

Myopia v. Majesty

Michael Sean Winters | May. 2, 2011 | Distinctly Catholic

Last week, the law firm King & Spalding decided to remove itself as counsel for the House Republicans challenging the Obama Administration's decision not to enforce the Defense of Marriage Act. Then, one of the firm's partners, Paul Clement, resigned from the firm to protest their decision and announced that he would continue to represent the Republicans in their effort to see DOMA enforced.

King & Spalding acted under pressure from gay rights groups, including the Human Rights Campaign Fund. They sent out a celebratory email that celebrated their role in calling out King & Spalding's "hypocrisy" and getting them to withdraw. HRC argued that the law firm's representation of the House in this matter was hypocritical because their website advertises their outreach to the gay and lesbian community. Huh?

Do the leaders of HRC really think that lawyers must somehow agree with their clients? Then, whom would defend murderers? Which firm would defend the free speech rights of neo-Nazis? Or, not to put too fine a point on it, who would have defended those charged with Communist sympathies during the McCarthy era? Is the Human Rights Campaign simply ignorant of our legal system and how it works? Or do they think their desire to secure the "right" to marry trumps the right of all litigants to counsel? Or, as seems most likely, is the HRC simply the most myopic organization in the history of lobbying? This last gets my vote.

These days in Washington, it sometimes seem that the ideological divides are so absolute, that those who find themselves on one side of the divide generally are forbidden from crossing over on any particular issue. Indeed, some are surprised when a liberal admits to a friendship with a conservative. So, it was very refreshing to hear the denunciations of King & Spalding, and praise for Paul Clement, from such stalwart liberals as Attorney General Eric Holder and Supreme Court Justice Elena Kagan. They understand that our entire system of justice, our doctrine of rights, the history of our legal system which is the very embodiment of our civilization's standards, all this should not be abandoned because the Human Rights Campaign wants gay marriage.

Whether you support gay marriage or you oppose it or if, like most Americans, you are somewhat ambivalent on the issue, you will see this insane self-centeredness for what it is and give thanks that we have legal scholars and advocates on both sides of the ideological aisle who understand that there are things more important than a political objective, and one of those things is our legal tradition that entitles all plaintiffs and defendants to receive legal counsel. Those cultures and societies where the right to a free and fair trial is not respected are not countries in which most of HRC's members would want to live. The majesty of the law trumps the myopia of DC lobbyists everytime.

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