

Defending Democracy

Our First Four Years: 2018 – 2022



Introduction

Our Shared Duty to Protect the Constitution

Lawyers play a unique role in America. We take an oath to protect our Constitution. We consider truthfulness and integrity to be core elements of professionalism. And we believe deeply in the rule of law. We are on the front lines of defending democracy.

There have always been exceptions. Historically, lawyers who failed to act consistent with these principles were shunned by colleagues and sometimes held accountable by state disciplinary authorities.

Times have changed.

The Washington Post reported that former president Trump made over 30,500 false or misleading claims during his presidency – an average of 21 per day. The impact has been profound, as lying became commonplace, and not just from the former President, but from members of his administration and members of Congress, including attorneys. Lying became a tool of public policy, and under the cover of these lies and the help of allies in Congress and the media, has facilitated lawlessness. The culmination was (and still is) the Big Lie alleging that the 2020 election was stolen, a lie spread in public – and in courtrooms – around the country.

Throughout these past tumultuous years, too many in our profession have failed to adhere to their oath and protect the rule of law. Perhaps those in public roles put aside their private conscience out of a sense of duty to – or their fear of – the former President. Perhaps those in private practice did not speak out because they feared alienating clients or colleagues. But as Sir Thomas More said in the film *A Man for All Seasons*, ***“when statesmen forsake their own private conscience for the sake of their public duties, they lead their country on a short route to chaos.”***



“I do solemnly swear (or affirm) that as a member of the Bar of this Court, I will demean myself uprightly and according to law; and that I will support the Constitution of the United States of America”

~ Attorney Oath, DC Bar



Overview

Today, we send you this comprehensive report on the history of our work at Lawyers Defending American Democracy (“LDAD”).



Since its inception, LDAD has been a pioneer. We were the first to submit an ethics complaint against a high-level lawyer supporting Trump’s attacks on democracy when we filed a complaint against **U.S. Attorney General William Barr**. We were the only organization to file an ethics complaint against **Texas Attorney General Ken Paxton** for his frivolous Supreme Court lawsuit seeking to overturn the 2020 election. And we filed the most comprehensive complaint against **Rudy Giuliani** for promoting the Big Lie, contributing to the suspension of his law license.

We have taken numerous steps to call out these kinds of grave abuses, encourage lawyers to stand up and speak out against them, provide opportunities for the organized bar to take action against bad actors, and advocate through *amicus* briefs in court cases where the principles of our democracy are at stake. Important results of our work include publicly identifying a wide range of fundamental principles, norms, and institutions of American democracy that must be preserved, including the truthfulness of public officials and pushing back against dishonesty. Other important results include asking state bar authorities to investigate and sanction attorneys engaging in professional misconduct that threatens our democracy, thereby also adding public visibility and encouragement for courts

likewise to set an example by sanctioning lawyers who engage in deception, and contributing to a growing movement of lawyers taking a stand to protect democracy.

The threats remain. New lies about the 2022 and 2020 election continue to be spread. This includes the former President’s recent call for the “termination” of parts of the Constitution and the claim that he can somehow be installed as President — and the reluctance (and even refusal) of many Republican lawmakers and leaders to condemn him for it.

And it is no longer just the former president; there are too many others ready to emulate his anti-democratic assaults. While it is easy to believe, and hope, that this chapter in American life will soon pass, there is far too much evidence that it is going to get worse before it gets better.

We are in a rare moment in our history when lawyers are called upon to be a critical line of defense against those who would undo the remarkable accomplishments of those who came before us to create our democratic form of government, constitutional rights and liberties, and the American rule of law. We call upon all lawyers to take more pride than ever in our profession, to continue to act as guardians of truth and integrity, and above all, to Keep the Faith.

CONTACT US

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www.LDAD.org/our-board

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Our Founding

The Fight to Protect our Democracy

In 2018, on the occasion of the 50th Reunion of Harvard Law School's Class of 1968, former two-term Massachusetts Attorney General Scott Harshbarger authored an essay, and gave a talk to his classmates, admonishing leaders of the legal community for inaction in the face of the "aggressive undermining of the rule of law" by then-President Donald Trump. Harshbarger urged law firms, law schools, bar associations and lawyers as a profession to speak out against these attacks on American democracy. In response, fellow classmate Gary Ratner proposed creating a bottom-up organization of lawyers that was independent, non-political, and dedicated to the preservation of American democracy. Together, they created the template for the organization now known as Lawyers Defending American Democracy ("LDAD").

