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January 21, 2009

**VIA MAIL AND FACSIMILE**

Honorable Patrick Leahy  
Chairman  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Honorable Arlen Specter  
Ranking Member  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Re: David Ogden, Nominee for Deputy Attorney General of the United States

Dear Senator Leahy and Senator Specter:

I write to recommend strongly your positive consideration of David Ogden as Deputy Attorney General of the United States. David is, in a word, a star. I have known David for years in the practice of law in the District of Columbia, both through my service as President of the District of Columbia Bar, on the Board of the Appleseed Foundation, and later, through various positions in the American Bar Association. We have worked together on numerous issues.

David is a brilliant lawyer. We worked together on a tax case challenging the constitutionality of certain legislation and I observed there his exceptional ability close up. The clarity of his legal analysis is superb. He is a quick thinker, logical and his judgment and advocacy are extraordinary.

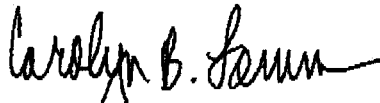
David is tremendously organized and has demonstrated excellence in the top positions at the US Department of Justice that he already has held. He served in each position in exemplary fashion. In his positions at the Department of Justice, David had a stellar reputation and performed superbly. The lawyers he led have nothing but high praise for his work, organization, and management. Most importantly, he is a pleasure to work with. He has a very consensual approach and yet can make a decision in a principled way to move a team forward as necessary. David has led teams and argued on behalf of clients in some of the largest, most complex civil matters for a wide variety of clients. He is a tremendous advocate who is well regarded and respected by his peers. David's reputation is impeccable.

January 21, 2009

The US Department of Justice and the United States would be fortunate, indeed, to have someone of David's caliber in the position of Deputy Attorney General. His legal analytical ability, judgment, temperament, and integrity are exceptional. I recommend him most highly and applaud his selection.

My very best regards.

Very truly yours,



Carolyn B. Lamm

cc: Eric Holder



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January 21, 2009

**BY HAND DELIVERY**

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, D.C. 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

**Re:    Nomination of David W. Ogden to be Deputy Attorney General of  
the United States**

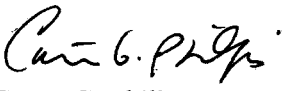
Dear Senators Leahy and Specter:

I write enthusiastically to endorse the nomination of David Ogden to be Deputy Attorney General of the United States.

I have known David personally and professionally for more than a decade. While David and I have had honest disagreements as to how best to resolve a particular dispute, I always have admired his openness to opposing points of view and the sound judgment and reasoning that are consistent trademarks of any decision that David makes. During the Clinton Administration, I had opportunities to work with and against David while he was in the Department of Justice as Assistant Attorney General for the Civil Division, as Chief of Staff to the Attorney General, and as Associate Deputy Attorney General. Since joining Wilmer, I also have handled cases with David and found him to be consistently insightful and demonstrate the kind of integrity that command respect within the private bar.

David Ogden is without question a "lawyer's lawyer." He understands the Department as an institution, and will provide the kind of leadership that will bring confidence to the quality of justice that we all legitimately expect from the federal government. I support David's nomination as Deputy Attorney General, and I commend him to you without reservation.

Very truly yours,

  
Carter G. Phillips



GlaxoSmithKline

January 21, 2009

**GlaxoSmithKline**  
**Daniel E. Troy**  
Senior Vice President  
and General Counsel  
One Franklin Plaza  
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Philadelphia, PA  
19101-7929

  
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The Honorable Patrick J. Leahy  
433 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Leahy,

I write to strongly endorse the appointment of David Ogden, Esq., to be the Deputy Attorney General of the United States. I had the opportunity to get to know David while we were litigating a case together. David was a pleasure to work with. He is smart, principled, courteous, fair, gracious – in short, everything that one could want in a co-counsel. He came up with innovative and powerful constitutional and other arguments challenging a law that would have significantly harmed the public health. He articulated them ably, both in writing and at oral argument. His preparation was meticulous; his openness to feedback was most welcome.

The President has made an excellent choice in nominating David for this august position. Before serving as the General Counsel of GlaxoSmithKline, I had the honor of serving as Chief Counsel of the Food and Drug Administration from 2001 until 2004. I also served in the U.S. Department of Justice in the Office of Legal Counsel. I believe that I know what is required to succeed in government service, and David has the mix of emotional and analytical intelligence that it takes to succeed. He has integrity, previous government service, and an open mien that will serve him and the Department well. Most importantly, perhaps, to reiterate a point I made before, I believe he will be perceived – accurately -- as fair.

I strongly urge that you confirm him as early as possible. I would be happy to answer any questions you or the Committee may have.

Sincerely,

A handwritten signature in black ink that reads "Daniel E. Troy". The signature is written in a cursive, flowing style.

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

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January 21, 2009

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: Nomination of David W. Ogden to be Deputy Attorney General of  
the United States

Dear Senators Leahy and Specter:

I write in support of David Ogden's nomination to be Deputy Attorney General. I have known David for more than a dozen years. Throughout that time, during our service together at the Department of Justice and subsequently in private legal practice, I have known him to be a skilled lawyer and person of integrity.

At the Department of Justice, David was a highly-regarded staff lawyer to the Attorney General and Deputy Attorney General, and, toward the end of the Clinton Administration, as Assistant Attorney General in charge of the Civil Division. He carefully considered the views of career lawyers and sought to base his recommendations and judgments on all relevant viewpoints. To my knowledge, he was well respected in all aspects of his service to the Department.

In private practice, David has earned a reputation as a lawyer who thoroughly and comprehensively works legal problems for clients. He has represented many large corporations on matters of significant economic interest to them. I have litigated against David in the Supreme Court, in *Bates v. Dow AgroSciences*, in which David was on a team led by Seth Waxman in arguing in favor of preempting claims by farmers for crop damage caused by negligently designed pesticides. Although our side was fortunate to prevail in the case, upholding the longstanding rights of farmers to bring claims against pesticide manufacturers for crop damage against a preemption defense, I saw first-hand the skill of the legal work that David and his other partners brought to bear in the case.

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

I have no doubt that, if confirmed by the Senate, David will help restore respect and integrity to the Department of Justice.

Sincerely yours,

A handwritten signature in black ink, reading "David C. Frederick". The signature is written in a cursive, flowing style with a prominent "D" and "F".

David C. Frederick

# Jeffrey M. Blum

Attorney - at - Law

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January 21, 2009

The Hon. Patrick J. Leahy  
Chair, Senate Judiciary Committee  
423 Russell Senate Office Building

9516  
by fax to (202) 224-~~3479~~

The Hon. Arlen Specter  
Ranking Republican, Senate Judiciary Committee  
711 Hart Building

by fax to (202) 228-1229

**Attention: All Staff concerned with DOJ  
confirmation hearings**

Dear Senator Leahy and Senator Specter:

As you may know, the Justice Department has developed a serious problem with its Assets Forfeiture and Money Laundering Section ("AFMLS") repeatedly engaging in a type racketeering by using an imaginary law against "structuring" to impersonate the actual law against structuring a single currency transaction, 31 U.S.C. § 5324(a)(3). The result has been repeated thefts of millions of dollars from legitimate cash businesses that are typically done by corrupting United States Attorneys' Offices ("USAO's") and getting them to engage in mixed schemes of fraud and extortion.

The telltale sign of this practice, which is fully described in a hundred page report on the web site [stopDOJtheft.com](http://stopDOJtheft.com), involves forfeiting millions of dollars of bank deposits on the sole ground of structuring (i.e., breaking up into parts) currency transactions without identifying any single transactions that have been structured. Omitting this little but essential detail of the actual law allows AFMLS to steal years worth of bank deposits on the ground that the business has repeatedly deposited cash in the bank. Owners, who are instructed only in the

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actual law and not warned about DOJ racketeering, will sometimes surrender large amounts of assets in exchange for avoiding what the corrupted U.S. Attorneys describe to them as the lengthy prison terms that they will otherwise receive. On occasion federal judges have somehow been induced to cooperate and either ignore the “single transaction” requirement of the law altogether or state that it would “not be useful” to identify any single transactions. *See Ratzlaf v. United States*, 510 U.S. 135, 136 (1994) for clear statement of actual law’s meaning, which is confirmed by the C.F.R. Part 103 regulations that are the primary source.

This letter makes two requests: first, that if at all possible, **this matter be brought up in Deputy Attorney General-designee Ogden’s confirmation hearings**, and second, **that oversight hearings be scheduled to address this blatantly illegal practice**. Because the practice worsened and expanded considerably during the tenure of Alberto Gonzales, it is now very important that we have an Attorney General and Deputy Attorney General who respect and take seriously their oaths to uphold both the law and constitutional limitations on subject matter jurisdiction that prevent federal courts from issuing or attempting to sustain forfeitures without any genuine statutory factual basis. *See Libretti v. United States*, 516 U.S. 29, 42-44, 55-56 (1995).

With respect to Mr. Ogden, let me begin by saying that I have no specific knowledge that would allow me to do anything but hold him and Attorney General-designee Holder in the highest regard. But even if they are saints and heroes in every respect, they should be made aware of this problem before, or at the very least soon after, taking office. I do not know whether either is currently aware of it and have not yet been able to communicate with them.

Nevertheless, I am a little concerned based on some things that transpired (very possibly without either’s knowledge) during President Clinton’s second term when the two nominees were Deputy Attorney General and Assistant Attorney General in charge of the civil division. The “structuring” scams that now plague our legal system, especially in the Second and Sixth Circuits, began in 1992 and were thought to have been brought quickly under control by the two aforementioned Supreme Court decisions, legislation restricting forfeitures and by the Justice Department’s Policy implemented in 1994 clearly requiring explicitly identified statutory bases for forfeiture. However, during the second Clinton term there appeared to be a visible shift away from compliance with these multiple



sources of law toward allowing AFMLS to encourage USAOs it had already recruited to stonewall. Stonewalling has continued at most times through the Bush years, with AFMLS insisting it will only follow court decisions and then pressing USAOs to resist all attempts to get the courts to require any list of structured transactions. Regrettably, some judges have cooperated in this.

Through the long litigation history that I have witnessed there have been high officials in the Justice Department who have acted with integrity and attempted to bring AFMLS' lawless behavior under control. Each, however, has fallen short in the end and been unable to rein in the lawlessness. Under control. Near the end of the Clinton Administration former Assistant Attorney General (Criminal Division) James K. Robinson ordered a review of the practice that was then discontinued when a new Assistant Attorney General took over. Attorney General Ashcroft and Deputy Attorney General Comey ordered a review of the illegal four million dollar "structuring" forfeiture of assets from Country Folk Art Shows, Inc. Associate Deputy Attorney General Catherine O'Neil conducted the review, concluded that there had been no factual basis for taking the money over and above collection of taxes (which had already been paid) and she succeeded in getting Division Counsel of the I.R.S. to conduct a similar review, preparatory to redressing the illegal forfeiture by granting long-pending tax refund claims for those assets. See attached transmittal letters from O'Neil dated July 25, 2005.

However, by this time Alberto Gonzales had been installed as Attorney General, Deputy Attorney General Comey and his associates had resigned and the Justice Department shifted to acting in the following manner:

1. Both the Justice Department and I.R.S. Division Counsel reviews, which documented the need for refunds, were to be suppressed using a bogus invocation of "attorney-client privilege" and hidden from public view.

2. The Justice Department and I.R.S. were to handle liability from the Country Folk Art Shows forfeiture by both agreeing to blame one another for it and to refuse to cooperate in any manner with attempts to have the conclusions of the reviews implemented. AFMLS was to be placed in charge of the matter and would use its influence in the courts to get judges to conclude that a list of structured transactions "would not be useful." (This is very similar to a shoplifter stating that showing receipts for merchandise in his possession "would not be useful..")

These decisions were accompanied by the sudden emergence of a spate of

new cases in which the “structuring” scam was used to steal money, in one instance possibly approaching \$22 million. *See Report at web site [stopDOJtheft.com](http://stopDOJtheft.com).*

Based on this history it would be useful to present the following questions to Deputy Attorney General-designee Ogden:

- (1) Is he aware of problems with a purported law against “structuring” being used in place of the actual law against structuring a currency transaction, 31 U.S.C. § 5324(a)(3)?
- (2) Is he aware of any ongoing abuses in the assets forfeiture area?
- (3) Where reviews have been done by the Deputy Attorney General and the Internal Revenue Service showing a legal obligation of the United States to return forfeited assets, does he believe the government should act on the basis of what the reviews show, or is it permissible in some circumstances to suppress the reviews in order to evade repayment obligations?
- (4) Does he acknowledge and will he in practice uphold the doctrine that forfeitures transacted without any statutory factual basis result in void judgments that must be set aside, hence it is improper to solicit judicial cooperation to evade this obligation?
- (5) Given the presence of what appear to be severe and growing ethical problems within the Department of Justice that have spilled over into the judicial branch, does the prospective Deputy Attorney General agree with the position taken by the Senate Select Committee on Ethics that Senator McConnell relayed to me by letter dated September 26, 2008:

[T]he Select Committee on Ethics of the United States Senate publishes guidance for U.S. Senators regarding requests for intervention related to agency adjudications, such as the reviews of your concerns by the IRS. The Ethics Committee advises Senators to refrain from intervening in court actions until the matter reaches a resolution in the courts, and it advises of “the most stringent limitations placed on congressional contacts involving pending agency adjudications,”

Normally one would expect Department of Justice leadership to show great deference to such a committee, but in this instance AFMLS' reliance on this policy of non-intervention to continue subverting the law and Constitution seems to conflict directly with President Obama's recent declaration that pursuit of Department objectives should not be at the expense of the Rule of Law. Also, when AFMLS reaches the extreme of inducing judges to defy jurisdictional limitations the matter can never "reach a resolution in the courts" because there continues to be a mandatory duty to set aside the void judgment which some judges at district and appellate levels continue to defy.

Such a description defies credulity and would seemingly label me a paranoid fringe character but for one thing: it is undisputed in the Country Folk Art Shows case that the government has now gone sixteen years keeping four million dollars worth of lawfully earned assets on the sole ground that all were involved in "structured transactions," but has consistently refused to identify any structured transactions.

I hope that I have conveyed the seriousness of my concerns to you. This letter is intended to be shared with all committee members and their staffs. I request that you bring this letter to Mr. Holder's attention at some appropriate time and that it be introduced for questioning of Deputy Attorney General-designee Ogden when he appears for confirmation. Not only his outstanding qualifications, but also his intentions for the office should be subject to scrutiny. I also request that oversight hearings be held to address either the problem of abuse of forfeiture laws generally or the particular "structuring" scam that now appears to be proliferating. I will also convey this latter request to Chairman Conyers and to the new leadership of Henry Waxman's committee. If any of the above is done, I pledge to provide the greatest assistance possible to questioners and will be happy to travel to Washington for this purpose. Anyone involved should feel free to communicate back to me at the Louisville office at any time.

