. And even three months after trial, the Court found that the jurors’ “specific and significant interest in juror safety and freedom from harassment and intimidation” continued to outweigh the “public interest in an entirely open proceeding” for the February 25, 2020 hearing. Tr. Feb. 25 at 15–16.

The question the instant motion presents is whether the jurors’ interest continues to outweigh the public’s interest in the written responses. The Court finds that it does. Since the motion for access was filed, the Court ruled on Stone’s motion for new trial alleging misconduct by the foreperson. The Court held an evidentiary hearing on the motion at which the foreperson and two other jurors selected by the parties testified, and the Court ruled that there was no basis to grant a new trial. *See Stone*, 2020 WL 1892360 (explaining why the foreperson’s responses to the jury questionnaire were not false, that her social media postings could have been discovered with due diligence, and that no misconduct had been shown). Importantly, for purposes of the instant motion, the ruling *attached the foreperson’s written questionnaire response*, redacting only her juror number and personal identifying information about her and others mentioned in her answers. *See Stone*, 2020 WL 1892360, at \*41–\*42. With that ruling, the movant and the public received the very questionnaire they had been seeking “to assess for themselves the foreperson’s service on the jury,” Amici Br. at 12; Mem. in Supp. at 4, and the central concern driving the pending motion was satisfied. Furthermore, since the motion for access was filed, Stone received

a grant of clemency from the President, and Stone dismissed his appeal of the convictions. All of these developments served to reduce the public's interest in the underlying criminal case generally and the remainder of questionnaire responses specifically.

Balanced against this is the jurors' interest in remaining free of harassment and maintaining their privacy. The jurors are not public figures, and they were summoned to serve – they did not volunteer. They implored the Court to keep their questionnaire responses private, *see* Opp., Decls. of Jurors A–L, and with good reason. Eleven months after the trial ended, they received threats and harassment online, and in the case of one juror, at the juror's home, and this harassment increased when there was media coverage about the case. *See* Opp., Decl. of Juror G ¶¶ 5–6 (stating that after the juror spoke out publicly to defend the foreperson, the juror was harassed online and received a threatening letter mailed to the juror's home); Decl. of Juror L ¶ 6 (stating the juror received many phone calls from unknown numbers and the calls tended to increase when the case appeared in the news even after the trial was over); Decl. of Juror C ¶ 5.b (“Since being selected as a juror, I have received phone calls at inappropriate hours and throughout the day. I will not pick up the calls, but I suspect that it may be people calling about this case. Whenever the topic of this case hits the media, the phone calls increased significantly. I am concerned that the phone calls are just the beginning. If my identity is exposed, I do not know what some people are capable of.”). This harassment is troubling, and the Court is particularly concerned about a juror being contacted at home, which the Supreme Court has recognized to be a serious threat to juror privacy. *See, e.g., Sheppard*, 384 U.S. at 353 (“The fact that anonymous letters had been received by prospective jurors should have made the judge aware that this publicity seriously threatened the jurors' privacy.”).

Although the Stone trial is long over, and public interest in it has diminished, Stone remains a public figure. And given the events of January 6, 2021, it is undeniable that the vitriol and violence inspired by current political differences have only escalated since then.<sup>10</sup> The Court finds, then, that the risk of harassment jurors face for their service in the trial has not abated, and their interest “in remaining free from real or threatened violence,” *Edmond*, 52 F.3d at 1090, is as strong now as it was two years ago. *See United States v. Brown*, 250 F.3d 907, 919–920 (5th Cir. 2001) (observing more than a year and a half after the verdict in the highly publicized prosecution of a governor that “[t]he drumbeat of publicity surrounding the . . . prosecutions continues to this day”). To be clear, the Court does not make this finding based on any action by Stone or any other person, but it is based on the actual harassment the Stone jurors have experienced, as well as the general proliferation of threats and personal attacks being made in this country today against private individuals who find themselves to be publicly identified in matters relating to contentious areas of law or politics.

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10 *See, e.g., United States v. Roske*, Crim. No. 22-cr-0209-PJM (D. Md.) [Dkt. # 1]; Aff. in Support of Crim. Compl. [Dkt. # 1-1] (attesting that the defendant was outside the home of a current Supreme Court Justice with a weapons and zip ties and stated that he came from California to kill the justice because he was upset about the leak of a recent Supreme Court draft decision about the right to abortion and the recent school shooting in Uvalde, Texas); *United States v. Depape*, Case No. 3:22-mj-71419 MAG (N.D. Cal.); Aff. in Support of Application for Compl. and Arrest Warrant [Dkt. # 1-1] ¶ 15 (attesting that the defendant who allegedly attacked the spouse of the Speaker of the U.S. House of Representatives told police officers that “he viewed Nancy [Pelosi] as the ‘leader of the pack’ of lies told by the Democratic Party” and that he said “he was fighting against tyranny without the option of surrender”); ABC News Now/Special Reports, Aug. 5, 2022, 2022 WLNR 24483098 (playing quote of Rep. Kevin McCarty regarding January 6: “The violence, destruction, and chaos we saw earlier was unacceptable, un-Democratic, and un-American. It was the saddest day I’ve ever had as serving as a member of this institution.”); Editorial Board, *Wall Street Journal*, Oct. 2, 2022 (“We live in a polarized political age when rabid partisans don’t need provocation to resort to violence.”).

Furthermore, the Court finds that the jurors have an ongoing interest in keeping the “deeply personal matters” divulged in the questionnaires private. *Press-Enterprise Co.*, 464 U.S. at 511. The questionnaire sought sensitive information about them, their spouses or partners, children, other relatives, and friends. Having been informed that their responses would remain confidential, the jurors were forthcoming in their written answers. Opp., Decl. of Juror A ¶¶ 4–5; Decl. of Juror B ¶¶ 4–5; Decl. of Juror C ¶ 4; Decl. of Juror D ¶¶ 4–6; Decl. of Juror F ¶ 5; Decl. of Juror I ¶ 5; Decl. of Juror J ¶¶ 5–6; Decl. of Juror L ¶¶ 3–4. They provided “deeply personal” information, including a description of violent crimes to which a juror was a witness, victim, or friend of the victim, including childhood assaults. *Press-Enterprise Co.*, 464 U.S. at 511. This is precisely the type of sensitive information given in voir dire that the Supreme Court has held may be kept private. *See id.*

Further, the Court finds that an alternative means of making the questionnaires public, such as releasing redacted versions, would not protect the jurors’ privacy and security or serve the public interest. In their candor, the jurors provided the names of family members and colleagues; information about their own or their relatives or friends’ current and past employers, current or past job titles, and dates of employment; organizational affiliations; and other identifying information – all of which, taken together with a few key strokes on an internet search engine, would allow many of them to be identified. Releasing the questionnaires with that information redacted would add little more to what is already available to the public, given the public’s access to oral voir dire, the fact that jurors were allowed to – and some did – speak publicly after the trial ended, and that the foreperson’s questionnaire response was released long ago.

The public had access to considerable information about the jurors who served in this case: the jurors were questioned about their answers on the written questionnaires in open court, and the


trial transcript remains a matter of public record. The defense team had access to the questionnaires in their entirety. There was only one juror who was the subject of a defense motion to strike for cause that was denied, and that juror's questionnaire is quoted in an order of the Court. And the other jurors were all seated without objection. Neither the Cernovich motion nor the amicus submission has articulated any particular interest in the questionnaires completed by jurors who were entirely acceptable to the defendant.

In sum, the Court finds that the jurors' ongoing privacy interest continues to outweigh the public's interest in the requested information and there is no alternative that would allow the information's release that would adequately protect their privacy interest. *Cable News Network*, 824 F.2d at 1048; *Press-Enterprise Co.*, 464 U.S. at 510. The jurors have affirmatively asked to keep the questionnaires confidential, and the Court will grant that request. *See Brown*, 250 F.3d at 918–19, 921 (a court's "power to prevent harassment and protect juror privacy does not cease when the case ends" because "[t]hreats of intimidation and harassment do not necessarily end with the conclusion of trial").

### CONCLUSION

For these reasons, the motion for access to the foreperson's juror number is **DENIED AS MOOT** and the motion for access to the juror questionnaire responses is **DENIED**.

**SO ORDERED.**

  
AMY BERMAN JACKSON  
United States District Judge

DATE: November 23, 2022



## Ex. 7



Donald J. Trump

@realDonaldTrump · May 3, 2022

The Witch Hunt continues, this time in Fulton County, Georgia, considered one of the most corrupt areas anywhere in the Country, where a "Special" get Trump Grand Jury has been convened to discuss a "PERFECT" phone call that was made by me, as President, directly from the White House, with many lawyers and other people knowingly on the call, and with my assumption that the call was being recorded. As President I am the Chief Law Enforcement Officer of the U.S. The Election was Rigged and Stolen!

5.1k 26.6k 82.1k

← Truth Details

2464 replies



Donald J. Trump   
@realDonaldTrump

Thank you to the Special Grand Jury in the Great State of Georgia for your Patriotism & Courage. Total exoneration. The USA is very proud of you!!!

10.3k ReTruths 41.7k Likes

Feb 16, 2023, 3:21 PM



Reply



ReTruth



Like



← Truth Details

838 replies

Trending ▾



Donald J. Trump ✓  
@realDonaldTrump

This Georgia case is ridiculous, a strictly political continuation of the greatest Witch Hunt of all time. Now you have an extremely energetic young woman, the (get this!) "foreperson" of the Racist D.A.'s Special Grand Jury, going around and doing a Media Tour revealing, incredibly, the Grand Jury's inner workings & thoughts. This is not JUSTICE, this is an illegal Kangaroo Court. Atlanta is leading the Nation in Murder and other Violent Crimes. All I did is make TWO PERFECT PHONE CALLS!!!

4.44k ReTruths 16k Likes

Feb 22, 2023, 11:22 AM

Reply ReTruth Like Share ...



**Donald J. Trump** ✓

@realDonaldTrump · 1h

Does anybody believe that SleazeBag disbarred lawyer Michael Cohen went before a Grand Jury yesterday, and did little but talk about it today? You're not allowed to do that, just like in Georgia where the Juror was severely admonished for "talking." Cohen has no credibility at any level - A Total Loser!

**1.26k** ReTruths **4.78k** Likes

Mar 16, 2023, 12:39 PM

 Reply

 ReTruth

 Like



DANYDJT00138276



Donald J. Trump   
@realDonaldTrump

WOULD SOMEONE PLEASE TELL THE FULTON COUNTY GRAND JURY THAT I DID NOT TAMPER WITH THE ELECTION. THE PEOPLE THAT TAMPERED WITH IT WERE THE ONES THAT RIGGED IT, AND SADLY, PHONEY FANI WILLIS, WHO HAS SHOCKINGLY ALLOWED ATLANTA TO BECOME ONE OF THE MOST DANGEROUS CITIES ANYWHERE IN THE WORLD, HAS NO INTEREST IN SEEING THE MASSIVE AMOUNT OF EVIDENCE AVAILABLE, OR FINDING OUT WHO THESE PEOPLE THAT COMMITTED THIS CRIME ARE. SHE ONLY WANTS TO "GET TRUMP." I WOULD BE HAPPY TO SHOW THIS INFO TO THE G.J.

7.7k ReTruths 26.4k Likes

Aug 14, 2023, 8:41 AM



Reply



ReTruth



Like



## Ex. 8

← Truth Details



Donald J. Trump   
@realDonaldTrump

WHAT ELSE CAN YOU EXPECT FROM A TRUMP HATING,  
CLINTON APPOINTED JUDGE, WHO WENT OUT OF HIS WAY TO  
MAKE SURE THAT THE RESULT WAS AS NEGATIVE AS IT COULD  
POSSIBLY BE, SPEAKING TO, AND IN CONTROL OF, A JURY  
FROM AN ANTI-TRUMP AREA WHICH IS PROBABLY THE WORST  
PLACE IN THE U.S. FOR ME TO GET A FAIR "TRIAL."

8.08k ReTruths 31.1k Likes

May 09, 2023, 6:17 PM



Reply



ReTruth




Like





← Truth Details



Donald J. Trump   
@realDonaldTrump

The partisan Judge & Jury on the just concluded Witch Hunt Trial should be absolutely ashamed of themselves for allowing such a travesty of Justice to take place. The "Dress," which played such a big roll early on as a threatening bluff, but which ended up being totally exculpatory, was not allowed into the trial as evidence. Nor was her cat's name, "Vagina," the racist name she called her Black husband, "Ape," getting caught in a lie on the political operative paying for this Hoax, & much more!

5.66k ReTruths 20.7k Likes

May 10, 2023, 12:34 AM



Reply



ReTruth



Like





Donald J. Trump  
@realDonaldTrump

Page 3: The net result of this horrible INJUSTICE, where a completely unknown to me woman made up a ridiculous story, wrote it in a book to increase publicity and sales, I correctly disputed the story and got sued for Defamation, whereupon a hostile Judge and Jury shockingly awarded a woman who I don't know, have never known, and don't want to know, \$5,000,000, while at the same time throwing out the Fake Rape claim. WE ARE STRONGLY APPEALING THIS TRAVESTY OF JUSTICE!!!

1.66k ReTruths 6.13k Likes

Jul 12, 2023, 7:38 AM



Reply



ReTruth



Like



## Ex. 9



**Donald J. Trump** ✓

@realDonaldTrump · 9h

It is being said that disbarred lawyer Michael Cohen was put out to dry today after his highly respected former attorney and legal adviser, Robert Costello, made a great impression not only on the D.A.'s Office, but the grand jury itself. He is known to be a great lawyer and highly honorable man. He stated to the media that he could no longer listen to the lies that Cohen was spreading. He told the TRUTH, with papers, documents, and backup. He left ZERO doubt.THE D.A. WILL DO THE RIGHT THING!

**5.25k** ReTruths **17.2k** Likes

Mar 20, 2023, 11:44 PM

 Reply

 ReTruth

 Like



DANYDJT00138298



Donald J. Trump

@realDonaldTrump · 13m

The Rogue prosecutor, who is having a hard time with the Grand Jury, especially after the powerful testimony against him by Felon Cohen's highly respected former lawyer, is attempting to build a case that has NEVER BEEN BROUGHT BEFORE AND ACTUALLY, CAN'T BE BROUGHT. If he spent this time, effort, and money on fighting VIOLENT CRIME, which is destroying NYC, our once beautiful and safe Manhattan, which has become an absolute HELLHOLE, would be a much better place to live!

921 ReTruths 2.87k Likes

Mar 22, 2023, 9:30 AM

Reply

ReTruth

Like



DANYDJT00138300



**Donald J. Trump**

@realDonaldTrump · 48m

I HAVE GAINED SUCH RESPECT FOR THIS GRAND JURY, & PERHAPS EVEN THE GRAND JURY SYSTEM AS A WHOLE. THE EVIDENCE IS SO OVERWHELMING IN MY FAVOR, & SO RIDICULOUSLY BAD FOR THE HIGHLY PARTISAN & HATEFUL DISTRICT ATTORNEY, THAT THE GRAND JURY IS SAYING, HOLD ON, WE ARE NOT A RUBBER STAMP, WHICH MOST GRAND JURIES ARE BRANDED AS BEING, WE ARE NOT GOING TO VOTE AGAINST A PREPONDERANCE OF EVIDENCE OR AGAINST LARGE NUMBERS OF LEGAL SCHOLARS ALL SAYING THERE IS NO CASE HERE. DROP THIS SICK WITCH HUNT, NOW!

**1.36k** ReTruths **4.88k** Likes

Mar 29, 2023, 8:04 AM

Reply

ReTruth

Like



DANYDJT00138629

## Ex. 10





**Donald J. Trump**

@realDonaldTrump · 10m

NEW CRIME STATISTICS ARE OUT IN MANHATTAN, THE PLACE REIGNED OVER BY RADICAL LEFT, Soros BACKED, DISTRICT ATTORNEY—ALVIN BRAGG. THE NUMBERS ARE A COMPLETE AND TOTAL DISASTER....BUT, AT LEAST HE CAN TELL HIS TRUMP HATING WIFE AND FRIENDS THAT HE IS GOING AFTER THE VERY SUCCESSFUL 45TH PRESIDENT OF THE UNITED STATES. MAGA!

**787** ReTruths **2.32k** Likes

Mar 31, 2023, 5:23 PM

Reply

ReTruth

Like







**Donald J. Trump**

@realDonaldTrump · 13h

Wow! District Attorney Bragg just illegally LEAKED the various points, and complete information, on the pathetic Indictment against me. I know the reporter and so, unfortunately, does he. This means that he MUST BE IMMEDIATELY INDICTED. Now, if he wants to really clean up his reputation, he will do the honorable thing and, as District Attorney, INDICT HIMSELF. He will go down in Judicial history, and his Trump Hating wife will be, I am sure, very proud of him!

**10.5k** ReTruths **31.3k** Likes

Apr 03, 2023, 8:40 PM

Reply

ReTruth

Like





Donald J. Trump

@realDonaldTrump · 7m



**Paul Sperry**

@paulsperry\_


BREAKING: Anti-Trump D.A. Alvin Bragg's wife Jamila Ponton [@jpontonbragg](#) has locked her Twitter page, changing her account status from open to "protected." For several years, [@jpontonbragg](#) has railed against Trump & retweeted posts calling him racist and advocating for his arrest

120 427 876

# Ex. 11

← Truth Details



Donald J. Trump   
@realDonaldTrump

This is just a small amount of information from the wife of the hard-line Radical Left Special Counsel (prosecutor), an acolyte of Eric Holder and Barack Hussein Obama.



Film poster

**Directed by** Nadia Hangren

Produced by Katy Chevigny

Marilyn Ness

Lauren Cioffi

**Cinematography** Nadia Hallgren

**Edited by** Erin Casper

3.67k ReTruths 9.93k Likes

[illegible]

**y Chevigny**  
julychava

tes us crying on TV! We're with  
rank goodness...



2023

1 

Chevigny  
tychevs

«ler this Wisconsin Democrat  
you my hero! I was proud to s  
u before, but now I'm herewi  
g about it. Go Wisconsin, mal

## 16 Shock, Wisconsin Democrats Throw Themselves Off the Floor

Nov 22, 2022, 4:29 PM

 Reply

 ReTruth

♡ Like



■■■

← Truth Details

Trending ▾



Donald J. Trump  
@realDonaldTrump

—And I'm supposed to get a fair shake from this person, who's under tremendous pressure from his family, but he is actually worse than they are? Can Republicans, and fair-minded people, generally, allow this to happen? Jack Smith is nothing less than a hit man for Obama, his Attorney General Eric Holder, and Andrew Weissmann. Weaponization. Our Country is in big trouble, a real mess!



paulsperry  
@paulsperry · Nov 23

...

BREAKING: The sister-in-law of Special Counsel Jack Smith compared Trump winning the WH to the 9/11 attacks, according to a blog she wrote after his 2016 election; and like Smith's wife, she contributed money to the Biden For President and Biden Victory Fund in 2020, FEC records show.

A NY psychotherapist, Smith's sister-in-law Blue Chevigny advised her "crying, sobbing" patients to "resist" and "fight" Trump's administration: "Trump was triggering for people...they felt threatened."

"I felt so scared myself, so utterly without hope, so depressed," Chevigny wrote on Nov. 19, 2016. "I woke up to the same feeling of dread I recalled after the attacks on 9/11."

"I wanted to be ready to act if Trump does something terrible, and I wanted my patients to be vigilant too"

Posted on 9:40 AM - Nov 23rd, 2022

6.08k ReTruths 18k Likes

Nov 28, 2022, 3:11 PM



Reply



ReTruth



Like





**Donald J. Trump** ✓

@realDonaldTrump · Jan 12

Page 3. Fire a man who may very well turn out to be a criminal, Jack Smith. His conflicts, unfairness, and mental state of derangement make him totally unfit for the job of "getting Trump." Go after Biden and the Biden Crime Family instead. Like Bill Barr, the U.S. Attorneys in Delaware and Illinois are weak, ineffective, and afraid to do what must be done. The Election was RIGGED, and we are now losing our Country. We can't let that happen. MAKE AMERICA GREAT AGAIN!

1.53k 8.11k 29.6k



**Donald J. Trump** ✓

@realDonaldTrump · Jan 12

Page 2. For seven years, from the day I came down the escalator in Trump Tower, the Democrat Party has WEAPONIZED the "Legal" System, using City, State, and Federal Law Enforcement against me and the Republican Party as though they were a Private Protection Agency. The greatest Witch Hunt in American History must end now. I beat the Fake Impeachments, the disgraceful Mueller Persecution, and much else that the Fake News doesn't want to write or talk about, but this charade MUST STOP NOW!!!

1.07k 7.98k 28.8k



**Donald J. Trump** ✓

@realDonaldTrump · Jan 12


Page 1. The Special "Prosecutor" assigned to the "get Trump case," Jack Smith(?), is a Trump Hating THUG whose wife is a serial and open Trump Hater, whose friends & other family members are even worse, and as a prosecutor in Europe, according to Ric Grenell, put a high government official in prison because he was a Trump positive person. Smith is known as "an unfair Savage," & is best friends with the craziest Trump haters, including Lisa Monaco who runs "Injustice." The Boxes Scam is a HOAX...

793 7.57k 26k



## ← Truth Details



Donald J. Trump   
@realDonaldTrump

How come the Biden "Prosecutor" is a nice guy, very friendly with Democrats and RINOS alike, close to Christopher Wray, & pretty much liked & known by everybody, while my "Prosecutor" is a Radical Left Trump HATING Lunatic, whose wife & family get a perfect "10" for spewing Trump HATE, & whose "friends" are the most evil, angry, & disgusting Marxists & Communists in & around Government? They are GRILLING innocent people in Grand Juries for hours, all to "get Trump." These are Sick Thugs!

6.86k ReTruths 23.6k Likes

Jan 14, 2023, 10:24 AM



Reply



ReTruth




Like



## ← Truth Details



Donald J. Trump   
@realDonaldTrump

Speaking of LEAKS, Special "Prosecutor" Jack Smith (What did his name used to be?) leaked massive amounts of information to The Washington ComPost. This is illegal, and I assume this Radical Left Lunatic, much to the chagrin of his Trump Hating wife and family, will be PROSECUTED? He is a totally biased Thug who should be let loose on the Biden Documents hidden in Chinatown, and the 1,850 BOXES secretly stored in Delaware, which Biden REFUSES to give up. Biden is guilty of Obstruction, I am not!

13.7k ReTruths 53k Likes

Apr 03, 2023, 11:15 PM



Reply



ReTruth



Like





← Truth Details

Trending



Donald J. Trump  
@realDonaldTrump

This is the man who caused the Lois Lerner catastrophe with the IRS. He went after Evangelicals and Great Americans of Faith. The United States had to apologize, and pay major damages for what this deranged lunatic did. He had a unanimous loss in the Supreme Court. His wife is a Trump Hater, just as he is a Trump Hater—a deranged “psycho” that shouldn’t be involved in any case having to do with “Justice,” other than to look at Biden as a criminal, which he is!



1.48k ReTruths 3.74k Likes

Jun 09, 2023, 2:44 PM



Donald J. Trump

@realDonaldTrump · 3d

They are all Crooked - What a group!



Gateway Pundit

@gatewaypundit · 3d

FLASHBACK: Biden Special Counsel Smith's Wife and Mother-in-law Connected to George Soros - Unheard of Conflicts of Interest

[thegatewaypundit.com/2022/11/b...](https://thegatewaypundit.com/2022/11/b...)

147 1.35k 4.08k

## Ex. 12

← Truth Details

1206 replies

Trending ▾



Donald J. Trump ✓  
@realDonaldTrump

Judge Engoron's Trump Hating wife, together with his very disturbed and angry law clerk, have taken over control of the New York State Witch Hunt Trial aimed at me, my family, and the Republican Party. This is such an embarrassment to all within the New York State Judicial System, as murder and violent crime rage like never before!

