

TRUMP'S LEGAL BLACKBALLING EFFORT SELECTIVELY PROTECTS JONES DAY

I'm working on a post on the Administration's efforts to blackball law firms with ties to Trump's imagined enemies.

As I'll show, the effort builds on Trump's Orwellian "Weaponization" effort; the two fact sheets involved in this effort (Perkins Coie; Paul Weiss) repeat Trump's false claim that 51 spooks claimed Hunter Biden's laptop "was part of a Russian disinformation campaign." Each fact sheet then airs some personal grievances of Trump's.

Then, Section 1 the Executive Orders (Perkins Coie; Paul Weiss) summarize that grievance. Based on that grievance, the order does the following:

Section 1: Purpose (airing of grievance)

Section 2: Security Clearance Review (in effect, suspension of any clearances held by firm attorneys)

Section 3: Contracting (stripping of federal contracts)

Section 4: Racial discrimination (accusing the firms of racial discrimination)

Section 5: Personnel (prohibiting the hiring of lawyers from targeted firms and prohibiting access to government facilities)

Most of scheme (and even more of DOJ Chief of Staff Chad Mizelle's attempt to defend it in a hearing before Beryl Howell last week) rests on a national security claim, in turn built off the Section 2 Security Clearance order.

But a big part of it attempts to enforce Trump's federal segregation efforts in private law

firms. For each, the grievance section accuses the firm of “discriminat[ing] against its own attorneys and staff.”

In addition to undermining democratic elections, the integrity of our courts, and honest law enforcement, Perkins Coie racially discriminates against its own attorneys and staff, and against applicants. Perkins Coie publicly announced percentage quotas in 2019 for hiring and promotion on the basis of race and other categories prohibited by civil rights laws. It proudly excluded applicants on the basis of race for its fellowships, and it maintained these discriminatory practices until applicants harmed by them finally sued to enforce change.

My Administration is committed to ending discrimination under “diversity, equity, and inclusion” policies and ensuring that Federal benefits support the laws and policies of the United States, including those laws and policies promoting our national security and respecting the democratic process. Those who engage in blatant race-based and sex-based discrimination, including quotas, but purposefully hide the nature of such discrimination through deceiving language, have engaged in a serious violation of the public trust. Their disrespect for the bedrock principle of equality represents good cause to conclude that they neither have access to our Nation’s secrets nor be deemed responsible stewards of any Federal funds.

Section 4 of the Perkins Coie order (which the Paul Weiss order incorporates), reads:

Sec. 4. Racial Discrimination. (a) The Chair of the Equal Employment Opportunity Commission shall review the

practices of representative large, influential, or industry leading law firms for consistency with Title VII of the Civil Rights Act of 1964, including whether large law firms: reserve certain positions, such as summer associate spots, for individuals of preferred races; promote individuals on a discriminatory basis; permit client access on a discriminatory basis; or provide access to events, trainings, or travel on a discriminatory basis

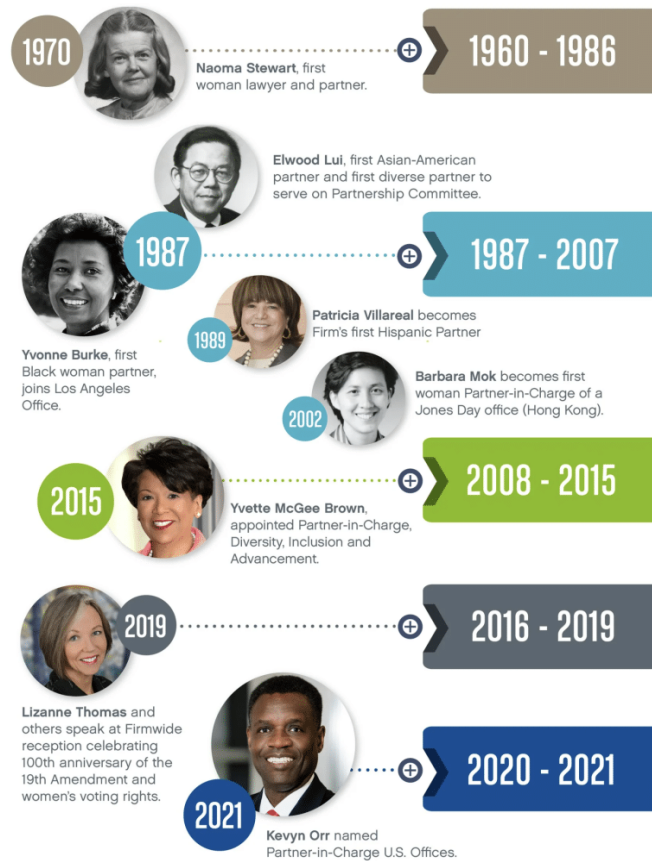
(b) The Attorney General, in coordination with the Chair of the Equal Employment Opportunity Commission and in consultation with State Attorneys General as appropriate, shall investigate the practices of large law firms as described in subsection (a) of this section who do business with Federal entities for compliance with race-based and sex-based non-discrimination laws and take any additional actions the Attorney General deems appropriate in light of the evidence uncovered.