Respectfully Yours,



Jeffrey M. Blum  
Harvard Law School 1980  
Private counsel for owners of  
Country Folk Art Shows, Inc.



## U. S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

July 25, 2005

Jeffrey M. Blum  
Attorney at Law  
7106 Meadow Ridge Drive  
Louisville, Kentucky 40218

Re: Country Folk Art Matter

Dear Mr. Blum:

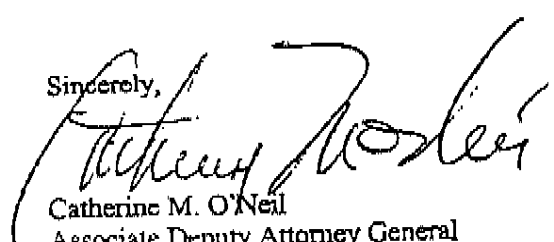
I received your letter dated July 20, 2005. I was disappointed to see that your rhetoric has once again escalated and that your tone has become quite negative. I feel compelled to respond to the letter, which, under other circumstances, I would consider as warranting no response.

I want to make clear that the Department of Justice Asset Forfeiture and Money Laundering Section has reviewed the issues involved in the original forfeiture and determined that no further legal action is required in light of the Sixth Circuit's opinion. Nevertheless, because the facts underlying the forfeiture and your client's tax liability are so closely linked, this office has agreed to request that the Internal Revenue Service conduct a review of the validity of the pending refund claim and render a decision on whether any tax credit is warranted. Our request in this regard is in no way binding on the IRS, however.

I have no reason to doubt that Commissioner Jardini and the IRS staff will conduct a fair review and take the action they believe is appropriate in this case; should they still disagree with your assessment of the law or the facts, however, there is nothing further that I or the Department of Justice can do.

Please know that I have received and kept the volumes of correspondence you have sent to me in this matter, and I will provide the IRS with whatever materials are necessary to facilitate their review. Please also understand that my failure to respond to each and every letter you have sent should not be considered a tacit adoption of any of the statements contained therein. I have communicated my affirmative position to you in writing.

Sincerely,

  
Catherine M. O'Neil

Associate Deputy Attorney General

July 25 2005

Nancy Jardini  
Chief, Criminal Investigation  
Internal Revenue Service  
1111 Constitution Avenue, NW  
Room 2527  
Washington, D.C. 20224

Re: Pending Tax Refund Claim of John & Virginia Long and  
John & Rhonda Blakely, d/b/a Country Folk Art Shows, Inc.

Dear Ms. Jardini:

Counsel for the above-named taxpayers has contacted the Office of the Attorney General and this office to challenge a 1992 forfeiture of approximately \$4 million, pursuant to a civil forfeiture action in the Eastern District of Michigan (*United States v. Real Property 6185 Brandywine Drive*, No. 92-CV-40157). This forfeiture action arose out of an investigation conducted by agents of the Internal Revenue Service.

The Criminal Division's Asset Forfeiture and Money Laundering Section has conducted a review of the matter and concluded that no further legal action is appropriate. However, in considering this case, this office has been mindful of the fact that the factual basis for the forfeiture appears to be closely linked with the facts underlying the \$5.3 million tax liability of the taxpayers. Counsel for the taxpayers has advised us that he filed a refund claim with the Internal Revenue Service pertaining to that tax assessment on or about April 2, 2002.

As you and I have discussed, I am writing to suggest that your office undertake its own review of the facts of the pending refund claim and render a decision. I recognize that this request is in no way binding upon the Internal Revenue Service, however.

Should you require any additional information in connection with your review, the Department of Justice is available to assist. I appreciate your attention to this matter.

Sincerely,

Catherine M. O'Neil  
Associate Deputy Attorney General



Charles B. Wang International  
Children's Building  
699 Prince Street  
Alexandria, VA 22314-3175  
U.S.A.

Telephone 703.274.3900

Facsimile 703.274.2200

[www.missingkids.com](http://www.missingkids.com)

[www.cybertipline.com](http://www.cybertipline.com)

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January 21, 2009

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Senator Leahy and Senator Specter:

I am writing to express enthusiastic support for the nomination of David W. Ogden to be Deputy Attorney General. We had the opportunity to work with Mr. Ogden during his earlier tenure at the Justice Department as Associate Deputy Attorney General, and particularly in his capacity as Chief of Staff and Counselor to the Attorney General in the late 1990s. He later served with great distinction as Assistant Attorney General for the Civil Division.

During his tenure as Chief of Staff and Counselor to the Attorney General, we worked closely with the Attorney General and Deputy Attorney General in attacking the growing phenomenon of child sexual exploitation and child pornography. Attorney General Janet Reno was a great friend and ally, and a fierce advocate for children. As Counselor to the Attorney General, Mr. Ogden was intricately involved in helping to shape the way NCMEC responded to child victimization challenges and delivered its services.

In 1998 Congress mandated that NCMEC host and operate the CyberTipline, the "9-1-1 for the Internet," handling reports of child sexual exploitation from citizens and Internet Service Providers. The mandate for ISP reporting was a particular challenge and resulted in extensive discussions and negotiations with senior Justice Department officials, including the then-Deputy Attorney General Eric Holder. We are deeply grateful for the tenacity and commitment of Mr. Holder and other senior officials, including Mr. Ogden.

I am convinced that Mr. Ogden's impressive career as a litigator, leader of the legal community and great public servant will serve the Justice Department, law enforcement and America's families well.

Sincerely,

Ernie Allen  
President & CEO

January 21, 2009

Rachel L. Brand

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

+1 (t)  
+1 (f)

Dear Chairman Leahy and Senator Specter:

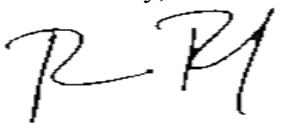
I write in strong support of David Ogden's nomination to be Deputy Attorney General of the United States.

David's particular experience – including his years at several senior posts in the Department of Justice – makes him uniquely qualified for this post. As the Assistant Attorney General for the Civil Division, he oversaw litigation affecting virtually federal agency and involving the most pressing constitutional and statutory issues facing the U.S. government. His experience as Chief of Staff to the Attorney General exposed him to the full gamut of issues affecting the Justice Department. And his service at the Department of Defense gave him an appreciation for national security concerns that has become especially important since September 11, 2001.

In addition, based on my experience practicing law with him over the past year, I believe he has qualifications that cannot be judged from the paper record. As I observed during my own service in the Department of Justice, the two most important qualifications for a senior government official are integrity and sound judgment. David possesses both. In addition, he is incisive, serious about the law, measured, and reasonable.

I have no doubt that David will serve with distinction if confirmed as Deputy Attorney General.

Sincerely,



Rachel L. Brand

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SUITE 1030  
WASHINGTON, D. C. 20036-2435  
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*BY MAIL*

January 21, 2009

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: Nomination of David W. Ogden to be  
Deputy Attorney General of the United States

Dear Senators Leahy and Specter:

I write to endorse, with unalloyed enthusiasm, the nomination of David Ogden to be Deputy Attorney General of the United States.

David and I were law clerks together, in 1981-1982, for the Honorable Abraham Sofaer, United States District Court for the Southern District of New York. It was a joy and a constant education to serve with him. He was then, and remains now, not only a warm human being but meticulous, smart, knowledgeable, and intensely focused as a lawyer. For those reasons and because of his extensive experience at the top echelons of the Department of Justice, there is no one I would rather see assisting the Attorney General in the daily task of making difficult and delicate decisions on the vast range of legal issues that come before the Department. His work as Deputy Attorney General will be a model, and therefore an inspiration, to lawyers throughout the Department and beyond. The country could not do better.

Sincerely,

  
Richard G. Taranto



WILMERHALE

Seth P. Waxman

January 21, 2009

*By Hand*

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: Nomination of David W. Ogden to be Deputy Attorney General of  
the United States

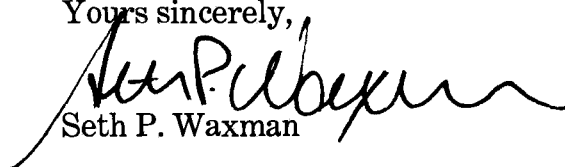
Dear Senators Leahy and Specter:

I write enthusiastically to endorse the nomination of David Ogden to be Deputy Attorney General of the United States.

I have known David personally and professionally for decades. He is a supremely gifted attorney, a man of great integrity and compassion, and a leader in every professional sense. We have been law partners for almost eight years; before that we served together in the Department of Justice for nearly seven years, during which time David distinguished himself as Assistant Attorney General for the Civil Division, as Chief of Staff to the Attorney General, and as Associate Deputy Attorney General.

David Ogden is truly a "lawyer's lawyer." He has a keen sense of the Department of Justice as an institution, and he is perfectly suited to provide the leadership it needs to thrive. David would be a marvelous Deputy Attorney General, and I commend him to you without reservation.

Yours sincerely,



Seth P. Waxman



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January 21, 2009

Senator Patrick Leahy, Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510-6275

Senator Arlen Specter, Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510-3802

Re: Nomination of David Ogden for Deputy Attorney General

Dear Chairman Leahy and Ranking Member Specter:

I am writing to express my strong support for the nomination of David Ogden for Deputy Attorney General of the United States Department of Justice (DOJ). As you may know, I was privileged to serve in the Department of Justice with Mr. Ogden from 1998-2001 and have consistently been impressed with his integrity, intellectual honesty, and management abilities.

At the National Center for Victims of Crime, our mission is to forge a national commitment to help victims of crime rebuild their lives. The Department of Justice's fulfillment of its mission of ensuring justice for all is particularly critical for victims of both local and federal crime across the country and significantly impacts the work of victim advocacy organizations like the National Center.

As Deputy Attorney General, Mr. Ogden will oversee all federal criminal prosecutions, with direct oversight of the work of the Department's Criminal Division and indirect oversight of prosecutions in the Offices of the United States Attorneys across the country. As such, he will set the tone for victim inclusion and ensure that appropriate policies are in place.

Based on my personal experience as a colleague of Mr. Ogden, I believe that he will play a valuable and significant role in setting a high standard of quality, integrity, and efficiency at the Department of Justice.

We urge Mr. Ogden's swift confirmation in the interest of allowing the Department of Justice to resume its full functioning as our premier law enforcement organization.

Sincerely,

Mary Lou Leary

Alexander Auersperg

Hon. Arnold I. Burns

Hon. Richard J. Condon

Carol DiBattiste

Philip Gerson

Sarah S. Gold

G. Morris Gurley

Marla Hanson

Ann Hayes

Alberta Davis Hogg

Hon. Eric H. Holder, Jr.

Ala Isham

Ralph H. Isham

John J. Libonati

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Hon. Arnold I. Burns

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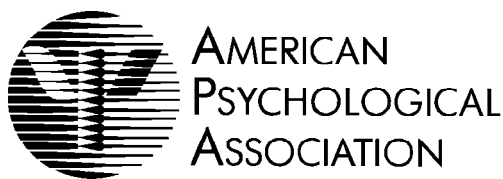
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Linda Fairstein

Hon. Laurie O. Robinson

#### EXECUTIVE DIRECTOR

Mary Lou Leary



January 22, 2009

The Honorable Patrick Leahy  
Chairman            Ranking  
Senate Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510-6275  
*Via facsimile (202)224-5225*

The Honorable Arlen Specter  
Member  
Senate Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510-6275  
*Via facsimile (202)224-9102*

Re:            David W. Ogden, Nominee for Deputy Attorney General of the United States

Dear Chairman Leahy and Ranking Member Specter:

The American Psychological Association respectfully submits this letter to the Senate Committee on the Judiciary to express our strong support for the nomination of David W. Ogden, Esq. as the next Deputy Attorney General of the United States. The American Psychological Association (APA) is a nonprofit scientific and professional organization founded in 1892. The Association has more than 148,000 members and affiliates, including the majority of psychologists holding doctoral degrees from accredited universities in this country.

Among APA's major purposes is to increase and disseminate knowledge regarding human behavior and to foster the application of psychology to important public policy issues. Mr. Ogden has assisted APA in carrying out its mission during his years in private practice. In particular, Mr. Ogden has represented APA in presenting social science research on matters of public policy to the United States Supreme Court and appellate courts through amicus curiae briefs. Among the most significant briefs filed by Mr. Ogden on APA's behalf are:

- *Parents Involved in Community Schools v. Seattle School District No. 1* (2007) and the First Circuit case concerning the Lynn, Massachusetts school plan, setting forth scientific support regarding the use of affirmative action and race conscious tools in K-12 education.
- *Planned Parenthood v. Casey*, providing scientific research regarding the effect of spousal notification and informed consent provisions in the landmark case that upheld *Roe v. Wade*.
- *Lawrence v. Texas* and *Bowers v. Hardwick*, providing social science research supporting the rights of gay and lesbian persons.

- *Panetti v. Quarterman* (insanity defense), *Clark v. Arizona* (same), and *Sell v. US* (forced administration of psychotropic medications) supporting the rights of mentally ill and mentally retarded citizens.

In the 1990s, Mr. Ogden held key positions in the Department of Justice -- Assistant Attorney General for the Civil Division, Chief of Staff and Counselor to the Attorney General, and Associate Deputy Attorney General. Mr. Ogden has represented APA throughout his career in private practice both before and after public service. APA chose Mr. Ogden to represent the association in its most difficult and complex cases due to his excellent reputation with the courts and within the legal community, his exceptional legal skills and his passion for the law. These attributes all underscore why he will make a superb Deputy Attorney General.

We urge the Senate to confirm Mr. Ogden as Deputy Attorney General. If APA can be of any further assistance or if you have any questions, please contact Nathalie Gilfoyle, APA General Counsel at [REDACTED]

Respectfully yours,



Norman B. Anderson, Ph.D.  
Chief Executive Officer

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.  
ATTORNEYS AT LAW  
1330 BROADWAY, SUITE 1800  
OAKLAND, CALIFORNIA 94612-2519

PHONE: [REDACTED] • FAX: [REDACTED]  
SENDER'S E-MAIL: [REDACTED]

January 22, 2009

Chairman Patrick Leahy  
Senate Judiciary Committee  
U.S. Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Ranking Member Arlen Specter  
Senate Judiciary Committee  
U.S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

**RE: David Ogden's Nomination for Deputy Attorney General**

Dear Chairman Leahy and Ranking Member Specter:

I submit this letter in support of the nomination of David Ogden for the position of Deputy Attorney General in the U.S. Department of Justice. I do so enthusiastically and without reservation.

