

Doris Tennant

Funds

On January 29, 2007, a national news article, headlined “Potshot at Guantánamo Lawyers Backfires,” publicized the nationwide backlash to a high-ranking government official’s remarks about volunteer attorneys representing GTMO detainees. Cully Stimson, the Deputy Assistant Secretary of Defense for Detainee Affairs, had urged chief executives of the corporate clients of major law firms with these pro bono attorneys to make the lawyers “choose between representing terrorists or representing reputable firms.” The article described the vehement and widespread criticism Stimson’s statements sparked. Major companies issued statements supporting “vigorous accuracy for even the most unpopular causes.” My law partner Ellen and I were interviewed for the article because the reporter had heard about our two-person firm raising thousands of dollars in donations to defray the costs of our representation of a detainee. Friends and colleagues just happened to have received our fundraising letter the week that Stimson’s remarks aired, and the notes many included with their donations made it clear they viewed his criticism as yet another reason to give generously. I was quoted in the article, describing the donors’ response as “quite an outpouring.”

At about one p.m. the day after the article appeared, we received an email from the Department of Justice lawyer who had, several weeks ago, given us approval to travel to Guantánamo for the first time to meet our client. His tone was noticeably matter-of-fact as he suggested that the visit coordinator “may have mentioned” a document required prior to our visit—a signed representation regarding the sources of any counsel fees. He noted the recent article about our fundraising efforts, which he admitted were understandable “given the costs associated with litigating Guantánamo cases.” However, he also recognized the “amount of time needed to conduct the due diligence necessary to complete the financial representation form.” But not to worry—all we had to do was to let him know if we needed “to reschedule [our] trip to have enough time to complete that due diligence.”

We could similarly offer him assurance. We advised him we would comply that very day, so duly diligent were we in concluding that not one of our contributors—all of whom Ellen or I knew personally—was funded by terrorists. We signed a declaration that our work was not funded “directly or indirectly by persons or entities we believe are connected to terrorism or the product of terrorist activities, including ‘Specially Designated Global Terrorists,’” identified in George Bush’s order of September 23, 2001.

Over the last three years, we have been the grateful recipients of contributions from hundreds of people and entities who not only are not connected to terrorism, but who support the criminal prosecution of alleged terrorists by application of the rule of law. Naturally, the declaration we signed, requested by a government which had declared a panoply of laws irrelevant, didn’t ask us to go that far.

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