Quickly, LDAD developed a critical foundation for the organization, built a website, and enlisted an initial group of supporters comprised of distinguished lawyers eager to protect our democratic institutions. By February 2019, LDAD articulated its core values and principles, made public in LDAD's first Open Letter/Call to Action. Directed to the President and Congress, the letter called for lawyers, bar associations, law schools, and law firms to "speak out, on a nonpartisan basis, against these attacks on the core of our democratic constitutional form of government."

Within a few weeks, nearly 1,000 lawyers from across the country had signed on to this Open Letter/Call to Action. The response demonstrated that there was a hunger for an organization that could provide a way for lawyers of good will to stand up for what was right and to stare down those

who would do wrong.

LDAD still sees its core principles as where the battle for democracy must be fought. And we still retain the passion for these values that brought us together in the first place.

As a practical matter, LDAD has built its list of supporters from that core founding group of less than 10 to more than 10,000. We have developed a distinguished and diverse board. We have also benefited from the creativity of a part-time professional to develop and maintain our web site and assist with other public-facing needs. And last year, we retained prominent attorney and LDAD board member, Lauren Stiller Rikleen, to serve as executive director. We have also obtained 501(c)3 status (in addition to our original status as a 501(c)4 organization).

Since that original Open Letter/Call to Action, and as described further, LDAD has issued an additional dozen Open Letters/Calls to Action, reaching thousands of lawyers around the country and across the globe.

Representatives of LDAD have participated in numerous public forums on legal ethics, democracy, and related issues. We have filed several amicus briefs in federal courts — including the Supreme Court. We have both led and collaborated with experts in filing ethics complaints before state bar disciplinary authorities against lawyers who have deceived the public, acted in lawless and dishonorable ways, and sought to undermine the rule of law and replace it with the "law of the ruler."

Also since its inception, LDAD's work has been featured in high-profile media outlets.

AS FEATURED IN

The New York Times

LAW.COM



CNN politics

The Boston Globe

The Washington Post

The Guardian

Newsweek

Forbes

VANITY FAIR

Taking Action

Our Core Values & Principles

1. The rule of law;
2. Institutional checks and balances;
3. The separation of powers;
4. The independence, integrity and the critical role of mainstream media;
5. The independence, integrity, competence and non-partisanship of the judiciary;
6. Truthfulness of public officials;
7. The independence, integrity, competence and non-partisanship of federal criminal justice and intelligence agencies, including the Department of Justice and FBI; and
8. Civil discourse and fair treatment, including respect for rights and the dignity of all individuals, regardless of race, ethnicity, national origin, religion, gender, disability, sexual orientation or gender identity.



Our Approach

LDAD's approach is to be nimble and responsive to current events, while at the same time working to pursue larger and more systemic, problematic threats and actions by lawyers. In these efforts, we have pursued a broad range of activity, including:

Open Letters / Calls to Action on a variety of critical topics signed by thousands of lawyers across the country and around the world;

Statements, prepared by LDAD's Board of Directors, where we speak out in response to actions that weaken our democratic institutions;

Ethics complaints against attorneys where available information reveals professional misconduct that can undermine our democracy and the rule of law;

Amicus briefs in federal court cases involving serious threats to democracy, the rule of law and/or the criminal justice system;

Updates, analyses, and requests for action, including regular newsletters to our thousands of supporters;

Press releases and other outreach in support of our statements, Open Letters/Calls to Action, *amicus* briefs, ethics complaints and other news;

Social media, including Twitter, LinkedIn, and blog posts on the LDAD website;

Collaborating with other organizations and prominent individuals on matters of common interest;

Op-Eds, letters, and other public statements in support of our mission by Board members as well as our dynamic and insightful "Of Counsel," Dennis Aftergut.

What follows are highlights of some key accomplishments over the last four years. All of our work, including underlying documents, is easily accessible on our [website](#).



Ethics Complaints



Ethics Complaints

Ethics Complaints

LDAD has prepared and filed, with state bar disciplinary authorities, ethics complaints that seek to hold accountable attorneys who, based on information in the public record, played an instrumental role in undermining democracy. LDAD has taken great care to file these complaints with the support and help of renowned ethics practitioners, including those in states in which we file. Our focus is always to analyze the record and seek accountability where the record — legally and factually — makes the case that discipline is merited.

We are committed to the principle that the ethics and disciplinary process must never be politicized, and we have sought to act in a deliberate and rigorous manner in preparing and filing each complaint. Each of the complaints that LDAD has filed is available at <https://ldad.org/letters-briefs>.