4.62k ReTruths 16.9k Likes

Nov 29, 2023, 4:26 PM



Reply



ReTruth



Like



← Truth Details

1273 replies

Trending ▾



Donald J. Trump ✓  
@realDonaldTrump

Judge Engoron's Wife:



Dawn Marie  
@dm\_sminxs



3:56 PM · 11/6/23 from Earth · 58 Views

2.05k ReTruths 4.79k Likes

Nov 30, 2023, 12:14 PM

Reply

ReTruth

Like





Donald J. Trump  
@realDonaldTrump

Another from Judge Engoron's Wife. Can this be America?



Post



Dawn Marie  
@dm\_sminxs

...



3:53 PM · 11/6/23 from Earth · 35 Views



1.64k ReTruths 4.22k Likes

Nov 30, 2023, 12:13 PM



Reply



Retruth



Like



...

## ← Truth Details

803 replies

Trending ▾



**Donald J. Trump** ✓

@realDonaldTrump

This is the Judge's Wife and Family that are putting these things out. I am not entitled to a Jury under this Statute. Can this be happening in America? This is the most unfair Trial in the History of New York, and I've had some pretty unfair Trials!



**Dawn Marie** @dm\_sminxs · 19h

Replying to @SebGorka



1



7

43



2.31k ReTruths 5.64k Likes

Nov 30, 2023, 12:12 PM

Reply

ReTruth

Like





← Truth Details

279 replies

Trending ▾



Donald J. Trump

@realDonaldTrump

[loomered.com/2023/11/07/exclus...](https://loomered.com/2023/11/07/exclus...)



**EXCLUSIVE: How Leftist Judge Engoron Is Making Trump's NYC Civil Fraud Trial A Family Affair - Loomered**

Judge Arthur Engoron has made the Trump trial a family affair, potentially reserving seats for his son, Ian Engoron, to attend the trial. Ian Engoron may be financially benefiting from the Trump Trial...

🔗 Loomered

1.2k ReTruths 3.23k Likes

Nov 30, 2023, 11:40 AM

🗨 Reply

↻ ReTruth

❤ Like







Donald J. Trump

@realDonaldTrump · 16h

This is the Judge's Wife saying this, and many things much worse. At what point do High Court Officials step in, and end this Witch Hunt? Judge Engoron is making fools of the New York State Judicial System!



Dawn Marie

@dm\_sminxs

Follow

...



Trump's "witch hunt" theory misses a crucial thing: HIS OWN CONDUCT.

It's not like Trump's behavior is being questioned for no reason. He *just keeps doing things* that require investigation.

'Trump would do well to remember that it is **only** a witch hunt if the accusations are untrue.'

12:50 PM · 11/6/23 · 15 Views


471 2.43k 6.76k ...

## ← Truth Details

1318 replies

Trending ▾



Donald J. Trump   
@realDonaldTrump

Judge Engoron's Wife deleted her account yesterday, because what she said, in any other Court in the Nation, would call for an immediate Mistrial with sanctions against the Judge and the Attorney General. We demand to see her account before it was deleted, and all other Family Members likewise. Judge Engoron is a Trump Hater and Puppet for Letitia James, all wrapped up in one!

5.11k ReTruths 15.2k Likes

Dec 01, 2023, 12:36 PM



Reply



ReTruth



Like



← Truth Details

161 replies

Trending

Donald J. Trump  
@realDonaldTrump



Anna Paulina Luna  
@realannapaulina

Looks like “Judge” Engoron’s wife is just about as unhinged as he is.

**THE NATIONAL FIRE**  
REAL TIME INVESTIGATION

**Judge Engoron’s Wife Has Been Tweeting Anti-Trump Memes Throughout the Trial.**



By William Upton




The wife of far-left New York Supreme Court Judge Arthur Engoron is reported to have used a semi-anonymous account on X (formerly Twitter) to post politically-charged attacks against former President Donald Trump. Dawn Marie Engoron, the judge’s third and current wife, has almost exclusively used her X account to attack the former Republican President throughout the New York civil fraud trial her husband is presiding over.

Some of Mrs. Engoron’s most over-the-top posts include depicting Trump sitting in prison while wearing an orange jumpsuit and an image conveying simply “FUCK TRUMP.” Since the revelation yesterday as to her ownership of the X account, most of the posts directly authored by Mrs. Engoron have been deleted.

Dawn Marie @dm\_sminxs · 19h  
Replying to @SebGorka





1.3K 2.3K 11K 386K

Dawn Marie @dm\_sminxs · 18h  
rawstory.com/alina-habba-mo...

10:41 PM · Dec 19, 2023 · 41.2K Views

1.64k ReTruths 5.46k Likes

Dec 26, 2023, 2:32 PM

Reply ReTruth Like

## Ex. 13

← Truth Details



Donald J. Trump ✓  
@realDonaldTrump

VERY UNFAIR VENUE, WITH SOME AREAS THAT VOTED 1% REPUBLICAN. THIS CASE SHOULD BE MOVED TO NEARBY STATEN ISLAND - WOULD BE A VERY FAIR AND SECURE LOCATION FOR THE TRIAL. ADDITIONALLY, THE HIGHLY PARTISAN JUDGE & HIS FAMILY ARE WELL KNOWN TRUMP HATERS. HE WAS AN UNFAIR DISASTER ON A PREVIOUS TRUMP RELATED CASE, WOULDN'T RECUSE, GAVE HORRIBLE JURY INSTRUCTIONS, & IMPOSSIBLE TO DEAL WITH DURING THE WITCH HUNT TRIAL. HIS DAUGHTER WORKED FOR "KAMALA" & NOW THE BIDEN-HARRIS CAMPAIGN. KANGAROO COURT!!!

14.3k ReTruths 52.9k Likes

Apr 04, 2023, 9:52 AM



Reply



ReTruth



Like



## Ex. 14

← Post



**Donald J. Trump** ✓  
@realDonaldTrump



"Michael Cohen asks judge for no Prison Time." You mean he can do all of the TERRIBLE, unrelated to Trump, things having to do with fraud, big loans, Taxis, etc., and not serve a long prison term? He makes up stories to get a GREAT & ALREADY reduced deal for himself, and get.....

10:24 AM · Dec 3, 2018



20K



11K



43K



60





**Donald J. Trump** ✓  
@realDonaldTrump



....his wife and father-in-law (who has the money?) off Scott Free. He lied for this outcome and should, in my opinion, serve a full and complete sentence.

10:29 AM · Dec 3, 2018

💬 18K

↻ 9.7K

❤ 39K

🔖 61





← Tweet



**Donald J. Trump** ✓  
@realDonaldTrump



Kevin Corke, [@FoxNews](#) “Don’t forget, Michael Cohen has already been convicted of perjury and fraud, and as recently as this week, the Wall Street Journal has suggested that he may have stolen tens of thousands of dollars....” Lying to reduce his jail time! Watch father-in-law!

10:02 AM · Jan 18, 2019

**9,751** Retweets   **3,668** Quote Tweets   **49.2K** Likes



# Donald Trump On Working For Russia: "Most Insulting Thing Ever Been Asked"

Deadline

January 13, 2019

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## DEADLINE

**Length:** 3968 words

### Body

---

President Donald Trump was back with one of his favorite TV hosts tonight, as Judge Jeanine Pirro had a phone interview with him as part of her Fox News Channel Justice With Judge Jeanine show.

Their talk touched on the southern border issue, the New York Times story on the FBI launching a probe after James Comey's dismissal, and the FISA documents that Trump has long threatened to release, among other issues.

Below is a rush transcript of tonight's chat.

PIRRO: Thank you so much for joining us tonight.

Is there an emergency at the southern border? Should we not now use the emergency funds and the powers that you have in your possession?

TRUMP: So, we have a humanitarian crisis, to put it mildly. People are trying to get in by the tens of thousands. They're rushing the border, there's right now in Honduras - a country we pay a lot of money to, I think foolishly because they don't help us. But right now, you have another caravan forming, and it's going to be the biggest one yet.

We stopped the last one. You see what's going on in Tijuana. They couldn't get through because we have a wall there.

We got a wall up. The military's been fantastic, Border Patrol has been incredible and ICE is, you know, these are brave people that do a great job. And we stopped them.

But there's another big one forming. We need a wall, very simple. Whether you call it a steel barrier, wall, it doesn't matter, but we need a very strong structure.

PIRRO: But by waiting to build the wall using those funds that are available to you in a national emergency, aren't you negating the point of the emergency itself?

TRUMP: Well, I have the absolute right to call a national emergency. Other presidents have called many national emergencies for things of lesser importance, frankly, than this. And I have the right to do it.

Donald Trump On Working For Russia: "Most Insulting Thing Ever Been Asked"

This "New York Times" article, to be absolutely truthful with you, just seems to be another rehash of the same players and the same arguments, and the same dossier, you know, just to keep it going, and they'll keep it going as long as they can.

What keeps you going? I mean, you've got such fight in you, it is unbelievable.

TRUMP: Well, I guess I have good genes -

(LAUGHTER)

TRUMP: - because, you know, somebody said the other day no president should have to go -

PIRRO: That's right.

TRUMP: - through what you're going through, Mr. President. Because I'm going through all of this nonsense, it's all nonsense, but I have to be careful because these are dirty players. They're no good.

And you've got the Mueller investigation, you've got all this nonsense. There's no collusion, no nothing.

And, you know, they say this should never happen again. Never again should this happen. And that's the story.

But despite that, we've done more than any other administration by far in the first two years. We've had tremendous success.

PIRRO: All right. And now, of course, Little Adam Schiff, as you call him, is going to be dragging in, and Jerry Nadler are going to be bringing in Michael Cohen, an already-proven liar, to Congress, convicted of it. You know, are you - are you worried that -

TRUMP: No, look, I was a client of his. You know, and you're supposed to have lawyer/client privilege, but it doesn't matter because if I'm a very honest person, frankly. But he's on trouble on some loans and fraud and taxi cabs and stuff that I know nothing about.

PIRRO: And taxi medallions.

TRUMP: And in order to get his sentence reduced, he says, I have an idea, I'll tell - I'll give you some information on the president.

Well, there is no information. But he should give information maybe on his father-in-law, because that's the one that people want to look at. Because where does that money - that's the money in the family. And I guess he didn't want to talk about his father - he's trying to get his sentence reduced.

So, it's pretty sad. You know, it's weak and it's very sad to watch a thing like that. I couldn't care less.

PIRRO: What is his father-in-law's name?

TRUMP: I don't know, but you'll fine out, and you'll look into it because nobody knows what's going on over there.

Again, I was a client. I was a client. He has a law firm. They broke into his law firm sometime early in the morning, I guess, and they took - this couldn't happen to anybody except you're dealing with McCabe, you're dealing with the remnants of Comey.

And wait until you see how it all ends up, you watch. McCabe, Lisa Page, Strzok, wait until you see how that all ends up, including some others that I could name, but I -

(CROSSTALK)

PIRRO: Will you release -

## Ex. 15



## Tweet



**Donald J. Trump**

@realDonaldTrump



Bruce Ohr of the “Justice” Department (can you believe he is still there) is accused of helping disgraced Christopher Steele “find dirt on Trump.” Ohr’s wife, Nelly, was in on the act big time - worked for Fusion GPS on Fake Dossier. [@foxandfriends](#)

7:55 AM · Aug 14, 2018

**8,239** Retweets   **931** Quotes   **38.4K** Likes   **11** Bookmarks





## Tweet



**Donald J. Trump** ✓

@realDonaldTrump



Will Bruce Ohr, whose family received big money for helping to create the phony, dirty and discredited Dossier, ever be fired from the Jeff Sessions "Justice" Department? A total joke!

10:36 AM · Aug 20, 2018

**10.1K** Retweets   **2,029** Quotes   **47.3K** Likes   **27** Bookmarks





**Donald J. Trump**   
@realDonaldTrump · [Follow](#)



Is it really possible that Bruce Ohr, whose wife Nellie was paid by Simpson and GPS Fusion for work done on the Fake Dossier, and who was used as a Pawn in this whole SCAM (WITCH HUNT), is still working for the Department of Justice????? Can this really be so?????

11:26 AM · Oct 16, 2018



 48.4K  Reply  Share

[Read 11.7K replies](#)



## Tweet



**Donald J. Trump**   
@realDonaldTrump



Why didn't Robert Mueller & his band of 18 Angry Democrats spend any time investigating Crooked Hillary Clinton, Lying & Leaking James Comey, Lisa Page and her Psycho lover, Peter S, Andy McCabe, the beautiful Ohr family, Fusion GPS, and many more, including HIMSELF & Andrew W?

7:36 AM · Jul 24, 2019

**9,942** Retweets   **2,240** Quotes   **48.4K** Likes   **45** Bookmarks





## Ex. 16



## Tweet



**Donald J. Trump**   
@realDonaldTrump



Why isn't disgraced FBI official Andrew McCabe being investigated for the \$700,000 Crooked Hillary Democrats in Virginia, led by Clinton best friend Terry M (under FBI investigation that they killed) gave to McCabe's wife in her run for office? Then dropped case on Clinton!

9:38 AM · May 18, 2018

**12K** Retweets   **2,017** Quotes   **53.5K** Likes   **20** Bookmarks



← Tweet



**Donald J. Trump** ✓  
@realDonaldTrump

...

Andy McCabe is a major sleazebag. Among many other things, he took massive amounts of money from Crooked Hillary reps, for wife's campaign, while Hillary was under "investigation" by FBI!



**Judicial Watch** ⚖️ ⚙️ @JudicialWatch · Jul 12, 2019

JW announced that it filed a FOIA lawsuit against the DOJ for records of communications between the FBI & former FBI Deputy Director Andrew McCabe related to his book, The Threat: How the FBI Protects America in the Age of Terror and Trump. [jwatch.us/cbZAF3](http://jwatch.us/cbZAF3)

7:56 AM · Jul 13, 2019

10.3K Retweets 1,441 Quotes 43.1K Likes 50 Bookmarks



Feb 14th 2019 - 9:39:50 AM EST

32k 127k Hide



**Donald J. Trump**   
@realDonaldTrump · [Follow](#)



Disgraced FBI Acting Director Andrew McCabe pretends to be a "poor little Angel" when in fact he was a big part of the Crooked Hillary Scandal & the Russia Hoax - a puppet for Leakin' James Comey. I.G. report on McCabe was devastating. Part of "insurance policy" in case I won....

9:39 AM · Feb 14, 2019



88K



Reply



Share

[Read 25.4K replies](#)

Feb 14th 2019 - 9:55:09 AM EST

35k 146k Hide



**Donald J. Trump**   
@realDonaldTrump · [Follow](#)



....Many of the top FBI brass were fired, forced to leave, or left. McCabe's wife received BIG DOLLARS from Clinton people for her campaign - he gave Hillary a pass. McCabe is a disgrace to the FBI and a disgrace to our Country. MAKE AMERICA GREAT AGAIN!

9:55 AM · Feb 14, 2019



101.8K



Reply



Share

[Read 37.2K replies](#)

# Ex. 17

← Truth Details

Trending ▾



Donald J. Trump ✓  
@realDonaldTrump

IF YOU GO AFTER ME, I'M COMING AFTER YOU!

16.6k ReTruths 48.1k Likes

Aug 04, 2023, 4:16 PM



Reply



ReTruth



Like



## Ex. 18

# *Donald Trump's 2024 Campaign, in His Own Menacing Words*

Trump's language has become darker, harsher and more threatening during his third run for the White House.

By Ian Prasad Philbrick and Lyna Bentahar

Dec. 5, 2023

As he campaigns for another term in the White House, Donald Trump sounds like no other presidential candidate in U.S. history.

He has made baldly antidemocratic statements, praising autocratic leaders like China's Xi Jinping and continuing to claim that the 2020 election was stolen. "I don't consider us to have much of a democracy right now," Trump said.

He has threatened to use the power of the presidency against his political opponents, including President Biden and Biden's family. Trump frequently insults his opponents in personal terms, calling them "vermin," as well as "thugs, horrible people, fascists, Marxists, sick people."

He has made dozens of false or misleading statements. He has advocated violence, suggesting that an Army general who clashed with him deserved the death penalty and that shoplifters should be shot. And he describes U.S. politics in apocalyptic terms, calling the 2024 election "our final battle" and describing himself as his supporters' "retribution."

Many Americans have heard only snippets of these statements because Trump makes them on Truth Social, his niche social media platform, or at campaign events that receive less media coverage than when he first ran for president eight years ago. But his words offer a preview of what a second Trump term might look like.

For years, Trump has insulted political opponents, painted a dark picture of the country and made comments inconsistent with democratic norms. But his language has grown harsher, as he admits. "These are radical left people," Trump said of Democrats in Salem, N.H., in January. "I think in many cases they're Marxists and Communists. And I used to say that seldom. Now I say it all the time."

Trump's stolen-election talk, preoccupation with his criminal indictments and pledges to seek revenge have become organizing principles of his current campaign. He has made the same case — sometimes word for word — in dozens of appearances since announcing his candidacy last year. "He's not laying out a political agenda," said Didi Kuo of Stanford University's Center on Democracy, Development and the Rule of Law. "His campaign is based purely on stoking division and on attacking our institutions in order to defend himself."

(In a continuing series of Times stories, our colleagues Jonathan Swan, Charlie Savage and Maggie Haberman have previewed a potential second Trump presidency. Among the subjects: legal policy, immigration and the firing of career government employees.)

Many democracy experts are deeply alarmed. "If he says what he means and means what he says, and someday is able to implement it, it's an existential crisis that the U.S. would face," said Barbara Perry, a presidential historian at the University of Virginia's Miller Center.

Barbara Comstock, a Republican former congresswoman from Virginia, told us, "This is a very embittered man who I think very much wants to take these actions."

DANYDJT00208808



“Both this rhetoric and all G.O.P. plans announced for a second Trump term indicate clearly that retribution and institutional destruction outside the rule of law will prevail if he returns to the White House,” Theda Skocpol, a Harvard political scientist, said.

To help readers understand the situation, The Times has compiled a list of Trump’s most extreme comments during the campaign so far. The list includes many false statements, including Trump’s claims that the 2020 election was rigged, that the murder rate is at a record high and that Biden is behind the criminal indictments against Trump. Trump also frequently makes false claims about other political figures.

We have grouped his statements into 11 categories.

## The stakes

Trump has used apocalyptic terms to describe the impact of the 2024 election:

- “2024 is the final battle. ... If we don’t win this next election, 2024, I truly believe our country is doomed. I think it’s doomed.” *March 25, Waco, Texas*
- “If we don’t stop them this time, I think that’s going to be the end. I really do.” *Jan. 28, Salem, N.H.*
- “Our beloved nation is teetering on the edge of tyranny.” *June 24, Washington*
- “The gravest threats to our civilization are not from abroad, but from within.” *Nov. 15, 2022, Palm Beach, Fla.*
- “If those opposing us succeed, our once beautiful U.S.A. will be a failed country that no one will even recognize. A lawless, open-borders, crime-ridden, filthy, communist nightmare. That’s what it’s going and that’s where it’s going. ... Either they win or we win. And if they win, we no longer have a country.” *March 4, National Harbor, Md.*
- “Either we surrender to the demonic forces, abolishing and demolishing — and happily doing so — our country, or we defeat them in a landslide on Nov. 5, 2024. Either the deep state destroys America, or we destroy the deep state.” *March 25, Waco, Texas*
- “This election will decide whether America will be ruled by Marxist, fascist and communist tyrants who want to smash our Judeo-Christian heritage.” *Sept. 15, Washington*
- “I will prevent World War III. ... And without me, it will happen. And this won’t be a conventional war with army tanks going back and forth, shooting each other. This will be nuclear war. This will be obliteration. Perhaps obliteration of the entire world.” *June 10, Columbus, Ga.*

## Governance as revenge

Trump has threatened to use government powers to punish people he perceives as his critics and opponents:

- “This is a sick nest of people that needs to be cleaned out immediately. Get them out.” *June 10, Columbus, Ga.* (He was referring to Jack Smith, the special counsel investigating Trump, and others at the Justice Department.)
- “We will root out the deep state and stop the weaponization of federal agencies because there’s a weaponization like nobody’s ever seen. We will use every tool at our disposal.” *Jan. 28, Salem, N.H.*

DANYDJT00208809

- “On Day 1 of my new administration, I will direct the D.O.J. to investigate every radical district attorney and attorney general in America for their illegal, racist-in-reverse enforcement of the law.” *April 27, Manchester, N.H.*
- “Comcast, with its one-side and vicious coverage by NBC NEWS, and in particular MSNBC, often and correctly referred to as MSDNC (Democrat National Committee!), should be investigated for its ‘Country Threatening Treason.’ ... I say up front, openly, and proudly, that when I WIN the Presidency of the United States, they and others of the LameStream Media will be thoroughly scrutinized for their knowingly dishonest and corrupt coverage of people, things, and events. ... They are a true threat to Democracy and are, in fact, THE ENEMY OF THE PEOPLE! The Fake News Media should pay a big price for what they have done to our once great Country!” *Sept. 24, Truth Social*
- “As soon as I am re-elected, I will appoint a real special counsel — or maybe you’ll call it a special prosecutor, whatever you want to call it, you can — to look at all of these bribes, kickbacks and other crimes as well as the shameless attempt at a cover-up. Justice will be done. The Biden crime family will be looked at. ... When we get there, the Biden crime family will pay a price.” *Aug. 15, Rumble*
- “I will appoint a real special prosecutor to investigate the Biden bribery and crime ring.” *June 27, Concord, N.H.*
- “From the first day in office, I will appoint a special prosecutor to study each and every one of the many claims being brought forth by Congress concerning all of the crooked acts, including the bribes from China and many other countries, that go into the coffers of the Biden crime family.” *Aug. 5, Columbia, S.C.*
- “I will fire the unelected bureaucrats and shadow forces who have weaponized our justice system like it has never been weaponized before.” *March 4, National Harbor, Md.*

## Character attacks

Trump’s personal attacks have become more specific and menacing:

- Biden “has gone mad, a stark raving lunatic.” *Aug. 10, Truth Social*
- Biden is “the most corrupt president in American history, and it’s not even close.” *Feb. 7, Truth Social*
- “Biden is a Stone Cold Crook.” *Aug. 27, Truth Social*
- “Instead of keeping terrorists and terrorist sympathizers out of America, the Biden administration is inviting them in. You know why? Because he’s got a boss. Who’s his boss? Barack Hussein Obama.” *Oct. 11, West Palm Beach, Fla.*
- Nancy Pelosi “is a Wicked Witch whose husbands journey from hell starts and finishes with her. She is a sick & demented psycho who will someday live in HELL!” *Aug. 6, Truth Social*
- “Deranged Jack Smith — he’s the prosecutor, he’s a deranged person — wants to take away my rights under the First Amendment, wants to take away my right of speaking freely and openly.” *Sept. 15, Washington*
- “We have a rogue judge. ... We have a racist attorney general who’s a horror show.” *Oct. 2, New York City* (He was referring to Arthur Engoron, the judge overseeing Trump’s civil fraud trial, and to Letitia James, New York State’s attorney general.)

- “They say there’s a young woman, a young racist in Atlanta. She’s a racist ... And this is a person that wants to indict me. She’s got a lot of problems.” *Aug. 8, Windham, N.H.* (His comments were directed at Fani Willis, a Georgia prosecutor investigating Trump for trying to overturn the 2020 election results in the state.)
- “I have to stay around and fight off the Crazy Radical Left Lunatics, Communists, Marxists, and Fascists ... this COUNTRY DESTROYING Scum.” *Aug. 27, Truth Social*
- “They’re flooding your towns with deadly drugs, selling your jobs to China, mutilating your children. They’re mutilating your children.” *March 25, Waco, Texas* (He was referring to Democrats.)

