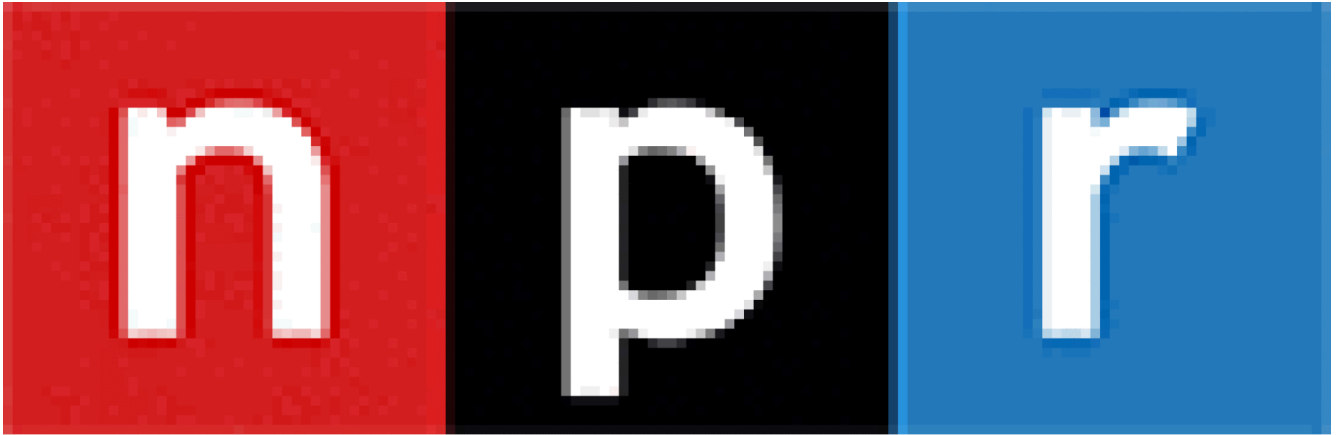


Former special counsel Jack Smith warns that rule of law is 'under attack'



Bill O'Leary

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The Washington Post via Getty Images

Special Prosecutor Jack Smith addresses reporters after his grand jury has issued more indictments of Donald Trump in Washington, D.C., on Aug. 1, 2023.

The federal prosecutor who built two criminal cases against President Trump is sounding the alarm about dire threats to the legal system.

In his first public remarks since leaving the Justice Department, former special counsel Jack Smith said he's sad and angry about the dismissals of career public servants and the loss of credibility the DOJ has suffered this year.

"My career has been about the rule of law and I believe that today it is under attack like in no other period in our lifetimes," Smith told an audience of students, professors and members of the public at

George Mason University
last week.

No national media appeared to be present for Smith's lecture but NPR later exclusively obtained a recording of the Sept. 16 event from an attendee.

Smith devoted his career to public service, as a prosecutor who took on public corruption, war crimes and ultimately the former and now current president of the United States. That last job brought threats that required around-the-clock security and hostility from Trump, who has said he wants to throw Smith in jail or deport him. (The Justice Department dropped both of Smith's criminal cases, as a matter of policy, after Trump won the 2024 election.)

At the start of his remarks, Smith said he would not discuss politics, and he never referred to Trump by name. Instead, he delivered a call to defend the rule of law, punctuated by recent examples of its erosion.

For Smith, the headlines tell part of the story. Already this year, career prosecutors in Manhattan have [quit en masse](#) after DOJ leaders sought to walk away from a corruption case against New York Mayor Eric Adams.

The White House issued [executive orders targeting big law firms](#) because of their clients or lawyers they hired who had run afoul of Trump. Only days after Smith's speech, not far from George Mason University, in the Eastern District of Virginia, came a marked escalation. Last weekend, Trump posted a message on social media, saying the Justice Department [needed to prosecute](#) former FBI Director Jim Comey, New York Attorney General Letitia James, and California Democratic Sen. Adam Schiff — and fast. The U.S. attorney in the Eastern District, who had cast doubt on cases against Comey and James, was forced out and replaced with a Trump ally who has no experience as a prosecutor.

"Political opponents, critics, perceived enemies are targeted for investigation or arrest to silence them, and the prosecutors instead of investigating ... cases, they're left to figure out a basis for charges after the fact," Smith said.

On the flip side, people close to the president face no danger of investigation or prosecution, even when the facts and the law might merit those steps, Smith said.

"Where the rule of law is eroding, friends of the president do not have to worry about following the same laws that the rest of us follow," Smith said. "Exceptions will be made. And nobody, I mean nobody, in a president's administration, or his allies, will be investigated or prosecuted, no matter what they do."

This week, White House press secretary Karoline Leavitt forcefully rejected the idea that Trump is misusing the Justice Department.

"The President is fulfilling his promise to restore a Department of Justice that demands accountability, and it is not weaponizing the Department of Justice," Leavitt said.

But for Smith, and many other DOJ veterans, traditions and norms over decades have been thrown aside along with the idea that the law applies equally to friends and foes. At the heart of the system is the idea that "law itself must be the same for everyone but importantly it must be enforced the same for everyone," Smith said.

Now, current leaders at the Justice Department, who helped defend Trump in cases that Smith brought, seem to have abandoned norms and traditions about nonpartisan enforcement if they clash with what the president wants, he said.

"They were hired and they're thus driven to get outcomes, no matter the cost to the credibility of the institution they represent, no matter whether those outcomes are legal, no matter whether those outcomes are just," Smith said.

This year, grand juries in Washington, D.C., and Los Angeles have been rejecting demands to issue indictments amid the administration's surge of federal immigration enforcement in those cities. And judges have been rejecting search warrants and calling out prosecutors for a lack of credibility. It's extremely difficult to witness, Smith said.

He saved his strongest remarks for public servants at the DOJ and elsewhere, offering praise for their integrity and expertise. Several Justice Department lawyers have [resigned or been fired](#) this year in flash points across the country.

"Today we have seen conflict between the leadership of the Justice Department and line career prosecutors like never before," Smith said. "And the reason is simple: because the leadership is asking those prosecutors to do things that the prosecutors know are wrong."