Professional Responsibility Investigation of William P. Barr (filed with the DC Office of Disciplinary Counsel (ODC), July 2020). LDAD, joined by four former presidents of the DC Bar and twenty-three other distinguished DC Bar members, including former high-level White House and U.S. Department of Justice officials and prominent ethics law professors, filed its first legal ethics complaint against then Attorney General Barr.

The comprehensive and meticulously researched legal ethics complaint called on the Office of Disciplinary Counsel to commence an investigation to determine whether AG Barr should be disciplined. The complaint alleged that Barr engaged in a pattern of serious violations of the D.C. Rules of Professional Conduct, including “dishonest and deceitful conduct ... [i]n absolving the president of criminal liability for obstructing justice in the Mueller Report [.]” It is believed this is the first time that former DC Bar presidents and other bar leaders have united to file such a complaint against an Attorney General.

As LDAD’s first ethics complaint, the Barr filing established a model for LDAD’s future in-depth ethics complaints, combining elements of a court complaint, indictment, and legal brief, with a separate count for each allegation of major

misconduct, and having complaints signed by prominent bar leaders, ethics experts, and other distinguished lawyers.



Matter of Rudolph W. Giuliani (filed with the Attorney Grievance Committee of the Supreme Court of the State of New York, January 2021).

More than 7,500 signers joined LDAD in filing an ethics complaint against Rudy Giuliani. The complaint alleged that, as lead counsel to former president Trump in all election matters, Mr. Giuliani spearheaded a nationwide campaign to deceive the public and the courts through false evidence of massive voter fraud and a stolen election. The 49-page submission, which made the legal case for a rare interim suspension, offered meticulous details describing how Mr. Giuliani personally advanced untruths and argued claims in court that were frivolous and had no reasonable purpose other than to fuel the extrajudicial campaign of falsehoods. In issuing an interim suspension of Mr. Giuliani’s license to practice law on May 3, 2021, the Appellate Division in New York’s First Judicial Department made it clear why it was so critical to impose a suspension (and further inspires us to continue this work): “The seriousness of [his] uncontroverted misconduct cannot be overstated. This country is being torn apart by continued attacks on the legitimacy of the 2020 election...False statements intended to foment a loss of confidence in government generally damage the proper functioning of a free society. When those statements are made by an attorney, it also erodes the public’s confidence in the integrity of attorneys...and damages the profession’s role as a crucial source of reliable information.... [Giuliani’s actions are] corrosive to the public’s trust in our most important democratic institutions.”

All further proceedings are confidential under New York law until a final disposition.

Ethics Complaints

Professional Responsibility Investigation of Warren Kenneth Paxton, Jr., Attorney General of Texas (filed with the Chief Disciplinary Counsel of the State Bar of Texas, July 2021). LDAD, along with four former State Bar of Texas Presidents, Texas legal ethics experts, and other distinguished Texas lawyers, filed a complaint urging the Chief Disciplinary Counsel (CDC) to investigate Texas Attorney General Ken Paxton. The 29-page complaint asserted a pattern of serious ethical violations, principally involving the filing of a meritless Supreme Court lawsuit seeking to overturn the 2020 election results in four states. The complaint included allegations that: (1) Mr. Paxton's claims that Texas had standing to challenge other States' administration of their own election laws and (2) his that there was a lawful basis for his seeking to have the Supreme Court enjoin four States where Mr. Biden had won the election from having their votes counted in the Electoral College were both frivolous, and that his claim that Mr. Biden's probability of winning was less than 1 in a quadrillion was knowingly false.

The CDC found that there was "just cause" to proceed against Mr. Paxton, and filed a disciplinary complaint against him based, in part, on LDAD's complaint. Mr. Paxton elected to have the complaint tried in a state court, and filed a motion to dismiss. That motion is pending.

Professional Responsibility Investigation of Jeffrey Clark (filed with the DC Office of Disciplinary Counsel, October 2021). LDAD filed an ethics complaint against former Assistant Attorney General Jeffrey Clark, calling for the initiation of formal, public disciplinary proceedings to investigate Mr. Clark's brazenly unethical conduct. Such conduct included his repeated efforts to use the authority of the Department of Justice to initiate a process to help then-President Trump to overturn the results of the 2020 election. Under Mr. Clark's plan, the DOJ would employ lies and deception to nullify the certified results in multiple states and deceptively to cast doubt on their validity.