## Rhetoric of cataclysm

His claims of national decline have intensified:

- “We are a failing nation. We are a nation in decline.” *Sept. 15, Washington*
- “Under Biden, our nation is being destroyed by a selfish, radical and corrupt political establishment. ... We’re going Marxist. We have skipped socialism. That train has already left.” *Jan. 28, Salem, N.H.*
- “Our rights and our liberties are being torn to shreds and your country is being turned into a third-world hellhole ruled by censors, perverts, criminals and thugs.” *July 15, West Palm Beach, Fla.*
- “Our country — the way it’s going right now — is going into a depression. We’re going into a depression, like in 1929-type Depression, and we’re not going to let that happen.” *April 27, Manchester, N.H.*
- “We are living in a catastrophe. ... What’s happening with our country is a disgrace and it’s a laughingstock all over the world.” *April 27, Manchester, N.H.*
- “Our enemies are waging war on faith and freedom, on science and religion, on history and tradition, on law and democracy, on God Almighty himself. They are waging war.” *June 24, Washington*
- “Savage killers, rapists and violent criminals are being released from jail to continue their crime wave. And under Biden, the murder rate has reached the highest in the history of our country.” *Feb. 7, Truth Social*
- “I believe it’s the most dangerous time in the history of our country.” *April 14, Indianapolis*
- “The blood-soaked streets of our once great cities are cesspools of violent crimes, which are being watched all over the world, as leadership of other countries explain that this is what America and democracy is really all about.” *Nov. 15, 2022, Palm Beach, Fla.*
- “New York City is a crime den. Chicago is a crime den. You look at these great cities — Los Angeles, San Francisco. You look at what’s happening to our country.” *March 13, Davenport, Iowa*
- “You’re afraid to walk through one of these Democrat cities. You go out for a loaf of bread, you end up getting shot.” *April 14, Indianapolis*
- “We’re not a free nation right now. We don’t have free press. We don’t have free anything. ... We do not have free speech.” *March 4, National Harbor, Md.*

## References to violence

Trump encourages or excuses violence:

- “Mark Milley, who led perhaps the most embarrassing moment in American history with his grossly incompetent implementation of the withdrawal from Afghanistan, costing many lives, leaving behind hundreds of American citizens, and handing over BILLIONS of dollars of the finest military equipment ever made, will be leaving the military next week. This will be a time for all citizens of the USA to celebrate! This guy turned out to be a Woke train wreck who, if the Fake News reporting is correct, was actually dealing with China to give them a heads up on the thinking of the President of the United States. This is an act so egregious that, in times gone by, the punishment would have been DEATH!” *Sept. 22, Truth Social*
- “Very simply: If you rob a store, you can fully expect to be shot as you are leaving that store. Shot.” *Sept. 29, Anaheim, Calif.*
- “We’ll stand up to crazy Nancy Pelosi, who ruined San Francisco. How’s her husband doing, by the way, anybody know? And she’s against building a wall at our border even though she has a wall around her house, which obviously didn’t do a very good job.” *Sept. 29, Anaheim, Calif.* (Trump was referring to Paul Pelosi, Nancy Pelosi’s husband, who was attacked with a hammer in a home invasion. The attacker told the police he was motivated in part by Trump’s false claims of a stolen election.)

## Immigration crackdown

He has promised a harsh federal crackdown on immigrants:

- “We have complete chaos. Fentanyl is pouring in. Families are being wiped out, destroyed, and there’s death everywhere, all caused by incompetence. ... Other countries are emptying out their prisons, insane asylums and mental institutions and sending all of their problems right into their dumping ground: the U.S.A.” *March 4, National Harbor, Md.*
- “We will use all necessary state, local, federal and military resources to carry out the largest domestic deportation operation in American history.” *April 27, Manchester, N.H.*
- “This is an invasion of our country, what’s coming across our border. It’s no different than soldiers. And they’re bringing a lot of different problems than soldiers would bring. They’re not bringing merely bullets, and they’re bringing plenty of them. ... They’re killing the blood, the lifestream of our country.” *March 13, Davenport, Iowa*
- “Our Southern border has been erased, and our country is being invaded by millions and millions of unknown people. ... We’re being poisoned.” *Nov. 15, 2022, Palm Beach, Fla.*
- “I’ll ask every state and federal agency to identify every known or suspected gang member in America and every one of them that is here illegally. The police know every one of them, and we’ll pick them up, and we’ll send them back home where they came from. They’ll be out of here.” *April 27, Manchester, N.H.*
- “For any radical left charity, non-profit or so called aid organizations supporting these caravans and illegal aliens, we will prosecute them for their participation in human trafficking, child smuggling and every other crime we can find.” *Nov. 4, Truth Social*

## Corrupt justice, part one

Trump argues that the justice system is rigged, often in reference to the four criminal indictments against him:

- “We have two standards of justice in our country: one for people like you and me, and one for the corrupt political class.” *Jan. 19, Truth Social*
- “Our justice system has become lawless. They’re using it now, in addition to everything else, to win elections.” *April 4, Palm Beach, Fla.*
- “Crooked Joe Biden and his radical left thugs have weaponized law enforcement to arrest their leading opponent — by a lot, leading — on fake and phony charges.” *Sept. 15, Washington*
- “Joe Biden has weaponized law enforcement against his political opposition, the greatest abuse of power in American history, by far.” *June 30, Philadelphia*
- “This is the continuation of the greatest witch hunt of all time. That’s all it is. And its primary purpose is election interference.” *June 27, Concord, N.H.*

## Corrupt justice, part two

Trump also says the justice system is rigged against his supporters, including the Jan. 6, 2021, rioters:

- “We have Antifa and B.L.M., who hate our country and burn down our cities, and they’re protected by law enforcement, while we put great American patriots in jail and destroy their lives.” *Jan. 28, Salem, N.H.*
- “Antifa thugs who are allowed to roam the streets while we have people that in many cases are great patriots — great, great patriots — sing prayers every night, playing our national anthem every day. And they’re sitting in a jail nearby, rotting away and being treated so unfairly like nobody’s probably ever been treated in this country before, except maybe me.” *March 4, National Harbor, Md.*
- “American patriots are being arrested & held in captivity like animals, while criminals & leftist thugs are allowed to roam the streets, killing & burning with no retribution.” *March 18, Truth Social*
- “Patriotic parents, Christians, conservatives, pro-life activists are being hounded by the F.B.I. and the D.O.J. like terrorists. They’re being treated so badly.” *March 25, Waco, Texas*
- “If the Communists get away with this, it won’t stop with me. They will not hesitate to ramp up their persecution of Christians, pro-life activists, parents attending school board meetings and even future Republican candidates.” *June 13, Bedminster, N.J.*

## The 2020 election

Trump continues to falsely accuse Democrats of rigging the 2020 election:

- “I believe we also won two general elections, OK? If you want to know the truth.” *Jan. 28, Salem, N.H.*
- “Do you throw the Presidential Election Results of 2020 OUT and declare the RIGHTFUL WINNER, or do you have a NEW ELECTION? A Massive Fraud of this type and magnitude allows for the termination of all rules, regulations, and articles, even those found in the Constitution.” *Dec. 3, 2022, Truth Social*

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- “There was never a second of any day that I didn’t believe that that election was rigged. It was a rigged election. It was a rigged election and it was a stolen, disgusting election, and this country should be ashamed. And they go after the people that want to prove that it was rigged and stolen. ... They don’t go after the people that rigged it.” *Aug. 8, Windham, N.H.*
- “The radical left Democrats rigged the presidential election of 2020. ... We won the first one and we won the second one even bigger, and we got — we got screwed, that’s what happened. We had a rigged election. Our opponents are showing every day that they hate democracy.” *Nov. 18, Fort Dodge, Iowa*

## Undemocratic comparisons

He argues that the U.S. has come to mimic its longtime global rivals and enemies and has become undemocratic:

- “You go back to Communist China or look at a third-world banana republic. That’s what we’ve become.” *March 25, Waco, Texas*
- “Our elections were like those of a third-world country.” *April 4, Palm Beach, Fla.*
- “They’re trying to arrest their political opposition. It’s really very much like the old Soviet Union.” *April 14, Indianapolis*
- “Many of those people coming from Cuba, Venezuela, other countries, they’ve seen this happening to their countries.” *June 13, Bedminster, N.J.*

## Praise for autocrats

He speaks admiringly of authoritarian leaders:

- “President Xi: Smart, top of his game. President Putin: Smart. Very smart people.” *March 25, Waco, Texas*
- “We did a fantastic job with Kim Jong-un. You know, I got along with him very well. The fake news said, It’s terrible that he gets along with him. I said, Really? It’s not terrible, it’s a very good thing. You know, it’s a positive thing.” *June 30, Philadelphia*
- “A man who looks like a piece of granite, right? He’s strong like granite. He’s strong. I know him very well, President Xi of China. ... He runs 1.4 billion people with an iron hand. ... I got along well with Putin. That’s a good thing.” *Nov. 18, Fort Dodge, Iowa*
- “One of the strongest leaders, Viktor Orban from Hungary . . . . He’s a very strong man — very strong, powerful man — and one of the most respected leaders in the world. He’s tough. No games, right?” *Nov. 18, Fort Dodge, Iowa*

**Ian Prasad Philbrick** is a writer for The Morning newsletter. More about Ian Prasad Philbrick

# Ex. 19

# Trump signals he's out for revenge in second term

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## Body

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Former President Trump told his supporters earlier this year he would be their "retribution" if reelected.

He told supporters last week he would direct the Justice Department (DOJ) to investigate "every Marxist prosecutor in America."

And Trump over the weekend vowed to "root out ... the radical-left thugs that live like vermin within the confines of our country."

Trump's own words have made increasingly clear how fixated he is on revenge and targeting his perceived enemies if he wins a second term in the White House next November. The former president has openly mused in recent days that his own indictment has "released the genie out of the box" and would allow him to weaponize the government against his opponents.

His comments have raised alarms among critics, some of whom fear a second Trump administration will lack some of the guardrails that existed during his first four years in office.

"His policies are not centered around improving the lives of his supporters or Americans in general, it's centered around consolidating power for Trump, and that way he can wield it to enact that revenge on anyone he deems as an enemy," said Sarah Matthews, a former Trump White House and campaign press aide who resigned over the Jan. 6 riots.

"And that is what is scary, and I wish that was penetrating through more in the minds of voters," Matthews added.

Trump's own words paint a clear picture of an individual appearing increasingly fixated on targeting those he believes have wronged him if he is able to return to the White House, and he is using exceedingly incendiary rhetoric to make his point.

"I am your warrior, I am your justice. And for those who have been wronged and betrayed, I am your retribution," Trump said in March at the Conservative Political Action Conference.

The former president earlier this year called for Republicans in Congress to defund the FBI and DOJ as he faced federal investigations that have since resulted in indictments in Florida and Washington, D.C.

In September, Trump suggested former Chairman of the Joint Chiefs of Staff Mark Milley had committed treason by reaching out to China following the 2020 election to offer reassurances in the final days of Trump's first term.

"This is an act so egregious that, in times gone by, the punishment would have been DEATH!" Trump wrote on Truth Social.



## Trump signals he's out for revenge in second term

Trump last week delivered remarks in New Hampshire in which he likened those on the left to "vermin" that pose a threat to the country from within, drawing rebuke for using language used by dictators decades ago.

And Trump has for months spoken about plans to direct investigations into President Biden, his family and others should he retake the White House.

Trump in June wrote on social media that he would appoint a special prosecutor to "go after" Biden, his family and "all others involved with the destruction of our elections, borders, & country itself."

The former president last month in Iowa claimed his own indictments - on federal charges in Florida and Washington, D.C., and on state charges in New York and Georgia - allows him to target Biden.

He reiterated that belief in an interview last week with Univision in which he was asked if he would weaponize the DOJ if he's elected.

"Yeah. If they do this and they've already done it, but if they want to follow through on this, yeah, it could certainly happen in reverse," Trump said. "It could certainly happen in reverse. What they've done is they've released the genie out of the box."

Multiple reports in recent weeks from The New York Times and Washington Post have detailed how outside conservative groups and longtime Trump allies are laying the groundwork for a second Trump term, including through the appointment of attorneys and personnel who would be willing to push through controversial aspects of Trump's agenda.

The Post reported Trump has cited individuals he wants to investigate, and his associates have drafted plans to potentially invoke the Insurrection Act to help quell protests against him.

The Trump campaign has pushed back on reports about the former president's plans for a second term.

"These reports about personnel and policies that are specific to a second Trump Administration are purely speculative and theoretical. Any personnel lists, policy agendas, or government plans published anywhere are merely suggestions," senior Trump campaign advisers Susie Wiles and Chris LaCivita said in a statement.

"Likewise, all 2024 campaign policy announcements will be made by President Trump or members of his campaign team," they added. "Policy recommendations from external allies are just that - recommendations."

But Trump's own rhetoric has in many ways set the tone.

Reinforcing the concern among experts is that Trump showed throughout his first term a willingness to use the levers of government to target those who he perceived as enemies.

He was impeached in late 2019 over a phone call in which he urged Ukrainian President Volodymyr Zelensky to investigate the Biden family.

Multiple reports in recent years detailed how Trump wanted then-Attorney General Jeff Sessions to investigate former Secretary of State Hillary Clinton and former FBI Director James Comey.

Former Defense Secretary Mark Esper wrote in his memoir that Trump wanted to call retired military officials back to active duty to court-martial them after they were critical of the former president.

"I think that as far as the question of is he just blowing off steam or would he be intent on doing that, I think he would be intent on doing that. He demonstrated as president he would act on his grudges, so I think these threats are real," said Grant Reeher, director of the Campbell Public Affairs Institute at Syracuse University.

Trump is dominating the Republican primary field, leading in national polls by an average of nearly 60 percentage points. His lead in state-level polls is smaller but still more than 20 percentage points in most cases.

## Trump signals he's out for revenge in second term

Recent polls have also shown Trump leading Biden in key battleground states and in some national polls, underscoring the reality that the former president could reasonably win reelection next November.

Experts and former Trump administration officials turned critics have raised alarms that the former president could be less constrained in a second term, when the government could be filled with appointees more willing to do his bidding and less inclined to push back on his impulses.

"The constraints to the extent they existed during the first term, those constraints would be less robust and maybe far less robust. And that's a major worry," said Matt Dallek, a professor of political management at George Washington University.

"Trump would feel even more liberated to go after people in a second term, and there were maybe times when he backed down about something in his first term, like the family separations he was doing," Dallek added. "I think he would feel just more emboldened to go after people, and so I think it would be a mistake to downplay any of his proposals."

For the latest news, weather, sports, and streaming video, head to The Hill.

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## Ex. 20

# **TRUMP**

## **How to Get Rich**

**Donald J. Trump**

**with Meredith McIver**



**RANDOM HOUSE**  
**NEW YORK**



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*To my parents,  
Mary and Fred Trump*



When somebody hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.

Be paranoid. I know this observation doesn't make any of us sound very good, but let's face the fact that it's possible that even your best friend wants to steal your spouse and your money. As I say every week in *The Apprentice*, it's a jungle out there. We're worse than lions—at least they do it for food. We do it for the thrill of the hunt.


Recently, I've become a bit more mellow about retribution and paranoia. Although I still believe both are necessary, I now realize that vengeance can waste a lot of time better spent on new developments and deals, and even on building a better personal life. If you can easily dismiss a negative from your life, it's better to do so. Seeing creeps as a form of corruption that you're better off without is a great time-saving device.

Still, sometimes you've just got to screw them back.

For example, a while ago I agreed to invest a small amount in a new restaurant venture. I did this with the full expectation that I was throwing this money down the drain, because most of these clubs are not successful. I liked the two young guys who approached me to invest and figured I'd give them a break—plus a good friend of mine had asked me to help them.

When the restaurant opened, it was a smash hit. Crowds of people lined up to get in. Money was pouring in. It was incredible.

About a year later, I realized that I hadn't received a single dollar from the owners—no repayment of my initial investment and certainly no profit. I called two of the guys who got me into the deal and said, "Fellas, come on, I know success when I see it. You ought to



### Sometimes You Still Have to Screw Them

For many years I've said that if someone screws you, screw them back. I once made the mistake of saying that in front of a group of twenty priests who were in a larger audience of two thousand people. I took some heat for that. One of them said, "My son, we thought you were a much nicer person."

I responded, "Father, I have great respect for you. You'll get to heaven. I probably won't, but to be honest, as long as we're on the earth, I really have to live by my principles."

When somebody hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.

Be paranoid. I know this observation doesn't make any of us sound very good, but let's face the fact that it's possible that even your best friend wants to steal your spouse and your money. As I say every week in *The Apprentice*, it's a jungle out there. We're worse than lions—at least they do it for food. We do it for the thrill of the hunt.

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Still, sometimes you've just got to screw them back.

For example, a while ago I agreed to invest a small



## Ex. 21

# TRUMP

AND BILL ZANKER  
President/Founder The Learning Annex

A black and white photograph of Donald Trump, wearing a suit and tie, pointing his right index finger directly at the viewer with an intense, shouting expression. The image is partially obscured by the large text 'THINK BIG' and 'MAKE IT HAPPEN IN BUSINESS AND LIFE'.

# THINK BIG

"This book is Donald Trump's version of *The Secret*.  
It's a must read!" —JACK CANFIELD  
COAUTHOR OF *CHICKEN SOUP FOR THE SOUL*

# MAKE IT HAPPEN IN BUSINESS AND LIFE

DONALD J.  
**TRUMP**

and **BILL ZANKER**

President/Founder

The Learning  
**Annex**

# THINK BIG

MAKE IT HAPPEN  
IN BUSINESS AND LIFE

**HARPER**

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DEDICATION FROM DONALD J. TRUMP

*To my parents, Fred and Mary Trump,  
my brother Fred Trump Jr., my sisters Judge  
Maryanne Trump Barry and Elizabeth Trump Grau,  
my brother Robert Trump, my children Donald Jr.,  
Ivanka, Eric, Tiffany, and Barron, and to  
my beautiful wife, Melania.*

DEDICATION FROM BILL ZANKER

*This book is dedicated to my loving wife Debbie  
and my children Ediva, Dylan, and Vera, who have  
always supported me to dream BIG and to all  
The Learning Annex employees who THINK BIG  
AND KICK ASS every day.*

*The Apprentice* was doing so well, they figured, "Hey, let's do another one."

The fact is Martha, instead of taking responsibility for the failure of her show, blamed it on me. I did nothing but promote Martha. I said she was a brave woman and she was working hard. I did not see the show until it aired. When I looked at the show, however, I realized it was never going to make it and she was terrible!

Martha told everybody her show was supposed to be the only *Apprentice* and that I had agreed to be fired by her on the air. That's just stupid. What moron would believe she was going to fire the guy with one of the top shows on television? The fact is her show did not work. For some reason Martha was not very good at it. She tried; she put in the effort, but she did not have what it took to make a successful show. In life, you have failures, and there is really nothing wrong with that, but when you have a failure, try not to blame other people. Martha's version of *The Apprentice* was a failure. Mine got great ratings. One worked—one did not.

What I am really most upset with Martha about, though, is her ingratitude. I was her single biggest promoter. I promoted her on every show, and I said what a wonderful woman she is, and I still believe that. Never once did she thank me. Never once did she call and say, "Donald, thank you very much." I de-

fended Martha many, many times and I never got a note. I never got a phone call. One thing about life: when someone helps you, it's always nice to say thanks. I got tired of her attitude.

Then, when her show failed, she blamed me on top of everything else, but rather than play dead, I went on the attack. I wrote a scathing letter telling her that she had only herself to blame for her tanked show. I wrote, "Your performance was terrible. The show lacked mood, temperament and just about everything a show needs for success." I added, "I knew it would fail as soon as I first saw it—and your low ratings bore me out." My motto is: Always get even. When somebody screws you, screw them back in spades.

Sir Richard Branson and Mark Cuban also failed with their poor copies of *The Apprentice*. Richard Branson, who owns Virgin Atlantic Airways, is a good guy. He called me recently, but I have to tell you this story.

Last year I was upset with him because he was doing a new show, a copy of *The Apprentice*, named *The Rebel Billionaire: Branson's Quest for the Best*. Nobody ever remembers the name of his show. Two months before the show was going to air he started promoting it with hot air balloons and media hype. They call him a billionaire, but how can anyone become a billionaire owning an airline? The fact is, he has other good

again, because you are a schmuck!" I have not spoken to the guy since. He calls me once in a while, but I don't ever talk to him, because he is a loser. You have to show people you can't be pushed around. His next manager, whoever it may be—and he does not have long to go in his career—will probably steal the money he is making now. Why shouldn't he? This guy is not going to go after him, because he is a jerk.

So do not hesitate to go after people. This is important not only for the person you are going after but for other people to know not to mess around with you.

When other people see that you don't take crap and see you are really going after somebody for wronging you, they will respect you. Always have a good reason to go after someone. Do not do it without a good reason. When you are wronged, go after those people because it is a good feeling and because other people will see you doing it.

Getting even is not always a personal thing. It's just a part of doing business. An example is my dealings with Merv Griffin. Merv Griffin recently passed away—he was an interesting character. He and I fought quite a bit, but in the end I think we gained a mutual respect. He would tell people that Donald Trump was a genius (I think he even wrote it in his book), but one thing never changed—Merv would state to everybody that he beat me in a deal when in actuality he knew better and admitted such to me.

I sold him a company called Resorts International for a very high price. I had most of the voting stock so there was nothing he could have done unless I was willing to sell, but his price was so high that it would have been insane not to take his offer. Immediately after the deal was made, Merv went around telling everybody that he beat me. "I beat Donald Trump at the deal!" he would shout.

Newspapers and magazines were calling me and exclaiming that Merv beat Donald in a deal. I'll never forget telling one of the reporters, "Deals are funny—tell me about it in five years, but in the meantime I got a very high price, much more than he would have had to pay, because I would have taken far less."

In any event the deal turned out to be a disaster for Merv, and to the best of my knowledge he filed for Chapter 11 on this transaction at least two times. I believe that is why he called me a genius, but I can also say he was an amazing competitor; very nice and smooth on the outside but a real tiger from within. He did say, at a certain event, "I used to have a lot of coconuts," jokingly referring to how much the Resorts International deal with me cost him. Because of business Merv and I were not friends—but I will miss him.

I love getting even when I get screwed by someone—yes, it is true, people still try to take me for a ride, and sometimes they succeed, rarely, but when they do I go after them. You

## Ex. 22

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

---

Civil Action No. 1:20-mc-00016-ABJ

Hon. Amy Berman Jackson

**JURORS' BRIEF IN OPPOSITION TO RELEASE OF QUESTIONNAIRES**



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## INTRODUCTION

Our Nation asks its citizens to bear significant burdens in order to guarantee criminal defendants an impartial jury. Jurors spend time away from their jobs and day-to-day lives, carry the weight of sitting in judgment of their fellow citizens and, as part of the selection process, often undergo invasive questioning to probe their suitability—questioning that can, and sometimes must, surface intimate information.

What our Nation does not do, however, is require jurors to bear as a consequence of their service the additional burdens of surrendering their personal privacy and security, or being subjected to incendiary or false accusations, harassment, embarrassment or potential humiliation. Criminal defendants have their liberty on the line, and high-profile trials often stoke intense public passions. Jurors may thus find themselves, in the rare case, subject to intimidation or, even worse, threats of violence, and service under such conditions is neither fair to the individual jurors nor consistent with the impartial administration of justice. All three branches of our government accordingly recognize that courts, in the appropriate case, must have the authority to take practical, commonsense steps to protect jurors from such mistreatment.

That is precisely what occurred here. This case arises out of the widely-publicized trial of Roger Stone, which has in fact exposed the Jurors<sup>1</sup> to harassment, intimidation, and other dangers. The Court accordingly concluded it was necessary to take modest steps to protect the Jurors' safety and privacy, including sealing—with the consent of the parties—the questionnaires the Jurors completed as part of the selection process.

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<sup>1</sup> As used in this Brief, “Jurors” refers to Jurors A–L who have appeared through Counsel in this case.

The question before the Court now is whether it should reverse those protections and provide Petitioner access to the juror questionnaires. As Petitioner argues, and the Jurors agree, the press unquestionably has an important right of access to judicial proceedings, a right the Court took extensive steps to accommodate during the pre-trial *voir dire* and the trial—both of which were heavily attended and extensively reported upon by the press.