I first met David when I was Assistant Attorney General for Civil Rights from December 1997 through January 2001. David initially oversaw the work of the Civil Rights Division as the Attorney General's Chief of Staff and point person on civil rights matters; later he was my colleague as Assistant Attorney General for the Civil Division.

We worked closely on a wide variety of civil rights enforcement issues, ranging from voting rights to hate crimes to racial profiling to police misconduct to affirmative action to disability rights to assuring the civil rights of federal employees. David led the Department's work on preparing hate crimes legislation and law enforcement in Indian Country, initiatives in which I and the Civil Rights Division played a significant role.

I can say without hesitation that David is fully committed to enforcement of our national civil rights laws and to making sure that the Civil Rights Division is able to do its job of enforcing the law faithfully and without fear or favor. He has a keen sense of the importance of the promise of equal treatment and fairness--embedded in our laws--is translated into an every-day reality for minorities, women, individuals with disabilities and all others protected by our civil rights laws.

David has not merely been a summer patriot. After he left the Department, in the midst of a busy private practice, he undertook the representation of several individuals on death row in cases raising important legal questions and filed amicus curiae briefs for the American Psychological Association and the League of Women Voters on important civil rights issues.

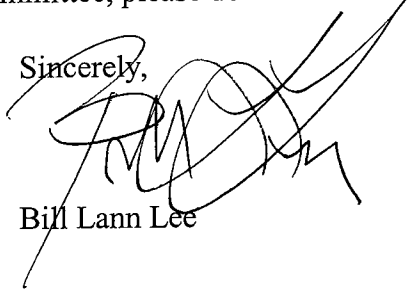
Patrick Leahy  
Arlen Specter  
January 22, 2009  
Page 2

David of course is a superbly qualified candidate in every sense, but his sensitivity and dedication to issues of equality and fairness deserve special attention at this particular juncture.

I fear that the Department and Civil Rights Division have strayed from their mission in recent years. The incoming Deputy Attorney will have to work hard to restore the independence and integrity of the Department as well as the Department's reputation. Much of this work will involve restoring the work of the Civil Rights Division and ensuring that civil rights enforcement is once more a national priority. I believe that David Ogden's personal sensitivity and dedication to civil rights will enable him to do that work well.

If I can otherwise be of assistance to the Committee, please do not hesitate to contact me.

Sincerely,



Bill Lann Lee

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005

Tel + 1 202 626 3600  
Fax + 1 202 639 9355  
www.whitecase.com

Direct Dial - [REDACTED]

January 22, 2009

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Senate Office Building  
Washington, D.C. 20510-4502

The Honorable Arlen Specter  
Ranking Minority Member, Senate Judiciary Committee  
711 Hart Senate Office Building  
Washington, D.C. 20510-3802

Dear Sirs:

I am writing to express my enthusiastic support for David Ogden, President Obama's nominee for the position of Deputy Attorney General.

I have had the privilege to serve in the Deputy Attorney General's office and the Attorney General's office under Attorney Generals Thornburgh, Barr and Ashcroft. I am confident that Mr. Ogden would make an outstanding Deputy Attorney General. I know from personal experience and from my friends there that he has a sterling reputation within the Justice Department based on his prior service there. He is also extremely well respected by the bar. He is a brilliant lawyer with excellent leadership skills. He also has a deep understanding of, and profound respect for, the Justice Department and the rule of law. Moreover, he is also a genuinely warm person who cares deeply about the people he works with.

The position of Deputy Attorney General is an extremely demanding and important one. If handled well, it helps ensure the smooth functioning of the Justice Department and its ability to perform its many, diverse, and critical functions. If it is not handled well, it can lead to dysfunction throughout the Department. I have absolutely no doubt that Mr. Ogden has the intellect, skills and temperament to handle that critical position with distinction and in a way which will bring honor to the Department. I could not be more enthusiastic or unreserved in my support for his nomination.

Respectfully,



Daniel B. Levin

DBL:aw

ALMATY ANKARA BANGKOK BEIJING BERLIN BRATISLAVA BRUSSELS BUDAPEST DRESDEN DÜSSELDORF FRANKFURT HAMBURG  
HELSINKI HONG KONG ISTANBUL JOHANNESBURG LONDON LOS ANGELES MEXICO CITY MIAMI MILAN MOSCOW MUNICH  
NEW YORK PALO ALTO PARIS PRAGUE RIYADH SÃO PAULO SHANGHAI SINGAPORE STOCKHOLM TOKYO WARSAW WASHINGTON, DC

January 22, 2009

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, D.C. 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, D.C. 20510

**Re:    Nomination of David W. Ogden to be Deputy Attorney General of  
the United States**

Dear Senators Leahy and Specter:

I write in support of the nomination of David W. Ogden to serve as Deputy Attorney General of the United States.

I recently completed service in the Administration of George W. Bush as Assistant to the President and Deputy National Security Advisor for International Economic Affairs. I was responsible within the White House for coordinating Administration policy on international economic issues including international trade and investment, foreign assistance, humanitarian relief, and the international aspects of financial system reform, energy security and climate change. I also served as the President's personal representative to the G-8, the G-20 Financial Summit and the Asia-Pacific Economic Cooperation Forum and as the United States chair of various Cabinet-level bilateral economic dialogues including the Transatlantic Economic Council.

I have known Mr. Ogden for more than 25 years, beginning with our years together as law students at Harvard Law School and continuing through his work as a lawyer in Washington in both private practice and government service. He is a lawyer of exceptional ability; he is a man of extraordinary character and integrity. His commitment to the highest standards of the legal profession is manifest in the success of his private practice with Wilmer Hale. His commitment to public service can be seen in his prior distinguished service as Deputy General Counsel with the Department of Defense and his service in senior roles with the Department of Justice.

Mr. Ogden has always demonstrated a keen sense of fidelity to the law and advancing the public interest. He can be counted on to exercise independent and impartial judgment. He has also shown an appreciation for the interplay of international law and domestic law; of national security and international economic policy. From my recent experience at the White House, I



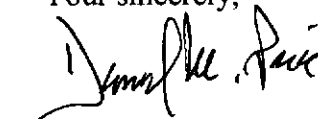
The Honorable Patrick Leahy  
The Honorable Arlen Specter  
January 22, 2009  
Page 2

know that the challenges posed both to our national security and to our law enforcement by an increasingly globalized economy are many and real, and I had occasion to work closely with the Department of Justice to address these challenges. I believe Mr. Ogden can ably lead the Justice Department's activities in this area and make an important contribution to policy formulation and execution.

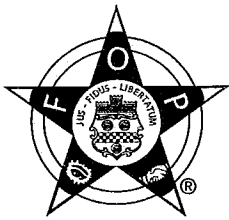
Mr. Ogden will also do a first rate job as a key manager of the Department. He will be a strong leader who can motivate others and build teams while bringing out the best from each individual. Like all natural leaders, he leads first and foremost by example: no one at the Justice Department will work harder or show greater commitment to serving the public than David.

I believe the Justice Department and our nation will be very well-served by Mr. Ogden's confirmation and I commend him to your favorable consideration without any reservation.

Your sincerely,



Daniel M. Price



NATIONAL  
FRATERNAL ORDER OF POLICE®

309 MASSACHUSETTS AVE., N. E.  
WASHINGTON, DC 20002  
PHONE 202-547-8189 • FAX 202-547-8190

CHUCK CANTERBURY  
NATIONAL PRESIDENT

JAMES O. PASCO, JR.  
EXECUTIVE DIRECTOR

22 January 2009

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

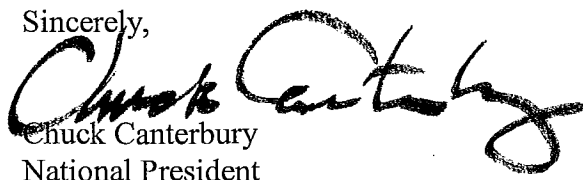
Dear Mr. Chairman and Senator Specter,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for the nomination of David W. Ogden to be the next Deputy Attorney General of the United States.

Mr. Ogden is a tremendous choice. Not only is he a fine and gifted attorney, but he possesses the leadership and experience that the Justice Department will need to meet the challenges which lay before us. Mr. Ogden has an excellent record of public service, which began in 1994 when he left private practice to become the Deputy General Counsel and the Legal Counsel for the U.S. Department of Defense. He transitioned into the U.S. Department of Justice in 1995, serving as an Associate Deputy Attorney General until 1997 when he became Counselor to the U.S. Attorney General. From 1998 until 1999, Mr. Ogden served as the chief of staff to the Attorney General. He served as Acting Assistant Attorney General for the Civil Division in 1999, until being confirmed for the post by the Senate in 2000. Mr. Ogden left the Department in 2001 and joined one of the top law firms in Washington, D.C. We are fortunate that President Obama has asked him to return to public service, and we look forward to working with him in the years to come.

As you know, we have the highest regard for the President's choice to be the next U.S. Attorney General, Eric H. Holder, Jr. We believe that he deserves to have people in whom he can place his trust when he assumes leadership of the Department. Mr. Ogden is one such individual, and I believe that the President has made a fine choice in David W. Ogden to be the next Deputy Attorney General of the United States. On behalf of the more than 327,000 members of the Fraternal Order of Police, I urge you and your Committee to expeditiously confirm his nomination. If I can be of any further assistance in this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

  
Chuck Canterbury  
National President

—BUILDING ON A PROUD TRADITION—

January 22, 2009

**VIA FACSIMILE – (202) 224-3479**

Senator Patrick J. Leahy  
United States Senate  
Russell Building  
Washington, D.C.

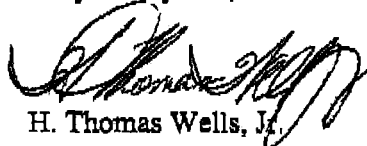
**Re: David Ogden**

Dear Senator Leahy:

I write to endorse and support the nomination of David Ogden as Deputy Attorney General in my personal capacity, and not as President of the American Bar Association. I have known David both personally and by reputation for several years, mostly from our work together in the ABA's Section of Litigation, which I was privileged to chair in 1999-2000.

David's qualifications for the post of Deputy Attorney General are evident from his resume, but as importantly, his personal qualities and strong commitment to the rule of law likewise point to him being an excellent Deputy Attorney General. I urge you to confirm his nomination.

Very truly yours,



H. Thomas Wells, Jr.

HTW,Jr/psr

January 22, 2009

The Honorable Patrick Leahy,  
Chairman  
The Honorable Arlen Specter,  
Ranking Member  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510

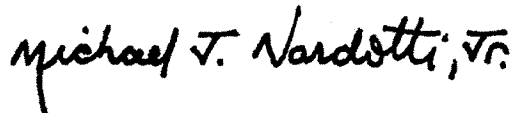
Gentlemen:

We, the undersigned, write with reference to the nomination of David W. Ogden as Deputy Attorney General, U.S. Department of Justice. We are retired military officers each of whom served as the Judge Advocate General of his respective Service or in another senior uniformed lawyer position during the period of Mr. Ogden's prior government service (1994-2001).

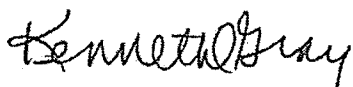
Most of us worked closely with Mr. Ogden when he was Deputy General Counsel (Legal Counsel) of the Department of Defense, addressing a number of the most important and sensitive legal issues confronting the Department at that time. Some of us know him principally by reputation. All of us support the nomination, without regard to party affiliation, because we believe David Ogden to be a person of wisdom, fairness and integrity, a public servant vigilant to protect the national security of the United States, and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise.

We thank the Committee in advance for taking our views into account in considering Mr. Ogden's qualification for office.

Respectfully submitted,



MG Michael Nardotti, USA (Ret.)  
The Judge Advocate General  
United States Army  
1993-1997



MG Kenneth Gray, USA (Ret.)  
Deputy Judge Advocate General  
United States Army  
1993-1997

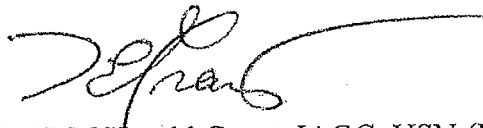
RADM Harold Grant, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1993-1997

Maj Gen Nolan Sklute, USAF (Ret.)  
The Judge Advocate General  
United States Air Force  
1993-1996

Maj Gen Andrew Egeland, USAF (Ret.)  
Deputy Judge Advocate General  
United States Air Force  
1993-2000

BGen Michael Wholley, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1993-1996

MG Kenneth Gray, USA (Ret.)  
Deputy Judge Advocate General  
United States Army  
1993-1997

A handwritten signature in black ink, appearing to read 'H. Grant', with a long horizontal flourish extending to the right.

RADM Harold Grant, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1993-1997

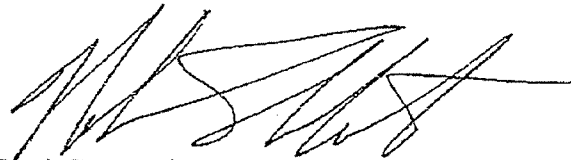
Maj Gen Nolan Sklute, USAF (Ret.)  
The Judge Advocate General  
United States Air Force  
1993-1996

Maj Gen Andrew Egeland, USAF (Ret.)  
Deputy Judge Advocate General  
United States Air Force  
1993-2000

BGen Michael Wholley, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1993-1996

MG Kenneth Gray, USA (Ret.)  
Deputy Judge Advocate General  
United States Army  
1993-1997

RADM Harold Grant, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1993-1997

A handwritten signature in black ink, appearing to read 'Nolan Sklute', with a long horizontal stroke extending to the right.

Maj Gen Nolan Sklute, USAF (Ret.)  
The Judge Advocate General  
United States Air Force  
1993-1996

Maj Gen Andrew Egeland, USAF (Ret.)  
Deputy Judge Advocate General  
United States Air Force  
1993-2000

BGen Michael Wholley, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1993-1996

MG Kenneth Gray, USA (Ret.)  
Deputy Judge Advocate General  
United States Army  
1993-1997

RADM Harold Grant, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1993-1997

Maj Gen Nolan Sklute, USAF (Ret.)  
The Judge Advocate General  
United States Air Force  
1993-1996

A handwritten signature in black ink, appearing to read "Andrew Egeland". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Maj Gen Andrew Egeland, USAF (Ret.)  
Deputy Judge Advocate General  
United States Air Force  
1993-2000

BGen Michael Wholley, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1993-1996



MG Kenneth Gray, USA (Ret.)  
Deputy Judge Advocate General  
United States Army  
1993-1997

RADM Harold Grant, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1993-1997

Maj Gen Nolan Sklute, USAF (Ret.)  
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United States Air Force  
1993-1996

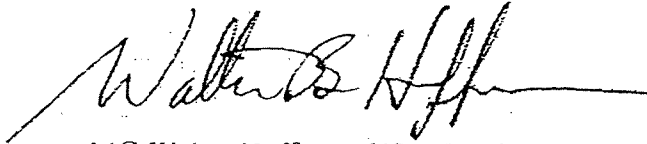
Maj Gen Andrew Egeland, USAF (Ret.)  
Deputy Judge Advocate General  
United States Air Force  
1993-2000

  
BGen Michael Wholley, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1993-1996

Senate Judiciary Committee

January 22, 2009

Page 3

A handwritten signature in black ink, appearing to read "Walter B. Huffman", with a long horizontal stroke extending to the right.