LDAD was joined in filing this complaint by a coalition of distinguished lawyers, including former DOJ officials, past presidents of the DC Bar, and the Women's Bar Association of the District of Columbia, and ethics experts. One of the

principal authors of the complaint, James McHugh, a former Massachusetts Appeals Court judge, noted that "Clark's assertions had no basis in fact or law, and were intended to perpetuate the Presidency of the losing candidate in the election against the will of the voters." On July, 19, 2022, the Office of Disciplinary Counsel filed a petition for sanctions against Clark before the Board of Professional Responsibility. The matter is proceeding.



Investigation of John Eastman (filed with the Office of Chief Trial Counsel for the State Bar of California, December 2021). LDAD and States United Democracy Center, along with more than 1300 signers in nearly all 50 states and the District of Columbia, filed a complaint against John Eastman, who served as counsel to the former president in the aftermath of the 2020 election.

At issue is Mr. Eastman's role, in concert with Rudy Giuliani and former DOJ lawyer Jeffrey Clark, in a scheme to install Mr. Trump as President, notwithstanding the irrefutable fact that he had lost the 2020 election. In March 2021, the State Bar of California announced that it was starting an investigation of Mr. Eastman's conduct.

Investigation of John Eastman (filed with the DC Office of Disciplinary Counsel, August 2022). LDAD and States United Democracy Center partnered again to file a complaint against Mr. Eastman in Washington, DC., where he is also licensed to practice law. The complaint was signed by 50 prominent attorneys, including former presidents of the DC Bar, former federal judges, former DOJ officials, and White

Ethics Complaints

House ethics advisors from past Democratic and Republican administrations.

In addition to evidence previously reported in earlier complaints against Mr. Eastman, this complaint reported newly-uncovered evidence of further unethical conduct, including his admission that fake electors for Mr. Trump would be “dead on arrival in Congress” and his request to Mr. Giuliani a few days after the January 6 insurrection to be placed “on the pardon list.”

Investigation of Kenneth Chesebro (filed with the Attorney Grievance Committee of the Supreme Court of the State of New York, October 2022).

LDAD filed a complaint against Mr. Chesebro for his conduct while acting as an attorney for President Trump following the 2020 election. Here, too, LDAD’s complaint was signed by distinguished lawyers, including past presidents of the American Bar Association, the New York State Bar Association, the NY City Bar

Association, and county Bar Associations throughout New York State, as well as leading law professors and national experts in legal ethics and constitutional law.

The complaint alleged that Mr. Chesebro was the mastermind behind key aspects of the “fake elector” scheme to overturn the results of the election during the January 6, 2021 count of electoral votes in Congress, and that he was the first member of the Trump legal team to advance the bogus theory that Vice President Pence had the sole authority to recognize and count the fake electors – in place of the duly named electors – from multiple states. In addition, the complaint alleged that he further acted in concert with other lawyers, including Mr. Eastman and Mr. Giuliani, to implement this illegal scheme, stating that, although Chesebro “did not succeed in his ultimate objective, the lies that he and his confreres perpetrated have undermined public faith in our elections and caused incalculable damage to our democratic values and institutions.”



Amicus Briefs



Amicus Briefs

Amicus Briefs

LDAD has submitted four *amicus* briefs in federal courts, including the Supreme Court. We selected matters in which to draft and file *amicus* briefs in cases where LDAD's core principles are implicated

All of the *amicus* briefs may be found at <https://ldad.org/letters-briefs>. The complaints include:

United States of America v. Michael T. Flynn (Brief of LDAD as *amicus curiae*, Crim. No. 17-232 (ESG), D.D.C., May 21, 2020). LDAD filed an *amicus* brief in the criminal case against former National Security Advisor and Lt. General (Ret.) Michael Flynn, in which DOJ was seeking to drop its case against Flynn for lying to the FBI — even though Flynn had pled guilty to those crimes, twice.

In the brief, LDAD challenged the government's good faith in this effort. The complaint stated that, "[t]he government's motion to dismiss with prejudice a serious charge against a former senior federal official with friends in high places for reasons that do not withstand scrutiny, directly implicates the rule of law, and constitutes a substantial threat to public confidence in the administration of justice. The government's lack of good faith is fatal to its motion." The brief identified, through quotes, numerous tweets and other statements by President Trump, making clear that the exoneration of Mr. Flynn was an enduring priority of the Trump administration and that the attempt to drop charges against him was politically motivated.



