

The Honorable Richard Lugar  
Senator  
306 Hart Office Building  
Washington, D.C. 20510-1401

Dear Senator Lugar:

On February 11, 2009, President Barack Obama nominated Dawn E. Johnsen to be the assistant attorney general for the Office of Legal Counsel (OLC) at the Department of Justice. We, the undersigned law professors from Indiana law schools, write to urge you to confirm her to this important position without delay and to oppose any efforts to filibuster her confirmation vote.

We signatories hold widely varying political and ideological beliefs. Despite these different viewpoints, we all agree that Dawn Johnsen is highly qualified for the position to which she has been nominated. The President has called upon her to serve his administration and our country and both he and she deserve a Senate vote on the merits. Regarding the merits, Professor Johnsen previously served as acting head of OLC and in that capacity demonstrated outstanding integrity and judgment. This is evidenced by her record and the many strong letters of support from her colleagues at the time. Her professional qualifications are outstanding.

During the past 15 years, Professor Johnsen has consistently and vigorously championed OLC's role as an independent, nonpartisan office serving to assure that the executive branch follows and honors the constitution and laws of our country. She led a diverse group of OLC veterans to develop and publish guidelines to that end.

Despite the extraordinary strength of her background and credentials, some opponents have raised concerns about Professor Johnsen's criticism of certain legal advice regarding torture provided by OLC during the Bush administration. But hers is not a radical judgment. Professor Johnsen has been joined in that criticism by many lawyers and legal academics who have considered OLC's advice on that issue. Others claim their opposition rests on a 20 year-old footnote in a legal brief that was also signed by the League of Women Voters and the National Federation of Business and Professional Women.

The work of OLC is too important to be delayed by partisanship. Dawn Johnsen possesses the single most important qualification needed to head OLC: the willingness to put principle ahead of policy and ensure that the President obeys the law. President Obama deserves to have in place the person he has chosen to give him and the Executive Branch crucial legal advice, and at the very least deserves to have a vote on the merits on the Senate floor. We urge you as the senior Indiana Senator, and as someone with the sense of integrity and honor necessary to understand the importance of avoiding destructive partisan tactics, to oppose any filibuster, and we hope that in reviewing her qualifications and demonstrated experience you will decide to vote to confirm this exceptionally qualified nominee.

On behalf of the following law faculty, who have authorized their signatures be attached to this letter, I am very sincerely yours,

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