The Supreme Court has been clear, however, that the press’s right of access to judicial proceedings is not unlimited and must be “balanced against” the legitimate privacy and security interests of jurors. *See Press-Enterprise Co. v. Superior Court (Press-Enterprise I)*, 464 U.S. 501, 511–12 (1984). Not a single party or *amicus* contends that the modest steps the Court took to protect the Jurors, both before and during *Stone* trial, struck this balance inappropriately. The relevant equities, moreover, tilt even more strongly in the Jurors’ favor now: the trial itself is over, yet—as the Court has already found during post-trial proceedings—the threats to the Jurors’ safety and privacy persist. Indeed, the record shows that the Jurors have been subject to continued harassment since the trial concluded and that the release of the questionnaires would only exacerbate the significant risks the Jurors face. On the special facts present here, it is necessary—indeed essential—for the Jurors’ protections to remain in place. Otherwise, the balancing required by the Supreme Court to protect jury privacy is no better than lip service.

## STATEMENT OF FACTS

### A. United States v. Stone

On January 24, 2019, prosecutors from the Department of Justice’s Office of the Special Counsel indicted Roger Stone for one count of obstructing a congressional proceeding, one count of tampering with a witness to that proceeding, and five counts of making false statements to Congress in the course of the same. Roger Stone is a well-known political consultant and lobbyist with a career that stretches back to service in the Nixon administration. The charges centered on



Stone's testimony before the U.S. House of Representatives Permanent Select Committee on Intelligence about his role as an intermediary between WikiLeaks and the 2016 Trump campaign. At the time of the indictments, former FBI Director and Acting Deputy Attorney General Robert Mueller was the Special Counsel, charged with investigating the Russian Government's possible interference in the 2016 presidential election and the possibility of a criminal conspiracy involving the campaign of then-candidate Donald J. Trump.

Given the high profile of the participants and the explosive charges, Stone's case unsurprisingly attracted a whirlwind of media attention. Every major news outlet, including *The New York Times*, the *Washington Post*, and the *Wall Street Journal*, reported on this case. Print, television, and Internet coverage was extensive. The case, moreover, generated intense public passions and scrutiny from its very outset—including from the highest office in the land. The day after Stone was indicted, President Trump tweeted as follows: "Greatest Witch Hunt in the History of our Country! NO COLLUSION! Border Coyotes, Drug Dealers and Human Traffickers are treated better. Who alerted CNN to be there?" @realDonaldTrump, Twitter (Jan. 25, 2019, 12:16 PM), <https://twitter.com/realdonaldtrump/status/1088832908494888961>. Once the trial proceedings commenced, they became instant fodder for Internet "conspiracy theorists" like Alex Jones and others, as extensively reported in the press.<sup>2</sup> At no point during the trial did this media and public interest wane, and, indeed, it persists to this day.

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<sup>2</sup> See, e.g., Deanna Paul, *Alex Jones threatened to name a Roger Stone juror. Experts say that might be jury tampering*, Wash. Post, Nov. 7, 2019, <https://www.washingtonpost.com/politics/2019/11/07/alex-jones-threatened-name-roger-stone-juror-experts-say-that-might-be-jury-tampering/>.

## **B. Jury Selection**

In light of this intense publicity and public passion, the Court and parties recognized it would be necessary to implement a special jury selection protocol that protected the privacy of the Jurors, while simultaneously protecting the defendant's rights and ensuring an open and public trial with almost unfettered media access.

### **1. The Juror Questionnaire**

As a first step in this process, both the Court and the parties agreed that using a questionnaire to pre-screen jurors would be the best way to secure a significant amount of information quickly without unduly burdening the prospective jurors. *See Stone* Minute Order dated Aug. 13, 2019; *Stone* ECF Nos. 192, 193. As the Court explained to the prospective jurors on September 12: "In this case we're taking the extra step of posing questions to you first in writing, and that's the only thing that's going to happen today. This way we can obtain important information from all of you at the same time, and that should streamline the process of questioning you individually, if you are brought back to do that later." *Stone* ECF No. 356 (9/12/19 Tr.) at 8:23–9:3.

The jury questionnaires were 20 pages long, and contained 56 questions agreed upon by the Government and counsel for Stone. *Stone* ECF No. 247. They asked prospective jurors to reveal information that is sensitive, personal, and personally identifying. *See id.* For example, the questionnaires asked prospective jurors to disclose, among other things:

- Age and gender (Question 2)
- Marital status (Question 3)
- Education information for prospective juror and partner/spouse (Question 4)
- Employment information for prospective juror and partner/spouse: job title/occupation, name of employer, length of employment (Questions 5–11)

- Explanation of whether prospective juror, close friend, or family member has ever worked in any aspect of the legal field (Question 13)
- Explanation of whether prospective juror, close friend, or family member has ever applied for employment with, was employed by, or received training by any local, state, or federal law enforcement agency (Question 14)
- Organizational affiliations and activities (Question 18)
- Explanation of whether prospective juror, close friend, or family member has ever run for or held a political office (Question 24)
- Explanation of whether prospective juror, close friend, or family member has ever been employed or had any association or connection with Congress or a congressional committee (Question 31)
- Explanation of whether prospective juror, close friend, or family member has been the victim of a crime (Questions 36–38)
- Explanation of whether prospective juror, close friend, or family member has been arrested for, charged with, prosecuted for, or convicted of any crime (Question 41)
- Explanation of whether prospective juror has ever been involved in any legal proceeding in any capacity (Questions 45–47)

Recognizing the sensitive nature of the information at issue, the Court instructed the prospective jurors that, as agreed by the parties, their identities and the information they disclosed would remain private. The first paragraph of the “Instructions for Jury Questionnaire” stated:

The parties and the Court have agreed that all information contained in this questionnaire will be kept confidential; to the extent the Court is ever required to release any responses in the questionnaires, your name will not be publicly released.

*Stone* ECF No. 247 at 1. The Court also provided express verbal assurances to the Jurors about protecting their identity and privacy:

Some of the questions may seem personal, but they’re all designed to help ensure that we have a fair and impartial jury. In case you are concerned about this, I want to assure you that your names are not going to be made public at this time and it’s our intention that your answers to these questionnaires will not be made public.

To protect your identity, the only part of the questionnaire that

includes your name is the certification you will sign on the last page. And if, on the date you return for the completion of the jury selection process, we need to discuss your answers with you, you're not going to have to talk in front of all the other jurors. We're going to let you speak to the parties in the case one at a time.

*Stone* ECF No. 356 (9/12/19 Tr.) at 9:4–16.

Under the protection of this confidentiality and anonymity, the Jurors provided uninhibited, detailed responses to the questionnaires that revealed extensive amounts of personal, sensitive, and identifying information. For example, the Jurors' completed questionnaires contained information including, but not limited to, the following:

- Detailed employment information concerning the Jurors, the Jurors' spouses or partners, and the Jurors' children, including employment by the federal government—some in positions working for or with political appointees—or by organizations dependent on federal funding;
- The names of family members and friends who had either committed or been the victim of a crime;
- Names and descriptions of family members and friends employed at law enforcement agencies;
- Names and descriptions of family members' military service;
- Names and descriptions of family members employed in legal field;
- Religious, personal, and addiction organizational affiliations;
- Case name and description of a personal family law case to which a juror was a party; and
- A description of violent crimes to which a juror was a witness, victim, or friend of the victim, including childhood assaults.

As the Jurors note in the attached declarations,<sup>3</sup> they consider this information deeply personal, included it on the questionnaire with the expectation that it would never be exposed to the public or the press, and are deeply concerned about the ramifications if it is so exposed. Indeed—as the attached expert declaration from a leading privacy and cyberstalking scholar makes clear—the breadth and depth of the information contained in the questionnaires and the relatively small size of the jury pool makes it extremely likely that the Jurors’ responses would identify them even if their names were redacted. *See attached* Declaration of Professor Danielle K. Citron ¶ 7.

## 2. Oral *Voir Dire*

The next step in the jury selection protocol was oral *voir dire*. Based on the juror questionnaires, the parties called approximately eighty of the over one hundred prospective jurors back to the Court on November 5. The public and press were present in the courtroom as the parties questioned these prospective jurors, who were identified by juror number instead of name. As the Court recognized in greeting observers entering the courtroom, “a trial is a public proceeding,” which everyone is “welcome to observe.” *See Stone* ECF No. 294 (11/5/19 Morning Tr.) at 20:6–13. Consistent with this view, with the exception of a few instances where the Court conducted private bench conferences with prospective jurors who asked to answer certain questions privately, all of the questioning was open to media and members of the public, and the Court subsequently included all of these sidebar conferences in public, unredacted transcripts.

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<sup>3</sup> Per LCvR 5.4(b)(5), by electronically filing the attached Juror Declarations, Jurors’ Counsel certifies that the original signed documents are in his possession and available for *in camera* review if the Court so requests. The original signed Declaration of Professor Danielle K. Citron is likewise in the possession of Jurors’ Counsel, and is available for review by the Court or a party.

Open, oral *voir dire* lasted through the end of the day on November 5, and the press covered it heavily, with many articles discussing the substantive questioning of particular jurors.<sup>4</sup> Attempts to expose and harass prospective jurors began almost simultaneously. For example, on November 5, 2019, Alex Jones of Infowars.com<sup>5</sup> claimed that one of the prospective jurors was a former aide to President Barack Obama, and urged viewers to “look up [the prospective juror’s] husband”—a purported “member of the deep state intelligence community.”<sup>6</sup> A day later, Jones threatened to release the name of a prospective juror, stating that the prospective juror is “one of their minions, and we’ve got her name, and we’re going to release it.”<sup>7</sup>

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<sup>4</sup> See, e.g., Spencer S. Hsu, *Roger Stone excused from court because of illness as jury selection for his trial continues*, Wash. Post, Nov. 5, 2019, [https://www.washingtonpost.com/local/legal-issues/roger-stone-excused-from-court-because-of-illness-as-jury-selection-for-his-trial-continues/2019/11/05/3828ca16-000f-11ea-8bab-0fc209e065a8\\_story.html](https://www.washingtonpost.com/local/legal-issues/roger-stone-excused-from-court-because-of-illness-as-jury-selection-for-his-trial-continues/2019/11/05/3828ca16-000f-11ea-8bab-0fc209e065a8_story.html); Megan Mineiro, *Illness Forces Roger Stone to Leave Trial During Jury Selection*, Courthouse News, Nov. 5, 2019, <https://www.courthousenews.com/illness-forces-roger-stone-to-leave-trial-jury-selection/>; Ashraf Khalil, *Roger Stone leaves Day 1 of trial early over food poisoning*, Associated Press, Nov. 5, 2019, <https://apnews.com/bf3e43dc56f244bda7dd6c4308d38e1d>; Vandana Rambaran, *Roger Stone excused from first day of his trial after claiming food poisoning*, Fox News, Nov. 5, 2019, <https://www.foxnews.com/politics/roger-stone-dismissed-from-jury-selection-in-trial-after-claiming-food-poisoning>; Darren Samuelsohn & Josh Gerstein, *Medical emergencies and Milo Yiannopoulos: Roger Stone’s trial opens*, Politico, Nov. 5, 2019, <https://www.politico.com/news/2019/11/05/roger-stone-trial-opens-065991>.

<sup>5</sup> See *Who is Alex Jones and what is the InfoWar? . . . And why should you care?*, Infowars, <https://www.infowars.com/about-alex-jones/> (quoting *Rolling Stone*’s description of Alex Jones as “a giant in America’s conspiracy subculture”).

<sup>6</sup> The Alex Jones Show, *ABC News Caught Protecting Deep State Child Trafficking Ring + Trump Declares War*, InfoWars, Nov. 5, 2019 (beginning at 2:12:00), <http://tv.infowars.com/index/display/id/10149>.

<sup>7</sup> The Alex Jones Show, *#EpsteinDidntKillHimself Takes Over the Planet As A Global Awakening Accelerates*, InfoWars, Nov. 6, 2019 (beginning at 00:13:45), <http://tv.infowars.com/index/display/id/10153>; see also Deanna Paul, *Alex Jones threatened to name a Roger Stone juror. Experts say that might be jury tampering*, Wash. Post, Nov. 7, 2019, <https://www.washingtonpost.com/politics/2019/11/07/alex-jones-threatened-name-roger-stone-juror-experts-say-that-might-be-jury-tampering/>.

### C. Trial

In light of these threats, and the high profile nature of the trial, the Court decided to maintain the Jurors' anonymity and put in place modest additional protections. In particular, on October 25, 2019, the Court issued an order that established trial logistics. *See Stone* ECF No. 242. That order provided as follows: "Any attempt to contact or interact with [J]urors, to obtain the locations of their residences or job sites, or to otherwise ascertain their identities in any way is strictly prohibited." *Stone* ECF No. 242, § IX(A). The Court also took steps to safeguard the Jurors' privacy and safety during the trial. As the Court stated during oral *voir dire*: "We will make arrangements, though, for the jurors who are selected to serve to come and go from the courthouse in a private manner so that you do not have to interact with other people or make your way through any crowds that gather at any of the public entrances." *Stone* ECF No. 296 (11/5/19 Morning Tr.) at 13:8–12.

At the same time, the Court took numerous steps to ensure media access to the proceedings. In the order setting forth trial logistics, the Court reserved seats in the courtroom for members of the press, allowed members of the media and the general public to occupy all remaining seats and, set aside both an overflow courtroom and a separate Media Room to help facilitate press and public access to the proceedings:

The second row of the left side of the courtroom (facing the bench) will be reserved for members of the media.

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Members of the general public and the media may occupy all remaining rows of seats.

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Members of the general public and the media are permitted to access the designated "overflow courtroom" to view a live audio/video feed

of the proceedings in Courtroom 3. Signs will be posted indicating the location of the overflow courtroom.

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Members of the media may view a live audio/video feed from Courtroom 3 in the Media Room located in room 1206 on the first floor of the courthouse.

*Stone* ECF No. 242 §§ II(A)(5), (7); IV(A), (B).

During the trial, the Court also made sure that counsel and members of the press were aware of the Media Room. During the public pretrial conference held on November 4, the Court noted that “beginning with the openings, we’re going to have an overflow courtroom available, and we’re going to have the media room available, where there will be a live feed of the sound from this courtroom going to other places.” *Stone* ECF No. 293 (11/4/19 Tr.) at 4:16–19. In the morning of November 6, before opening statements were given, the Court stated, “Members of the media who wish to be transmitting to their organizations in real time what’s going on can listen to the proceedings in the media room, which is established for you for that purpose.” *Stone* ECF No. 296 (11/6/19 Morning Tr.) at 246:19–22.

Given this nearly unfettered access to the proceedings, numerous news outlets covered the trial from *voir dire* to verdict, and have continued to cover the ongoing post-trial proceedings. There are scores—if not hundreds—of videos, articles, and opinion pieces about the Stone trial published by major news outlets, such as *Fox News*, *The New York Times*, the *Washington Post*, and the *Wall Street Journal*. Other outlets across every medium—print, television, Internet, and others—have also covered the trial extensively. Moreover, much of this coverage has focused on the Jurors, both during jury selection and after the trial. In light of this intense media scrutiny and focus on the Jurors, immediately after the verdict, numerous jurors expressed concern to the Court



about their privacy, and the Court acknowledged their concerns. *See attached* Juror A Decl. ¶ 6; Juror B Decl. ¶ 6; Juror C Decl. ¶ 3.c; Juror I Decl. ¶ 4.b; Juror J Decl. ¶ 3.c.

#### **D. Post-Trial Developments**

##### **1. Continued Harassment**

Unfortunately, the end of the trial did not bring an end to hostility towards and actual harassment of the Jurors. Prominent commentators continued to attack them.<sup>8</sup> As such, even with the trial long since over, there is still a very real risk that the disclosure of the Jurors' identities or contents of their questionnaires under these circumstances would likely go viral in certain sectors of the Internet and lead to increased harassment. *See* Citron Decl. ¶ 7.

Given this reality, in the several months that have passed since the trial ended, most of the Jurors have chosen to remain completely anonymous. *See attached* Jurors A, B, C, D, E, F, H, I, J, and L Decls. Only two jurors have made any form of public statement since the trial concluded: the foreperson posted on social media about the trial, and another juror made appearances on news networks and wrote two op-eds about the trial and the jury's deliberations. *See attached* Jurors G & K Decls. The foreperson did not make any further public statements about the case except to verify the authenticity of the social media post. *See attached* Juror K Decl. ¶ 5. However, the foreperson continues to face harassment, threats, and vitriolic public criticism, which has included accusatory emails, threatening letters mailed to their home, vituperative attacks on major news

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<sup>8</sup> *See* @realDonaldTrump, Twitter (Feb. 25, 2020, 4:01 PM), <https://twitter.com/realdonaldtrump/status/1232395209125707776> ("There has rarely been a juror so tainted as the forewoman in the Roger Stone case. Look at her background. She never revealed her hatred of 'Trump' and Stone. She was totally biased, as is the judge. Roger wasn't even working on my campaign. Miscarriage of justice. Sad to watch!"); *see also Tucker Carlson: Why the Roger Stone case should horrify you, whether you're Republican or Democrat*, Fox News, Feb. 14, 2020 (beginning at 3:03), <https://www.foxnews.com/opinion/tucker-carlson-why-the-roger-stone-case-should-horrify-you-whether-youre-republican-or-democrat>.

networks and by public officials, and an onslaught of Tweets (including two from the President of the United States). *Id.* ¶ 6. The other publicly identified Juror has also received criticism on social media and a threatening letter mailed to the Juror’s home address. *See attached* Juror G Decl. ¶ 5. Having witnessed this harassment, all of the other Jurors have remained silent, guarding their privacy out of fear of similar mistreatment. *See attached* Juror A Decl. ¶ 7; Juror B Decl. ¶¶ 8–9; Juror C Decl. ¶ 5; Juror D Decl. ¶¶ 7–8; Juror E Decl. ¶ 6; Juror F Decl. ¶ 6; Juror H Decl. ¶ 6; Juror I Decl. ¶ 6; Juror J Decl. ¶ 7; Juror L Decl. ¶¶ 6–7. They have withdrawn from their normal online activities, and remain concerned that exposure of their identities or questionnaire responses could harm the safety, well-being, and privacy of themselves and their loved ones. *See attached, e.g.,* Juror A Decl. ¶ 7; Juror D Decl. ¶ 8.

## **2. Stone’s Allegations of Bias and Motions for a New Trial**

This Court, moreover, has addressed the heavily publicized concerns about jury impartiality in the context of two different motions for a new trial.

Mr. Stone filed his first motion under seal, contesting the Court’s decisions on certain for-cause challenges made during *voir dire*. *See Stone* ECF No. 266 (Sealed). In a public order denying that motion, the Court described written and oral responses by individual jurors during *voir dire* but redacted all personally identifying information. *See Stone* ECF No. 288.

Mr. Stone’s second new trial motion, also filed under seal, argued that the jury foreperson was unfairly biased and failed to disclose as much during *voir dire*. *See Stone* ECF No. 313. The Court held a hearing on that motion in a closed courtroom, while piping a live audio feed of the hearing (including testimony by certain jurors) in the adjacent courtroom. *See generally Stone* ECF No. 347 (2/25/20 Hearing Tr.). As the Court explained, “every single aspect of this proceeding will be public, with a very limited exception of what any testifying jurors look like and

what their names, online account names are, and their juror numbers are.” *Stone* ECF No. 346 (2/25/20 Tr.) at 19:9–13.

The Court supported its decision to partially close the motion hearing with a detailed set of findings under *Waller v. Georgia*, 467 U.S. 39 (1984), *Presley v. Georgia*, 558 U.S. 209 (2010), and *Press-Enterprise I*, 454 U.S. 501 (1984). *Stone* ECF No. 346 (2/25/20 Tr.) at 5:22–7:5. Reviewing the intense publicity surrounding the *Stone* trial, the Court recounted much of the harassment described above, noting that prominent commentators repeatedly “went after the jury” with inflammatory and demonstrably false accusations. *Id.* at 9:10–11:15; 16:12–20. The Court noted that “without question” there remained an “extremely high” risk that any juror identified by name or appearance would be subject to “harassment and intimidation.” *Id.* at 11:16–12:2; 16:4–11. The Court concluded that under *Waller*, *Presley*, and *Press-Enterprise I*, there was a “specific and significant interest in juror safety” that “overr[ode]” the “public interest in an entirely open proceeding.” *Id.* at 15:24–16:3. Thus, on its own motion, the Court crafted a narrowly-tailored partial closure to balance appropriately those interests with the minimum incidental burden imposed on the press. *Id.* at 17:3–6. And indeed, there was significant press coverage of the partially-closed hearing. *See, e.g.*, Bobby Allyn & Ryan Lucas, *Judge Weighs Roger Stone’s Bid For A New Trial As Trump Attacks Her On Twitter*, NPR, Feb. 25, 2020, [npr.org/2020/02/25/809400156/judge-weighs-roger-stones-bid-for-a-new-trial-as-trump-attacks-her-on-twitter](https://www.npr.org/2020/02/25/809400156/judge-weighs-roger-stones-bid-for-a-new-trial-as-trump-attacks-her-on-twitter).

## ARGUMENT

There is no dispute that federal district courts have the authority, in exceptional circumstances, to take reasonable, commonsense steps to protect juror privacy and security. The Congress has expressly granted such authority. The Executive Branch frequently requests that

courts deploy it. The Supreme Court and nearly every federal court of appeals has endorsed the practice. And, under Supreme Court precedent, not only do courts have the authority to protect jurors' privacy and security, they have a duty to do so. *See Press-Enterprise Co. v. Superior Court (Press-Enterprise I)*, 464 U.S. 501, 512 (1984). No party or *amicus* in this case challenges these general rules.

There is also no dispute that this Court appropriately used its authority in withholding the Jurors' identities and questionnaire responses from public disclosure both before and during trial. Under binding D.C. Circuit precedent, courts may put in place juror protections consistent with the Constitution's public trial requirements when the protections are necessary to protect the jurors' privacy and security interests, the jurors desire such protections, and there are no reasonable alternatives available. *Cable News Network, Inc. v. United States (CNN)*, 824 F.2d 1046, 1048 (D.C. Cir. 1987) (*per curiam*). Those criteria were clearly present during the *Stone* trial and, again, no party or *amicus* disputes this.

As such, the only question before this Court is whether it is now necessary to reverse the protections that are already in place. As Petitioner argues, and Jurors agree, the press unquestionably has an important right of access to judicial proceedings, and the Supreme Court has made clear that courts must balance "[t]he privacy interests of . . . juror[s] . . . against the historic values [of open criminal trials]." *See Press-Enterprise I*, 464 U.S. at 512. But it is also plain that the equities tilt even more strongly in the Jurors' favor now than they did during the long period when the protections went unchallenged. The trial—which generated extensive media coverage, even with the protections in place—is over, and Stone has initiated not one, but two, proceedings to contest the jury's impartiality. The Jurors, on the other hand, have continued to face threats, harassment, and invasions of their privacy, and, as the record before the Court shows,

and the declaration submitted by cyberstalking expert Professor Danielle K. Citron confirms, this mistreatment would only worsen if the questionnaires were released, even at this late date. The Court should thus deny Petitioner's motion to release the questionnaires.

**I. All Three Branches of Government Recognize the Importance of Safeguarding Juror Privacy in the Limited Circumstances Where Jury Service Substantially Threatens the Jurors' Security and Privacy.**

Jurors do not elect to serve on juries. Rather, they are “poorly paid conscripts,” compelled by law to sit in judgment of their fellow citizens. *Anderson v. Griffin*, 397 F.3d 515, 519 (7th Cir. 2005). It is one thing to ask jurors to upend their lives while they are performing their civic duty, but quite another to ask them to submit to extreme media scrutiny, harassment, or even threats to their safety and security. Indeed, the jury system demands just the opposite—its “virtue” lies in the “random summoning from the community of twelve ‘indifferent’ persons . . . , *and* in their subsequent, unencumbered return to their normal pursuits.” *United States v. Scarfo*, 850 F.2d 1015, 1023 (3d Cir. 1988) (citation omitted) (emphasis added); *United States v. Branch*, 91 F.3d 699, 723 (5th Cir. 1996) (quoting *Scarfo*).