LDAD argued that the court “should not allow the government to do Flynn an undeserved political favor by palming off under Rule 48(a) matters he himself could not plausibly invoke as the basis for a motion to dismiss or for a new trial.”

In re Michael T. Flynn (Brief of LDAD as *amicus curiae*, U.S. App. D.C., Case #20-5143, May 27, 2020). Even before the federal district court judge had decided whether to let DOJ drop its case, Mr. Flynn went to a federal appeals court for an order forcing the district court judge to do just that. In response, LDAD filed an *amicus* brief in the appeals court arguing that Mr. Flynn's petition for a writ of mandamus should be denied. In the brief, LDAD noted that this case presents “grave rule of law issues,” and that ordering the district court to grant the government's motion to dismiss — especially before the district court had even ruled — would “threaten public confidence in the administration of justice.” The brief argued that Mr. Flynn failed to demonstrate why his case merits the extraordinary relief he was seeking, including failing to meet the fundamental legal requirement that he show he has a clear and indisputable right to prevent the district court from even ruling on the motion to dismiss.

Michael D. Cohen v. William P. Barr, et al. (Brief of LDAD as *amicus curiae*, No. 20 Civ. 5614, S.D.N.Y., July 22, 2020). Michael Cohen, a former attorney to Donald Trump, was convicted in 2018 of numerous federal crimes, including tax evasion and campaign finance violations, and sentenced to prison. In 2020, during the COVID-19 pandemic, Mr. Cohen was released on furlough because of the significant risk to his health presented by COVID-19.

While on furlough, the Bureau of Prisons (“BOP”) demanded that Cohen sign an agreement — as a condition of continued furlough — that would have prevented him from publishing a book he was in the process of writing about the former President. Mr. Cohen and his attorneys sought to negotiate the terms of the agreement with BOP but, after consulting with higher authorities in the federal government, BOP suddenly broke off negotiations and took Mr. Cohen back into custody, placing him in solitary confinement in order to protect him from COVID-19.

Amicus Briefs

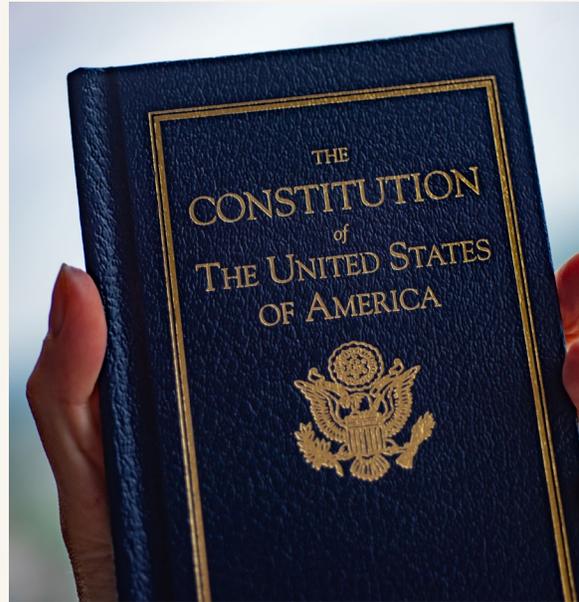
As BOP is part of DOJ, and the President appoints the heads of both organizations, these actions raised serious issues, leading Mr. Cohen to file for a writ of habeas corpus to secure his release.

In its brief, LDAD argued that “[T]his case is about extortion,” pointing out that BOP was unconstitutionally using Mr. Cohen’s fear of contracting COVID-19 to extract a commitment to not publish an unflattering book about the President of the United States. LDAD further argued BOP was “opportunistically attempting to prevent a prisoner from doing on furlough what agency regulations would clearly permit him to do if he were in custody. In effect, [BOP] ha[s] perversely weaponized a program that was intended to ensure the health and safety of federal prison inmates, transforming it instead into a means to oppress and selectively silence critics of their Executive Branch superior.” While Mr. Cohen’s crimes are serious, this case is not only about him. “It is also, and if anything, more urgently, about freedom of speech and the Rule of Law in our country.”

Moore v. Harper (Brief of LDAD as *amicus curiae*, No. 21-1271, U.S., October 26, 2022). In a case with sweeping ramifications for how future elections will be decided — and which has been recently argued before the Supreme Court — state legislators in North Carolina argued that the North Carolina Supreme Court lacks the power under the Elections Clause of the U.S. Constitution to strike down the legislature’s gerrymandered congressional map, even though the court determined the map violated the North Carolina Constitution.

