



# NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

January 15, 2007

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*Via Facsimile 703-697-8339*

Secretary Robert Gates  
Secretary of the Department of Defense  
Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Dear Senator Gates:

I write to you on behalf of the more than 12,000 members of the National Association of Criminal Defense Lawyers to urge you to immediately repudiate the recent comments of Deputy Assistant Secretary of Defense for Detainee Affairs Charles D. "Cully" Stimson and to urge his dismissal. The generic statement issued by a Pentagon spokesman that Mr. Stimson was not speaking for the administration is a wholly inadequate response given Mr. Stimson's position and portfolio.

Mr. Stimson's widely reported characterization of the noble pro bono efforts of countless law firms and individuals to provide legal assistance to the detainees as "shocking" and his suggestion that corporate CEOs "are going to make those law firms choose between representing terrorists and representing reputable firms" is disgraceful and brings disrepute upon the Department of Defense and the country. Mr. Stimson's remarks constitute a violation of numerous ethical standards governing the legal profession and run counter to the core democratic principles for which America's soldiers are fighting and dying. It is particularly offensive that he should label all the detainees "terrorists" before any adjudicatory proceeding and under procedures that thus far have been one-sided and secretive. One cannot escape the sense that Mr. Stimson's disdain for the lawyers who have undertaken to represent the detainees reflects fear that a capable defense will expose the detentions as unwarranted and abusive.

The law firms and individual lawyers who have volunteered to represent Guantanamo detainees, including not just the large firms that were singled out for excoriation by Mr. Stimson, but also public defenders and small firm and solo practitioners, deserve the thanks of the nation. They are upholding the highest standards of the legal profession and give meaning to the rule of law and the fundamental constitutional rights that are the bulwark of democracy. At its core Mt.

"LIBERTY'S LAST CHAMPION"

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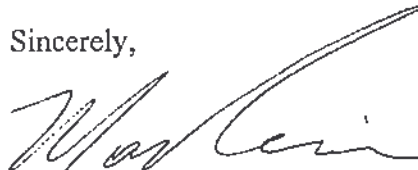
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Stimson's diatribe is a thinly veiled effort to intimidate the legal profession into shirking its solemn responsibility to ensure that every accused person has access to effective representation. This effort must be viewed in the context of the professional standards governing the American legal profession.

The Model Rules of Profession Conduct obligate lawyers to render pro bono service and also make clear that the mere representation of a client does not constitute endorsement of the client's political, economic, social or moral views or activities. Hence, providing voluntary counsel for unrepresented individuals who have been incarcerated for years without the filing of formal charges is a commendable fulfillment of professional responsibility, implying no endorsement of any individual's beliefs or misdeeds. Furthermore, Mr. Stimson's attempt to undermine that representation is prejudicial to the administration of justice and thereby constitutes professional misconduct in violation of the rules governing the conduct of civilian and government lawyers. The Department of Defense should not tolerate such behavior by any of its personnel, let alone a high ranking official with responsibility for the Guantanamo detainees.

Thank you for your attention and consideration. We look forward to your response.

Sincerely,



Martin S. Pinales

MSP:pd