In other words, Donald J. Trump has blackballed two law firms in significant part because they aim for diversity in their hiring practices.

Which led me to check the website for Jones Day, still the counterpart to what Perkins Coie used to be for Democrats, the law firm serving the Republican party.

And lo and behold, the Jones Day website looks like Federal government sites did until inauguration day.

Jones Day has a page celebrating its diversity firsts.



They have a page listing affinity groups the likes of which Trump has eliminated from Federal government.

Our affinity programs are united by a **COMMON THREAD** of fostering inclusivity and building an environment where every individual feels valued and supported. The groups serve as a platform for employees to connect, share experiences, and celebrate diversity within our organization. The affinity program has the full backing and support of the Firm and membership is open to all.



And there are several other pages, including a 1L conference focused on diversity.

The documentation targeting Perkins Coie and Paul Weiss also target the firms for their pro bono work – the former for representing some trans service members challenging the DOD ban, and the latter because Jeannie Rhee represented DC in a lawsuit against January 6 culprits that DC recently dismissed with prejudice (in fact, there were three other Paul Weiss attorneys on the case, as well as a bunch from Dechart, but Rhee was the only one identified, even indirectly, in the backup to the blackballing attempt).

Laudably, Jones Day also does a great deal of pro bono work. It has a page boasting of its pro bono work including – among other things – “representing migrant minors and mothers with their children, many of whom were detained by the U.S. government after fleeing life-threatening, gender-based gang violence in their home countries.”

Jones Day and Our Pro Bono Culture

Ukraine

Immigration – The Border Project

Combatting Human Trafficking

Constitutional Policing and Civil Justice
Reform, Standing Together

Advancing the Rule of Law in Africa

Hate Crimes Task Force

American Hospital Association (AHA) & Jones Day
Human Trafficking Interview

Obviously, all of this is laudable! These firms are so powerful, it’s important that they remain accessible and give back.

But even the law firm to which Trump has remained loyal – a law firm at which Mizelle himself once worked as of counsel, a lawfirm whence Trump’s Acting Assistant Attorney General in the Civil Division as well as several top Civil Division lawyers came – engages in the same kind of laudable practices for which Trump

is blackballing Perkins Coie and Paul Weiss.
(Curiously, none of the Jones Day Civil Division personnel were at the Perkins Coie hearing last week.)

Update: EE0C sent out letters demanding info on DEI practices from 20 firms not named Jones Day.

The law firms that received letters from Acting Chair Lucas include:

1. A & O Shearman
2. Debevoise & Plimpton LLP
3. Cooley LLP
4. Freshfields Bruckhaus
Deringer LLP
5. Goodwin Procter LLP
6. Hogan Lovells LLP
7. Kirkland & Ellis LLP
8. Latham & Watkins LLP
9. McDermott Will & Emery
10. Milbank LLP
11. Morgan, Lewis & Bockius LLP
12. Morrison & Foerster LLP
13. Perkins Coie
14. Reed Smith
15. Ropes & Gray LLP
16. Sidley Austin LLP
17. Simpson Thacher & Bartlett
LLP
18. Skadden, Arps, Slate,
Meagher & Flom LLP
19. White & Case LLP
20. WilmerHale

Covington security clearance order

Perkins Coie blackball order

Perkins Coie Fact Sheet

Paul Weiss blackball order

Paul Weiss Fact Sheet

Weaponization

Hunter Biden laptop order