The critical importance of this case is that the legislators are asserting a widely-rejected interpretation of the U.S. Constitution known as the “independent state legislature theory.” That theory would render state courts powerless to apply state constitutions to laws enacted by state legislatures relating to federal elections. If this interpretation were accepted, LDAD argued, partisan-controlled state legislatures could enact election laws that violated state constitutions by, for instance, giving unfair advantage to their own party’s candidates, even arbitrarily

overturning the popular vote if the other party’s candidates had won.



LDAD’s *amicus* brief is a concise and compelling argument against the profoundly dangerous notion that state legislatures should be the final authority on election issues, immune from state court judicial review. LDAD argued that the Court’s adoption of the legislators’ interpretation would violate an implicit, foundational principle of constitutional interpretation: Where one party’s interpretation of a constitutional provision would threaten American democracy and the rule of law, and the other party’s interpretation would not threaten those harms, the courts should accept the interpretation that would do no damage.

The brief’s author, LDAD co-founder Gary Ratner, highlighted that the legislators’ interpretation “threatens catastrophic harm to American democracy and the rule of law.... state courts must retain the authority to review challenges to state laws involving partisan districting and the conduct of federal elections....The Supreme Court should allow state courts to continue their crucial role of protecting the fundamental right to vote and to have those votes be counted.”

Letters & Calls to Action



Calls to Action

Open Letters / Calls to Action

LDAD has issued thirteen Open Letters/Calls to Action, covering such topics as:



Open Letter/Call to Action to the President and Congress. In February 2019, LDAD published an appeal to the President and Congress to honor the fundamental principles of American democracy, including the rule of law, institutional checks and balances, separation of powers, press freedom, truthfulness to the public, and the integrity of the justice system. The letter called on all lawyers, including leaders of America's bar associations, law schools, and law firms, to speak out — on a non-partisan basis — against attacks on the core of American's democratic constitutional form of government. LDAD emphasized that standing up for these principles is NOT about policy differences, political ideology, or partisan advantage but instead forms the bedrock of our system of government, an ideal shared by lawyers across the political spectrum.

Impartiality in an impeachment trial. In January 2020, days before the Senate would hold its trial on then-President Trump's first impeachment, Senate Majority Leader Mitch McConnell claimed that, because an impeachment trial happens in a political branch of government, there should be no expectation of an impartial process or vote. According to Senator McConnell, "there isn't anything judicial about [impeachment].... I'm not impartial about this [process] at all...I'm not an impartial juror." In response,

LDAD published an Open Letter/Call to Action to Members of the United States Senate, providing a detailed rebuttal to Senator McConnell's assertions, and calling on Senators to recognize their duty to ensure that the Senate trial be a judicial process, not a partisan political show. Hundreds of lawyers joined in signing.

Challenging Attorney General Barr's conduct. In March 2020, after more than 2,000 DOJ attorneys and other lawyers raised serious concerns about actions by AG Barr that seemed to be in furtherance of President Trump's personal interests, LDAD issued an Open Letter/Call to Action, signed by hundreds of lawyers, calling for the Attorney General to resign.

Later, after Attorney General Barr attempted to fire the U.S. Attorney for the Southern District of New York — under circumstances that created the appearance that he was protecting President Trump — LDAD issued a second Open Letter/Call to Action calling for his impeachment.



Calls to Action to fight against voter suppression. During the primary elections in 2019, many voters in Georgia, Texas, California, and elsewhere — particularly in minority and low-income areas — experienced long lines and insufficient and broken voting machines. At the time, President Trump made repeated comments that mail-in voting and high turnout disadvantaged Republicans, and there were efforts in state legislatures to consolidate polling places and otherwise limit access to voting for certain voters.

Calls to Action

LDAD's Open Letter/Call to Action called on lawyers in the affected states to "act aggressively, creatively and energetically...to ensure that the consent of the governed is truly reflected in the outcome of the [2020 election]."

Moreover, amid the COVID-19 pandemic, LDAD wrote an Open Letter/Call to Action in June 2020, again asking lawyers and concerned citizens to vigorously oppose efforts to suppress voter turnout and to lead efforts to make it easier – and safer – for Americans to vote in the November election, including by guaranteeing access to mail-in voting across the country, rather than only in the states in which it was already implemented.

Second Letter to America's Lawyers. In the weeks leading up to the 2020 election, LDAD sounded the alarm for lawyers. Of particular concern were repeated public statements by President Trump and Vice President Pence that they would not commit to the peaceful transfer of power and that they suspected widespread fraud as a pretense to taint election results due to mail-in voting. LDAD called on lawyers to use their influential positions in their communities to speak out, to act, and to use their influence in any way possible to alert people to these threats and to "preserve our system of government in these perilous times."

