

Urge Your Senator to Vote Now to Confirm President Obama's Nomination of Dawn Johnsen to Head the Justice Department's Office of Legal Counsel

- **The U.S. Senate should vote now to confirm Dawn Johnsen to head the Justice Department's Office of Legal Counsel.**
- **That office plays a key role in protecting our constitutional rights.**
- **Although Johnsen has the support of a Senate majority, partisan Senate Republicans are threatening to filibuster her nomination to further their partisan political agenda.**
- **Instead of further delay, the Senate should hold a vote and get back to priority issues such as the economy, health care, and education.**

What's at stake – upholding the Constitution and the law

The Office of Legal Counsel in the Justice Department has a special and important role.

- It tells the president and the rest of the executive branch whether proposed executive orders or other actions are within the Constitution and the law.
- This is a key responsibility in ensuring that our government respects constitutional rights such as freedom of speech and association; freedom of religion; the right to privacy; and equal treatment under the law, without discrimination.

During the Bush administration, the Office failed to do that job.

- Instead of upholding the Constitution and the law, it provided legal cover for whatever political agenda the White House wanted to pursue.
- An example now in the news is the abuse of the Office to authorize illegal torture.
- Other examples include authorization of wiretapping without warrants.

Why President Obama chose Dawn Johnsen to head the OLC

- **Practical experience.** She served in the Office of Legal Counsel for five years in the 1990s, including as acting director. She knows what it takes to tell the president what is legal and constitutional, whether it's what he wants to hear or not.
- **Legal expertise.** She is a distinguished law professor at Indiana University whose academic writings have focused on how to protect against abuses of executive power. She spearheaded an effort by legal experts who served in the Clinton administration to develop guidelines to ensure that the Office of Legal Counsel fulfills its proper role in the future.
- **Proven judgment and independence.** Johnsen has been an outspoken critic of the failure of the Office to uphold the law during the Bush administration.
- **Support from an impressive bipartisan group of former Administration officials.** Johnsen's nomination is supported by a wide range of experts, including; Walter Dellinger, Solicitor General and head of the Office of Legal Counsel under President Clinton; Doug Kmiec, Principal Deputy of the Office of Legal Counsel under Bush Sr.; and Lawrence Wilkerson, former Chief of Staff to Republican Secretary of State Colin Powell.

Why Republican senators are threatening to filibuster the nomination so it never comes to a vote even though a majority of senators support it

Partisan Political Agenda. Blocking Johnsen's confirmation is pure politics. Our nation faces too many important challenges – the economy, health care, energy – to be held hostage to petty partisanship.

It's no surprise that the same Republican Senators who have tried to block all of the changes that America needs – expanding access to healthcare for children (SCHIP), the economic stimulus package, and adopting a budget that takes initial steps toward more access to affordable health care, creation of "green jobs," and a fairer tax code – are trying to block confirmation of President Obama's highly qualified nominees.

Dawn Johnsen, who teaches Sunday school at the United Methodist Church in Bloomington, is firmly in the mainstream of America.

When it was first reported that the Office of Legal Counsel was pressured by the White House to justify the use of torture, Johnsen spoke out against the Bush Administration's willingness to act contrary to federal statutes, in secret, and without notifying Congress. But Republicans and Democrats alike joined in her criticisms. And the Bush Administration eventually rescinded one of the OLC memos that Dawn Johnsen criticized.

Johnsen, like a substantial majority of Americans, supports *Roe v. Wade*. She signed a brief to the Supreme Court 20 years ago from 77 organizations, including the League of Women Voters and the American Association of University Women. The brief argued that *Roe v. Wade* should not be overturned and focused on the basic right guaranteed in the *Roe* decision.

Hypocrisy. It is ridiculous – and hypocritical – that Republican senators have said in the past that presidential nominees should *not* be blocked, but are now threatening to block Johnsen's nomination.

"The President should get to pick his own team." Sen. John Kyl (R-AZ)

"Finally, neither filibusters nor supermajority requirements have any place in the confirmation process." Sam Brownback (R-KS)

We Need Dawn Johnsen. A recent *New York Times* editorial really sums it up:

"There is no corner of the executive branch in greater need of a new direction than the Office of Legal Counsel. The impressive Ms. Johnsen is an excellent choice to provide it." *March 26, 2009*