

EDITORIAL

A victory for the U.S. Constitution

EDITORIAL BOARD

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Seldom does a statement from a Pentagon underling prompt such a sudden, forceful and compelling response.

But then, it is also rare for even a Pentagon lawyer to suggest that American corporations should boycott law firms who offer free legal help to prisoners seeking a court hearing. Attacking the constitutional right to counsel, a cornerstone of the rule of law, was not only outrageous, it was stupendously stupid.

Charles "Cully" Stimson, deputy assistant secretary of defense for detainee affairs, said on a radio show last week that he was surprised to see attorneys for some of the nation's top law firms representing detainees at the U.S. military prison in Guantánamo Bay, Cuba. He said that corporate clients should consider abandoning those firms for defending terrorists.

Since news of Stimson's remarks broke, the criticism has been unrelenting. A barrage of stunned commentary that followed Stimson's interview hasn't subsided, and his remarks spurred a backlash of support for the detainees' defense lawyers.

After a week of blistering commentary, Stimson offered an apology Wednesday, in the form of a letter to the editor in *The Washington Post*.

"Regrettably, my comments left the impression that I question the integrity of those engaged in the zealous defense of detainees in Guantánamo. I do not," Stimson wrote in response to the furor. "I apologize for what I said and to those lawyers and law firms who are representing clients at Guantánamo."

His I-didn't-mean-what-I-said apology didn't go down well with some lawyers representing detainees. They don't believe someone of Stimson's rank could have made such an outrageous suggestion without approval from above. Maybe, but it is important that Stimson backed off his comments and said he was sorry.

Austin lawyer Dicky Grigg, who helped win freedom for an Afghan detainee held for more than three years, said Stimson's threat didn't cost him any clients. All the firms involved, he said, "have had nothing but positive comments" for their involvement in Guantánamo cases.

Stimson isn't — or wasn't — alone in his condemnation of attorneys representing detainees pro bono. There is an undercurrent from conservative commentators who apparently don't believe those charged with terrorism deserve legal representation. At least not good legal representation from reputable lawyers with top drawer firms.

That is both sad and disturbing. Attorneys giving their time, effort and resources to ensure the constitutional due process of law deserve praise, not threats to their livelihood.

And don't misunderstand, as some conservatives must, what these lawyers are doing. They are not attempting to get terrorists loosed on the world; they are only trying to ensure that anyone held in jail gets a fair hearing on the charges, something each of us would want for ourselves.

The good news in this tempest is that the country roundly condemned Stimson for his comments and forced him to withdraw his remarks and apologize. The backlash to the call for a boycott of major law firms for doing the right thing was wonderful to see.

Another victory for the rule of law, which is another victory for all of us.