MG Walter Huffman, USA (Ret.)

The Judge Advocate General

United States Army

1997-2001

RADM John Hutson, JAGC, USN (Ret.)

Judge Advocate General

United States Navy

1997-2000

BGen Joseph Composto, USMC (Ret.)

Staff Judge Advocate to the Commandant

United States Marine Corps

1999-2001

RADM Donald Guter, JAGC, USN (Ret.)

Judge Advocate General

United States Navy

2000-2002

RADM Thomas Connelly, JAGC, USN (Ret.)

Assistant JAG (Civil Law)

United States Navy

1997-2000

MG Walter Huffman, USA (Ret.)  
The Judge Advocate General  
United States Army  
1997-2001

A handwritten signature in black ink, appearing to read 'JH', with a long horizontal stroke extending to the right.

RADM John Hutson, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1997-2000

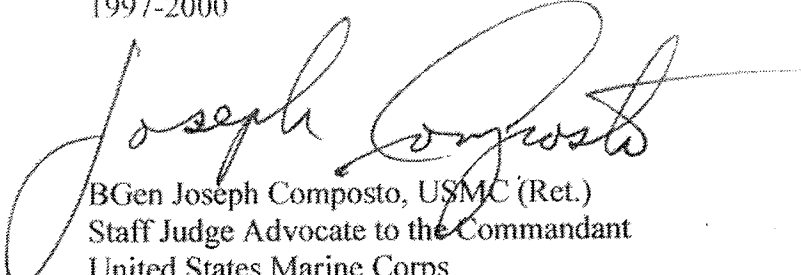
BGen Joseph Composto, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1999-2001

RADM Donald Guter, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
2000-2002

RADM Thomas Connelly, JAGC, USN (Ret.)  
Assistant JAG (Civil Law)  
United States Navy  
1997-2000

MG Walter Huffman, USA (Ret.)  
The Judge Advocate General  
United States Army  
1997-2001

RADM John Hutson, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1997-2000



BGen Joseph Composto, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1999-2001

RADM Donald Guter, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
2000-2002

RADM Thomas Connelly, JAGC, USN (Ret.)  
Assistant JAG (Civil Law)  
United States Navy  
1997-2000

MG Walter Huffman, USA (Ret.)  
The Judge Advocate General  
United States Army  
1997-2001

RADM John Hutson, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1997-2000

BGen Joseph Composto, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1999-2001

A handwritten signature in black ink, appearing to read "D. Guter", written in a cursive style.

RADM Donald Guter, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
2000-2002

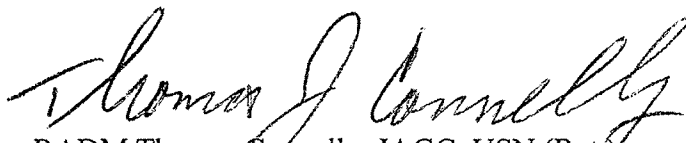
RADM Thomas Connelly, JAGC, USN (Ret.)  
Assistant JAG (Civil Law)  
United States Navy  
1997-2000

MG Walter Huffman, USA (Ret.)  
The Judge Advocate General  
United States Army  
1997-2001

RADM John Hutson, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
1997-2000

BGen Joseph Composto, USMC (Ret.)  
Staff Judge Advocate to the Commandant  
United States Marine Corps  
1999-2001

RADM Donald Guter, JAGC, USN (Ret.)  
Judge Advocate General  
United States Navy  
2000-2002



RADM Thomas Connelly, JAGC, USN (Ret.)  
Assistant JAG (Civil Law)  
United States Navy  
1997-2000

Senate Judiciary Committee  
January 22, 2009  
Page 4

A handwritten signature in cursive script, appearing to read "Steven Horton".

RADM Steven Horton, JAGC, USN (Ret.)  
Assistant JAG (Civil Law)  
United States Navy  
2000-2001

# CADWALADER

Cadwalader, Wickersham & Taft LLP  
New York London Charlotte Washington Beijing

1201 F Street, N.W., Washington, DC 20004  
Tel 202 862 2200 Fax 202 862 2400  
www.cadwalader.com

January 22, 2009

The Honorable Patrick J. Leahy  
Chairman, Senate Judiciary Committee  
United States Senate  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
United States Senate  
711 Hart Building Office  
Washington, DC 20510

Re: Nomination of David W. Ogden to be Deputy Attorney General of the United States

Dear Senators Leahy and Specter:

I write strongly to support the nomination of David Ogden to be the next Deputy Attorney General of the United States.

As a former United States Attorney (Eastern District of Michigan 1977-1980) and a former Assistant Attorney General for the Criminal Division (1998-2001), I care deeply about the Justice Department. I share the view the two of you have both expressed publicly – that the new leadership of the Justice Department must restore the Department's credibility with the American people. I addressed this topic in the most recent issue of the Harvard Law & Policy Review. My article, "Restoring Public Confidence in the Fairness of the Department of Justice's Criminal Justice Function" [[http://www.hlpronline.com/Robinson\\_HLPR.pdf](http://www.hlpronline.com/Robinson_HLPR.pdf)], expressed the view that:

"Ideally, the next Attorney General of the United States, as well as the Deputy Attorney General, Associate Attorney General and other presidential appointees in the Department would be men or women who are as close as possible to the 'Lawyer-Statesman' that former Yale Law School Dean Anthony Kronman sought to describe in his book *The Lost Lawyer: Failing Ideals of the Legal Profession*. Such a lawyer would be 'a devoted citizen

James K. Robinson Tel [REDACTED] Fax [REDACTED] [REDACTED]

USActive 14987175.1



# CADWALADER

The Honorable Patrick J. Leahy  
The Honorable Arlen Specter  
January 22, 2009

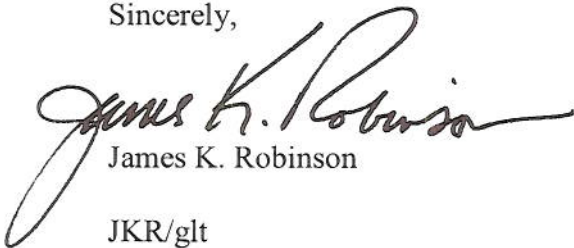
[who] cares about the public good and is prepared to sacrifice his own well being for it, unlike those who merely advance their private ends.' He or she 'is a paragon of judgment, and others look to him for leadership on account of his extraordinary deliberative power.'"

In my view, David Ogden is such a person. It was my privilege to work closely with David during my tenure as AAG of the Criminal Division. At that time, David served first as Chief of Staff to the Attorney General and then as the Assistant Attorney General for the Civil Division. It has also been my privilege to serve with David on the Obama Justice Department transition team over the past several months.

I have witnessed first hand David's extraordinarily sound judgment, his commitment to the mission of the Justice Department, and his passion for restoring the morale of the Department's outstanding career employees, and the credibility of the Department. David is a person of utmost integrity and independence. I am confident that he has the necessary strength of character to "speak truth to power" whenever necessary--a critical requirement for top leaders of the Justice Department to guarantee that the nation's commitment to the rule of law will always be honored.

I am pleased to support David's nomination with great enthusiasm and without reservation.

Sincerely,



James K. Robinson

JKR/glt

**John B. Bellinger, III**  
**4026 North 25<sup>th</sup> Street**  
**Arlington, Virginia 22207**

January 22, 2009

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Specter:

I am writing to urge the Committee's approval of David Ogden to be Deputy Attorney General.

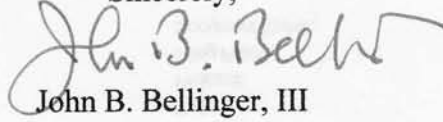
I worked closely with Mr. Ogden while I served as Counsel for National Security Matters in the Criminal Division of the Department of Justice from 1997-2001, during which time Mr. Ogden served as Chief of Staff to the Attorney General and subsequently as Assistant Attorney General for the Civil Division. Subsequent to my tenure at the Department of Justice, I served as Legal Adviser to the National Security Council from 2001 to 2005, and then as Legal Adviser to the Secretary of State from 2005 until 2009. Prior to joining the Department of Justice, I served as Special Counsel to the Senate Select Committee on Intelligence, while Senator Specter served as Chairman.

Mr. Ogden had an outstanding reputation among the career staff of the Department of Justice. He proved himself to be sensitive to the concerns of the Criminal Division, especially with respect to national security cases. He was analytical, hard-working, and conscientious, and always willing to factor additional viewpoints into his recommendations and decision-making.

Based on this past experience, I have every reason to believe that Mr. Ogden would be an outstanding Deputy Attorney General, respectful of the recommendations of career Justice attorneys and sensitive to complex and competing national security concerns at this delicate point in our nation's history. I also believe that his prior experience as Deputy General Counsel to the Department of Defense would ensure that Mr. Ogden would take into account the concerns of our military; it would also be an important asset when Mr. Ogden, were he to be confirmed, participates in regular meetings of the Deputies Committee of the National Security Council on important national security issues, such as the disposition and prosecution of detainees, including suspected terrorists who may be captured by our military in the future.

I strongly support the Committee's and the full Senate's approval of Mr. Ogden's nomination.

Sincerely,

  
John B. Bellinger, III

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January 22, 2009

Mayer Brown LLP  
1909 K Street, N.W.  
Washington, D.C. 20006-1101

Main Tel (202) 263-3000  
Main Fax (202) 263-3300  
www.mayerbrown.com

Kenneth S. Geller  
Direct Tel [REDACTED]  
Direct Fax [REDACTED]

✓ The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: Nomination of David W. Ogden to be Deputy Attorney General

Dear Senators Leahy and Specter:

I am writing to support the nomination of David Ogden to be Deputy Attorney General of the United States.

I was privileged to work in the Department of Justice from 1973 to 1986, in both Republican and Democratic Administrations. From 1979 until 1986 I served as Deputy Solicitor General. I know from personal experience that it is exceptionally important to place persons of unquestioned integrity and good judgment in the highest positions in the Department. This is especially true of the Deputy Attorney General, who traditionally has overseen day-to-day management of the Department, and it is especially true today, when public confidence and morale in the Department is so low.

I have known David Ogden for more than a decade and am confident that he would fill the position of Deputy Attorney General with distinction. Not only is David a man of unquestioned integrity, good judgment and superb academic achievement, but he also has had great experience as a lawyer, including as Assistant Attorney General in charge of the Civil Division and as Deputy Associate Attorney General.

I hope that your committee will move swiftly to approve David's nomination as Deputy Attorney General.

Sincerely,



Kenneth S. Geller



# NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

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## NATIONAL HEADQUARTERS

WILLIAM J. JOHNSON

Executive Director

January 22, 2009

The Honorable Patrick Leahy  
Chairman

Committee on the Judiciary

United States Senate

Washington, D.C. 20510

The Honorable Arlen Specter

Ranking Member

Committee on the Judiciary

United States Senate

Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the National Association of Police Organizations (NAPO), representing more than 241,000 law enforcement officers throughout the United States, I am writing to advise you of our endorsement of the nomination of David W. Ogden for Deputy Attorney General of the United States. As the deputy to the top law enforcement official in the nation, the Deputy Attorney General advises and assists the Attorney General in setting the policies and programs that dictate how the federal government relates to and works with state and local law enforcement. NAPO believes Mr. Ogden has the experience and knowledge necessary to help direct our nation's law enforcement efforts.

Mr. Ogden is a nationally recognized litigator with more than twenty-five years' experience, including six years with the Department of Justice (DOJ). In 1995, he left his post as Deputy General Counsel and Legal Counsel at the Department of Defense to become Associate Deputy Attorney General of the DOJ. After two years in that position, he was promoted to Chief of Staff and Counselor to Attorney General Janet Reno. During his time as Chief of Staff, Mr. Ogden played a significant role in the development and implementation of the Community Oriented Policing Services (COPS) program, established by the 1994 Crime Bill, which put over 100,000 law enforcement officers on the street. Mr. Ogden finished his distinguished career at the DOJ in 2001 as Assistant Attorney General for the Civil Division, in which he was responsible for representing virtually all of the federal agencies in major civil litigation.

As Deputy Attorney General, we believe Mr. Ogden will use his extensive experience to help make the Justice Department more efficient and effective. His knowledge and understanding of the COPS program and community policing will be essential to once again making state and local law enforcement a vital part of the national crime-fighting strategy. Therefore, we urge you to confirm the nomination of David Ogden for Deputy Attorney General. If you have any questions, please feel free to contact me, or NAPO's Director of Governmental Affairs, Andrea Mournighan, at (703) 549-0775.

Sincerely,

William J. Johnson

Executive Director



January 22, 2009

The Honorable Patrick Leahy  
Chairman  
Senate Committee on the Judiciary  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Senate Committee on the Judiciary  
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the Partnership for a Drug-Free America, I write to express support for the nomination of David Ogden for Deputy Attorney General. With his substantial experience in numerous posts at the Department of Justice, we believe that Mr. Ogden is an excellent choice to oversee the many components of the Justice Department and help shape policies, including those that address illicit drug use in America.

As an organization dedicated to preventing drug and alcohol abuse, the Partnership works with families to address the disease of addiction in preteens, teens and young adults. We have also worked closely in recent years with the Department of Justice on a program led by local law enforcement to help unite communities in finding effective solutions to address local drug epidemics. The Partnership has also collaborated closely with the Drug Enforcement Administration and other Department of Justice components on a number of endeavors and believes that law enforcement is an important partner in our work.

We share the values that the Obama Administration has already espoused regarding the importance of crime and drug prevention programs, support for state and local law enforcement, shutting down drug distribution networks, and reducing prescription drug abuse. As Deputy Attorney General, much of the responsibility of advancing these efforts will fall to Mr. Ogden and we are confident that those priorities will be in good hands. He will have our full support and cooperation.

For these reasons the Partnership for a Drug-Free America respectfully urges the Committee to confirm the nomination of David Ogden for Deputy Attorney General.

