

# ABA President Criticizes Charles Stimson's Remarks about Guantanamo Lawyers

In both a video and an op-ed, ABA President Karen J. Mathis criticized recent remarks made by Charles Stimson, Deputy Assistant Secretary of Defense for Detainee Affairs. In a January 11 radio interview, Stimson suggested that corporations would be troubled to learn that they employed law firms whose lawyers also provided pro bono support to Guantanamo detainees. Mathis has called these comments “deeply misguided” and “almost universally repudiated.” She goes on to say that “Americans recognize that punishing [these] firms is wrong.”

Mathis maintains that every person, even suspected terrorists, have the right to legal representation. She writes, “The lawyers representing Guantanamo’s detainees are attempting to assure justice, despite extremely challenging circumstances, and they have done so as volunteers, in the finest tradition of this country’s legal profession.” She goes on to add that habeas review is also a pillar of the American legal tradition. Mathis states that the ABA “continues to urge Congress to restore the right of habeas appeal to those prisoners.” Only by providing competent defense, she maintains, can the United States prove the justice of its cause and champion “our finest values as a nation.”

Some contrast this position to one that the ABA Standing Committee on Federal Judiciary advanced during its assessment of Michael Wallace, nominee to the United States Court of Appeals for the Fifth Circuit. In testimony to the United States Judiciary Committee, Chairman Robert Liebenberg indicated that several lawyers interviewed by the ABA Committee questioned Wallace’s representation of the Mississippi Republican Party in Voting Rights Act cases. However, Liebenberg attested that it was not Wallace’s mere representation of clients in these cases, but the “‘ferocious’ manner” in which he litigated the cases.

the discussion.” On November 28, Mr. Siebert responded, writing that all the presenters had been selected earlier in the month so that they could have publishable papers ready by January.

Mr. Gleason wrote back on December 1, expressing his disappointment that the NRTW attorneys would not be given the chance to participate. Mr. Gleason maintained that his organization’s attorneys could easily have papers prepared by January. He stated that this was the fourth consecutive ABA labor law conference featuring NRTW cases where the primary attorneys were not invited to participate. On December 4, Mr. Siebert replied that the Committee was not trying to exclude the NRTW lawyers, but rather it had already selected the conference speakers. He also disagreed with an assertion by Mr. Gleason that the ABA’s credibility would be undermined by failing to fill out the panels, maintaining that the ABA’s dedication to traditional labor law had never been questioned.

This is not the first time that NRTW members have been unable to participate in ABA events. A March/April 2005 NRTW publication, *Foundation Action*, detailed how, at the behest of a group of union lawyers, Mr. Gleason had nearly been ejected from a 2005 ABA labor law conclave which discussed several NRTW cases.

At press time, NRTW attorneys were not included as panelists for the ABA conference, though additional speakers have been added.