



## **Agenda 2024**

### **Including A Spotlight On The Democracy Legal Strike Force**

Democracy 21 – through our legal and litigation efforts, education, policy development, advocacy, and communications – is a national leader in the work to support accountability and democracy reforms, and to hold accountable those who attempt to sabotage our elections. This includes working to protect the integrity of our representative government and political system; prevent political money corruption; and address voting rights, voter suppression and discrimination, election subversion, and partisan gerrymandering.

**We are deeply grateful for your partnership.  
Your support makes our work possible.**

Our agenda is powerful and important – it is work that cannot wait. It includes:

#### **→ The Democracy Legal Strike Force**

Working to hold accountable the dangerous anti-democracy forces in our nation today is a major priority for Democracy 21. We lead the “Democracy Legal Strike Force,” which provides support for prosecution through legal briefs, research, analysis, and communications, in the four criminal cases pending against former President Donald Trump – the federal Jan. 6 and Mar-a-Lago documents cases, the Georgia 2020 election interference case, and the Manhattan hush money case.

#### **→ The Election Sabotage Response Network**

We are working in partnership with State Democracy Defenders and its founder Amb. Norman Eisen (ret.) to help coordinate and lead the Election Sabotage Response Network. This is a network of more than 100 national and state nonprofit organizations working to protect the 2024 elections from election deniers and ensure the integrity of our elections.

#### **→ Fighting For Vital Campaign Finance And Voting Rights Reform**

We continue to be a national leader in the fight for vital campaign finance and voting rights reform – including the Freedom to Vote Act, the John R. Lewis Voting Rights Advancement Act, legislation to create an innovative small donor public matching funds system for federal elections, the DISCLOSE Act, and other vital reforms.

#### **→ Reforming The Senate Filibuster**

The Senate filibuster has been used throughout our nation’s history to block civil rights and voting rights legislation. Despite a majority of support in both chambers of Congress, a minority of Senate

opponents was able to kill historic voting rights and other democracy reforms in 2022. It's long past time that the filibuster and other antiquated Senate rules be reformed.

### **→ Keeping Democracy Reform In The Spotlight**

While passage of important democracy reform measures will not happen in this Congress, it's essential that we continue to build public and congressional support so we are ready to strike when the next opportunity arises – which could be as soon as the next Congress. Our continuing work in partnership with a wide range of national and local organizations and reform leaders on Capitol Hill is core to this pro-active and essential effort.

### **→ Protecting The Constitution**

There are anti-democracy forces today that seek to upend the protections in our nation's Constitution. Among them are those seeking to call a constitutional convention on a single issue – a “balanced budget amendment” is a popular topic – knowing that a convention would allow them to seize upon any constitutional provision they choose. A constitutional convention would throw the civil rights and other protections afforded to citizens up for grabs. We cannot risk that. We continue to work in coalition to oppose a constitutional convention and protect our nation from the dangerous ramifications that could come from such a convention.

### **→ Advocating For Strong Ethics Standards**

We continue our work to advocate for strong ethics standards for our elected officials and Supreme Court Justices. The “ethics rules” adopted recently by the Supreme Court are voluntary with no means for enforcement, making them ineffectual. Democracy 21 will continue to work to support a mandatory and enforceable code of ethics for Supreme Court Justices. Democracy 21 also closely monitors the ethics of our elected officials and was one of the first to call for an investigation into the activities of George Santos (R-NY), who was expelled from the House on December 1.

**These activities are priorities for Democracy 21 in 2024. This report spotlights one of these efforts – the vital work of our Democracy Legal Strike Force.**

## **The Democracy Legal Strike Force In Action**

The Democracy Legal Strike Force is a major project managed by Democracy 21 Education Fund and its President Fred Wertheimer, with pro bono counsel and advice from Democracy 21 Board member Amb. Norman Eisen (ret.).

Our Strike Force provides legal support to combat and hold accountable the dangerous anti-democracy forces that have been unleashed in our country.

Former President Trump has been indicted in four criminal cases and faces 91 criminal charges. We have worked to support efforts to hold the former President accountable for his abuses of democratic and constitutional norms and values in and out of office, and to hold accountable others who undermine our democracy and Constitution.

**Through this work, Democracy 21 continues to advance the foundational American principle – “No one is above the law.”**

The Democracy Legal Strike Force has played, and continues to play, a major role in providing analysis, insight, and deeply researched legal materials, including preparing and filing amicus briefs, in support of prosecutors in:

- *United States of America v. Donald J. Trump* – the federal government’s Jan. 6 case;
- *State of Georgia v. Donald J. Trump, et. al.* – the Fulton County Georgia DA’s 2020 election interference case;
- *United States of America v. Donald J. Trump* – the federal government’s Mar-a-Lago classified documents case; and
- *The People of the State of New York v. Donald J. Trump* – the Manhattan DA’s hush money case.

The Strike Force is also working in support of investigations in other states, including Arizona and Michigan, and we continue to monitor other areas where our work can be helpful.

Since its inception in 2022, the Democracy Legal Strike Force has provided rapid-response legal work utilizing the expertise of leading law firms, lawyers, legal consultants, and communications experts to act skillfully, effectively, and swiftly as issues and opportunities arise.