Sincerely,



Stephen J. Pasierb  
President and CEO



POLICE EXECUTIVE  
RESEARCH FORUM

January 22, 2009

Chuck Wexler  
*Executive Director*

Sen. Patrick J. Leahy, Chairman  
Sen. Arlen Specter, Ranking Member  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, D.C. 20510-6275

Dear Senators Leahy and Specter:

On behalf of the Police Executive Research Forum (PERF), I am writing to support President Obama's nomination of David W. Ogden to be Deputy Attorney General.

PERF is a Washington, D.C.-based professional association of police chiefs and other leaders of local and state police departments. PERF also serves as a research and consulting firm specializing in helping police agencies to improve their policies and operations. PERF is governed by a board of directors of leading police chiefs.

Mr. Ogden's strong intellect and work ethic have been evident for nearly 30 years, beginning with his brilliant career at Harvard Law School and his service as a clerk to Justice Harry Blackmun. Those of us in the world of policing are most impressed with his service as Attorney General Janet Reno's chief of staff in the late 1990s. That period was a strong one for local police when, year after year, crime rates across the nation were plummeting. This was due in no small part to the excellent support for local police coming from the U.S. Justice Department. We have no doubt that Mr. Ogden understands the views of big-city police chiefs, who believe that the experience of the 1990s proves that police can in fact bring crime rates down with the latest strategies such as CompStat, focused attention on crime "hot spots," and community policing.

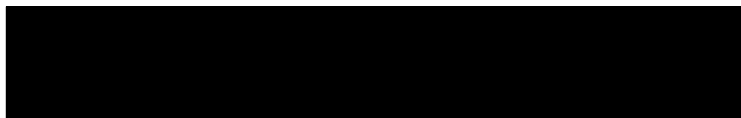
On behalf of PERF, I urge you to give expeditious consideration to Mr. Ogden's nomination and to confirm his appointment to this critically important post in the Obama Administration.

Respectfully,

Chuck Wexler  
Executive Director

STUART M. GERSON

---



January 22, 2009

By hand

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Mr. Chairman and Senator Specter:

It is most gratifying to be able to write in support of the confirmation of David Ogden, Esquire to be Deputy Attorney General. I have known David for many years in both of our varying private and public enterprises and have found him to be a superior lawyer and a man of excellent temperament and judgment. He should be confirmed promptly.

As you both are aware, I am a former federal prosecutor and also served in a number of senior political positions at the Department of Justice itself in several administrations. And in private practice, I regularly am engaged in DoJ matters. I thus have had a chance to observe the Department in depth from both the inside and outside. Among other things, I believe that the Department is in need of restoration of direction, consistency and intensity, and David Ogden is well-equipped to help provide it.

David ran the Civil Division with great skill from 1999-2001, and had previous experience in the offices of the Attorney General and the Associate Attorney General. Both the political and, most importantly, the career staff always responded enthusiastically to his direction. Indeed, the re-energizing of the career staff is, in my view, the essential element in assuring the diligence and success of the Department of Justice in the new administration. David Ogden has the integrity, the skill and the knowledge of the law that is required to lead its various components successfully.



The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Page 2 of 2

I gladly support him.

Sincerely,

A handwritten signature in black ink, reading "Stuart M. Gerson". The signature is written in a cursive style with a long horizontal line extending to the right.

Stuart M. Gerson

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NATIONAL COMMISSION

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GINNY MACDOWELL

WASHINGTON AFFAIRS  
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DEPUTY NATIONAL DIRECTOR  
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DIVISION DIRECTORS

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DEBORAH M. LAUTER

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FINANCE AND ADMINISTRATION  
MICHAEL A. KELLMAN

INFORMATION TECHNOLOGY  
SAM MEMBERG

INTERNATIONAL AFFAIRS  
MICHAEL A. SALBERG

LEADERSHIP  
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MARKETING & COMMUNICATIONS  
GRAHAM M. CANNON

REGIONAL OPERATIONS  
ROBERT WOLFSON

WASHINGTON AFFAIRS  
JESS N. HORDES

GENERAL COUNSEL  
BETTY B. ROBBINS



January 23, 2009

Chairman Patrick Leahy  
U.S. Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Ranking Member Arlen Specter  
U.S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the Anti-Defamation League, we write in support of President-Elect Obama's nomination of David W. Ogden to be the Deputy Attorney General of the United States.

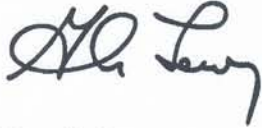
Mr. Ogden demonstrated great leadership and interest in civil rights issues and hate crime prevention initiatives – a top domestic priority for the Anti-Defamation League – during his tenure as Chief of Staff and Counselor to the Attorney General and Associate Deputy Attorney General under Attorney General Janet Reno.

In the aftermath of the September 11 terrorist attacks, our nation has grappled with the appropriate balance between individual rights and national security interests. ADL has recognized that efforts to combat terrorism have required a recalibration between our security and civil liberties interests. Yet, the League has always urged the Administration, Congress, and the judiciary to adhere to the highest constitutional standards and due process in these efforts to combat terrorism. We believe that Mr. Ogden shares our view that our nation can be secure from terrorism while upholding Constitutional law and protecting individual rights.

In addition, we very much respect Mr. Ogden's commitment to public service and his commitment to the public interest bar. Along with other members of his firm, Mr. Ogden won the National Law Journal's 2006 Pro Bono Award for their work in the *Roper v. Simmons*, a landmark Supreme Court case in which the Court held that it was unconstitutional to impose the death penalty for crimes committed by juveniles.

David Ogden has the integrity and experience necessary to help lead the Department of Justice at this crucial time. We urge the Committee to act promptly and favorably on his nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen S. Lewy".

Glen S. Lewy  
National Chair

A handwritten signature in black ink, appearing to read "Abraham H. Foxman".

Abraham H. Foxman  
National Director

cc: Jess N. Hordes  
Washington Director



January 23, 2009

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Senator Leahy and Senator Specter:

I am writing to express support for the nomination of David W. Ogden to be Deputy Attorney General. As Chief of Staff and Counselor to the Attorney General in the late 1990s, Mr. Ogden was intricately involved in helping to shape the National Center for Missing and Exploited Children's response to child victimization and was responsible for effectively delivering its services. Boys & Girls Clubs across the country depend on NCMEC to help keep our 4.8 million children safe and have been a partner with NCMEC since its inception.

Mr Ogden is a firm believer in crime prevention programs like the Boys & Girls Clubs. Now, more than ever, it is important to work tirelessly to protect our country's youth and help them rise to meet the day-to-day challenges with which they are faced: to provide them with opportunities for academic success and character development; to encourage them to live healthy lifestyles; to nurture their developing leadership skills and inspire them to community service.

I am convinced that Mr. Ogden's career as a litigator, leader of the legal community and great public servant will serve the Justice Department, law enforcement and America's families well. That is why Boys & Girls Clubs of America is proud to add our name to the extensive list of supporters.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin R. McCartney". The signature is fluid and cursive, with a large, sweeping "K" and "M".

Kevin R. McCartney  
Senior Vice President Government Relations

**DEVAL L. PATRICK**  
**GOVERNOR**

**75 Hinckley Road  
Milton, MA 02186**

January 23, 2009

Dear Chairman Leahy:

I write in support of the nomination of David Ogden to the position of Deputy Attorney General in the United States Department of Justice.

I have known David since 1995, when he arrived at the Department of Justice and I was serving as Assistant Attorney General for Civil Rights in the Administration of President Clinton. David demonstrated a deep personal commitment to the fair enforcement of the nation's civil rights. David worked closely with me and my staff on issues such as hate crimes, voting rights, racial profiling, affirmative action, the rights of institutionalized persons, and police misconduct. I saw David's work ethic, integrity and fair-mindedness up close, and I liked what I saw.

I believe that David is superbly qualified to serve our nation in the second highest position in the Department. I urge the Committee to consider his candidacy favorably.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, stylized flourish above the name.

January 23, 2009

Jamie S. Gorelick

The Honorable Patrick J. Leahy, Chairman  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

+ [REDACTED] (t)  
+ [REDACTED] (f)

Dear Chairman Leahy:

I am writing in support of the confirmation of David Ogden to serve as Deputy Attorney General of the United States. I have known David since he was a law student, whom I recruited to work as a summer associate at my law firm. I was so impressed with him then, and as his career progressed, that when I became General Counsel of the Department of Defense, I asked him to serve as Deputy for Legal Counsel, the person who coordinates with the Department of Justice all of the actual or threatened litigation involving the Defense Department. Thereafter, David joined my staff at the Department of Justice as an Associate Deputy Attorney General, providing oversight of the civil litigation of the Department. After I left, he went on to serve as Chief of Staff to the Attorney General and later as head of the Civil Division. Since 2003, when I joined Wilmer Cutler Pickering Hale and Dorr, David and I have been partners and have worked together closely.

Based on this long experience, I can assure you that David Ogden will be a superb Deputy Attorney General. He has the intellect and rigor to deal with the most vexing issues. He has the deep knowledge of the Department necessary to ensure the smooth functioning of its many elements. He is sensitive to all of the Department's many missions, from its civil and criminal litigation, to its national security responsibilities, its law enforcement role, its advice and counsel to the President and its coordination with Congress. He has a strong sense of the Department's most important values and its traditions. A man of unusual breadth and depth, David is as well-prepared to help lead the Department as anyone who has come in at the outset of a new administration can possibly be.

Perhaps most important, as you will see, David Ogden is a lovely colleague. He is thoughtful, honest, straight-forward and trustworthy. You will, I predict, enjoy working with him, as will your staffs. It goes without saying that I wholeheartedly endorse his nomination and urge his confirmation.

Sincerely yours,



Jamie S. Gorelick

January 23, 2009

Jamie S. Gorelick

+1 202 663 6500 (t)

+1 202 663 6363 (f)

jamie.gorelick@wilmerhale.com

The Honorable Arlen Specter, Ranking Member  
United States Senate  
Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

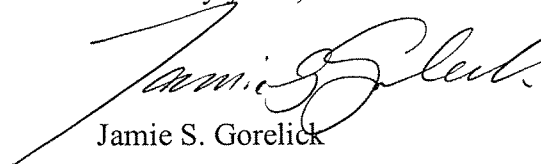
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Perhaps most important, as you will see, David Ogden is a lovely colleague. He is thoughtful, honest, straight-forward and trustworthy. You will, I predict, enjoy working with him, as will your staffs. It goes without saying that I wholeheartedly endorse his nomination and urge his confirmation.

Sincerely yours,



Jamie S. Gorelick



# PEPSICO

700 Anderson Hill Road Purchase, New York 10577  
Tel. (914) 253-3633 Fax (914) 253-3051

LARRY D. THOMPSON  
SENIOR VICE PRESIDENT, GOVERNMENT AFFAIRS  
GENERAL COUNSEL AND SECRETARY

January 23, 2009

Honorable Arlen Specter  
United States Senate  
711 - Hart Senate Office Building  
2<sup>nd</sup> & C Streets, NE  
Washington, DC 20510

Dear Senator Specter:

I am writing in support of the nomination of David Ogden to be Deputy Attorney General of the U.S. Department of Justice. I first met David while he was serving as an Associate Deputy Attorney General under Jamie Gorelick. David is a brilliant and thoughtful lawyer. More importantly, he has the complete confidence and respect of career attorneys at Main Justice. This is very important for the person who will be, in effect, the Chief Operating Officer of the Department of Justice. In other words, David will be a superb Deputy Attorney General.

David is also highly respected in the Bar. He is a person of honor who will, at all times, do the right thing for the Department of Justice and our great country. As a citizen, I am extremely grateful that a lawyer of David's caliber again offers himself for public service.

Sincerely,

*Larry D. Thompson* /s/

cc: Hon. Patrick J. Leahy ✓



Manus Cooney  
8801 Bel Air Place  
Potomac, MD 20854

January 23, 2009

The Honorable Patrick J. Leahy Chairman  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Senate Committee on the Judiciary  
SD-152 Dirksen Senate Office Building  
Washington, DC 20510

Dear Mr. Chairman and Senator Specter:

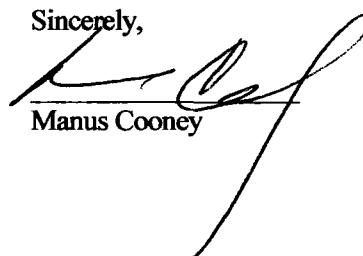
I am respectfully writing in support of the nomination of David W. Ogden to be Deputy Attorney General. During my time on the staff of the Senate's Committee on the Judiciary, I had the opportunity to work directly with Mr. Ogden on numerous occasions when he served as Assistant Attorney General for the Civil Division and as the Chief of Staff and Counselor to the Attorney General. Mr. Ogden has not only the management skills and experience to serve as the Deputy Attorney General; he also has the highest legal competence and personal integrity. Whether in service to the public or in private practice, Mr. Ogden has excelled and has earned the respect of his colleagues in the process.

In public service, he clerked for Supreme Court Justice Henry Blackmun and served in the Department of Defense. As Chief of Staff to Attorney General Reno and as Associate Deputy Attorney General, Mr. Ogden earned respect in helping to oversee and direct the Department of Justice, including in particular the Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax Divisions. As head of the Civil Division, Mr. Ogden directed the Justice Department's largest litigating unit and was responsible for representing virtually all of the federal agencies in major civil litigation. His service to the Department of Justice earned him the Edmund J. Randolph Award for Outstanding Service and the Attorney General's Medal.

Mr. Ogden's career in the private sector is well documented. He is a Partner in the prestigious law firm WilmerHale and a nationally recognized litigator. As Co-Chair of the firm's Government and Regulatory Litigation Practice Group, he has earned a Martindale rating of AV and the consistent selection by his peers as one of our Nation's top lawyers.

Mr. Ogden has proven himself to be a dedicated public servant and an excellent lawyer. He is also a man of his word. Mr. Ogden will serve the Justice Department and the public well. It is for these reasons that I am pleased to support the nomination of David Ogden to be our Nation's next Deputy Attorney General.

Sincerely,



Manus Cooney

January 23, 2009

**BY HAND**

The Honorable Patrick J. Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
433 Russell Senate Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Committee on the Judiciary  
United States Senate  
711 Hart Senate Office Building  
Washington, DC 20510

Re: Nomination of David Ogden

Dear Senators Leahy and Specter:

I write in strong support of the nomination of David Ogden to be the next Deputy Attorney General of the United States.

