March 12, 2014

Senator Heidi Heitkamp  
Senator Joe Manchin  
Senator Mark Pryor  
Senator John Walsh  
Senator Joe Donnelly  
Senator Bob Casey  
Senator Chris Coons  

Dear Senators:

The National Lawyers Guild and the undersigned legal organizations write to express our great disappointment with your vote last week against Debo Adegbile for the position of Assistant Attorney General for Civil Rights at the Department of Justice. Lawyers should not have to refrain from taking cases that law enforcement officials deem controversial in order to assume public office. Such a proposition insults the very best traditions of the legal profession and our system of government.

As President Obama noted, “The fact that his nomination was defeated solely based on his legal representation of a defendant runs contrary to a fundamental principle of our system of justice.” Rather than discussing the merits of Mr. Adegbile’s qualifications for the position, which both Republicans and Democrats have agreed are impeccable, the debate on the Senate Floor on March 5 was shaped by a smear campaign engineered by the influential Fraternal Order of Police (FOP). Ironically, the Senate and the FOP are sending the message that lawyers who fulfill their mission of upholding the U.S. Constitution through representing clients—in this case former death row inmate Mumia Abu-Jamal—should be disqualified from serving in high levels of the government.

The campaign to discredit Mr. Adegbile is reminiscent of criticism leveled at attorneys representing or advocating on behalf of Guantánamo detainees. In 2010 they were vilified and labeled “unpatriotic” in several media campaigns. Responding to an inquiry from Senator Charles Grassley (R-IA), the Department of Justice identified nine of its attorneys as involved in defense work. As a result, these lawyers, along with several other non-government attorneys representing detainees, found their ethics and loyalties under attack for pro-bono work they conducted as a matter of conscience and professional responsibility.

Bar associations and legal organizations defended the Guantánamo lawyers in 2010, speaking out publicly against criticisms of their service on behalf of the detainees. We now object to attempts to vilify attorneys such as Debo Adegbile, and the honorable work of the NAACP Legal Defense Fund, as antithetical to the fundamental rights enshrined in our constitutional system. The Legal Defense Fund’s willingness to represent a high-profile, and to some, unpopular, defendant demonstrates a respect for the rule of law. Rather than punish principled legal advocacy, as elected officials who took an oath to uphold and defend the Constitution of the United States, you should commend it as integral to our democracy.

Sincerely,