Given this, for more than 50 years, Congress has expressly empowered federal courts to protect juror identities under appropriate circumstances. 28 U.S.C. § 1863(b)(7) (originally enacted by Jury Selection and Service Act of 1968, Pub. L. 90-274 § 101, 82 Stat. 53, 56). In particular, in mandating that federal district courts develop plans for random jury selection, Congress made clear that such plans may “permit [district courts] to keep [prospective jurors'] names confidential in any case where the interests of justice so require.” *Id.*

Consistent with that authority, juries empaneled under varying degrees of anonymity—often at the Government's request—are a wholly accepted feature of federal criminal practice. *See, e.g., United States v. Moore*, 651 F.3d 30, 50 (D.C. Cir. 2011) (affirming district court's grant of Government's motion for a completely anonymous jury); *United States v. Mathis*, 932 F.3d 242,

253–54 (4th Cir. 2019) (affirming grant of Government’s request that defense counsel be prohibited from sharing identifying juror information with defendants). And the Supreme Court, along with every federal court of appeals to consider the issue, has recognized that reasonable, commonsense restrictions on public access to juror information—up to and including the empanelment of completely and permanently anonymous juries—can be imposed consistent with the public trial the Constitution requires. *See Presley v. Georgia*, 558 U.S. 209, 215 (2010) (“There are no doubt circumstances where a judge could conclude that threats of improper communications with jurors or safety concerns are concrete enough to warrant closing *voir dire*.”); *United States v. Edmond*, 52 F.3d 1080, 1091 (D.C. Cir. 1995) (“[W]e conclude that the District Court judge permissibly exercised his discretion in impaneling an anonymous jury.”).<sup>9</sup>

As these courts have recognized, appropriately tailored protections for juror anonymity serve a range of crucial interests. At the threshold, such safeguards serve the interests of justice in the particular cases where they are applied. They “encourage honest answers” at *voir dire*, *Press-Enterprise I*, 464 U.S. at 515 (Blackmun, J., concurring), and “promote[] impartial decision making” in the jury room, *Scarfo*, 850 F.2d at 1023, where “explicit threats . . . or even a general fear of retaliation could well affect the jury’s ability to render a fair and impartial verdict,” *United States v. Thomas*, 757 F.2d 1359, 1364 (2d Cir. 1985). These protections are especially valuable in high-profile cases, where “extensive publicity” can “enhance the possibility that jurors’ names . . . become public and expose them to intimidation or harassment.” *Edmond*, 52 F.3d at

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<sup>9</sup> *See also, e.g., United States v. Ramírez-Rivera*, 800 F.3d 1 (1st Cir. 2015); *United States v. Barnes*, 604 F.2d 121 (2d Cir. 1979); *Scarfo*, 850 F.2d 1015; *United States v. Dinkins*, 691 F.3d 358 (4th Cir. 2012); *United States v. Krout*, 66 F.3d 1420 (5th Cir. 1995); *United States v. Deitz*, 577 F.3d 672 (6th Cir. 2009); *United States v. Crockett*, 979 F.2d 1204 (7th Cir. 1992); *United States v. Darden*, 70 F.3d 1507 (8th Cir. 1995); *United States v. Shryock*, 342 F.3d 948 (9th Cir. 2003); *United States v. Ross*, 33 F.3d 1507 (11th Cir. 1994). The Tenth and Federal Circuits have not considered whether an anonymous jury is permissible.

1091; *see also United States v. Wecht*, 537 F.3d 222, 264–65 (3d Cir. 2008) (Van Antwerpen, J., dissenting) (“The privacy of jurors is a significant interest, as protecting that privacy is the best way to avoid harassment . . . .”); *Sheppard v. Maxwell*, 384 U.S. 333, 353 (1966) (public identification of jurors in a highly publicized case had “exposed them to expressions of opinion from both cranks and friends”). And, beyond any particular case, reasonable assurances that jurors will not be roughly “thrust into the role of celebrities,” *see id.*, serve the jury system as a whole, since “harassment of jurors . . . may adversely affect the willingness of citizens to freely [serve],” *United States v. Antar*, 38 F.3d 1348, 1351 (3d Cir. 1994); *see also United States v. Blagojevich (Blagojevich I)*, 612 F.3d 558, 561–62 (7th Cir. 2010) (recognizing fear “that public knowledge of . . . jurors’ identities . . . would discourage others from agreeing to serve in future trials”); *see also Press-Enterprise I*, 464 U.S. at 515 (Blackmun, J., concurring) (noting the Government’s interest in protecting juror privacy “even after the trial—to encourage juror honesty in the future”).

Moreover, as numerous courts—including the Supreme Court—have recognized, protecting juror privacy advances interests beyond the administration of justice. There is independent value in respecting the dignity of jurors, for example, by “protect[ing jurors] from embarrassment” when *voir dire* “touches on deeply personal matters.” *Press-Enterprise I*, 464 U.S. at 511–12. Put simply, jurors “have a right not to be humiliated.” *Anderson*, 397 F.3d at 519.

This Court is no exception in taking care to protect those interests. The Jury Selection Plan for this District provides that the “[n]ames of prospective and sitting petit jurors shall not be disclosed to the public outside of open court, except upon order of the court.” Jury Selection Plan For the U.S. District Court for the District of Columbia, § K.1 (Reviewed February 29, 2016). Moreover, in “widely publicized or sensational criminal cases,” this Court’s Local Rules grant judges further discretion to “issue a special order governing such matters as . . . the seating and

conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.” D.D.C. LCrR 57.7(c). Supreme Court and D.C. Circuit precedent hold that exercises of this authority to protect jurors by partially closing *voir dire* are judged using a three-part standard:

“First, trial courts must make findings that an open *voir dire* proceeding threatens either the defendant’s Sixth Amendment right to a fair trial or a prospective juror’s privacy interests. Second, in order to ‘minimize the risk of unnecessary closure’ trial courts should require prospective jurors to make ‘affirmative request[s] for private *voir dire* examination. Finally, trial courts must consider whether alternatives to closure are available that will adequately protect the interests of prospective jurors.”

*CNN*, 824 F.2d at 1048 (emphasis added) (citing *Press-Enterprise I*, 464 U.S. at 511–12).

Juror privacy, as well as juror safety, are weighty interests under this standard: “Jurors are entitled to be treated with respectful regard for their privacy and dignity, rather than as media prey.” *United States v. Blagojevich (Blagojevich II)*, 614 F.3d 287, 292–93 (7th Cir. 2010) (Posner, J., dissenting from denial of rehearing en banc). As the Supreme Court has recognized, these interests are especially acute during *voir dire*, when a prospective juror is subject not merely to compulsory appearance in a public proceeding, but to “interrogation” that may “touch[] on deeply personal matters that person has legitimate reasons for keeping out of the public domain.” *Press-Enterprise I*, 464 U.S. at 511. Such sensitive information is “deserving of privacy protection,” under *CNN* and *Press-Enterprise I*, and a juror’s “valid privacy right may rise to a level that part of the transcript should be sealed, or the name of a juror withheld, to protect the person from embarrassment.” *Id.* at 512–13.



## **II. The Court’s Tailored Protections for Juror Privacy Were and Remain an Appropriate Response to Exceptional Security Threats and Risks of Harassment.**

The *CNN/Press-Enterprise* standard is easily satisfied here. First, the record shows, this Court has already found, and no party or *amicus* disputes, that the highly charged “emotional and political climate” surrounding the *Stone* proceedings has left the Jurors exposed to substantial threats of harassment, retaliation, and physical harm. *See United States v. Bruno*, 700 F. Supp. 2d 175, 185 (N.D.N.Y. 2010). That “extremely high” risk justified partial closure of the hearing on Mr. Stone’s new-trial motion, and likewise supports the questionnaires’ continuing confidentiality. *See Stone* ECF No. 346 (2/25/20 Tr.) at 11:16–12:2, 15:12–19:19; *infra* Part II.A. Second, as this very proceeding and their declarations in support of it demonstrate, the Jurors strongly desire to keep their questionnaires private. *See infra* Part II.B. And, third, no alternative measures realistically exist to protect the Jurors from the threats arising out of their service. *See infra* Part II.C.

### **A. As This Court Has Already Found, the Intense Publicity Surrounding the *Stone* Case and the Threats and Harassment the Jurors Continue to Face Make Protecting the Questionnaires from Release Necessary to Safeguard the Jurors’ Privacy and Security.**

As applicable here, the first prong of *CNN* and *Press-Enterprise I* requires explicit “findings that an open *voir dire* proceeding threatens . . . a prospective juror’s privacy interests,” *CNN*, 824 F.2d at 1048, or “safety concerns,” *Presley*, 558 U.S. at 215. Those findings must articulate the “particular interest[s], and threat[s] to th[ose] interest[s],” that justify closure, “along with findings specific enough that a reviewing court can determine whether the closure order was properly entered.” *Id.* (quoting *Press-Enterprise I*, 464 U.S. at 510).

Under any reasonable assessment, the record supports the necessary findings. The prosecution of Mr. Stone has attracted intense media and public attention from its very beginnings. *Supra* at 3. It arose out of perhaps the most pervasive and divisive news item of the past several

years—investigations into alleged Russian interference in the 2016 presidential election, *id.*—and has been the subject of running commentary by the President of the United States, *id.* And in the midst of that highly charged atmosphere, the Jurors have been subject from the first day of *voir dire* to a continuing campaign of harassment and attempted exposure—primarily but not exclusively on the Internet. *Supra* at 7–8, 11–12.

There is every reason, moreover, to think that release of the questionnaires would only lead to more and potentially greater harassment. The Jurors have already been attacked online, *see supra* at 7–8, 11–12, and expert opinion (that is fully congruent with common sense) makes clear that “[d]isclosing the identity of the [J]urors (and potentially their families, friends and close associates) or the contents of their juror questionnaires would . . . likely transform the [J]urors (and potentially their families, friends and close associates) into victims of an online information cascade” leading to “harassment and conspiracy theories,” including “repeated, unwanted, intrusive, and frightening communications,” *see attached* Citron Decl. ¶ 7.c, mob-driven workplace retaliation, *id.* at ¶ 7.d, and a chilling effect on the Jurors’ own speech and expressive activity, *id.* at ¶ 7.e.

Indeed, these special dynamics here create precisely the sorts of harms that courts—including the Supreme Court—have long recognized as posing a danger to jurors and the integrity of criminal trials. *See Estes v. Texas*, 381 U.S. 532, 545 (1965) (noting that it is “highly probable that [the presence of television cameras in the courtroom] will have a direct bearing on [a juror’s vote],” because “[i]f the community be hostile to an accused a televised juror, realizing that he must return to neighbors who saw the trial themselves, may well be” unable to remain impartial); *Sheppard*, 384 U.S. at 354 (finding a violation of due process when, *inter alia*, months of “virulent publicity” had “made the case notorious,” including the defendant’s examination before a crowd

of hundreds in a televised coroner’s inquest that ended with a “public brawl”); *Press-Enterprise Co. v. Superior Court (Press-Enterprise II)*, 478 U.S. 1, 8 (1986) (noting that “town meeting”-style trials risk creating a “‘lynch mob’ ambience [that] is hardly conducive to calm, reasoned decision-making based on evidence”).

The unique nature of social networks on the Internet, moreover, exponentially increases these risks, by providing “cyber mobs” with unprecedented opportunities to reach straight into the same devices and online media the Jurors—like all of us—use for everything from grocery shopping to managing their medical care to sharing pictures of their children.<sup>10</sup> The bad actors can then use this access to harass, to threaten, and to cause significant harm to victims’ livelihoods and well-being. The examples are legion.<sup>11</sup>

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<sup>10</sup> The Supreme Court has long made decisions to protect personal privacy in the face of new technologies, the role of the new technology in society, and the corresponding changes in public expectations affecting individual privacy and security. *See, e.g., Riley v. California*, 573 U.S. 373, 385–86 (2014) (noting that mobile phones “are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy” while holding that the search-incident-to-arrest doctrine is inapplicable to cell phones that “place vast quantities of personal information literally in the hands of individuals”); *see also Carpenter v. United States*, 138 S. Ct. 2206 (2018) (holding that the Fourth Amendment protects an individual’s privacy in historical cell site location information); *Kyllo v. United States*, 533 U.S. 27, 33–34 (2001) (holding that use of a thermal imager constituted a search and that it “would be foolish to contend that the degree of privacy secured to citizens by the Fourth Amendment has been entirely unaffected by the advance of technology”); *Katz v. United States*, 389 U.S. 347 (1967) (holding that use of a wiretap on a public phone booth intruded on a reasonable expectation of privacy notwithstanding the traditional third-party doctrine); *cf. Ontario v. Quon*, 560 U.S. 746, 759 (2010) (cautioning that privacy implications of “emerging technology” turn on “its role in society . . . becom[ing] clear”); *United States v. Jones*, 565 U.S. 400, 427 (2012) (Alito, J., concurring in judgment) (noting that “[t]he *Katz* test rests on the assumption that this hypothetical reasonable person has a well-developed and stable set of privacy expectations. But technology can change those expectations. Dramatic technological change may lead to periods in which popular expectations are in flux and may ultimately produce significant changes in popular attitudes”).

<sup>11</sup> *See, e.g.,* Harmon Leon, *How Internet Mob Justice Can Easily Destroy Innocent Lives*, The Observer, May 31, 2019, <https://observer.com/2019/05/internet-mob-justice-innocent-lives/> (collecting examples); *see also* Aja Romano, *What We Still Haven’t Learned from Gamergate*, Vox, Jan. 20, 2020, <https://www.vox.com/culture/2020/1/20/20808875/gamergate-lessons->

Given the foregoing, there can be little question that the facts present here support findings that continued protection of the questionnaires is necessary to protect the Jurors' privacy and security interests. Indeed, when the Court considered virtually the same question *only two months ago*, it concluded as much. As described in detail *supra*, at 12–13, when the Court partially closed a hearing on Mr. Stone's second new trial motion, it found that this is a widely publicized case, that "the particular issues related to the composition of the jury have also been widely publicized," and that numerous commentators have taken advantage to publish repeatedly "incendiary and false information" about the composition and selection of the *Stone* jury. *Stone* ECF No. 346 (2/25/20 Tr.) at 9–12. The Court further found that that "the risk of harassment and intimidation" of any Juror who is identified in the media is "extremely high and that individuals who may be angry about Mr. Stone's conviction or other developments in the news may choose to take it out on them personally." *Id.* at 11. In other words, for the Jurors, anonymity *is* safety. There is no basis to find otherwise now.

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cultural-impact-changes-harassment-laws (collecting examples, arguing that business and law enforcement have been slow to learn how to handle bad-faith mass action online); Matt Shapiro, *Conservatives Need More Than Courage*, The National Review, Aug. 28, 2019, <https://www.nationalreview.com/2019/08/conservatives-need-more-than-courage/> (discussing ubiquity of mass pressure campaigns targeted at procuring the termination of conservative corporate employees); Zoe Quinn, *What It's like to Be Targeted by an Online Mob*, KQED, Jan. 30, 2018, <https://www.kqed.org/futureofyou/438097/what-its-like-for-a-woman-to-be-targeted-by-an-online-mob> (systematic, years-long, campaign of harassment and threats against independent videogame developer based on disparaging post by ex-boyfriend); Cecilia Kang & Adam Goldman, *In Washington Pizzeria Attack, Fake News Brought Real Guns*, N.Y. Times, Dec. 5, 2016, <https://www.nytimes.com/2016/12/05/business/media/comet-ping-pong-pizza-shooting-fake-news-consequences.html> (active shooter incident based on mass hoax accusing Bill and Hillary Clinton of operating a pedophiliac human trafficking ring out of a Northwest Washington, DC, pizza shop).

**B. The Jurors Are Affirmatively Requesting that the Questionnaires Remain Sealed Because They Believe that Continued Protection of the Questionnaires Is Necessary to Safeguard Their Privacy and Security.**

The second prong of *CNN* and *Press-Enterprise I* requires the Jurors to make an “affirmative request” for privacy protection. As no party or *amicus* denies, such a request has plainly been made here.

It does not require guesswork or speculation to see that the Jurors would face unreasonable infringements of their privacy and security if the Court’s protections were relaxed. Certain jurors have been subjected to harassment already, and there is every reason to believe that others likely will as well, unless their questionnaires remain private. *See attached* Citron Decl. ¶ 7. To that end, the Jurors have provided declarations describing the factual basis for their pervasive fears of harassment and abuse. *See attached* Jurors A–L Decls. These declarations describe risks not only to their own personal safety, but also to the safety of their family members—many of whom can be easily identified based on information disclosed in their questionnaires. Jurors—including some who are federal employees, and work with or are supervised by political appointees, or who work for organizations that depend on federal funding—also have justifiable fears that online harassment would threaten their employment and hard-earned professional reputations.

Given these risks, there can be no question that the Jurors want their questionnaires kept private post-verdict, and have affirmatively sought that protection from the earliest opportunity. Indeed, as noted *supra*, at 10–11, the Jurors made that request directly of the Court shortly after trial. And having been afforded a formal opportunity to be heard through counsel, they make it again here. No more can reasonably be required to satisfy the second prong of *CNN* and *Press-Enterprise I*.

**C. There Is No Alternative Means Available to Protect the Jurors' Privacy and Security.**

The final prong of *CNN* and *Press-Enterprise I* asks whether there are “alternative” means of protecting the Jurors’ interests without sealing all or part of the trial. Compelling evidence in the record makes clear that the answer to this is no. The questionnaires must remain sealed in full.

As explained above, the Jurors’ safety depends on their anonymity. Their anonymity, in turn, depends on the Court’s withholding public access to the questionnaires *in any form*. As Professor Citron explains, “[c]onsiderable academic scholarship, regulatory requirements and practical guidance has addressed the subject of the ease of personal re-identification of individuals based on a relatively small number of data points.” *Attached* Citron Decl. at ¶ 7.f; *see also generally* Gina Kolata, *Your Data Were ‘Anonymized’? These Scientists Can Still Identify You*, N.Y. Times, July 23, 2019, <https://www.nytimes.com/2019/07/23/health/data-privacy-protection.html>.

In fact, redacted jury questionnaires would be a uniquely attractive target. “[T]he intimate—and the quotidian—details of the [J]urors’ lives that are contained in the questionnaires would easily provide more than enough information for layperson[s] . . . to re-identify the [J]urors—all of whom live in the District of Columbia—without the need to involve any complex data science.” *Attached* Citron Decl. at ¶ 7.g. Professor Citron’s conclusion is straightforward: it is not “reasonably possible to protect the [J]uror’s privacy and identity by merely removing the obviously identifying information,” such as name, address, and place of work, “from publicly released versions of the questionnaires.” *Id.* at ¶ 7.f. Or, in other words, “the disclosure of jury questionnaires containing particularly significant and highly personal elements of the [J]urors’ life stories would not be realistically consistent with protecting [their] anonymity.” *Id.* at ¶ 7.g.

The Government and *amici*'s proposed resolutions of this case short-change these re-identification concerns. The Government recommends that the questionnaires be stripped of information "which could be used to readily identify a juror." Govt. Br. at 4–5. The Government, however, does not explain from where it draws this "readily identifiable" standard, and points to no case law endorsing it. This is unsurprising. Jurors are entitled to more than Potemkin privacy—the appearance of protection that falls away when put to a real test. As Professor Citron opines, "the intense motivations and capabilities of cyber-mobs [would enable them to re-identify jurors] . . . even if the Court made an effort to remove the readily identifying details." *Attached Citron Decl.* ¶ 7.g. Given the harms that could befall the Jurors if their identities become publicly known—harms that this court has already recognized, *Stone* ECF No. 346 (2/25/20 Tr.) at 11:16–12:2; 16:4–11—the risk that redacted questionnaires could enable re-identification is simply too high to impose on the Jurors. The information sought by Petitioner and the "privacy protected information is so intertwined that meaningful redaction is unavailable." *Bruno*, 700 F. Supp. 2d at 185 n.9.

*Amici*'s position is even less tenable. *Amici* appear to argue that redactions should be permitted only for matters that are either "deeply personal" or that bear directly on each Juror's safety. *See* Reporters Comm. Br. at 10–11. In other words, *amici*'s redaction theory would do nothing to protect the Jurors' identities (though the omission of "deeply personal" material might soften the damage to their dignity). Simply stated, both the Government's and *amici*'s proposals create an essentially inescapable risk that the release of questionnaires, even in redacted form, would lead to "some, many or all" of the Jurors being identified. *See attached Citron Decl.* at ¶ 7.h. These are no "alternatives" at all.

**III. Petitioner Has Not Shown that His General Interest in Obtaining Additional Information Overcomes the Jurors’ Continued Privacy and Security Interests or Requires Reversing the Court’s Tailored Juror Protections.**

Petitioner, the Government, and *amici* all agree that there is a presumption in favor of public access to *voir dire* and juror identities. *See* Petition at 6–7; Govt. Br. at 2; Reporters Comm. Br. at 11 n.5. That is surely correct. And in the ordinary case, there will be no inconsistency between unfettered public access to juror information and jurors’ ability to “inconspicuously fade back into the community once their tenure is completed.” *Scarfo*, 850 F.2d at 1023.

But there has never been an “absolute right of access.” *United States v. Blagojevich* (*Blagojevich III*), 743 F. Supp. 2d 794, 800 (N.D. Ill. 2010); *see also* Reporters Committee For Freedom of the Press, *The Right of Access to Juror Names and Addresses*, available at <https://www.rcfp.org/journals/news-media-and-law-summer-2016/right-access-juror-names-an/> (“Although strong, the First Amendment right of access is not absolute”). The Supreme Court “has made clear that the right to an open trial may give way in certain cases to other rights or interests,” *Waller*, 467 U.S. at 45, and “no one contends (or should contend) that jurors’ names *always* must be released,” *Blagojevich I*, 612 F.3d at 561.

Here, no one objected to the modest protective measure at issue before or during the trial, and, as laid out in detail above, *see supra* at 7–13, the Court took numerous steps to ensure copious press access to the proceedings. These steps facilitated extensive print, television, and Internet coverage, which continues to this very day.

But it is only now that Petitioner and *amici* claim that release of the juror questionnaires is necessary for the press and the public to act as “a check on the fair functioning of the criminal justice system.” Reporters Comm. Br. at 12 (quoting *In re Jury Questionnaires*, 37 A.3d 879, 889 (D.C. 2012)); Petition at 6. The Jurors do not deny the validity of that interest, or that the Court is required—“even after the verdict is in”—to balance it carefully against the Jurors’ interest in



privacy. Reporters Comm. Br. at 12 (quoting *In re Jury Questionnaires*, 37 A.3d at 889). The fact of the matter, however, is that the case for anonymity has only grown stronger post-trial; and the balance of equities tips even more clearly in favor of the Jurors’ now than during the long period when the juror protections were in place without objection.

**A. The Exceptional Threats to the Jurors’ Privacy and Security Have Not Diminished Since Trial’s End.**

The Court’s “power to prevent harassment and protect juror privacy does not cease when the case ends.” *United States v. Brown*, 250 F.3d 907, 918–19 (5th Cir. 2001). In other words, even though the jury’s verdict extinguished the instrumental interest in securing the integrity of deliberations in this particular case, powerful reasons remain to preserve juror anonymity where doing so is necessary to prevent harassment and other threats. And that is the case here.

The Fifth Circuit’s decision in *Brown* is a case in point. Like this dispute, *Brown* arose out of the politically charged trial of a colorful figure—the former Governor of Louisiana—accused of corrupt interference with official proceedings. *Id.* at 916 (“This particular prosecution involved . . . attempted bribery of a judge, attempting illegally to terminate a federal investigation, and influencing a court-appointed special master.”). An anonymous jury was empaneled at the Government’s request, with jury selection conducted in part through “questionnaires [that] assured the jurors that all information would remain confidential.” *Id.* at 912. After a guilty verdict, various media organizations intervened seeking access to the jurors’ names, addresses, places of employment, and questionnaires. *Id.* The district court denied the request. *Id.*

On appeal, the Fifth Circuit affirmed. At the outset, it noted that the grant of post-verdict anonymity “must be placed in context. It rests on an earlier promise of anonymity, which itself was grounded in well-documented threats by the media and the defendants to jurors’ privacy and independence. The drumbeat of publicity surrounding the [Governor’s] prosecutions continues to

this day.” *Id.* at 919–20. The court further emphasized that, unlike in some prior cases, there was no prohibition on interviewing jurors who decided they wanted to speak publicly, and jurors could consent to their questionnaires being released if they wished. The order, in other words, was “narrowly tailored to prevent [the] real threats to the administration of justice” posed by post-verdict juror harassment and invasions of privacy. *Id.* at 921.