As someone who served as an Assistant U.S. Attorney in the Southern District of New York (1991-1999), and in the Justice Department's Criminal Division during both the Clinton Administration (Deputy Assistant Attorney General and Chief of Staff, 1999-2000) and the Bush Administration (Chief of Staff, 2001-2002), I care deeply about the Department and believe that its leaders must have the extraordinary experience, judgment, integrity, and independence to be able to handle the difficult decisions with which they will be dealing everyday. Having worked with David while he was Assistant Attorney General of the Civil Division, he embodies all of those qualities. He was always well-prepared, unflappable, and brought careful and considered judgment to our discussions. And, most importantly, he cared only about what was the just and fair outcome; there was never an instance where politics was a factor in his decision-making.

As Deputy Attorney General, David would have a critical role in the Department's efforts involving corporate prosecutions and the attorney-client privilege. During my recent tenure as a Commissioner on the United States Sentencing Commission (2003-2008), I was deeply involved in those matters, and I am confident that David's experience in private practice, and

**C A D W A L A D E R**

Hon. Patrick J. Leahy

Hon. Arlen Specter

January 23, 2009

his prior work at the Justice Department, have given him a profound appreciation of the need to aggressively pursue corporate wrongdoing while carefully protecting the rights provided by our Constitution.

In sum, I have the utmost respect for David's legal abilities and his integrity. I know that he will be an outstanding Deputy Attorney General, and I enthusiastically support his nomination.

Very truly yours,

A handwritten signature in cursive script that reads "Michael Horowitz". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Michael E. Horowitz

# NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS COALITION

P.O. Box 2456 West Covina, California 91793-2456 • (626) 960-3328 • Fax (626) 960-3328

## PRESIDENT

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New Jersey Narcotic Enforcement Officers' Assn.

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New Mexico Narcotic Officers' Assn.

New York  
Organization of Narcotic Enforcers

North Carolina  
Narcotic Enforcement Officers' Assn.

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Coordinating Officers of Ohio

Assn. of Oklahoma Narcotic Enforcers

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R.I.S.S. Projects

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Texas Narcotic Officers' Assn.

Utah Narcotic Officers' Assn.

Washington State Narcotics Investigators' Assn.

Wisconsin Narcotics Officers' Assn.

January 23, 2009

The Honorable Patrick Leahy

Chairman

The Honorable Arlen Specter

Ranking Member

Senate Committee on the Judiciary

224 Dirksen Senate Office Building

Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

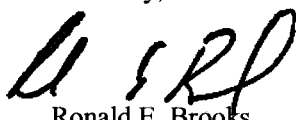
On behalf of the National Narcotic Officers' Associations' Coalition (NNOAC) and the more than 70,000 law enforcement officers we represent, I'm pleased to offer my full support for the nomination of David W. Ogden for the office of Deputy Attorney General of the United States.

As state and local law enforcement continue to battle home-grown criminals across America, we look forward to working with a Deputy Attorney General who appreciates the challenges we face. While serving in a number of positions within the Department of Justice in the past – including as Deputy Associate Attorney General, Chief of Staff and Counselor to the Attorney General, and as a Senate-confirmed Assistant Attorney General for the Civil Division - Mr. Ogden has built an impressive track record of policy and managerial experience within the Department of Justice and understands the importance of working closely with state and local law enforcement on issues that matter most to America's communities.

Mr. Ogden possesses an outstanding mix of legal, managerial and policy expertise desperately needed within the Department of Justice. The NNOAC are pleased with recent statements by President Obama and Attorney General Designee Holder on state and local law enforcement assistance – including the Byrne Justice Assistance Grant (JAG) program – and look forward to working with Mr. Ogden to ensure these commitments are met.

Mr. Ogden is a dedicated and well qualified professional and we can think of no one more qualified than he to serve as United States Deputy Attorney General. Please feel free to contact me at [rbrooks@nca.hidta.net](mailto:rbrooks@nca.hidta.net) or (415) 748-0835 if you require further information as you work through the nomination process. Correspondence may be sent directly to me at PO Box 36102, San Francisco, CA 94102. Thank you again for taking time to review our position.

Sincerely,



Ronald E. Brooks  
President

January 23, 2009

Senator Patrick Leahy  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Senator Arlen Specter  
711 Hart Senate Office Building  
Washington, DC 20510-3802

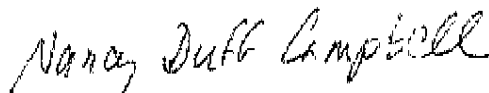
Dear Chairman Leahy and Ranking Member Specter:

We are writing to express our strong support for the nomination of David W. Ogden to become Deputy Attorney General of the United States. We worked with David during his tenure in the Justice Department during the Clinton Administration and can attest to his talent, integrity, and fair-mindedness.

Throughout his work as a public servant and in private practice, David has been an effective and powerful voice for issues of concern to women. We believe he will bring that commitment to the Department of Justice.

We thank the Committee in advance for taking our views into account in considering David Ogden's qualifications for office.

Sincerely,



Nancy Duff Campbell  
Co-President



Marcia D. Greenberger  
Co-President

NDC/MDG:nb

January 23, 2009

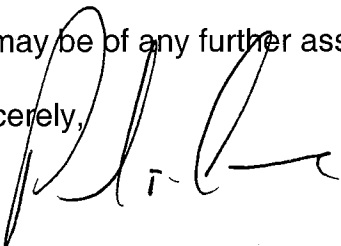
The Honorable Patrick Leahy  
United States Senate  
433 Russell Senate Office Bldg  
Washington, DC 20510

Dear Senator Leahy:

I am writing to support strongly the nomination of David Ogden as Deputy Attorney General of the United States. I consider myself a judicial and legal conservative, and believe it is important to appoint high-quality individuals who will uphold the rule of law. In my view, David Ogden is a lawyer's lawyer -- a person of the highest talent, diligence and integrity. He is, in my view, an excellent pick to be Deputy Attorney General, and I strongly urge you to vote to confirm his appointment.

If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Cappuccio', written over the word 'Sincerely,'.

Paul T. Cappuccio



SIDLEY AUSTIN LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 736 8000  
(202) 736 8711 FAX

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FOUNDED 1866

January 23, 2009

The Honorable Patrick Leahy  
Chairman  
Senate Committee on the Judiciary  
433 Russell Office Building  
Washington, D.C. 20510

The Honorable Arlen Specter  
Ranking Member  
Senate Committee on the Judiciary  
711 Hart Office Building  
Washington, DC 20510

Re: Nomination of David W. Ogden to be Deputy Attorney General  
of the United States

Dear Senators Leahy and Specter:

I write to express my strong support for the nomination of David Ogden to be Deputy Attorney General.

I first met David when I was preparing to join the Department of Justice myself in June of 2002. I sought him out, and invited him to lunch, so that I could get the benefit of his counsel in connection with the responsibilities I was about to assume. It was evident to me from the moment we started talking that I had gone to the right person. David has a deep understanding of the Department and is thoroughly dedicated to its ideals and mission. He is also a terrific lawyer and a great professional. And he has been, and would be again if confirmed, an exceptionally effective and conscientious public servant.

I would add that these are not simply my own opinions. They are widely shared within the Department he would lead, particularly among the career attorneys in the Civil Division with whom he served as Assistant Attorney General and whom I later came to know well when I had the privilege to hold the same position. This is a very popular nomination within the Department, and with good reason. I am happy to recommend his confirmation, and I do so enthusiastically.

Very truly yours,

Peter D. Keisler

PDK/

Jo Ann Harris  
Attorney at Law  
202 Riverside Drive, 6C  
New York, NY 10025

Telephone [REDACTED]  
Cell [REDACTED]

[REDACTED]  
January 25, 2009

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: David W. Ogden for Deputy Attorney General of the United States

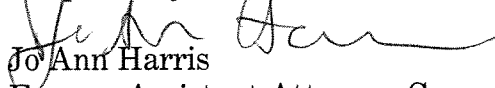
Dear Senators Leahy and Specter:

The purpose of this letter is to support the nomination of David Ogden to be the Deputy Attorney General of the United States.

In a real sense, Mr. Ogden's career speaks for itself. He brings to the table broad experience within the Department, distinguishing himself as Assistant Attorney General for the Civil Division, as Chief of Staff to the Attorney General, and as Associate Deputy Attorney General.

As you know, the Deputy's office is the Grand Central of the Department. To occupy it well, the person selected should have a real hands-on sense of the Department's business and of its people. David is such a person. In addition, not only is he widely known and respected in the legal community, he has the confidence of the career ranks. I believe he can command the respect of the community-at-large so essential to the perception of justice in our country.

Respectfully submitted,

  
Jo Ann Harris  
Former Assistant Attorney General  
Criminal Division (1993-95)  
United States Department of Justice





## MAJOR CITIES CHIEFS ASSOCIATION

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St. Louis, Missouri  
Suffolk Co., New York  
Toronto, Ontario  
Tucson, Arizona  
Tulsa, Oklahoma  
Vancouver, British Columbia  
Virginia Beach, Virginia  
Washington, DC  
Winnipeg, Manitoba

January 25, 2009

The Honorable Patrick Leahy  
Chairman  
Committee on the Judiciary  
U.S. Senate  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Committee on the Judiciary  
U.S. Senate  
Washington, DC 20510

Dear Messrs. Leahy and Specter:

On behalf of the Major Cities Chiefs, I am writing to support the nomination of David Ogden to become Deputy Attorney General. The Major Cities Chiefs represents the 56 largest jurisdictions across the Nation.

Mr. Ogden has a distinguished career and we welcome his pledge to strengthen the partnership between state and local law enforcement and the Department of Justice. We look forward to working with Mr. Ogden throughout his term and we look forward to working with you on issues like Byrne-JAG, COPS and other critical law enforcement issues.

American law enforcement has always looked to you for leadership and we again turn to you to move the nomination of David Ogden quickly through the confirmation process.

Sincerely,

Gil Kerlikowske  
President

January 26, 2009

Writer's Direct Contact

By Hand Delivery

The Honorable Patrick Leahy  
Chairman, Senate Judiciary Committee  
433 Russell Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Judiciary Committee  
711 Hart Office Building  
Washington, DC 20510

Re: David W. Ogden, Nomination to be Deputy Attorney General of the United States

Dear Senators Leahy and Specter:

I write in support of the nomination of David Ogden to be Deputy Attorney General of the United States.

David Ogden exemplifies the best of the legal profession. David's previous service at the Department of Justice speaks volumes about his dedication to public service and the best interests of this country.

I have known David for approximately 20 years, both at the Department of Justice where he was Assistant Attorney General for the Civil Division, Chief of Staff to the Attorney General, and Associate Deputy Attorney General, and also in private practice where we have practiced at different firms on related matters. I have always been impressed by David's outstanding legal representation of clients, both private and governmental, as well as by his high ethical standards, management skills, and leadership.

Those traits will make David a terrific Deputy Attorney General. The government would be very well served by his confirmation.

Sincerely,



Beth S. Brinkmann

CHRISTINE O. GREGOIRE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • [www.governor.wa.gov](http://www.governor.wa.gov)

January 26, 2009

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Specter, and Members of the Committee:

It is my great pleasure to write to you in support of President Obama's nomination of David Ogden as Deputy Attorney General. Mr. Ogden ranks among our nation's finest litigators and most distinguished public attorneys. I have complete confidence that Mr. Ogden will prove himself to be an invaluable asset to the Department of Justice and Attorney General Holder.

When I was Washington State Attorney General, I led the settlement negotiations with the tobacco industry that resulted in the landmark Master Settlement Agreement. Mr. Ogden was then the Chief of Staff and Counselor to Attorney General Janet Reno. During that time Mr. Ogden was intimately involved in our settlement negotiations and proved himself a creative, insightful and extremely hard-working partner. Throughout the course of our litigation, Mr. Ogden's leadership was essential to the successful resolution of one of the most complex cases in our nation's history. I am deeply grateful for the support Mr. Ogden provided to me personally as we worked together throughout that litigation.

Mr. Ogden later served as the Senate-confirmed Assistant Attorney General for the Civil Division, directing the Justice Department's largest litigation unit representing virtually all of the federal agencies in major civil litigation. For his distinguished service to the Department of Justice, he was awarded the Attorney General's Medal, and the Department of Defense bestowed their highest civilian honor, the Medal for Distinguished Public Service, on Mr. Ogden in appreciation of his work. President Obama could not have nominated a more dedicated lawyer or more accomplished public servant to this vital role.

Thank you for the opportunity to lend my support to Mr. Ogden's nomination. If I can be of any further assistance to you or the Committee, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Christine Gregoire".

Christine O. Gregoire  
Governor





# FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

P.O. Box 326 Lewisberry, PA 17339

[www.fleoa.org](http://www.fleoa.org)

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HEALTH & HUMAN SERVICES  
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HOUSING & URBAN DEVELOPMENT - OIG  
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OIG  
U.S. Park Police  
JUSTICE  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
Drug Enforcement Administration  
Federal Bureau of Investigation  
US Marshals Service  
OIG  
U.S. Attorney's Office-CI  
LABOR - OIG & Racketeering  
NATIONAL AERONAUTICS & SPACE ADMIN. - OIG  
NUCLEAR REGULATORY COMMISSION - OIG  
POSTAL SERVICE-OIG & Inspection  
RAILROAD RETIREMENT BOARD - OIG  
SECURITIES & EXCHANGE COMMISSION - OIG  
SMALL BUSINESS ADMINISTRATION - OIG  
SOCIAL SECURITY ADMINISTRATION - OIG  
STATE DEPARTMENT  
Bureau of Diplomatic Security & OIG  
TRANSPORTATION-OIG  
TREASURY  
FINCEN & OIG  
Internal Revenue Service - CI  
TIGTA  
U.S. COURTS (JUDICIAL)  
Probation, Parole & Pretrial Services  
VETERANS AFFAIRS -OIG  
NATIONAL OFFICERS  
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JON ADLER  
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SHANON MAST-MCPHERSON  
Immediate Past President  
ART GORDON  
Legislative Counsel  
JAMES R. HOENEMAN

January 26<sup>th</sup>, 2009

The Honorable Patrick J. Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Committee on the Judiciary  
SD-224 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Specter:

As the National President of the Federal Law Enforcement Officers Association (FLEOA), a 26,000 member nonprofit, nonpartisan organization representing federal law enforcement officers, I am writing to you in support of the appointment of David Ogden for the position of Deputy Attorney General.

FLEOA's membership includes criminal investigators and officers from the Federal Bureau of Investigation, Bureau of Alcohol Tobacco and Firearms, Department of Justice, Office of the Inspector General, United States Marshals Service and many others. All of our members serving in these agencies have sacrificed a great deal while supporting their agency's formidable mission. They are the frontline of our nation's defense, and we need to ensure that they are led by a qualified team of professionals who have consummate experience in law enforcement issues.

