

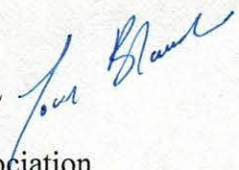


The Deputy Attorney General

Washington, D.C. 20530

April 9, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM: THE DEPUTY ATTORNEY GENERAL   
SUBJECT: Engagement with the American Bar Association

INTRODUCTION

From time to time, the American Bar Association (“ABA”) has taken positions on contentious legal, policy, and social issues. Although those positions frequently have not aligned with the positions advanced by the Department of Justice (“the Department”), the Department has chosen to engage in an exchange of ideas with ABA officials and members. Recently, however, the ABA filed a lawsuit against the United States.<sup>1</sup> As a result, the Department is actively litigating against the ABA, yet the Department continues to expend taxpayer dollars on ABA events, the ABA continues to use the participation of Department personnel to attract attendance to those events, and the ABA continues to use Department-engagement to legitimize positions it advances that are contrary to the federal government’s policies.

The ABA is free to litigate in support of activist causes, including by inserting itself into pending litigation as an amicus curiae.<sup>2</sup> But “[p]ublic service is a public trust.”<sup>3</sup> The Department of Justice must, consistent with the Constitution, be careful stewards of the public fisc, represent all Americans regardless of ideology or political preferences, and defend the policies chosen by America’s democratically elected leadership—as reflected in Congressionally enacted statutes and Presidential policy choices. Moreover, Department employees must conduct themselves in a

<sup>1</sup> See *Global Health Council, et al. v. Trump, et al.*, No. 1:25-cv-00402 (D.D.C.).

<sup>2</sup> See, e.g., Brief of Amicus Curiae American Bar Association, *Dobbs v. Jackson Women’s Health Org.*, No. 19-1392 (U.S. Supreme Court) (arguing against State of Mississippi’s regulation of abortion); Brief of Amicus Curiae American Bar Association, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, Nos. 20-1199 & 21-707 (U.S. Supreme Court) (endorsing the consideration of race in admissions policies); Brief of Amicus Curiae American Bar Association, *303 Creative LLC v. Elenis*, 21-476 (U.S. Supreme Court) (supporting the State of Colorado’s effort to compel speech inconsistent with a citizen’s religious beliefs).

<sup>3</sup> *Ethics Handbook for On and Off-Duty Conduct*, DEP’T OF JUST., <https://www.justice.gov/jmd/ethics/ethics-handbook>.



manner that does not undermine or appear to undermine the Department's core mission of administering justice in a fair, effective, and even-handed manner. Put simply, the Department's own speech—which includes employee speaking engagements and written publications that rely upon taxpayer-funded resources—must be focused on achieving the Department's core Constitutional mission and advancing the legitimate and lawful statutory and policy decisions made by the political branches of our government.

### POLICY

The Department of Justice will no longer use taxpayer funds to pay for any travel to or engagement with ABA events. Additionally, Department employees may not, when acting in their official capacities, speak at, attend, or otherwise participate in events hosted by the ABA. Because one of the largest expenditures in the Department's budget is employee time, Department personnel may not participate in ABA-sponsored events on official time. Further, and consistent with longstanding policy, personnel may not use or permit the use of their Department of Justice title in a manner that could reasonably be construed to imply that the Department endorses or sanctions their personal views or the views of the ABA.<sup>4</sup>

For those who serve in policy-determining, policymaking, or policy-advocating positions ("Policy Employees"),<sup>5</sup> any participation in ABA events requires specific approval by their component head followed by specific approval from the Deputy Attorney General. Further, employees who serve as Policy Employees may not write, speak, or otherwise publish materials in ABA-sponsored media of any kind, absent specific approval by their component head followed by specific approval from the Deputy Attorney General. Policy Employees are directed not to hold leadership positions in the ABA or renew any existing memberships.

Career staff who do not serve in policy-determining, policymaking, or policy-advocating positions ("Non-policy Employees") may attend ABA events and maintain ABA membership with the understanding that the Department will not cover the cost of their participation. Non-policy Employees who choose to write, speak, or otherwise publish materials in ABA-sponsored media do not require additional permissions beyond those required by existing policies. But they must do so off-duty and without using government resources.<sup>6</sup> ABA-related activities shall not qualify under the *de minimis* personal use exception for the use of Department property or resources.<sup>7</sup>

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<sup>4</sup> See 5 C.F.R. § 2635.702(b); *id.* § 2635.807(b).

<sup>5</sup> All politically appointed employees at the Department are "Policy Employees" regardless of title or position.

<sup>6</sup> For example, employees may not use their government computer, phone, internet access, or database access to assist them in preparing any written or spoken materials for ABA publication.

<sup>7</sup> See 5 C.F.R. § 2635.704; 28 C.F.R. § 45.4.

### **IMPLEMENTATION**

Accordingly, by April 30, 2025, each component head will certify to the Justice Management Division that appropriate steps have been taken to effectuate this policy for all component personnel.