

# [***John Eastman and the Left's War on the Legal Profession | Opinion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BR3-CVG1-DY68-135B-00000-00&context=1516831)

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**Length:** 874 words

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**Highlight:** The ultimate aim of these Jacobins is clear: the subordination of the rule of law to the Jacobins' own friend/enemy-level ***politics***.

**Body**

John Eastman is a lawyer, legal scholar, and a friend. A former clerk to [*Supreme Court*](https://www.newsweek.com/topic/supreme-court?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) Justice [*Clarence Thomas*](https://www.newsweek.com/topic/clarence-thomas?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), candidate for California attorney general, and dean of Chapman University School of Law, I got to know John during my week-long 2018 legal fellowship with the Claremont Institute, which he oversaw. We have stayed in touch and done at least one event together for Claremont since that time.

Unfortunately, since the 2020 presidential election, John has been [*put through the wringer*](https://americanmind.org/salvo/lawfare-against-john-eastman/) more than [*just about anyone*](https://www.theblaze.com/columns/opinion/the-heroic-sacrifice-of-john-eastman) in American public life.

He was forced to retire from the law school where he was a longtime constitutional law professor and even dean. He was let go by the University of Colorado's Benson Center for Western Civilization, where he was a visiting scholar. Armed [*Stasi*](https://www.newsweek.com/american-stasi-opinion-1733094?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)—sorry, FBI—agents accosted him in a parking lot and seized his phone without a warrant. He has been suspended from academic conferences and lost board seats. He and his wife have endured death threats, spikes in their driveway, and threatening graffiti in their neighborhood. He has been debanked by [*Bank of America*](https://www.newsweek.com/topic/bank-america?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) and the USAA. He is being criminally prosecuted by scandal-ridden Fulton County, Georgia District Attorney [*Fani Willis*](https://www.newsweek.com/topic/fani-willis?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships). And last week, State Bar Court of California Judge Yvette Roland [*devoted 128 pages*](https://www.washingtonpost.com/national-security/2024/03/27/eastman-california-bar-ruling/) to explaining why he should lose his law license.

All this because John had the chutzpah to do what every law school student is taught to do in legal ethics class: defend and zealously advocate for one's client, no matter how unpopular or even disreputable that client may be. In this case, John's unpopular client was a high-profile one: former President [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships).

There has been an astronomical amount of misinformation about John's activities in the weeks leading up to the Jan. 6, 2021 U.S. Capitol jamboree, as well as the legal advice that he offered his high-profile client during that time. The corporate media and the Democrat-lawfare complex typically speak of John's legal advice as encouraging the "overturning of an election" or "fomenting an insurrection," but such hyperbolic talk is irresponsible and wildly off-base.

John acquitted himself well in a [*compelling essay he penned for Claremont's American Mind online journal*](https://americanmind.org/memo/setting-the-record-straight-on-the-potus-ask/) on Jan. 18, 2021, titled "Setting the Record Straight on the POTUS 'Ask.'" His 12th Amendment argument about the vice president's more active role in certifying the states' slates of electors and his accompanying argument regarding the constitutional dubiousness of the Electoral Count of 1887 might not be correct (although it could be), but it is *well* within the bound of plausible, non-frivolous legal argumentation an attorney can (indeed, *should*) press upon an embattled client. That is doubly so here, because the U.S. Supreme Court has never authoritatively interpreted the relevant 12th Amendment provision. Countless legal arguments more frivolous than this are advanced every day in courtrooms across America.

Nor is John Eastman the only man being prosecuted, and possibly disbarred, for his legal activity after the 2020 election. Former U.S. Assistant Attorney General Jeffrey Clark is also being prosecuted in Georgia, and [*he was just found*](https://justthenews.com/government/courts-law/dc-bar-panel-finds-jeffrey-clark-violated-ethics-rules-backing-trump-election) by the District of Columbia Bar to have violated an ethics rule, which might lead to his own disbarment there—all stemming from an internal [*Department of Justice*](https://www.newsweek.com/topic/department-justice?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) memo that Clark never even sent.

Once upon a time, the American Left understood the moral imperative of ensuring that all Americans have adequate access to legal representation, no matter one's popularity in the eyes of the government or societal elites. Indeed, the definitive American example of such unpopular legal representation actually dates back to before the United States was even independent: In 1770, a young lawyer named John Adams, the man who would become the young republic's second president, [*took it upon himself to defend the British soldiers*](https://www.newsweek.com/what-john-adams-taught-soon-nation-about-rule-law-mob-rule-1878505?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) accused of killing five colonists at the Boston Massacre. Years later, in his dotage, Adams reflected that this was "one of the most gallant, generous, manly, and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country."

Presumably, Fani Willis and Judge Roland would have preferred to see John Adams tarred and feathered for his treachery. One also cannot help but wonder how they might have viewed the NAACP's legal representation in the Deep South during the days of Jim Crow.

The ultimate aim of those Jacobins prosecuting and disbarring lawyers for having the temerity to practice the legal profession is clear: the subordination of the rule of law to the Jacobins' own friend/enemy-level ***politics***, and the cowing into submission of those lawyers who would so much as consider representing a high-profile [*Republican*](https://www.newsweek.com/topic/republican?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) client or work in a Republican Department of Justice. Ironically, and without any hint of self-awareness, they do all this in the name of "our democracy."

*Josh Hammer is* Newsweek *senior editor-at-large, host of "*[*The Josh Hammer Show*](https://www.newsweek.com/podcasts/the-josh-hammer-show?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)*" and "*[*America on Trial with Josh Hammer*](https://www.thefirsttv.com/americaontrial/)*," and a syndicated columnist. Subscribe here for "*[*The Josh Hammer Report*](https://www.newsweek.com/newsletter/josh-hammer-report?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)*," a* Newsweek *newsletter. X:* [*@josh\_hammer*](https://x.com/josh_hammer)*.*

*The views expressed in this article are the writer's own.*

[*Link to Image*](https://d.newsweek.com/en/full/2373702/john-eastman-sits-fulton-superior-court.jpg)

**Graphic**

John Eastman sits in Fulton Superior Court

Jason Getz-Pool/Getty Images

John Eastman sits in Fulton Superior Court in Atlanta during a hearing on January 19, 2023 in Atlanta, Georgia.

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