David Ogden has served as Janet Reno's Chief of Staff and was integrally involved in senior policy-making regarding law enforcement issues. FLEOA is certain we can expect the same level of responsiveness from Mr. Ogden as we received during Janet Reno's service as Attorney General.

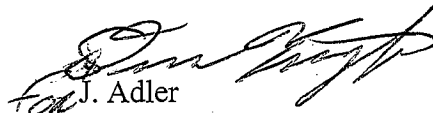
As the Assistant Attorney General for the Department of Justice Civil Division, David Ogden was the official charged with defending Federal law enforcement officers in civil actions. During that time Mr. Ogden showed a sincere appreciation for what Federal law enforcement officers go through on a day-to-day basis.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

I am optimistic that David Ogden possesses the requisite knowledge, experience and leadership ability that will serve as an asset to the Department of Justice and to the American people.

Please don't hesitate to call should you require any additional input from FLEOA regarding the qualifications of David Ogden. We look forward to working with him and other senior members of the Department of Justice in the coming year.

Respectfully submitted,

  
J. Adler  
National President



# NATIONAL SHERIFFS' ASSOCIATION

1450 Duke Street • Alexandria, VA 22314-3490 • 703-836-7827 • Fax 703-683-6541  
WWW.SHERIFFS.ORG • NSAMAIL@SHERIFFS.ORG

January 26, 2009 VIA FACSIMILE

The Honorable Patrick J. Leahy, Chair  
Senate Judiciary Committee  
152 Dirksen Senate Office Building  
Washington, D.C. 20510  
FAX (202) 224-9516

The Honorable Arlen Specter, Ranking Member  
Senate Judiciary Committee  
711 Hart Senate Office Building  
Washington, D.C. 20510  
FAX (202) 224-9102

Dear Senators Leahy and Specter:

On behalf of the National Sheriffs' Association (NSA), we are writing to express our support for David W. Ogden as the nominee for the Deputy Attorney General of the United States. The United States Department of Justice (DOJ) encompasses both criminal and civil matters. Mr. Ogden's comprehensive background and experience in civil litigation compliments Attorney General Nominee Eric Holder's experience in criminal law, thus making him the ideal nominee for Deputy Attorney General. We urge you to swiftly confirm his nomination.

Throughout his career, Mr. Ogden has maintained the highest levels of professionalism and integrity. Under the Clinton Administration, Mr. Ogden served his country both abroad and domestically. As Deputy General Counsel and Legal Counsel for the United States Department of Defense (DoD), he oversaw DoD's litigation in courts worldwide. For his service, he was bestowed with the DoD's highest civilian honor – the Department of Defense Medal for Distinguished Public Service.

Furthermore, under Attorney General Janet Reno, Mr. Ogden served in several prestigious capacities within the U.S. Department of Justice, as Associate Deputy Attorney General, Chief of Staff and Counselor Attorney General Janet Reno, and as Assistant Attorney General. Primarily, Mr. Ogden was responsible for defending the nation's federal agencies against civil litigations, including in such high profile cases as the Elian Gonzalez case and the tragedy at the Branch Davidian in Waco, Texas.

As the second in command at the Department of Justice, Mr. Ogden will play a critical role in maintaining the fair and impartiality of the agency. We believe that Mr. Ogden's record clearly demonstrates his commitment to placing the needs of this nation above the needs of all others, and would continue to do so as the Deputy Attorney General of the United States. We urge the United States Senate to quickly confirm his nomination.

Respectfully,

Sheriff David A. Goad  
President

Aaron D. Kennard  
Executive Director



January 27, 2009

The Honorable Patrick Leahy  
Chairman  
Judiciary Committee  
433 Russell Senate Office Building  
Washington, DC 20515

The Honorable Arlen Specter  
Ranking Member  
Judiciary Committee  
711 Hart Senate Office Building  
Washington, DC 20515

Dear Chairman Leahy and Ranking Member Specter,

On behalf of Community Anti-Drug Coalitions of America (CADCA) and its 5,000 members nationwide, I am writing to express our enthusiastic support of David W. Ogden as Deputy Attorney General of the United States Department of Justice (DOJ). Given his vast experience in both the federal and private sectors, I have no doubt that Mr. Ogden is uniquely qualified for this position.

CADCA's primary mission is to strengthen the capacity of community coalitions in their effort to create and maintain safe, healthy and drug-free communities. As you are no doubt aware, substance abuse prevention has been severely under-resourced and under-funded at the federal level relative to its importance in reducing drug use and juvenile crime. We are therefore particularly pleased to know that under the direction of Mr. Holder and Mr. Ogden, DOJ will reinvigorate its efforts to ensure that substance abuse prevention strategies become a priority and that funding for the COPS program and other law enforcement initiatives that are proven to be successful are restored.

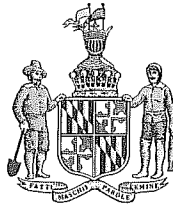
Mr. Ogden is highly regarded and has demonstrated a tremendous commitment and dedication to the judicial field. Having served as the Assistant Attorney General for the Civil Division; Chief of Staff and Counselor to the Attorney General; Associate Attorney General; and other high ranking positions, he has exhibited that he has superior legal skills and abilities, and his expertise as an effective leader is unmatched.

For these reasons, CADCA fully supports the nomination of David Ogden. I look forward to his speedy confirmation and to working with him in the future. Thank you for considering my views.

Sincerely,

Arthur T. Dean  
Major General, U.S. Army, Retired  
Chairman and CEO

DOUGLAS F. GANSLER  
Attorney General



KATHERINE WINFREE  
Chief Deputy Attorney General

JOHN B. HOWARD, JR.  
Deputy Attorney General

STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

January 27, 2009

Chairman Patrick Leahy  
U.S. Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Ranking Member Arlen Specter  
U.S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

Dear Chairman Leahy and Ranking Member Specter:

I write to express my support for the nomination of David W. Ogden to the position of Deputy Attorney General of the United States.

Mr. Ogden's qualifications and credentials are exceptional. His 25 years of litigation experience, including his service as Assistant Attorney General for the Civil Division of the United States Department of Justice, Chief of Staff and Counselor to the Attorney General, Associate Deputy Attorney General, and Deputy General Counsel and Legal Counsel at the United States Department of Defense, make him extremely well qualified to be Deputy Attorney General. In each of these positions, Mr. Ogden demonstrated the legal ability, character, and effectiveness that are needed for the post.

Recently, as part of a broader delegation of Attorneys General being briefed by the presidential transition team, I had the privilege of hearing Mr. Ogden outline the President's vision for the Department of Justice. He impressed me as thoughtful, well informed, and obviously committed to the priorities and objectives being defined for the Department by the new administration. In addition, I have spoken with many people who know Mr. Ogden well. Without exception, they have described him as a brilliant and ethical lawyer with all the requisite capabilities to help lead the Department of Justice and restore its independence and integrity.

I am confident that David Ogden will make an outstanding Deputy Attorney General. Thank you for your consideration of this letter of support.

Sincerely,

Douglas F. Gansler  
Attorney General

DFG:mmmp





**National District Attorneys Association**

44 Canal Center Plaza, Suite 110, Alexandria, Virginia 22314

703.549.9222 / 703.863.3195 Fax

[www.ndaa.org](http://www.ndaa.org)

27 January 2009

The Honorable Patrick Leahy  
U. S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510

RE: Recommendation of David W. Ogden to be Deputy Attorney General

Dear Senator Leahy:

On behalf of the National District Attorneys Association, the oldest and largest national association of State and local prosecutors in the nation, I wish to convey our support for David W. Ogden to become the next Deputy Attorney General of the United States.

State and local prosecutors handle 95% of the criminal prosecutions nationally; yet too often we feel that our perspective is not heard in Washington. NDAA was very impressed in meetings with Mr. Ogden and members of the transition team he headed that they took the initiative to reach out to State and local prosecutors and other criminal justice professionals. His obvious sincerity in having the Department of Justice partner with NDAA to advance issues such as training at the National Advocacy Center and implementation of the John R. Justice Prosecutors and Defenders Act is a positive attribute.

Mr. Ogden's assurances to NDAA that he will apply the laws regarding capital punishment in a fair manner as the law of the nation are very important to our members and are a consideration in our endorsement.

Mr. Ogden's service as Associate Deputy Attorney General (1995-97), the Chief of Staff and Counselor to the Attorney General (1997-99) and Assistant Attorney General for the Civil Division of the US Department of Justice (1999-2001) gives him an institutional perspective of the management of the Department. Our 7,000 members urge the Judiciary Committee to confirm David W. Ogden as our next Deputy Attorney General.

Sincerely,

Joseph I. Cassilly  
President

National District Attorneys Association

Honorable Patrick Leahy  
Chairman, U.S. Senate Committee on the Judiciary

Honorable Arlen Specter  
Ranking Member, U.S. Senate Committee on the Judiciary

Honorable Herb Kohl  
Member, U.S. Senate Committee on the Judiciary

Honorable Dianne Feinstein  
Member, U.S. Senate Committee on the Judiciary

Honorable Orrin G. Hatch  
Member, U.S. Senate Committee on the Judiciary

Honorable Russell D. Feingold  
Member, U.S. Senate Committee on the Judiciary

Honorable Charles E. Grassley  
Member, U.S. Senate Committee on the Judiciary

Honorable Charles E. Schumer  
Member, U.S. Senate Committee on the Judiciary

Honorable Jon Kyl  
Member, U.S. Senate Committee on the Judiciary

Honorable Richard J. Durbin  
Member, U.S. Senate Committee on the Judiciary

Honorable Jeff Sessions  
Member, U.S. Senate Committee on the Judiciary

Honorable Benjamin L. Cardin  
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Honorable Lindsey Graham  
Member, U.S. Senate Committee on the Judiciary

Honorable Sheldon Whitehouse  
Member, U.S. Senate Committee on the Judiciary

Honorable John Cornyn  
Member, U.S. Senate Committee on the Judiciary

Honorable Ron Wyden

Member, U.S. Senate Committee on the Judiciary

Honorable Tom Coburn  
Member, U.S. Senate Committee on the Judiciary

Honorable Amy Klobuchar  
Member, U.S. Senate Committee on the Judiciary

Honorable Edward E. Kaufman  
Member, U.S. Senate Committee on the Judiciary

Dear Chairman Leahy, Ranking Member Specter, and Committee Members

We are writing on behalf of Americans who are concerned with the lack of scrutiny that could be applied to some of President Obama's most important nominees. As new nominations come before your Committee, we hope you will reject pressure from the White House or others to rubber stamp nominations. Instead, it is our hope that you will give the American people an opportunity to hear about nominees and their records.

If confirmed by the U.S. Senate to serve in high offices within the Department of Justice, Dawn Johnsen, David Ogden, and Thomas J. Perrelli could have a dramatic impact on the state of this nation's legal order. Each of these nominees has made public comments or has taken positions indicating strong support for a shift in national policy regarding the culture of life. Whatever one thinks of the culture of life, dramatic shifts in policy on such important national questions should not happen without serious deliberation.

Consider the following facts:

--David Ogden has been nominated for Deputy Attorney General. His hearing is next week, less than a month after his nomination. On behalf of the American Psychological Association, he filed a terrible amicus brief in *Casey v. Planned Parenthood*, and here are the relevant quotes:

(1) "The conclusions from the most rigorous scientific studies are consistent: for the overwhelming majority of women who undergo abortion, there are no long-term negative emotional effects..."

(2) "Abortion rarely causes or exacerbates psychological or emotional problems. When women do experience regret, depression, or guilt, such feelings are mild and diminish rapidly without adversely affecting general functioning. Those few women who do experience negative psychological responses after abortion appear to be those with preexisting emotional problems ...."  
and

(3) "In sum, it is grossly misleading to tell a woman that abortion imposes possible

detrimental psychological effects when the risks are negligible in most cases, when the evidence shows that she is more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant (if not greater) risks or adverse psychological effects ...."

--Dawn Johnson has been nominated to serve as head of the Office of Legal Counsel. She is the former Legal Director to NARAL and was a Staff Counsel Fellow for the ACLU Reproductive Freedom Project—a project which recently served as lead counsel in *Ayotte v. Planned Parenthood of Northern England*. This is absolutely stunning. For eight years, the Democrats and the Left complained that this office, charged with providing the government with objective opinions about the constitutionality of acts it wishes to undertake (this is the office that opined on detainees and interrogation, for example), had been politicized in an unprecedented way. And, now, without any debate or discussion, the Obama Administration is putting forward an absolute political zealot from two of the nation's most Leftist groups.

--Thomas Perrelli, nominated to serve as Associate Attorney General, is most infamous for his defense of Terri Schiavo's husband in the battle over withdrawing life-sustaining treatment. Perrelli even worked with pro-euthanasia attorney George Felos on the case, sending a clear message about his own end-of-life views. The appointment of Perrelli is hardly a surprise—President Obama voted with a unanimous Senate to pass the Schiavo bill, but now calls it one of his biggest mistakes.

Millions of Americans reasonably expect their elected representatives in the Senate to provide meaningful review of the President's nominees, particularly when they could dramatically change national policy. We urge the Committee to provide ample time for meaningful review to take place, and we urge members to ask probative questions of these nominees and demand serious answers so that the American people can continue to play a part in defining the cultural fabric of our nation.

Sincerely,

Kristan Hawkins  
Executive Director, Students for Life of America

Tony Perkins  
President, Family Research Council

David N. O'Steen, Ph. D.  
Executive Director, National Right to Life Committee

Charmaine Yoest  
President, Americans United for Life

Austin Ruse  
President, Catholic Family and Human Rights Institute

Marjorie Dannenfelser  
President, Susan B. Anthony List

Kris Mineau  
President, Massachusetts Family Institute

Bradley Mattes  
Executive Director, Life Issues Institute

Phyllis Schlafly  
President, Eagle Forum

J. C. Willke, MD  
President, International Right to Life Federation

Thomas Brejcha  
President & Chief Counsel, Thomas More Society

Peter Breen  
Executive Director & Legal Counsel, Thomas More Society

Joseph A. Brinck  
President, Sanctity of Life Foundation

Jennifer Giroux  
Executive Director, Women Influencing the Nation

Samuel B. Casey  
General Counsel, Law of Life Project, Advocates International

Gary Bauer  
President, American Values

Brian Burch  
President of CatholicVote.org

David Bereit  
National Director, 40 Days for Life

Phil Burress  
President, Citizens for Community Values

Jill Stanek, RN

WorldNetDaily columnist

Peggy Hartshorn  
President, Heartbeat International

Michael Geer  
President, Pennsylvania Family Institute

Bryan Kemper  
President, Stand True- Christ Centered Pro-life

John T. Bruchalski, MD, FACOG  
Divine Mercy Care

James Nolan  
President, Crossroads Pro-Life

Marie Bowen  
Executive Director, Presbyterians Pro-Life

Jennifer Kimball, Be.L.  
Executive Director, Culture of Life Foundation

Jo Tolek  
Executive Director, Human Life Alliance

Dean Nelson  
Executive Director, Network of Politically Active Christians

Chris Slattery,  
President, Expectant Mother Care-EMC FrontLine Pregnancy Centers, New York City

Rev. Louis Sheldon  
Chairman, Traditional Values Coalition

Andrea Lafferty  
Executive Director, Traditional Values Coalition

Reginald J. Brown

+ [REDACTED] (t)  
+ [REDACTED] (f)

February 2, 2009

The Honorable Patrick Leahy  
Chairman, Senate Committee on the Judiciary  
433 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Arlen Specter  
Ranking Member, Senate Committee on the Judiciary  
711 Hart Senate Office Building  
Washington, D.C. 20510

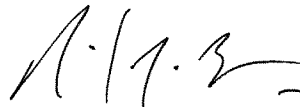
Dear Chairman Leahy and Ranking Member Specter:

I am writing to express my support for the nomination of David W. Ogden to be Deputy Attorney General.

