

Dershowitz: I Will Defend Any Lawyer Targeted by McCarthyist '65 Project'

[Alan M. Dershowitz](#) Mar 10, 2022



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A group of anti-Trump lawyers, calling themselves the “65 Project,” has banded together to try to discipline, shame and otherwise destroy the careers of 111 lawyers who filed 65 briefs — hence the name — seeking

to overturn the 2020 election.

As a believer in the accuracy of the 2020 election, and as a Democratic supporter of Joe Biden, I thoroughly disapproved, as a matter of policy, of most of these efforts to overturn the election. But I disapprove even more thoroughly of efforts to attack the lawyers who filed these briefs.

The [project](#) is headed by zealous hard-left Democrats, though it includes several moderate Republicans and some well-intentioned lawyers. But their goals, as described by their supporters, is indecent to the core.

As one [put it](#): "This is mostly important for the deterrent effect it can bring so you can kill the pool of legal talent going forward." One of its leaders also said that its purpose was to "shame them and make them toxic in their communities and in their firms." He acknowledged that "the little fish are probably more vulnerable to what we are doing ... threatening their livelihood ... [and] their reputations in their communities."

This is not the first time that groups of lawyers have tried to destroy the careers of other lawyers who have filed law suits with which they disagree.

During the 1950s McCarthy Era, several legal groups sought to destroy the reputations and careers of lawyers who defended the rights of accused Communists. During the civil rights movement of the 1960s, several southern legal groups tried to do the same thing to lawyers who were trying to dismantle segregation.

But this is the first time in my memory that centrists, liberals and leftists have organized to attack lawyers for filing legal briefs with of which

they disapprove.

McCarthyism of the left has become a serious problem throughout America. People are being fired, cancelled and shamed for expressing views that are not politically correct to progressives, wokes, and radicals. The formation of the 65 Project is among the most dangerous manifestations of this new form of left-wing McCarthyism.

I am not among the group of lawyers who are being targeted, but I hereby offer my help to those lawyers who are, despite my strong disagreement with the substance of their lawsuits. To paraphrase a statement attributed to Voltaire: I fundamentally disagree with legal efforts to overturn the 2020 election, but I will defend the rights of lawyers who did so against McCarthyite attacks.

The implications of this new McCarthyism are frightening. It was only 22 years ago when lawyers like me sought to block the election of President George W. Bush, believing as we did that Al Gore actually received more votes than Bush in Florida and was the rightful winner. We lost in court. But back then no one suggested going after the hundreds of lawyers who tried to prevent Bush's certification. A dangerous weapon, like the 65 Project, unleashed by Democrats will surely be used by Republicans at some future time.

There are remedies in place for lawyers who file briefs that are frivolous as a matter of law. The courts are equipped to deal with such lawyers and do not need the help of this highly toxic project, whose goal is to deter lawyers from using the courts to undo elections.

As a nation committed to the rule of law, we should be encouraging legal remedies in court, rather than violent responses on the streets.

Some lawyers will inevitably go too far, as many have done in other contexts. But to establish a special project designed to intimidate lawyers from engaging in such election challenges is contemptible.

So, I invite other like-minded civil libertarians, who may disagree with the efforts to overturn the 2020 election, but who definitely disagree with efforts to cancel lawyers who believed otherwise, to join me in a non-partisan civil liberties defense against this McCarthyite tactic.

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