

Dear Chairperson Hashim:

I am writing regarding the Senate Judiciary Committee's consideration of Michael Drescher for a seat on the Vermont Supreme Court. I understand that the Committee has concerns regarding Mr. Drescher's role as the Acting United States Attorney, and, in particular, his handling of particular immigration-detention cases. I certainly understand those concerns and I applaud the Committee's inquiry into Mr. Drescher's role there. At the same time, I support Mr. Drescher's appointment to the Vermont Supreme Court. Perhaps some insight and experiences I have had with Mr. Drescher might benefit the Judiciary Committee in its hearing process.

I am an attorney and I know Mr. Drescher from my role as the Federal Public Defender for the District of Vermont for 19 years, from 2006 until August 2025. The Federal Defender Office represented the majority of people charged with federal crimes during that time. I had many cases personally in which Mr. Drescher was the "opposing attorney." I also dealt with Mr. Drescher in the context of him leading the U.S. Attorney's Office and my leading the "adversarial" office. In all those many years, I always knew Mr. Drescher to be intelligent, honest, fair, full of integrity, and consistently directed to results that achieved justice. In some cases, he and I saw the same path to a just resolution of a case and we proceeded thereon. In other cases we differed in our perspectives and we took very different, and adversarial, approaches. We were always, nonetheless, opponents in a very true sense. At the same time, we were professional colleagues. I have been an attorney for almost 40 years and I can say that Mr. Drescher is one of the opposing attorneys for whom I have had the highest regard and respect. Note: I am a professional colleague of his only; I do not write as a social "friend."

I understand why the Committee might think that Mr. Drescher's apparent answer about his role in some cases, that he was "just doing his job," could sound eerily like the refrain by people in Fascist-like settings in history. And I get why such a response might cause concerns to you and the Committee's other members. Here are some thoughts on that. I do think that if he had "passed" on representing the Executive branch in those particular hearings, the Justice Department would have sent in a less thoughtful and much more militant lawyer from outside of Vermont. And that that person would likely not have had justice as a goal in any respect. And I also know that Mr. Drescher made his case and presented his arguments in court in a way that *did* help to promote just resolutions. That is,

he made very narrow, law based, and nuanced arguments. He did not introduce inflammatory or incendiary comments. He did not call people names (e.g., "dangerous terrorists" or "criminals") and he did not present arguments in line with the (very unjust, in my opinion) pronouncements of the U.S. Attorney General and the President of the United States. In short, he acted with thoughtfulness and respect for justice being achieved.

In my opinion, Mr. Drescher would be a very good Justice on the Vermont Supreme Court. Thank you and the Committee for considering these thoughts.

Sincerely,

Michael L. Desautels