The court likewise rejected the media’s argument that juror anonymity, as a matter of law, “should have ceased when the trial ended.” *Id.* It explained that, “[n]o caselaw requires this result, and the question appears closely tied to the rationale for initially convening an anonymous jury, an order [the media] did not appeal. Threats of intimidation and harassment do not necessarily end with the conclusion of trial.” *Id.* It continued, in terms that unmistakably parallel this case, that anonymity was particularly important because “several post-verdict motions have assailed jurors’ conduct; without continuing anonymity, jurors would remain vulnerable to abuse by those acting for the defendants.” *Id.* at 921–22.

This case is plainly on all fours with *Brown*, and other courts have indicated that they would apply the same logic. *See, e.g., Press-Enterprise I*, 464 U.S. at 511–12 (noting that “[w]hen limited closure [of *voir dire*] is ordered, the constitutional values . . . may be satisfied later by making a transcript of the closed proceedings available . . . , if the judge determines that disclosure can be accomplished while safeguarding the juror’s valid privacy interests. Even then a valid privacy right may rise to a level that part of the transcript should be sealed . . . .”); *Globe Newspaper Co. v. Hurley*, 920 F.2d 88, 91 (1st Cir. 1990) (“[T]here could be circumstances necessitating withholding of juror identities after verdict . . . . Failure of the court to shield jurors from threatened harm could seriously damage the functioning of the courts and the jury system. Were jurors to feel that their personal safety was at risk, they might not only be reluctant to serve but

might tailor verdicts so as to forestall harm to themselves, thus depriving the parties of an impartial jury.”); *Bruno*, 700 F. Supp. 2d at 184–85 & n.9 (denying motion for press access to jury questionnaires during deliberations on grounds that jurors had disclosed “extraordinarily personal and sensitive” information, court had assured jurors of confidentiality, and disclosure would potentially make the jury “the subject of relentless public scrutiny simply because they honored their constitutional duty” in a trial surrounded by a highly charged “emotional and political climate”).

Here, just like in *Brown*, the Jurors have relied on an “earlier promise of anonymity, which itself was grounded in well-documented threats by the media and the defendants to jurors’ privacy and independence.” *See* 250 F.3d at 919–20. Here, just like in *Brown*, the “drumbeat of publicity . . . continues to this day.” *See id.* Here, just like in *Brown*, the Jurors can consent to their identities being made public, as two Jurors already have. And, here, just like in *Brown*, “without continuing anonymity, [the] [J]urors would remain vulnerable to abuse by those acting for the defendants.” *See id.* at 921–22. This Court should thus, just as the *Brown* court did, reject the request to reverse the juror protections.

Indeed, the interest in protecting the Jurors from harassment and other threats that animates *Brown* is not the only interest that supports continuing the Jurors’ anonymity post-verdict. As noted above, the Jurors have an independent interest in preserving the privacy of information that “deserve[s] protection because it is extraordinarily personal and sensitive”—an interest that the declaration each Juror submitted to this Court makes clear. *See Bruno*, 700 F. Supp. 2d at 185 & n.9 (denying motion for press access to questionnaires, holding that “disclosures includ[ing] information about divorce, living arrangements with significant others, unemployment, union activity, personal financial investments, victimization, political activity, and personal views about

public officials” “deserve[d] protection” because they were “extraordinarily personal and sensitive,” further denying release of redacted questionnaires because “the pre-screening and privacy protected information [was] so intertwined that meaningful redaction [was] unavailable”); *see also In re Washington Post*, 1992 WL 233354, at \*2 (D.D.C. July 23, 1992) (“The court shall redact those portions of prospective jurors’ answers which contain deeply personal and private information that the prospective jurors would wish to keep out of the public domain”).

The interests of the legal system and the administration of justice are also served by protecting juror privacy. As another district court has said:

[R]eleasing the jurors’ [information]”—after the jurors had relied on the Court’s express pledges of confidentiality—“would undermine the ability of judges in the future to use anonymous juries to ensure fair trials . . . . It is not difficult to imagine a future juror reacting incredulously—perhaps with good reason—to a judge’s promise of anonymity if it becomes clear that it is merely a fleeting promise, revocable upon the conclusion of the trial. In order to ensure that judges are able to use anonymous juries to promote fairness, anonymity must not be illusory. It is essential that jurors have confidence in a judge’s promise of anonymity.

*United States v. Calabrese*, 515 F. Supp. 2d 880, 885 (N.D. Ill. 2007); *see also Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 222 (1979) (noting that, in considering the effects of a disclosure of grand jury transcripts, “courts must consider not only the immediate effects upon a particular grand jury, but also the possible effect upon the functioning of future grand juries,” as those “called upon to testify will consider the likelihood that their testimony may one day be disclosed to outside parties”); *Blagojevich I*, 612 F.3d at 562 (labeling as a “legitimate interest[]” the fear that “public knowledge of the jurors’ identities . . . would discourage others from agreeing to serve in future trials”). The end of the *Stone* trial did not diminish either of these interests. Jurors’ interest in privacy is manifestly at least as strong as when they were first empaneled.

*Amici* are thus simply wrong to suggest that the fact that two jurors have made public statements “substantially weaken[] any argument for continued secrecy.” *See* Reporters Comm.

Br. at 12. In fact, *amici* have it precisely backwards, at least with respect to the other Jurors. The decision of the two Jurors who have spoken publicly was theirs alone, and cannot be imputed to the other members of the panel who have chosen to remain anonymous. And the significant harassment and threatening communications the two publicly-acknowledged Jurors were forced to suffer after disclosing their involvement in the trial hardly “weaken[s]” the remaining Jurors’ argument for privacy. To the contrary, it greatly strengthens it.

Moreover, *amici*’s suggestion ignores the fact that the two Jurors who spoke publicly retain a substantial interest in maintaining the secrecy of their questionnaires, which contain significant intimate information about them and their associates. Their questionnaires, for example, identify friends and relatives by name, with additional information ranging from employment histories to criminal backgrounds. Disclosing one’s involvement in the case in no way constitutes implicit consent to the release of information the Jurors had every reason to believe would remain confidential. As this Court has already found, “given the extraordinary events that have transpired since [the two jurors spoke publically] . . . and the number and derogatory and intimidating nature of the statements that have been published about them since then . . . it is incumbent upon the Court to ensure that neither it nor the parties . . . disseminate the information further.” *Stone* ECF No. 346 (2/25/20 Tr.) at 17:21–18:4.

**B. In Contrast, the Trial’s End Weakens Petitioner’s Interest in Accessing the Questionnaires, Particularly Because Alternate Proceedings Are Fully Evaluating Potential Juror Bias.**

As the Supreme Court has recognized, the “significant community therapeutic value” of press coverage is plainly at its height during the trial itself. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 570 (1980). Post-verdict, it is “too late” to salvage the trial by seating alternate jurors, or to save resources by declaring an early mistrial. *See Blagojevich I*, 612 F.3d at

562. Given this, “[t]he value of any right of access . . . can only be diminished after trial has begun, and diminished even further once a verdict has been rendered.” *Wecht*, 537 F.3d at 239.

This is particularly true where, as here, there is no danger that the primary interest identified in Petitioner’s motion—the risk of alleged jury bias—will go unscrutinized. Mr. Stone has filed a pair of new trial motions on exactly that ground, one of which is still pending before the Court after a public evidentiary hearing. Counsel for Mr. Stone—undoubtedly the actors most motivated to examine the Jurors for any indicators of undisclosed bias—have full access to the questionnaires during that proceeding, and they will undoubtedly draw on them as relevant to their client’s bias claims. Put simply, the issue before this Court is not whether Roger Stone received a fair trial, but rather, whether Petitioner is entitled to the contents of the questionnaires.

For the reasons laid out above, he is not.

### CONCLUSION

The Court should deny the Petition.

Date: April 15, 2020

Respectfully submitted,

/s/ Alan Raul

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\* Jurors’ Counsel also wishes to acknowledge the invaluable contributions of Laura Sorice, Associate in the New York office of Sidley Austin LLP, whose swearing-in as a member of the Bar of the State of New York is delayed in light of the present public health emergency.

**CERTIFICATE OF SERVICE**

I certify that on April 15, 2020, I served upon all counsel of record the foregoing Brief, the Declaration of Danielle K. Citron with exhibits, and the Declarations of Jurors A–L with exhibits, by filing said documents using the Court’s Electronic Case Filing System.

Date: April 15, 2020

/s/ Alan Raul

Alan Charles Raul

## Ex. 23



# **DECLARATION OF JUROR A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR A**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR A**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, I believed that the information I disclosed in the questionnaire would be kept private and confidential. My belief was based on the following:
  - a. Judge Jackson stated that both sides had agreed to keep the questionnaires confidential.
  - b. The Judge also said that she wanted the jurors to be honest in completing the questionnaire, and that keeping the questionnaires confidential would ensure that

the jurors completed the questionnaires honestly. The Judge also explained that the questionnaires were to help screen out people that would be unable to serve on the jury.

- c. My interpretation of the instructions was that I could be uninhibited in completing the questionnaire, without being concerned that the answers I gave would become public.
4. My understanding that the questionnaires would be kept confidential induced me to be especially forthcoming regarding the amount of detail I provided in my responses without inhibition.
5. The information I disclosed is highly identifying.
6. After the jury rendered its verdict, Judge Jackson came into the jury room and spoke with the jurors. During that conference, one of the jurors asked the Judge whether someone from the public or public could access our information. I recall that the Judge responding that the jurors could speak to the press if we chose to, but that she would try to protect our anonymity.
7. Because of my concerns about possible harassment, intimidation and attacks on my personal security, I have not made and likely would not any time soon want to make any public statements or social media comments, or spoken with anyone from the press, about my jury service. I do not want my identity exposed, and I do not want the public to have access to my jury questionnaire.
8. I feel that serving on the jury was a true privilege and an opportunity to demonstrate my values as an American citizen. It frustrates me that I have had to listen to people in the press trying to smear or distort what we did as jurors performing our civic duty.

9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror A

Juror A

## **DECLARATION OF JUROR B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR B**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR B**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed my jury questionnaire, I thought that it was private and confidential, based on the following:
  - a. When I was handed the 20-page jury questionnaire, I recall being told repeatedly that it would be kept confidential and completely private, and that our names were only to be located on the last page where we signed.
  - b. It was my understanding that last page of the questionnaire with our names would be removed before circulating the questionnaires to the attorneys, and that the

attorneys could ask us questions about our questionnaires without our names attached.

4. Relying on the repeated assurances of confidentiality, I completed the questionnaire by writing down everything I could think of that was accurate and responsive to the questions. That included different pieces of information in my questionnaire that are personal and identifiable. I think that various portions of the questionnaire could identify me and my family.
5. The information I disclosed in my questionnaire is highly personal. I do not want this information revealed to the public.
6. After the trial, Judge Jackson came into the jury room to speak with the jurors. One of the jurors asked whether the questionnaires would be kept confidential. The Judge stated that she would try to keep the questionnaires sealed or to redact any identifying information, but she could not foresee a reason why anyone would need access to the questionnaire.
7. When I learned that someone was seeking to access the juror questionnaires, I was concerned that my family would be exposed to harassment.
8. Since the trial has ended, I learned about the salacious things that some Internet attack personalities had posted about the jurors in the trial. I do not feel that any of the information was presented in a balanced or reasonable way. In my view, those internet attacks were horribly unfair and I fear that information from my juror questionnaire could be similarly taken out of context to tell a false story.
9. Due to this environment, I feel extremely vulnerable. I am concerned about how public exposure could impact those close to me – my family, my job, and my neighbors. I did

not seek to be a juror in the Roger Stone trial. I reported for jury duty to fulfill my civic responsibility knowing nothing about the court's docket. I was then compelled to reveal personal information which I believed would be kept confidential. Now, I am frightened that someone could harm my family simply because I was summoned and then chosen to serve on the jury.

10. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 14, 2020

/s/ Juror B  
Juror B



## **DECLARATION OF JUROR C**

**IN THE UNITED STATES DISTRICT FGHDFGH  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR C**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR C**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. I understood that there would be precautionary measures taken to keep my personal information and identity confidential, based on the following:
  - a. At the time of jury selection, both the Judge and the Courtroom Deputy gave assurances that our questionnaires would be kept confidential as much as possible due to the high-profile nature of the case.
  - b. During the trial, the Court took precautions to protect us. Every day, we arrived at a specified location and were taken to the courthouse by security officers.

- c. After the trial, the Judge came back to the jury deliberation room to thank us for our service. Jurors asked the Judge what would happen to their personal information, since they were concerned for the safety of themselves and their families.
4. I am particularly concerned about certain pieces of information in my questionnaire becoming known to the public, as they are personally identifying even if they are not associated with my name.
5. I am concerned about my privacy, and I am also concerned about my physical safety and about being harassed.
  - a. I saw the example of what happened to the foreperson when she was identified, and I believe that if the public gets ahold of the questionnaires, some people will go after the jurors and tear us to pieces.
  - b. Since being selected as a juror, I have received phone calls at inappropriate hours and throughout the day. I will not pick up the calls, but I suspect that it may be people calling about this case. Whenever the topic of this case hits the media, the phone calls increased significantly. I am concerned that the phone calls are just the beginning. If my identity is exposed, I do not know what some people are capable of.
6. My jury service was a learning experience, and I would not give it up for anything. I served willingly, but I did not sign up for what it has become. I find the current situation disheartening.
7. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and

security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror C  
Juror C

## **DECLARATION OF JUROR D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR D**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR D**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, I thought that my identity would be protected. Judge Jackson told the jurors that we would be identified only by our juror numbers. It was my impression that our names would not be attached to the copies of the questionnaires that were circulated to the lawyers.
4. Based on that understanding, I disclosed several items in my questionnaire that would concern me if the public got access to them. These items are personally identifying, even if they are not attached to my name.

5. During the trial, there were discussions amongst the jurors about whether our names would get out. Some of the jurors asked the courtroom deputy, Mr. Haley, who reported from Judge Jackson that the Court would wipe the jurors' names from the record.
6. Even if my name is removed from the questionnaire, I am concerned that someone could still identify me using the employment and other information I shared in my questionnaire.
7. Given that the case involved criminals and intimidation, I am extremely fearful of what would happen if my identity were to be exposed. I fear that people would show up to my home, workplace, or my family member's workplace. I do not feel comfortable with people knowing where I live and being able to approach my family and me.
8. Due to these concerns, I have not spoken with the press or posted anything publicly about my jury service. I will never post anything about the trial or my experience as a juror on any social media account because I am concerned about harassment and threats.
9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror D  
Juror D

## **DECLARATION OF JUROR E**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR E**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR E**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that the questionnaires would not be released to the public and that not even counsel for the parties would know our names.
  - a. I recall being told that the last page, which listed our names, would not be shared with anyone, and that it would be removed before it was shared with the lawyers.

- b. I see the questionnaire responses as the equivalent of a private bench conference during oral questioning. If I had been asked certain questions orally, I believe I would have requested the white noise machine.
4. During the trial itself, Judge Jackson went to great lengths to make sure that the press did not harass or bother the jurors. We received even more protection throughout the trial, as the situation got more intense.
5. I included several pieces of highly personal information on my juror questionnaire that I do not want released to the public.
6. Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name.
7. Serving on a jury was no small sacrifice, and it involved leaving work and disrupting my normal life for days on end. But I took my duty as a juror seriously, and I am grateful for having the opportunity to serve. The threat of being exposed and harassed for jury service creates a situation where people may not be willing to serve as jurors.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror E

Juror E

## **DECLARATION OF JUROR F**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR F**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR F**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that counsel for the parties had access to the questionnaires but that the questionnaires would not be released to the public or the press.
4. I recall receiving assurances that the questionnaires would be kept confidential, and that the information in the questionnaires would not be tied to the juror names or numbers.

5. Based on my understanding that the questionnaires would be kept confidential, I disclosed several pieces of information in my questionnaire that could be used to identify me or my family members.
6. In the current political atmosphere, I do not want my questionnaire to become public because of how individuals on both sides of the aisle might twist the information.
7. I found the experience of serving on a jury fascinating, and I enjoyed seeing the justice system at work. It was fair for me to have to fill out the questionnaire to help the lawyers choose a jury, but it would not be fair for my questionnaire to become public or for my name to be associated with it.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror F  
Juror F

## **DECLARATION OF JUROR G**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR G**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR G**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. My belief at the time I completed the jury questionnaire was that the questionnaires would remain private and confidential. I formed this belief because:
  - a. The questionnaire itself said that it would be confidential.
  - b. Judge Jackson said at some point that she would try to make sure the questionnaires remained confidential.
  - c. I had the impression that the last page of the questionnaire, with our names, would be removed before distribution to counsel for the parties.



4. I was especially forthcoming about details regarding certain sensitive topics without inhibition as a result of the promises of confidentiality.
5. After the trial ended, I witnessed how unfairly some quarters of the Internet treated the foreperson who spoke out publicly about the case. I felt that it was important to defend the foreperson and the jury's fair and rigorous deliberation process, so I spoke with several news outlets.
6. After I appeared publicly, I received negative messages on social media and a concerning postcard sent to my house. The postcard reads: "[Juror G]—thanks so much for being dumb enough to try to rationalize the selective prosecution of Roger Stone. Take comfort knowing the fraud is helping trump with fair-minded moderates... 'thanks again, dummy.'"<sup>1</sup> This message is an implied threat, indicating that the sender knows where I live.
7. I do not want information about my work or my family being broadcast widely. I have a strong interest in keeping my jury questionnaire confidential, to ensure that my family and employer do not face harassment or threats.
8. It felt important to take the case seriously, and I am very proud of the work that we did as jurors.
9. However, attacks on the process and attacks on jury service felt to me like attacks on core values of us as a society and as a republic. I am concerned about the potential impact that attempts to expose and harass jurors could have on other people's willingness to serve and to answer questions honestly.

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<sup>1</sup> Photographs of the front and back of the postcard postmarked February 28, 2020, are attached as Exhibit A.

10. Additionally, given the implied threat that I received, I am concerned about the potential for threats or negative actions against other members of this jury who have not spoken publicly or revealed their participation in this case.

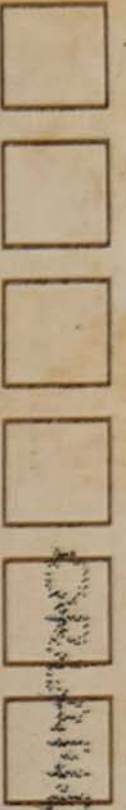
11. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror G  
Juror G

**EXHIBIT A TO THE  
DECLARATION OF JUROR G**



04/15/20 11:23

20 FEB 2020 11:24

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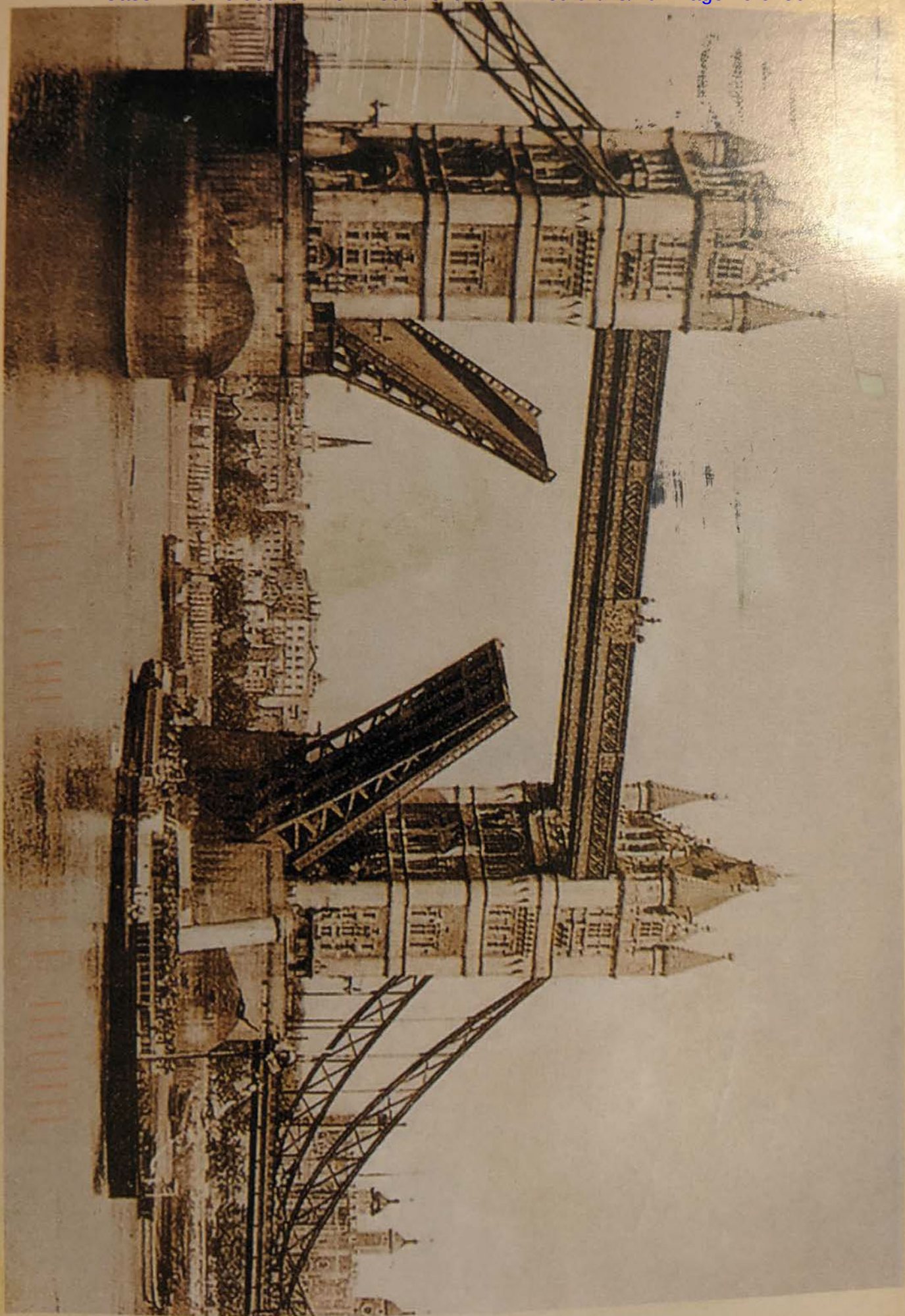
friend his mind in

with his mind in



FOREVER





## **DECLARATION OF JUROR H**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR H**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR H**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. At the time I completed the jury questionnaire, my understanding was that it would be confidential. I did not know that our questionnaire or any information about us would ever be part of the public record.
4. Knowing that the questionnaire was being sealed and my information was private, I answered each question not only truthfully and completely, but in great uninhibited detail.
5. I disclosed private and highly identifying information in my questionnaire.

6. I am a private person, and I do not want my information or my family member's information to become public. I try to stay away from danger, but now it seems like the danger is coming to me.
7. This whole situation blows me away, because all that I expected before the trial was simply appearing for jury duty. I feel that I should be protected for performing my civic duty.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2020

/s/ Juror H  
Juror H



## **DECLARATION OF JUROR I**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR I**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR I**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed the questionnaire, I had an understanding that the questionnaires would be kept confidential:
  - a. I recall being instructed not to put our names on any pages other than the last page, which would be kept separate from the rest of the questionnaire.
  - b. I thought that our names would be kept separate from the attorneys.
4. The Court took other steps to ensure our anonymity during the trial:

- a. During the trial, we met at a secret location in the morning. From there, marshals guarded us and took us to the courtroom through back ways.
  - b. Even after the case was over, Judge Jackson spoke with us and said that the attorneys might want to speak to us and asked if we wanted to be contacted. We all told her that we did not want to be contacted. She assured us that was fine, and that she would make sure we were not contacted by the attorneys.
5. If I had known that the jury questionnaire might be made public, I would have been more inhibited about providing information in such detail, since much of the information could be personally identifying even without my name.
6. I am concerned about harassment, and particularly people who want to run the jurors names' through the mud. I did my civic duty, and now I just want to move on with my life.
7. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror I  
Juror I

## **DECLARATION OF JUROR J**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR J**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR J**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. Before filing out the jury questionnaire, I understood that it was going to be used by the lawyers and otherwise be kept confidential. That seemed to be the agreement between the prosecution and the defense. I formed this understanding based on the following:
  - a. The Court told the jurors that the information would be private, and only used by the lawyers in this case.