Some of the nation’s top legal minds are part of the Democracy Legal Strike Force, authoring amicus briefs, and providing legal analysis, research, and legal support.

The Democracy Legal Strike Force legal team is led by Democracy 21 Education Fund and its President Fred Wertheimer.

With more than five decades of experience in democracy reform and accountability efforts and related public communications, Wertheimer is one of the nation’s leading experts on the laws of our democracy and has worked to hold errant public officials accountable for more than half a century. *Legal Times* has named Wertheimer one of Washington’s greatest lawyers.

Wertheimer is joined by Democracy 21 board member Amb. Norman Eisen (ret.), who served as special counsel to the House Judiciary Committee majority during the impeachment proceedings and trial of President Trump and was White House special counsel and special assistant to the President for ethics and government reform during the Obama Administration.

Other contributors to our Democracy Legal Strike Force include:

- Democracy 21 General Counsel Don Simon, an election law expert;
- Seth Waxman, a partner at WilmerHale, who previously served as U.S. Solicitor General (1997-2001) and is considered one of the country’s premier Supreme Court and appellate advocates;
- Matthew Seligman, a partner at Stris & Maher and a fellow at the Constitutional Law Center at Stanford Law School, who is an expert on election law and disputed presidential elections; and

- Tom Joscelyn, Senior Fellow at the Reiss Center on Law and Security, who was a senior staff member on the House January 6th Committee and was one of the principal authors of the committee’s final 814-page report.

Brief bios for these and other members of the Democracy Legal Strike Force team are online at [democracy21.org/strikeforce](https://democracy21.org/strikeforce).

## **Acting Quickly & Strategically**

Acting quickly and strategically is key to the Democracy Legal Strike Force’s work to stand up to dangerous anti-democratic forces in our country. Here are two recent examples.

### **→ Trump’s False Electors Scheme**

In late October, prior to former Trump lawyer Kenneth Chesebro’s plea deal in the Georgia case, the Strike Force prepared and submitted a deeply researched amicus brief supporting the Fulton County DA’s request to bar Chesebro’s “profoundly mistaken legal position” regarding the Trump alternate electors scheme and reinforcing the legal reasons why the Constitution does not give the Vice President the power to stop the certification of an election.

**“It is difficult to conceive of a more profoundly incorrect set of propositions about American law.”**

*— from our brief discussing Chesebro’s legal theory*

Nine legal experts agreed to serve as amici on that brief, including former federal and state criminal justice officials, including judges, senior Justice Department officials, a state Attorney General, and U.S. Attorneys, including one who also served as a Governor. All served in Republican Administrations.

The brief came on the heels of our deep-dive legal and historical analysis that found that the false electors scheme was unconstitutional and violated federal election law. That analysis, published in *Just Security*, was written by election law expert and Strike Force member Matthew Seligman.

**“There is no legal or historical basis whatsoever to support the lawfulness” of the Trump false electors plan.**

*– from our legal and historical analysis published in Just Security*

Following the plea deals by Chesebro and former Trump attorney Sidney Powell, we hosted a virtual briefing for reporters on the plea deals with legal experts Amb. Norman Eisen (ret.), former FBI General Counsel Andrew Weissmann, and Amy Lee Copeland, former Appellate Chief at the U.S. Attorney’s Office in the Southern District of Georgia.

## **→ Trump’s Support Of The Jan. 6 Rioters**

In November, we published an analysis in *Just Security* that further exposed Trump’s troubling connection to, and growing support of, the Jan. 6 rioters.

The analysis, authored by the Democracy Legal Strike Force team of Tom Joscelyn, Amb. Norman Eisen (ret.), and Fred Wertheimer, identified several rioters who are part of the “January 6 Choir” that Trump has praised and explained the legal ramifications of Trump’s embrace of the rioters.

Trump’s statements “may effectively help show the jury – as well as the court of public opinion – that Trump had the requisite criminal intent in the actions he took to overturn a democratic election,” the authors wrote.

**“Every time Trump lionizes the ‘January 6 Choir’ or other January 6th rioters, he is simply helping the government build its case.”**

*– from our analysis  
published in Just Security*

## **This Work Continues**

The Democracy Legal Strike Force continues its work to:

- **Prepare legal briefs, analysis, research, and guidance** to support the prosecutors in these cases, as well as inform and educate reporters and the public as these cases move forward.
- **Identify narrow, but important, legal arguments** where we can have an impact. For example, we submitted three amicus briefs in the Mar-a-Lago case arguing against the Trump legal team’s “manifestly frivolous” special master request. Our position was ultimately upheld by the courts.
- **Provide insight to the media and public**, tackling the complexities of the cases and emphasizing their importance, not only for holding accountable those who have violated our nation’s laws, but also to help protect our democracy from future dangers. At a time when there are many urgent global and national issues vying for the public’s attention, it is essential that we don’t lose sight of the critical importance of these legal cases.
- **Play a major role in protecting the integrity and security of our elections**, including protecting against efforts to undermine the 2024 election results and protecting election workers.

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**A special Democracy Legal Strike Force backgrounder is available at**

**[democracy21.org/strikeforce](https://democracy21.org/strikeforce)**

**Thank you for your support!**