In Support of the 100,000 Lawyers, Agents, and Staff Members of DOJ. Eight former federal court judges, three former American Bar Association Presidents, six former state and local bar association Presidents, and four former state Attorneys General were among the nearly 1,000 distinguished attorneys who signed onto our October, 2020, Open Letter/Call to Action expressing support for the Department of Justice professionals who may face difficult choices about participating in the political misuse of DOJ. In applauding the efforts of DOJ personnel to stand by their oaths and do their duty, we stated: "...they will have broad support in the legal profession, whose best traditions they will be upholding."

Calling for the immediate removal of President Trump from office following the January 6, 2021, insurrection.

In the wake of the attack on the Capitol of the United States, LDAD called for then-president Trump's removal either through the mechanism of the 25th Amendment or by impeachment. We also called upon lawyers to "join us in expressing profound outrage" for what was done to "undermine our system of government."



LDAD implored members of the profession to "speak out and use their influence with their peers in their law firms, law schools and professional associations to condemn in the strongest possible terms the perpetrators of these crimes." The letter emphasized that lawyers "must be brave and outspoken and resist whatever intimidation may come their way." Nearly 2,000 lawyers signed on to this Call to Action.

Regarding the threat of voter suppression. Despite the fact that the results of Georgia's 2020 election were demonstrated to be secure and accurate, Georgia enacted sweeping legislation that would severely impact the 40% of Georgia voters who are people of color. Noting the historic efforts by President Kennedy to mobilize the power of the legal profession in response to the nation's civil rights movement, LDAD called on "leaders of our nation's bar associations, law firms, and law schools to openly and actively engage in protecting our most sacred democratic institution – the right to vote."

Calls to Action

Against Texas’ “vigilante” abortion law. In September 2021, LDAD published an Open Letter/Call to Action condemning the newly-enacted Texas law banning abortions if a fetal heartbeat is detected and creating a bounty hunting system of vigilante enforcement against anyone who assists a woman who seeks an abortion. LDAD’s letter rebuked this “pernicious” law as an “unconstitutional affront to our democratic principles and the rule of law.” More than 1,300 lawyers signed onto this letter.

A call to fight back against political hate speech. When a Republican state senator in Michigan sent out a fundraising letter claiming that one of her Democratic colleagues, Mallory McMorrow, wanted to “groom and sexualize kindergartners” and teach that “8-year-olds are responsible for slavery,” Senator McMorrow responded with a powerful speech on the floor of the Michigan Senate. She said that she had been taught to manifest her values and faith in acts of kindness, compassion, and service, and then uttered a statement heard around the country: “Hate will only win if people like me stand by and let it happen... We will not let hate win.”

In response to the senator’s powerful words, LDAD issued a Call to Action to our nation’s lawyers in April 2022, urging them to defend the norms of political discourse and stand up for civility and respect for the rights and dignity of all individuals. Such civil discourse and fair treatment are “essential components of American democracy and indispensable to the preservation of our democratic institutions and the rule of law.”

In support of Eugene Vindman. As a member of the National Security Council, Yevgeny “Eugene” Vindman courageously supported democracy when he spoke out against then-President Trump’s attempt to extort the President of Ukraine. He then paid a price for his integrity. After the former president’s acquittal in his first impeachment trial, Mr. Vindman was escorted out of the White House and his promotion to colonel was delayed, in addition to other punitive measures that the Army took. Colonel Vindman ultimately decided to retire from the Army, but sought to retain his rank of Colonel, a measure that would have required the intervention of President Biden. More than 6,000 individuals joined in support of LDAD’s August 2020 Open Letter/Call to Action asking the President to grant this true American Patriot his request.



Other Advocacy

The Compendium

LDAD's Compendium Project identified the assaults on democracy undermining the rule of law, our constitutional system, and our confidence in the electoral process.

[Posted to the LDAD website in October 2020](#), the Compendium describes with particularity why these violations mattered, and highlighted reforms needed to prevent recurrence.

Following LDAD's announced principles, the Compendium includes categories of violations that run the gamut from undermining separation of powers, abuse of DOJ and other agencies for political purposes, impropriety in the conduct of foreign policy and government business, lack of respect for electoral processes, lack of truthfulness of public officials, and incivility in words and conduct, including disrespect for the dignity of all individuals.