- b. I believe that the Court and the parties were using the questionnaires as a tool to help better understand the jurors because there were so many of us from which to choose.
  - c. I also recall several jurors asking about confidentiality several times throughout the course of the trial, including one instance where Judge Jackson spoke with us.
- 4. In completing the questionnaire, I listened to the Judge and followed her rules. I answered honestly and thoroughly. I spent a great deal of time in filling out the questionnaire, and I wanted to ensure I gave answers that were thoroughly complete and accurate.
- 5. Absent the Court's assurances of confidentiality, I would certainly have answered truthfully, but I would have been more inhibited about the degree of detail I provided.
- 6. Even without my name being attached to the jury questionnaire, there is enough information in my answers that anyone could figure out who I am as a result of the very substantial detail I provided. Further, the questionnaire contains enough information about my family that their right to privacy would be violated as well if the questionnaire was revealed publicly.
- 7. I fear personal threats and attacks from partisan channels. I have seen what Judge Jackson, other jurors, and many others have had to deal with over the past three years, and it scares me.
- 8. I filled out the jury questionnaire in good faith. I was told that it would not be made public and would only be used by the Judge, prosecution, and defense. No one should be allowed to use us—publicizing our lives and maybe ruining our careers—so that they can tweet or post bogus innuendo about this case.

9. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2020

/s/ Juror J

Juror J

## **DECLARATION OF JUROR K**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR K**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR K**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. When I completed the questionnaire, I expected that it would be kept confidential by counsel and the Court.
4. If I had known that the questionnaires would become public, I would likely have been more inhibited about listing certain personal information about other people who are connected to me, since their stories are not mine to tell.
5. After the trial, I posted on social media about the trial. Although several members of the media contacted me, I only spoke to the press to confirm the authenticity of the post. I

stopped responding publicly when the media attention felt frenzied. I have not spoken with the press since.

6. Since then, I have received a dizzying volume of messages on my social media accounts, email, and even home address. I have been subject to significant harassment, including:
  - a. I received a letter that reads: “Thank you so very much for being as stupid as you must be! Your ignorance that your online history would surface, proves once again: You buffoons are a joke. Look forward to the day you are on trial you idiot—”<sup>1</sup>
  - b. I received several insulting emails, two of which accused me of perjury.
  - c. I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others.
7. After facing this barrage of harassment, I still feel unsafe. Any more information connected to me that becomes public puts me in more danger, and puts the people I identified in my questionnaire in danger without any legitimate reason.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

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<sup>1</sup> Photographs of the letter dated February 14, 2020, the envelope in which the letter arrived, and two businesses cards that were included in the envelope are attached as Exhibit A. The United States Marshall Service has the original.

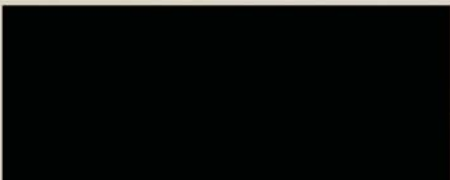
Executed on: April 13, 2020

/s/ Juror K

Juror K

# **EXHIBIT A TO THE DECLARATION OF JUROR K**

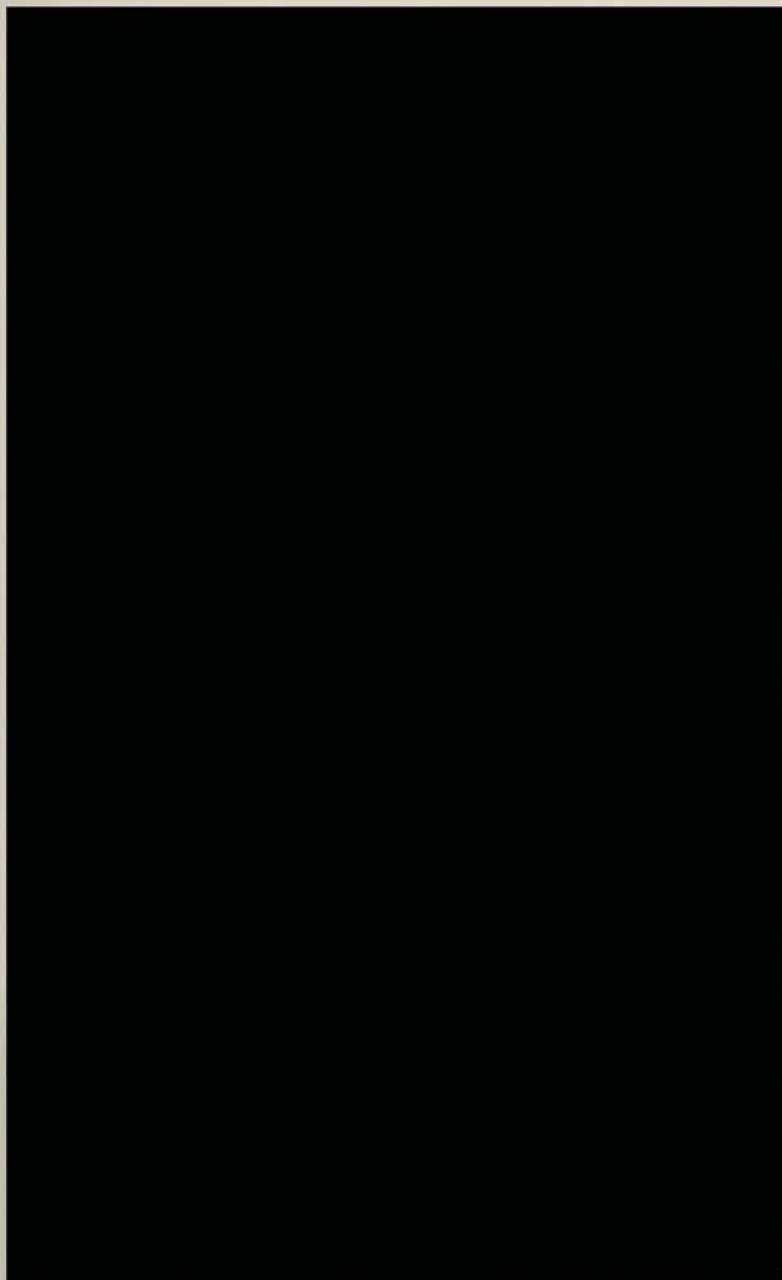
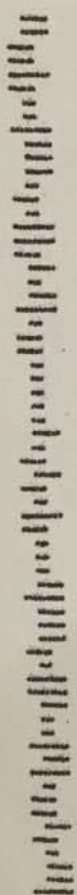
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 Thank you so very  
much for being as stupid  
as you must be! Your  
ignorance that your online history  
would surface, proves once again:  
Your buttocks are a joke. Look  
forward to the day you are  
on trial you idiot —

All our Love,

J + D

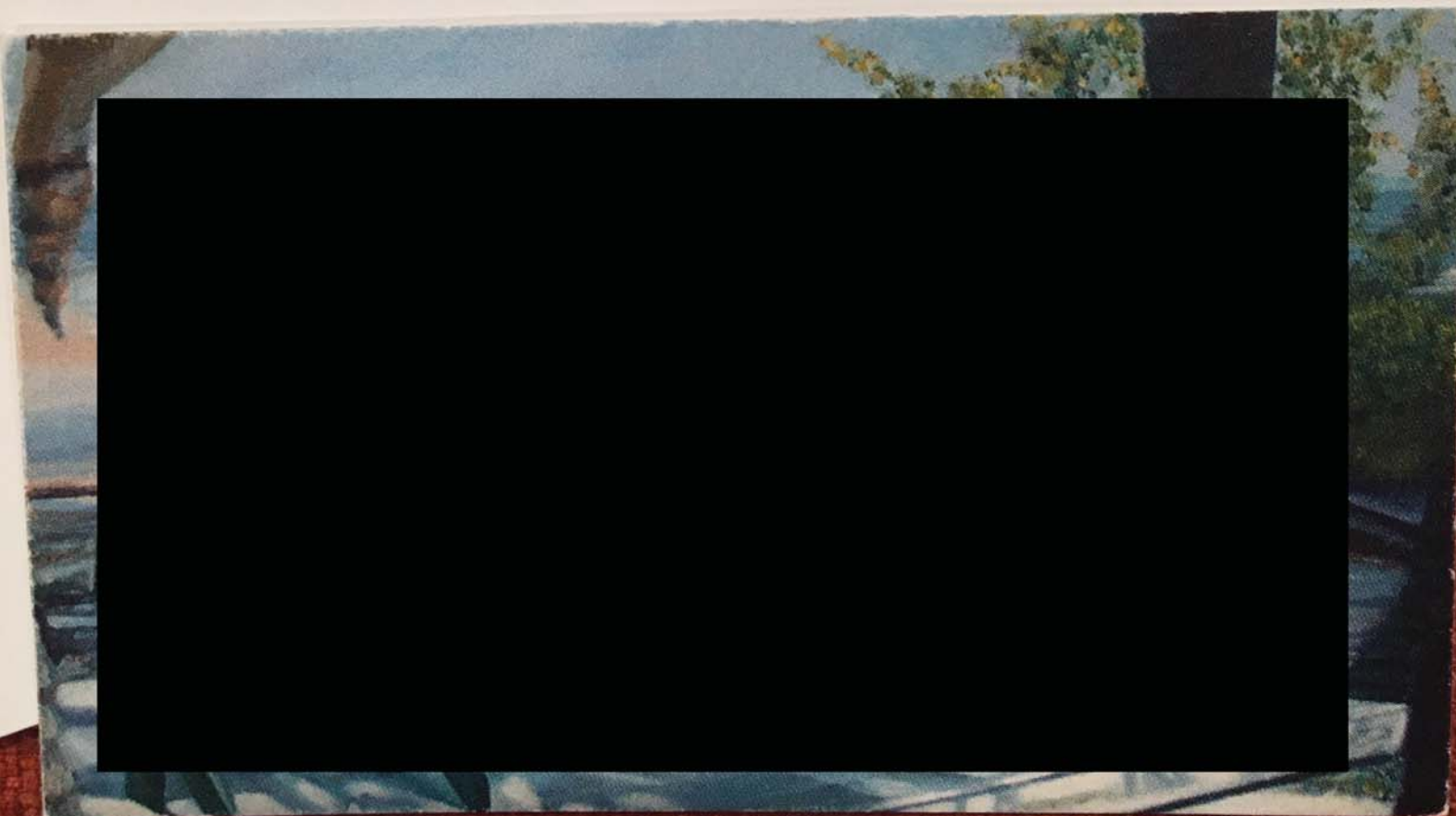
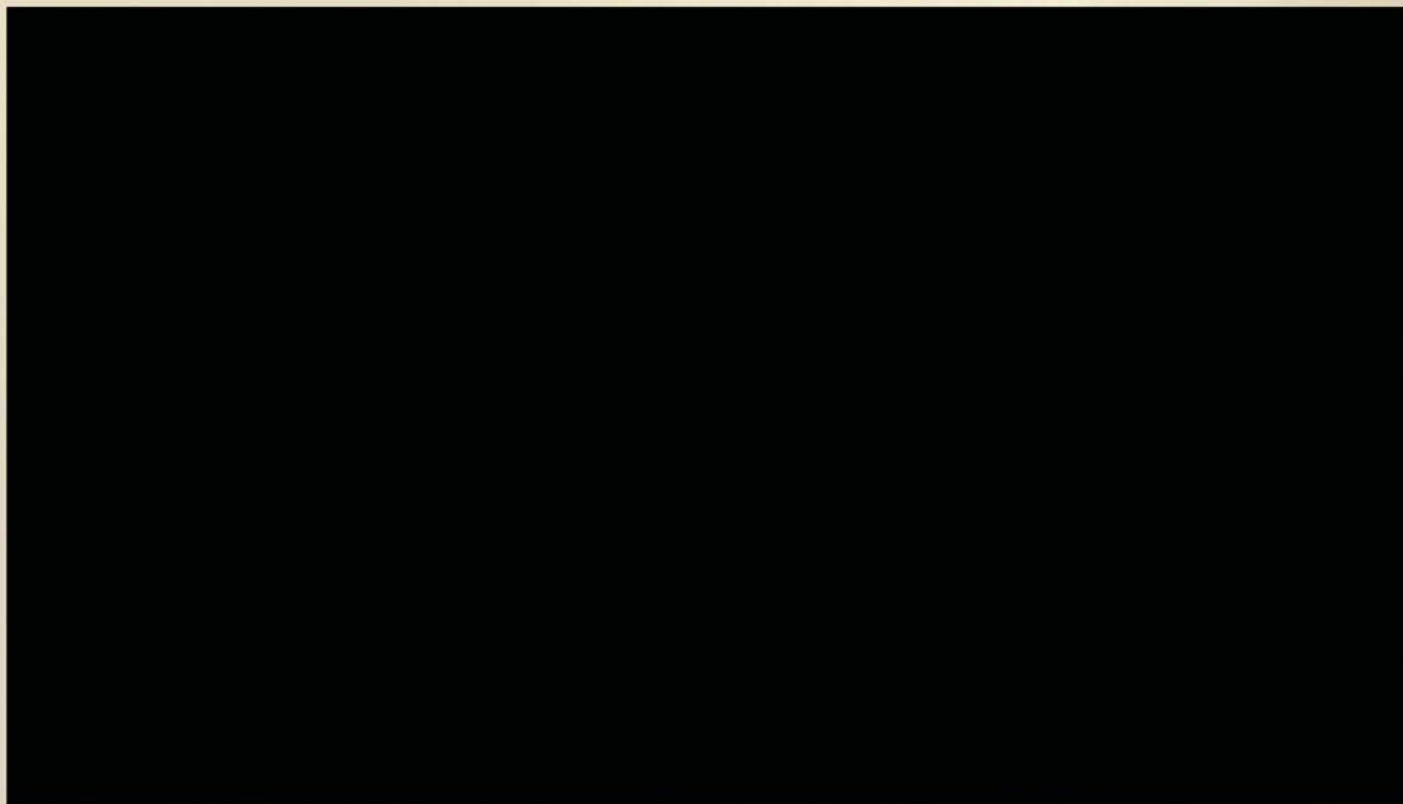
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## **DECLARATION OF JUROR L**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

IN RE: JUROR QUESTIONNAIRES IN  
UNITED STATES V. STONE

Civil Action No. 1:20-mc-00016-ABJ

**DECLARATION OF  
JUROR L**

Hon. Amy Berman Jackson

**DECLARATION OF JUROR L**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I served as a juror in *United States v. Stone*, 1:19-cr-00018-ABJ-1. I make this declaration based on my personal knowledge and observations of my jury service.
2. As part of the jury selection process, I completed a jury questionnaire on September 12, 2019. On November 5, 2019, I was subject to oral examination by the Court and by counsel for the defense and prosecution, which included questions about the information I disclosed on my questionnaire.
3. I completed the jury questionnaire based on assurances that my answers would be kept confidential. I recall being told on numerous occasions by Judge Jackson that the questionnaires would be kept confidential.
4. In my questionnaire, I disclosed employment information that would allow someone to identify my spouse or me, including our job titles and employers. It would be easy to figure out who I am based on that information.

5. I have nothing to hide, but I am a private person and I do not want anyone to probe into my life. I do not want the public to know about my family, or know where I live or work.
6. Since being chosen as a juror, I have begun to receive many phone calls from unknown numbers. The phone calls tend to increase when the case appears in the news. For example, they picked up a lot the week when the jurors testified back in February.
7. I enjoyed serving as a juror, but I did not anticipate all of this publicity surrounding the jurors. I simply want to remain private and live my life.
8. I respectfully state that, because of the actual and realistic potential that I could be subject to harassment if my juror questionnaire is publicly released, I believe my privacy and security rights and interests should be respected, in practice, by the Court, counsel for the parties, and the criminal trial process. Accordingly, I do not wish my juror questionnaire to be released to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

/s/ Juror L  
Juror L

## Ex. 24

# Roger Stone Jurors, Citing Trump Tweets, Say They've Been Threatened and Fear Harassment

New York Law Journal

April 17, 2020 Friday

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## New York Law Journal

**Section:** Pg. p.2, col.1; Vol. 263; No. 74

**Length:** 872 words

**Byline:** JACQUELINE THOMSEN WASHINGTON, D.C.

### Body

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ROGER Stone's jurors are speaking out in court against the potential release of their questionnaires, saying they fear harassment after attacks by President Donald Trump on the jury's foreperson.

Right-wing figure Mike Cernovich, represented by Connecticut lawyer Norm Pattis, in February petitioned for the release of the forms amid Stone's bid for a new trial. U.S. District Judge Amy Berman Jackson of the District of Columbia—who presided over Stone's trial—tapped Sidley Austin partner Alan Raul to represent any jurors who wanted to get involved in the case, and on Wednesday Raul filed a motion on their behalf opposing the release of the questionnaires. The filing, citing remarks made by figures from Trump to InfoWars host and conspiracy theorist Alex Jones, says "the threats to the jurors' safety and privacy persist" since the trial's conclusion in November.

"Indeed, the record shows that the jurors have been subject to continued harassment since the trial concluded and that the release of the questionnaires would only exacerbate the significant risks the jurors face," the filing reads. "On the special facts present here, it is necessary—indeed essential—for the jurors' protections to remain in place. Otherwise, the balancing required by the Supreme Court to protect jury privacy is no better than lip service."

Included in the filing are declarations from each of the jurors who convicted Stone in November on charges of lying to Congress, impeding the House Intelligence Committee's Russia probe and witness tampering.

In the declarations, the jurors describe how they were told the questionnaires they filled out would remain confidential. That meant they included information that could be used to easily identify them and their family members.

"These declarations describe risks not only to their own personal safety, but also to the safety of their family members—many of whom can be easily identified based on information disclosed in their questionnaires," the document states. "Jurors—including some who are federal employees, and work with or are supervised by political appointees, or who work for organizations that depend on federal funding—also have justifiable fears that online harassment would threaten their employment and hard-earned professional reputations."

Stone's trial found itself at the center of a media and political melee earlier this year, over the federal government's recommendation for his sentence. The four prosecutors who secured Stone's conviction initially told Jackson she should sentence him to up to nine years. But after intervention from Main Justice, which said that sentence was too

## Roger Stone Jurors, Citing Trump Tweets, Say They've Been Threatened and Fear Harassment

tough, all of the D.C. prosecutors withdrew from the case and one resigned from DOJ entirely. Jackson in February sentenced Stone to 40 months in prison.

In response to that controversy, the foreperson of Stone's jury spoke out in support of the prosecutors. But prior social media posts she made were uncovered as a result, spurring claims from conservatives, including Trump, that she was biased against Stone and may have made false statements in her questionnaire.

Stone's attorneys filed a motion for a new trial, and Jackson held a hearing on the motion in late February. During the hearing, she called two members of the jury to the stand to testify about the conduct of the foreperson, as well as the foreperson to discuss the social media posts.

Jackson indicated throughout those proceedings that the safety of the jurors was paramount, and sealed the courtroom itself during the hearing. Audio of the hearing was streamed to the media room in the D.C. federal courthouse.

In the declarations filed Wednesday, the jurors said Jackson and her courtroom deputy committed to protecting their privacy if they wished, including keeping the questionnaires sealed. They said they were allowed to speak publicly if they wanted, but the vast majority of them did not want to do so.

"Given the current climate of polarization and harassment, I do not want to draw any attention to myself, my family, or my employer in any way, shape, or form. It is intimidating when the President of the United States attacks the foreperson of a jury by name," one juror wrote.

Several jurors said that while they took their civil service seriously, the experience has since soured.

"I served willingly, but I did not sign up for what it has become. I find the current situation disheartening," one juror said.

The jury's foreperson wrote that she has experienced "significant harassment" since she spoke out publicly, and "received a dizzying volume of messages on my social media accounts, email, and even home address."

"I have been named and attacked by the President of the United States on Twitter, as well as by certain news hosts and many others," she wrote.

Another juror who has spoken publicly wrote in his declaration that he too has been harassed. He said he received a handwritten postcard at his home about the trial, which he said is "an implied threat, indicating that the sender knows where I live."

Jackson has yet to rule on Stone's motion for a new trial, which means he has not had to report to federal prison to serve his 40-month sentence.

@| Jacqueline Thomsen can be reached at [jathomsen@alm.com](mailto:jathomsen@alm.com)

**Load-Date:** April 17, 2020

## Ex. 25

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

CASE NO.

23SC188947

DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL,  
MISTY HAMPTON a/k/a EMILY MISTY HAYES  
Defendants.

---

**STATE'S MOTION TO RESTRICT JURORS' IDENTITY**

**COMES NOW**, the State of Georgia, by and through Fulton County District Attorney Fani T. Willis, and requests this Honorable Court to restrict the dissemination of jurors' identities by any Defendant, members of the press, or any other person during the pendency of this trial.

**INTRODUCTION**

"In a widely publicized case, the right of the accused to a trial by an impartial jury can be seriously threatened by the conduct of the news media prior to and during trial." *U.S. v. Gurney*, 558 F.2d 1202, 1209 (5<sup>th</sup> Cir. 1977).



This Court's "primary responsibility [is] to govern judicial proceedings so as to ensure that the accused receives a fair, orderly trial comporting with fundamental due process . . . and [this Court] is therefore granted broad discretion in ordering the daily activities of his court." *Id.* This Court further has an "obligation to protect jurors from unwanted harassment." *U.S. v. Scrushy*, 2005 U.S. Dist. LEXIS 42127 (U.S. Dist. Ct. N. Dist. Ala. 2005) (citing *U.S. v. Brown*, 250 F.3d 907 (5<sup>th</sup> Cir. 2001); *U.S. v. Edwards*, 823 F.2d 111, 120 (5<sup>th</sup> Cir. 1987)).

The State fears that "the Defendants' Sixth Amendment rights to a fair trial [will] be endangered if the identities of the jurors become known to the public" during the upcoming, and likely highly-publicized, trial. *See U.S. v. Al-Arian*, 2005 U.S. Dist. LEXIS 62070 at 7 (U.S. Dist. M. Dist. Fla. 2005).

Therefore, the State files this motion requesting this Court issue an order restricting any Defendant, members of the press, or any other person from disseminating potential jurors' and empanelled jurors' identities during voir dire and trial. Specifically, the State requests this Court:

- 1) Prevent any Defendant, members of the press, or any other person from videotaping, photographing, drawing, or otherwise creating or publishing images of the jurors or prospective jurors inside or outside the courtroom; and
- 2) Prevent any Defendant, members of the press, or any other person from publishing any verbal or written descriptions of any information that would assist persons in determining the identity of any jurors or prospective jurors, specifically physical descriptions, telephone numbers, addresses, employer names, and membership affiliations of all jurors or prospective jurors.

*See Al-Arian*, at 10.

### **STATEMENT OF FACTS AND LAW**

The present case has been highly covered by the media thus far since indictment. Numerous articles have been published about this case, not only in local news outlets, but also in



national and international media outlets.<sup>1</sup> The State anticipates that press coverage of this case will continue, and likely increase, throughout the pendency of pretrial motions and the trial itself.

The effects of the widespread national and international media coverage on individuals associated with this case is real and substantial. Immediately following the filing of the indictment, anonymous individuals on conspiracy theory websites “shared a list of the 23 grand jurors [who approved the indictment] with their supposed full names, ages and addresses” with the intent to harass and intimidate them.<sup>2</sup> This incident has resulted in law enforcement officials, including the Atlanta Police Department, Fulton County Sheriff’s Office, and other police departments in the jurisdiction, putting plans in place to protect the grand jurors and prevent harassment and violence against them. *See Exhibit A*, Affidavit of Atlanta Police Department Chief Darin Schierbaum.

