



News Release

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NACDL NewsRelease

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FOR IMMEDIATE RELEASE

Don't Let Politics Weaken the Rule of Law Statement of NACDL President Cynthia Hujar Orr

Washington, DC (March 16, 2010) – I have been following the McCarthy-style attack campaign being waged against the Justice Department lawyers who formerly provided legal assistance to Guantanamo detainees and military commission defendants. That is why I was so pleased to see lawyers from across the country and across the political spectrum defending the constitutional role of legal counsel in justice system. As President of the National Association of Criminal Defense Lawyers, the world's largest criminal defense bar association, I want to thank all of them for standing up to persons who would tear our country apart and weaken the rule of law for the sake of scoring a few political points.

Some of the finest legal minds in the country – many of them brilliant young lawyers with tremendous earning potential in the private sector – have chosen instead to serve the public interest in the Department of Justice. These lawyers understand the constitutional right to a vigorous defense and the right not to be imprisoned without charges. They are assets to our country whether they are representing the Department of Justice or the detainees.

Vague allegations of “conflict of interest,” that somehow these lawyers could prejudice the interests of the United States, are fanciful and misplaced. Conflicts between prosecuting attorneys and the accused are governed by the general conflict of interest rules, which are based on simple fairness and basic common sense. The ethical rules routinely help lawyers and firms avoid potential conflicts. As Attorney General Eric Holder has noted, the rules generally do not prohibit lawyers who once represented plaintiffs in a cause from representing defendants in the same area of law, or vice versa. While care must be taken to ensure that the lawyers’ former clients are not adversely affected, the rules in no way diminish the Department appointees’ loyalty to DOJ and the Constitution.

What saddens me about this non-story is that some selfishly seek to tarnish public servants, military lawyers and private counsel with unfounded nonsense and innuendo in order to advance their political agendas.

Let me be perfectly clear: securing the rights of the accused redounds to the benefit of our country and preserves our stature as a defender of liberty in the eyes of the world. The military and civilian lawyers who zealously represent Guantanamo detainees are some of the finest counsel I have ever seen, and in the noble tradition of John Adams, they deserve our thanks.

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The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's 11,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

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