The compendium remains a foundational LDAD document and offers a touchstone for future LDAD activities as well.

The Democracy Commitment

Since the formation of our country, lawyers have had the responsibility to defend the underlying constitutional values and norms of political behavior on which our democracy depends. This responsibility is manifested by a lawyer's duty to take an oath to defend the Constitution, imbuing lawyers with a special role in society to protect the rule of law, the values of our democratic institutions, and our justice system.

LDAD created the Democracy Commitment to recruit lawyers throughout the country, including in law firms, corporate law departments, law schools, and bar associations at the national, state, regional, and local level, to use their voices and influence to protect our democratic institutions.

The Democracy Commitment provides lawyers with concrete steps – a blueprint for measures they can take to engage the profession and the larger community in a commitment to the adherence to fundamental principles of

public discourse, the right to a free and fair election, and the right of all to be treated with dignity. More information about the Democracy Commitment can be found at <https://ldad.org/democracy-commitment>.

Statements, Op-Eds, Letters

Members of LDAD's leadership - with prodigious output from our Counsel Dennis Aftergut, have collectively published more than a hundred statements, opinion pieces, and Letters to the Editor. LDAD has also appeared in dozens of news articles in major publications across the country and around the world, including the Washington Post, CNN, the New York Times, Newsweek, the Guardian, Law.com and many others.

Collaborations

LDAD is proud to work with other organizations that share the same concerns about threats to the rule of law and democracy in America. In collaboration, LDAD and partner organizations can leverage each other's capabilities and reach, and demonstrate that there are many lawyers – across the political spectrum – who are honorable, decent people of integrity, fighting to protect our democratic institutions.

Financing our Work

Our Financial Structure

LDAD was originally created as a 501(c)(4) organization. In 2021, LDAD filed for 501(c)(3) status, which was granted in 2022. Throughout this process, we have been privileged to work with a fiscal sponsor, the Community Foundation of North Central Massachusetts, allowing all donors to make tax-deductible gifts.

As a very small organization, LDAD has limited resources, is disciplined about limiting its expenses, and relies primarily on the work of its dedicated volunteers, including its volunteer Treasurer, Anthony Cefalo.

Indeed, much of LDAD's work is done on a volunteer basis by Board members and others around the country. We gain tremendous value from the dedication of these volunteers and do not pay for any content.

Looking Ahead

Much work remains to be done to protect our democratic institutions and the rule of law. Our democracy remains fragile, as hate crimes, attacks on LGBTQ+ people, antisemitism, efforts to suppress voting rights, attacks on election workers, and other threats to the rule of law remain high. Among our commitments for the future:

LDAD will continue to speak out and galvanize both the profession and the public, including mobilizing and engaging the legal profession to protect democracy and the rule of law, doing this work with an ongoing focus on what we have always done:

- Respond nimbly to events that fit within our core principles and fundamental values;
- Continue to hold accountable lawyers who violate their oath to protect the Constitution; and
- Develop special projects where we can leverage pro bono and other volunteer involvement to increase our influence and promote change.

LDAD will continue and expand our focus on our core principle of protecting the independence, integrity, competence, and nonpartisanship of the judiciary. As part of that focus, it is important to address the Supreme Court's decisions eroding personal liberties and past civil rights gains. Moreover, the failure of the Court to implement a code of ethics means that Supreme Court

Justices are the only judges in the federal court system not subject to an ethical code.

We plan to address the independence, integrity, and critical role of the mainstream media as a cornerstone of democracy. It is important to bring attention to such challenges to democracy as the difference between false equivalency and actual fairness and the need for the media to resist becoming a vehicle to convey lies.

LDAD will lead in pushing back against false narratives and language that reinforces division. Lawyers must, for example:

- Resist the trap of "what-aboutism" that has become the go-to tool of those who seek to hijack efforts at reform by diverting attention to a different, unrelated grievance;
- Over the past years, we have seen how public discourse can be co-opted by trite phrases and dismissive words that capture public attention quickly and effectively. As lawyers, we understand how words matter. We will speak out against easy tropes that are harmful to segments of our society.

We will also build on our call-to-action regarding "Hate Won't Win" and the importance of fighting against extremist agendas and extremist language that serves only to cause rage and division.



We ask for your continued support of our efforts.

Please visit <https://ldad.org/donate> to send your tax-deductible donation.

We are always happy to hear from our supporters and friends.
You may reach us at [Hello@ldad.org](mailto>Hello@ldad.org).