Additionally, members of the Fulton County District Attorney’s Office, including the District Attorney herself and members of her family, have been doxed, causing their personal information to be displayed permanently on the internet. *Id.* This personal information includes the District Attorney’s name, her family members’ names, ages with dates of birth, home physical addresses, phone numbers, GPS coordinates, places of employment, work physical addresses, e-mail addresses, and social media accounts. The personal information was intertwined with derogatory and racist remarks. The United States Department of Homeland Security determined that this information is hosted by a Russian website company and cannot be

---

<sup>1</sup> Those publications include, but are not limited to, the New York Times, the Washington Post, CNN, MSNBC, Fox News, Rolling Stone, Vice, NPR, Time Magazine, the New Yorker, USA Today, the Atlanta Journal Constitution, TMZ, and the Daily Mail.

<sup>2</sup> Odette Yousef, Sam Gringlas, *Threats, Slurs and Menace: Far-right Websites Target Fulton County Grand Jurors*, NPR (August 18, 2023), <https://www.npr.org/2023/08/18/1194471162/trump-indictment-fulton-county-grand-jurors-threats>

removed from public view. *See Exhibit B*, Affidavit of Fulton County District Attorney's Office Assistant Chief Investigator Gerald Walsh.

Therefore, the State now raises concerns about the defendants' Sixth Amendment rights to a fair trial if press outlets or any other person publishes jurors' and potential jurors' identifying information. *See Gurney*, 558 F.2d at 1209; *U.S. v. Al-Arian*, 2005 U.S. Dist. LEXIS 62070 (U.S. Dist. M. Dist. Fla. 2005). Based on the doxing of Fulton County grand jurors and the Fulton County District Attorney, it is clearly foreseeable that trial jurors will likely be doxed should their names be made available to the public. If that were to happen, the effect on jurors' ability to decide the issues before them impartially and without outside influence would undoubtedly be placed in jeopardy, both placing them in physical danger and materially affecting all of the Defendants' constitutional right to a fair and impartial jury.

The United States Supreme Court has "placed an *affirmative duty* on trial courts to guard against prejudicial pretrial publicity." *U.S. v. Noriega*, 917 F.2d 1543, 1549 (11<sup>th</sup> Cir. 1990) (emphasis in original) (citing *Gannett Co. v. DePasquale*, 443 U.S. 368, 378, 99 S. Ct. 2898, 2904, 61 L.Ed 2d 608 (1979)). Citing the United States Supreme Court, the Eleventh Circuit Court of Appeals held:

To safeguard the due process rights of the accused, a trial judge has an affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity. And because of the Constitution's pervasive concern for these due process rights, a trial judge may surely take protective measures even when they are not strictly and inescapably necessary.

*Id.* A trial court "has broad discretion to strike the balance between protecting the defendant's Sixth Amendment rights and the press and public's First Amendment rights." *U.S. v. Hernandez*, 124 F. Supp. 2d 698, 703 (U.S. Dist. Ct. So. Dist. Fla. 2000).

Within this discretion, therefore, the district court can place restrictions on parties, jurors, lawyers, and others involved with the proceedings despite the fact that such restriction

might affect First Amendment consideration. Sixth Amendment rights of the accused must be protected always.

*Hernandez*, 124 F. Supp. At 703 (citing *Noriega*, 917 F.2d at 1548).

The State believes that the above-described remedy – an order from this Court restricting the publication of jurors’ and prospective jurors’ appearance and identifying information – is the “only realistic solution to preserve juror impartiality.” *Al-Arian*, at 8-9. As in *Al-Arian*, “other measures, such as jury sequestration, are simply not realistic in light of the anticipated length of the trial, estimated to last from six months to one year.” *Id.*

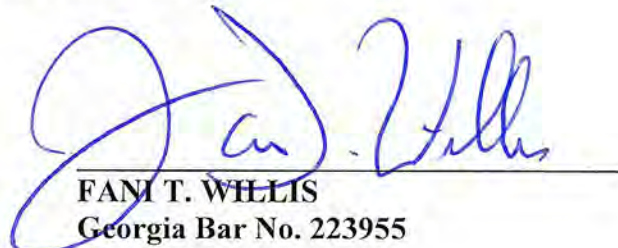
Therefore, the State moves this Court to issue an order restricting the publication of juror and potential juror likeness and identifying information, as described above.

### **CONCLUSION**

The State wishes to ensure that the defendants’ Sixth Amendment rights to a fair trial are protected. Therefore, State now moves this Court to issue an order:

- 1) Preventing any Defendant, members of the press, or any other person from videotaping, photographing, drawing, or otherwise creating or publishing images of the jurors or prospective jurors inside or outside the courtroom; and
- 2) Preventing any Defendant, members of the press, or any other person from publishing any verbal or written descriptions of any information that would assist persons in determining the identity of any jurors or prospective jurors, specifically physical descriptions, telephone numbers, addresses, employer names, and membership affiliations of all jurors or prospective jurors.

Respectfully submitted this 6th day of September 2023,



**FANI T. WILLIS**  
**Georgia Bar No. 223955**  
District Attorney  
Atlanta Judicial Circuit  
136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303  
Fani.WillisDA@fultoncountyga.gov

/s/ F. McDonald Wakeford

**F. McDonald Wakeford**

**Georgia Bar No. 414898**

Chief Senior Assistant District Attorney

Fulton County District Attorney's Office

136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303

fmcdonald.wakeford@fultoncountyga.gov



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**John W. "Will" Wooten**

**Georgia Bar No. 410684**

Deputy District Attorney

Fulton County District Attorney's Office

136 Pryor Street SW, 3rd Floor

Atlanta, Georgia 30303

will.wooten@fultoncountyga.gov

# **Exhibit A**



State of Georgia

County of Fulton

I, Darin Schierbaum, am currently serving as the Chief of Police for the City of Atlanta and have served in that role since June 2022.

I have served as a sworn police officer for the City of Atlanta since 2003.

Prior to joining the Atlanta Police Department, I served as a Deputy Sheriff in Johnson County, Illinois for approximately ten years.

In August 2023, I became aware that the identities of members of one of the Fulton County Grand Juries serving for the July-August term of court had been listed on a website known to be a location where information for "doxing" people is listed. Those listings called for harassment and violence against the grand jurors.

I was able to determine that members of the Fulton County Grand Jury who returned a true bill of indictment against 19 people, including Defendant Donald J. Trump, on charges of racketeering and other felony allegations, were being contacted by people in harassing and/or threatening manners. The doxing included home addresses of the grand jurors whose names were found on the doxing website.

As a result of determining that doxing had occurred, the Atlanta Police Department enacted an operational plan to protect those that resided in the city of Atlanta. The Atlanta Police Department also contacted the Fulton County Sheriff's Office who in turn coordinated efforts with the other police departments where grand jurors resided outside the City of Atlanta. The Sheriff, the Atlanta Police Department, and other police departments with jurisdiction where grand jurors live coordinated to ensure that safety measures were put in place to prevent harassment and violence against the grand jurors.

On August 30, 2023, the Atlanta Police Department was able to determine that the Fulton County District Attorney and her family were doxed in a similar manner as the grand jurors. The doxing of the District Attorney established it was due to her indictment of Defendant Donald J. Trump.

A website where both the Grand Jurors who returned the indictment against Donald J. Trump and the Fulton County District Attorney is operated by a Russian company. They openly state on the website that the reason they are doxing the Fulton County District Attorney and the Grand Jury individuals is due to the indictment of Donald J. Trump.

The Russian company that is housing the doxing has refused to remove doxing information and the Federal Government has been unsuccessful in having such

information removed. Thus, the doxing of both the grand jurors and the District Attorney are permanent.

The actions taken by local law enforcement to protect the grand jurors, as well as the District Attorney and her family members, require a significant devotion of our capacity and represent a strain on law enforcement resources to allow them to complete their civic duty without being subjected to unnecessary danger.


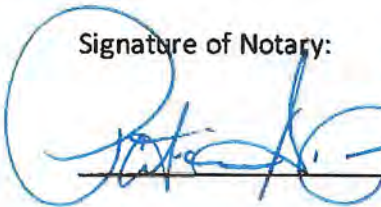
Signed:



Darin Schierbaum  
Chief of Police  
City of Atlanta  
226 Peachtree Street, SW  
Atlanta, GA 3030

Subscribed and sworn to before me, this 5<sup>th</sup> day of September, 2023.

Signature of Notary:



Printed Name of Notary:



## **Exhibit B**



**AFFIDAVIT OF FULTON COUNTY DISTRICT ATTORNEY'S OFFICE**

**ASSISTANT CHIEF INVESTIGATOR OF THE TECHNOLOGY UNIT,**

**GERALD WALSH**

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Gerald Walsh, who first being duly sworn, on oath deposes and states that he is a citizen of the United States, 18 years of age or older, and employed by the Fulton County District Attorney's Office as a P.O.S.T certified peace officer. Affiant further states the following:

I, Assistant Chief Investigator Gerald Walsh conducted in synopsis the following investigation during the period of August 30 to September 1, 2023. I received a complaint on August 30, 2023 in reference to Madam District Attorney Fani T. Willis, being doxed. According to UC Berkeley, *Doxxing refers to the collection of a user's private information, across multiple platforms (including social media) by an unauthorized individual, who then publishes the information in an attempt to shame or embarrass the user.*

In working with members of the United States Department of Homeland Security (DHS), it was determined that Fani T. Willis is a victim of doxing, and that information was listed about her, her family members by name, ages with dates of birth, home physical addresses, phone numbers (VOIP and wireless), GPS coordinates, places of employment, work physical addresses, email addresses and social media user names. Information was intertwined with derogatory and racist remarks, such as "Degenerate...nigger" and "fuck this stupid bitch" and "bitch is own3d! Trump 2024".

The information was viewed on the dark web utilizing special equipment. The terms deep web and dark web are often interchanged loosely, but there is a difference between them and the surface web. The surface web is what is generally used by everyday users and is indexed. The surface web is where searches such as Google and others are completed by a user. The deep web is utilized by many people for usually non-criminal and legitimate uses such as electronic health records and banking records and is tied to many sites on the surface web. Dark web is where nefarious content is often kept and is not usually indexed or easy to find. One must know where they are going to get to or utilize the information, or systems can be damaged, a virus or malware can be picked up, or a user can just see criminal content that cannot be unseen. Criminals use the dark web for selling or trading illegal substances, firearms and human trafficking to describe a small amount of what is present.

The website where Madam District Attorney Fani T. Willis was being doxed was determined to be hosted in Russia and is known by DHS as to be uncooperative with law enforcement. The users who post on this particular site have doxed other District Attorneys and their families from multiple states, Judges and their families, along with federal employees and their families, and now also members of the Fulton County Grand Jury who voted to indict Former President Donald Trump and their families.

One of the same users that doxed Madam District Attorney Fani T. Willis, doxed the members of the Fulton County Grand Jury on the same site, to include names, home addresses,

phone numbers, relatives, and vehicle information. This user went so far as to say, "...how long would it take for Antifa to show up in their front lawns and work places?"

Due to this information in all likelihood not ever being removed off of the dark web and the owners/hosts of the websites being uncooperative with law enforcement or government process, the members of the Fulton County Grand Juries should have their personal identifiable information protected from access by the general public through the courts. Some information present on the internet regarding Grand Jurors is inaccurate and should not then be corrected or verified by being released by the courts to the general public without measures being taken to minimize potential danger to those who perform their civic duty serving on Grand Juries.

Gerald Walsh  
Affiant (signature)

Gerald Walsh  
(printed name)

Fulton County District Attorney's Office  
136 Pryor Street, 3<sup>rd</sup> Floor  
Atlanta, GA 30303

Subscribed and sworn to

Before me this 5th day of September, 2023

And notarized by me on this date.

Tammy Jackson McClendon  
Notary Public



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

DONALD JOHN TRUMP,  
RUDOLPH WILLIAM LOUIS GIULIANI,  
JOHN CHARLES EASTMAN,  
MARK RANDALL MEADOWS,  
KENNETH JOHN CHESEBRO,  
JEFFREY BOSSERT CLARK,  
JENNA LYNN ELLIS,  
RAY STALLINGS SMITH III,  
ROBERT DAVID CHEELEY,  
MICHAEL A. ROMAN,  
DAVID JAMES SHAFER,  
SHAWN MICAH TRESHER STILL,  
STEPHEN CLIFFGARD LEE,  
HARRISON WILLIAM PRESCOTT FLOYD,  
TREVIAN C. KUTTI,  
SIDNEY KATHERINE POWELL,  
CATHLEEN ALSTON LATHAM,  
SCOTT GRAHAM HALL,  
MISTY HAMPTON a/k/a EMILY MISTY HAYES  
Defendants.

CASE NO.

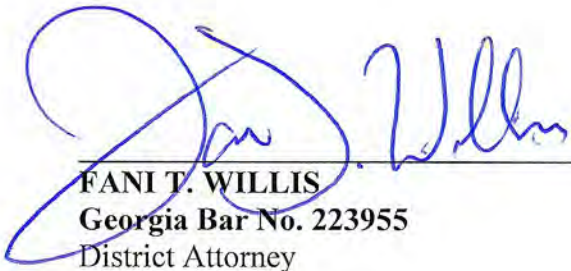
23SC188947

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of this STATE'S MOTION TO RESTRICT JURORS' IDENTITY, upon all counsel who have entered appearances as counsel of record in this matter via the Fulton County e-filing system.

This 6th day of September 2023,

  
\_\_\_\_\_  
**FANI T. WILLIS**  
**Georgia Bar No. 223955**  
District Attorney

Atlanta Judicial Circuit  
136 Pryor Street SW, 3rd Floor  
Atlanta, Georgia 30303  
Fani.WillisDA@fultoncountyga.gov

## Ex. 26

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
E. JEAN CARROLL,

Plaintiff,

-against-

20-cv-7311 (LAK)

DONALD J. TRUMP, in his personal capacity,

Defendant.  
----- x

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

On October 11, 2023, the Court directed the parties to file any objections to trying this case before an anonymous jury. Neither objected, and the Court received no other opposition. For the reasons stated in the Court's decision ordering the use of an anonymous jury in the trial of a closely related second case, *Carroll v. Trump*, No. 22-cv-10016 (LAK) ("*Carroll IP*"), the Court finds that "[i]f jurors' identities [in the trial of this case] were disclosed, there would be a strong likelihood of unwanted media attention to the jurors, influence attempts, and/or harassment or worse by supporters of Mr. Trump [and/or by Mr. Trump himself]."<sup>1</sup> Indeed, in the very recent past, Mr. Trump has been fined twice for violating a gag order issued by a New York judge in response to comments made by Mr. Trump in relation to the judge's clerk.<sup>2</sup> In view of Mr. Trump's repeated public statements with

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1

*Carroll v. Trump*, No. 22-CV-10016 (LAK), 2023 WL 2612260, at \*4 (S.D.N.Y. Mar. 23, 2023).

2

*See, e.g.*, Jack Queen and Jasper Ward, *Trump fined \$5,000 for violating gag order in New York civil trial*, REUTERS, Oct. 20, 2023, <https://www.reuters.com/legal/trump-fined-5000-post-disparaging-court-clerk-new-york-case-filing-2023-10-20/> (reporting that Mr. Trump was fined \$5,000 for violating a New York judge's gag order because a "social media post

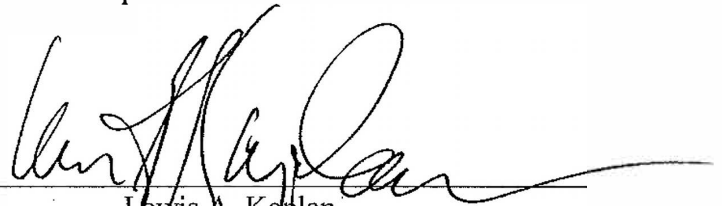


respect to the plaintiff and court in this case as well as in other cases against him, and the extensive media coverage that this case already has received and that is likely to increase once the trial is imminent or underway, the Court finds that there is strong reason to believe the jury requires the protections prescribed below. No less restrictive alternative has been suggested. The presumption of access to juror names is overcome by the risks identified herein and in the Court's previous decision.

Accordingly, (1) the names, addresses, and places of employment of prospective jurors on the *voir dire* panel, as well as jurors who ultimately are selected for the petit jury, shall not be revealed, (2) petit jurors shall be kept together during recesses and the United States Marshal Service ("USMS") shall take the petit jurors to, or provide them with, lunch as a group throughout the pendency of the trial, and (3) at the beginning and end of each trial day, the petit jurors shall be transported together or in groups from one or more undisclosed location or locations at which the jurors can assemble or from which they may return to their respective residences.

SO ORDERED.

Dated: November 3, 2023

  
 Lewis A. Kaplan  
 United States District Judge

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attacking the judge's clerk – which was deleted from the former president's Truth Social platform – had remained visible on his 2024 campaign website two weeks after an order was issued to take it down"); Jennifer Peltz and Jake Offenhartz, *Trump is fined \$10,000 over a comment he made outside court in his New York civil fraud trial*, AP NEWS, Oct. 25, 2023, <https://apnews.com/article/trump-michael-cohen-fraud-lawsuit-7f6e536e97d77ef1cd441e4d5ec41ee4> ("Donald Trump was abruptly called to the witness stand and then fined \$10,000 on Wednesday after the judge in his civil fraud trial said the former president had violated a gag order. It was the second time in less than a week that Trump was penalized for his out-of-court comments.").

Examples of Mr. Trump's previous "attack[s] [on] courts, judges, various law enforcement officials and other public officials, and even individual jurors in other matters" are detailed in the Court's decision ordering the use of an anonymous jury in the trial of *Carroll II*. See generally *Carroll*, 2023 WL 2612260.

## Ex. 27



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

v.

DONALD JOHN TRUMP, ET AL.

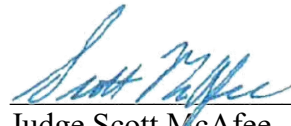
Indictment No.  
23SC188947

**ORDER ON STATE'S MOTION TO RESTRICT JURORS' IDENTITY**

Having reviewed the State's Motion to Restrict Jurors' Identity filed September 6, 2023, the Media Intervenor's Opposition to State's Motion to Restrict Juror Identities filed September 15, 2023, and the *Amicus Curiae* filed on behalf of the Reporters Committee for Freedom of the Press, the Court hereby **GRANTS IN PART** the State's motion and **ORDERS** as follows:

1. No person shall videotape, photograph, draw in a realistic or otherwise identifiable manner, or otherwise record images, statements, or conversations of jurors/prospective jurors in any manner that would violate Uniform Superior Court Rule 22(J)(2), except that the jury foreperson's announcement of the verdict or questions to the judge may be audio recorded;
2. Jurors/prospective jurors shall be identified by number only in court filings or in open court during the pendency of trial. No party shall disclose during the pendency of the trial any juror/prospective juror information that would reveal a juror's/prospective juror's identity, including names, addresses, telephone numbers, or identifying employment information. Further, no party shall disclose during the pendency of the trial any list of jurors/prospective jurors or responses to juror questionnaires provided to the parties, juror strike sheets, or any notes containing identifying information of jurors/prospective jurors, unless permitted by the Court to disclose such information.

**SO ORDERED**, this 25th day of September 2023.<sup>1</sup>



---

Judge Scott McAfee  
Superior Court of Fulton County  
Atlanta Judicial Circuit

Consented to by:  
Will Wooten, *Attorney for the State*;  
Thomas Clyde, *Attorney for Media Intervenors*.

---

<sup>1</sup> The Court finds the September 26, 2023, hearing on the motion is no longer necessary.

## Ex. 28

01GsCARvd1

Voir Dire

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 E. JEAN CARROLL,

4 Plaintiff,

5 v.

20 CV 7311 (LAK)

6 DONALD J. TRUMP, in his personal capacity,

7 Defendant.

8 -----x

New York, N.Y.  
January 16, 2024  
10:30 a.m.

10 Before:

11 HON. LEWIS A. KAPLAN,

12 District Judge

13 APPEARANCES

14 KAPLAN HECKER & FINK LLP

15 Attorneys for Plaintiff

16 BY: ROBERTA ANN KAPLAN

17 SHAWN G. CROWLEY

MATTHEW J. CRAIG

18 HABBA MADAIO & ASSOCIATES LLP

Attorneys for Defendant

19 BY: ALINA HABBA

MICHAEL T. MADAIO

PETER SWIFT

20 PETER GABRA

21 ALSO PRESENT:

22 REIKO HASUIKE, Jury Consultant

MARK CALZARETTA, Jury Consultant

01GsCARvd1

Voir Dire

1 THE COURT: We will begin seating the prospective  
2 jurors.

3 (Venire present)

4 We're just waiting to seat the remaining prospective  
5 jurors.

6 (Pause)

7 Well, good morning, everybody. The first order of  
8 business is to swear the panel.

9 Andy, would you do the honors.

10 (Venire sworn)

11 All right. Welcome to the Daniel Patrick Moynihan  
12 courthouse. I'm Judge Lewis Kaplan. You've been summoned for  
13 possible service on a jury in a civil case. This case is  
14 between a writer and advice columnist E. Jean Carroll and  
15 former president Donald J. Trump.

16 I will tell you a little bit more about the case in a  
17 few minutes. But before I get into detail, let me talk to you  
18 for a moment about the schedule, the jury selection process and  
19 its objectives, and a few other things you need to know.

20 We expect that this case will take somewhere around  
21 three to five days of trial. Might go a little longer, could  
22 conceivably be shorter. We will sit today and through all or  
23 part of this Thursday. If the case is not over by this  
24 Thursday, we will then resume next Monday, and we'll proceed  
25 daily until the end. As a general matter, we will start at

01GQcarvd2

1           THE COURT: (Continued) Now, before I begin asking  
2 questions, I need to explain why each of you has been assigned  
3 a number, and you will be addressed not by your name but only  
4 by the number that's been assigned to you. This case is being  
5 tried before an anonymous jury. That means that neither your  
6 names nor the names of the jurors who ultimately are selected,  
7 nor any other identifying information, will be made public.  
8 Neither the parties, nor their lawyers, nor the press, nor  
9 spectators nor even I and my chamber's staff will know your  
10 names.

11           In addition, jurors who ultimately are selected will  
12 travel to the courthouse tomorrow and thereafter by getting to  
13 one or more selected gathering points where you will be picked  
14 up by vehicles and driven into the courthouse's underground  
15 garage. You will go home by a reverse of that process. You  
16 will be taken in vehicles from the underground garage and taken  
17 to dropoff points. And you will then make your way home in  
18 your usual ways.

19           I suggest also that you give careful consideration to  
20 whether it would be a good idea for you in speaking among the  
21 jurors themselves in private to use a name other than your own  
22 so that your own name is known only to you and not to other  
23 people on the jury. And so the control over availability of  
24 your identity is wholly within your person. This is for your  
25 own protection.

01GQcarvd2

1           As you may understand, this case has attracted media  
2 attention in the past and that's likely to continue. The  
3 purpose of using an anonymous jury in this case, similar to why  
4 anonymous juries are used in many high-profile cases in this  
5 district and elsewhere, is to protect all of you from any  
6 unwanted attention, harassment and invasions of your privacy,  
7 and to ensure that nothing transpires that might interfere with  
8 your impartial and objective study of the evidence and the  
9 application of law.

10           A couple of other instructions that I will talk about  
11 in a little more detail when we have selected the jury. You  
12 are not to have cellphones. You are not to post anything on  
13 the internet. You are not to read any press or anything on the  
14 internet or even your email if it's about this case. You are  
15 not to disclose the fact that you are on the jury in this case,  
16 as opposed to other cases, to anyone, and that includes your  
17 family members and loved ones.

18           Now, that said, let me begin by telling you something  
19 more about the case, and then I'm going to ask you an initial  
20 question.

21           I have already told you who the parties in this case  
22 are. Ms. Carroll sued Mr. Trump for defamation based on  
23 certain statements he made in 2019, specifically in June of  
24 that year shortly after Ms. Carroll publicly accused him of  
25 having sexually assaulted her in the mid 1990s. The word