I first met David in early 2005 when I rejoined WilmerHale after serving for several years as an Associate White House Counsel. David co-chairs WilmerHale's Government and Regulatory Litigation Group and is also a member of the firm's Public Policy and Strategy practice. We have worked together over the past three years on a wide range of client matters, ranging from public policy and regulatory projects to Department of Justice enforcement investigations. Based on first hand experience, I can tell you that David is a "lawyer's lawyer" who commands the respect of his co-workers as well as opposing counsel. He is an open-minded, practical and fact-driven decisionmaker, and a talented manager with a remarkable capacity for work. Based on my observation of David in connection with a number of matters, I also believe he is very well regarded by career employees of the Department of Justice, including career lawyers and support staff.

I've also had the good fortune to talk with David over the years about the major issues of the day. He is thoughtful and measured in his views, and always open to a respectful and genuine dialogue with those who have a different perspective. I believe his commitment to the Nation's security will be particularly strong, and that he understands the importance of providing consistent, clear and constructive advice to those who rely on the Department of Justice's legal judgments. David is also fully committed to operating a Department of Justice that is free from inappropriate political influence. President Obama could not have made a finer choice for Deputy Attorney General, and I very much hope that you will swiftly confirm David for this position with broad and bipartisan support.

Sincerely,



Reginald J. Brown

cc: The Honorable John Cornyn  
517 Hart Senate Office Building  
Washington, D.C. 20510



# Leadership Conference on Civil Rights

**1629 K Street, NW  
10<sup>th</sup> Floor  
Washington, D.C. 20006**

**Phone: 202-466-3311  
Fax: 202-466-3435  
www.civilrights.org**

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*National Council of Negro Women*

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Karen K. Narasaki  
*Asian American Justice Center*

## PRESIDENT & CEO

Wade J. Henderson

February 3, 2009

Senator Patrick Leahy  
U.S. Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Senator Arlen Specter  
U.S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the Leadership Conference on Civil Rights, the nation's oldest, largest, and most diverse civil rights coalition, and the undersigned organizations, we write to express our strong support for the nomination of David Ogden to the position of Deputy Attorney General of the United States. Mr. Ogden is the right choice to work alongside Eric Holder to restore integrity and commitment to the rule of law absent from the Department of Justice over the past eight years.

Mr. Ogden has a firm record of support for civil rights. During his tenure at the Department of Justice from 1995-1999, as Associate Deputy Attorney General and Counselor and Chief of Staff to the Attorney General, Mr. Ogden worked with the leadership of the Civil Rights Division on the full range of civil rights issues including affirmative action, hate crimes, voting rights, racial profiling, clinic violence, single sex universities, the rights of the institutionalized, and police violence. He led the Department's hate crime initiative, resulting in the Clinton Administration's Hate Crimes legislation. He also directed the Department's Indian Country Law Enforcement initiative, which was designed to equalize the law enforcement resources available to reservations with the level that is available to the rest of the United States. In private practice, Mr. Ogden filed briefs or amicus briefs in high profile cases supporting the use of affirmative action and race conscious tools in K-12 education, the rights of women in cases involving the right to choose, the rights of gay and lesbian individuals, and the rights of mentally ill and mentally retarded citizens. Mr. Ogden has also worked on litigation to expand voting rights laws and to ensure the rights of defendants in capital punishment cases.

Mr. Ogden is currently a partner at Wilmer Cutler Pickering Hale and Dorr and served as the Department of Justice Agency Review lead for the Obama-Biden Transition Project. Previously, in addition to the various positions he held at the Department of Justice from 1995-1999, Mr. Ogden served as Assistant Attorney General in the Civil Division from 1999-2001. In this position, he directed the department's largest litigating unit, responsible for almost all federal agencies.

As Deputy Attorney General, Mr. Ogden will be responsible for overseeing the

*"Equality In a Free, Plural, Democratic Society"*

Hubert H. Humphrey Civil Rights Award Dinner • May 7, 2009





daily operations of the Department of Justice. Mr. Ogden's broad and diverse experiences serving in the Justice Department and in the private sector ensure that he will bring a sense of perspective and integrity to this position. Mr. Ogden's demonstrated ability to manage and oversee complex situations, his capacity to work cooperatively, and his background both in and out of the Department will enable him to restore independence and confidence to the Department.

In the past eight years, scandal and controversy have rocked the Department, politics has trumped impartial enforcement of the law, and ideology has undermined competence. The Department has been disrupted in its important work by turmoil, instability, politics, massive turnover, loss of experienced staff, and a lack of confidence. As Deputy Attorney General, Mr. Ogden will be needed to help re-establish the Department of Justice as an agency of integrity and dignity. We have confidence that Mr. Ogden is up to this task.

Sincerely,

Leadership Conference on Civil Rights

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

Americans for Democratic Action

Asian American Justice Center

Association of Community Organizations for Reform Now

Black Leadership Forum, Inc.

Campaign for America's Future

Human Rights Campaign

Lawyers' Committee for Civil Rights Under Law

Mexican American Legal Defense and Educational Fund

NAACP Legal Defense & Educational Fund, Inc.

NARAL Pro-Choice America

National Abortion Federation

National Association for the Advancement of Colored People (NAACP)

National Congress of American Indians

National Health Law Program

National Partnership

National Senior Citizens Law Center

People For the American Way

The Judge David L. Bazelon Center for Mental Health Law



The Honorable Pat Leahy  
Chairman  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

The Honorable Arlen Specter  
Ranking Member  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Dear Chairman Leahy, Ranking Member Specter, and Committee Members,

On behalf of Concerned Women for America's (CWA) 500,000 members nationwide, we write to respectfully request you oppose the nomination of David Ogden for Deputy Attorney General at the Department of Justice. Mr. Ogden has a long history of working to overturn laws on obscenity, abortion, and parental rights. His work jeopardizes children, women and families and undermines our system of American justice.

Mr. Ogden has a callous disregard for life. He denied the reality of millions of women by claiming in *Casey v. Planned Parenthood of S.E. Pennsylvania* that abortion rarely causes or exacerbates psychological or emotional problems. He has also supported assisted suicide, to which the disabled, elderly and defenseless are the most vulnerable victims.

In *Hartigan v. Zbaraz*, Mr. Ogden co-authored a brief arguing that parental notification, a measure that protects parents and minors, was an unconstitutional burden on 14-year old adolescent girls seeking an abortion. Mr. Ogden also co-authored the National Organization for Women's brief in *Scheidler v. National Organization for Women* that sought to use organized crime laws against pro-life advocates.

Mr. Ogden routinely represented pornographers against laws that protect children and women. He opposed the Children's Internet Protection Act, a law to protect children from obscene materials in public libraries, and the Child Protection and Obscenity Enforcement Act, which required producers of pornography to personally verify that models were not minors. By siding with pornographers, he has furthered the exploitation of women and children.

In a brief that Mr. Ogden co-authored to the Supreme Court in *Roper v. Simmons*, he argued that the Court should look to the laws, legal opinions, and decisions of foreign nations and international organizations regarding the death penalty. This argument should be an indicator that Mr. Ogden will look to international sources rather than relying on our Constitution and statutes. We simply cannot entrust him to enforce the laws of our country.

CWA firmly believes that Mr. Ogden's record and ideology makes it evident that Mr. Ogden would decline to enforce just laws and would argue cases in such a way as to undermine the Constitution. It is for the aforementioned reasons that we urge you in the strongest possible terms to oppose Mr. Ogden's nomination for Deputy Attorney General.

Sincerely,

A handwritten signature in purple ink that reads "Wendy Wright". The signature is fluid and cursive, with the first name "Wendy" and last name "Wright" clearly distinguishable.

Wendy Wright  
President



February 4, 2009

Senator  
U.S. Senate  
Washington, DC 20510

Dear Senator:

On behalf of Family Research Council (FRC) and the families we represent, I want to encourage you to vote NO on the confirmation of David Ogden to be President Barack Obama's Deputy Attorney General.

Mr. Ogden has built a career on representing views and companies that most Americans find repulsive. In *Hartigan v. Zbaraz*, 484 U.S. 171 (1987) he argued against parents being notified when their 14-year old daughter had an abortion, saying that "there is no qualitative . . . difference between minors . . . and adults." Despite overwhelming evidence to the contrary, in a brief filed in *Planned Parenthood v. Casey*, Mr. Ogden argued that woman who have had abortions suffer no detrimental consequences and instead should feel "relief and happiness" after aborting a child.

Mr. Ogden has also profited from representing pornographers and in attacking legislation designed to ban child pornography including the Children's Internet Protection Act of 2000 and the Child Protection and Obscenity Enforcement Act of 1988. The Department of Justice should not have a porn lawyer as its Deputy Attorney General, the person responsible for the most important decisions of the Department.

We urge you to oppose David Ogden for Deputy Attorney General. FRC will score this vote in our scorecard for the First Session of the 111<sup>th</sup> Congress.

Sincerely,

Thomas McClusky  
Vice President for Government Affairs



# NATIONAL CONGRESS OF AMERICAN INDIANS

February 4, 2009

The Honorable Patrick J. Leahy,  
Chair, Senate Judiciary Committee  
152 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Arlen Specter,  
Ranking Member, Senate Judiciary Committee  
711 Hart Senate Office Building  
Washington, D.C. 20510

Re: Nominations of David Ogden and Tom Perrelli

Dear Senators Leahy and Specter:

I am writing on behalf of the National Congress of American Indians, the nation's oldest and largest organization of American Indian and Alaska Native tribal governments, to express our support for the nominations of David Ogden and Tom Perrelli to serve as Deputy Attorney General and Associate Attorney General, respectively. Both Mr. Ogden and Mr. Perrelli are exemplary candidates, and we urge their swift confirmation.

The Department of Justice plays a vitally important role in ensuring public safety in Indian Country and safeguarding the federal trust relationship. Under federal law, many Indian communities are completely dependent on the Department for investigation and prosecution of violent crimes and other felonies committed on Indian reservations.

In 1999, President Clinton launched the President's Indian Country Law Enforcement Initiative in response to reports revealing that the rate of violent victimizations among Indians was more than twice that of any other population in the United States. The Initiative sought to enhance the efforts of federal and tribal law enforcement entities to address violence and crime in tribal communities. Mr. Ogden and Mr. Perrelli were instrumental in the development of this important and promising initiative.

Unfortunately, over the past eight years Indian Country crime has slipped down the list of federal priorities. As a result, crime in Indian Country continues to rise, even while crime rates nationwide have fallen. The incoming Administration has an opportunity to reverse this trend with swift action that will begin to restore public safety in tribal communities and confidence among tribal members in the federal government's commitment to providing justice for all Americans.

Prompt confirmation of Mr. Ogden and Mr. Perrelli, both of whom have demonstrated an understanding of the problems faced by tribal communities and an interest in working with tribal leaders to address them in a manner that recognizes the sovereign-to-sovereign relationship between the United States and tribal governments, will allow this important work to begin. Please contact myself or Virginia Davis, 202-466-7767 or [vdavis@ncai.org](mailto:vdavis@ncai.org), with any questions or for additional information.

Sincerely,

Jacqueline Johnson Pata

## EXECUTIVE COMMITTEE

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Chikay Owingeh  
(Pueblo of San Juan)

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Jefferson Keel  
Chickasaw Nation

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Jamestown S'Klallam Tribe

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galelekhbee  
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Pueblo of Acoma

#### WESTERN

Alvin Mayle  
Fallon Paiute Shoshone Tribe

## EXECUTIVE DIRECTOR

Jacqueline Johnson  
Tlingit

## NCAI HEADQUARTERS

1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

**Robert F. Hoyt**

February 4, 2009

The Honorable Patrick Leahy  
Chairman, Senate Committee on the Judiciary  
433 Russell Senate Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member, Senate Committee on the Judiciary  
711 Hart Senate Office Building  
Washington, DC 20510

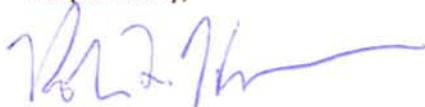
Dear Chairman Leahy and Ranking Member Specter,

I am writing to express my strong support for the nomination of David Ogden for the position of Deputy Attorney General. I have known David since 2001, when I helped to recruit him to become one of my partners at Wilmer, Cutler & Pickering (now known as Wilmer Cutler Pickering Hale and Dorr LLP). I did not know David well at the time, and proceeded mainly on his reputation for excellence, hard work, and integrity. He was widely admired in the bar, and among my partners who had worked with and opposite him during his time in government.

David and I practiced together at Wilmer, Cutler & Pickering for only four years before I left the firm to serve as an Associate White House Counsel and then General Counsel to the Treasury Department. But in those four years, David surpassed the stellar reputation he arrived with. In case after case, David won the confidence of the firm's clients, the admiration of his colleagues, and the respect of his opponents. He did this by bringing to his work an extraordinary combination hard work, creativity, and the most thoughtful analysis. He comes before the Committee as a lawyer who is renowned for his dedication to furthering his clients' interests through zealous advocacy, candid counseling, and wise judgment. In addition to all of that, David is a charming and enjoyable colleague to work with, and is respected as being an effective and caring supervisor and mentor to young lawyers.

I have every confidence that David's considerable talent and experience will be of enormous benefit to the Justice Department. He will provide able leadership and strong management of the Nation's most important and complex legal matters. I have every hope that he will be confirmed on a broad bipartisan basis.

Respectfully,



Robert F. Hoyt



THOMAS J. MILLER  
ATTORNEY GENERAL

**Department of Justice**  
February 4, 2009

ADDRESS REPLY TO:  
HOOVER BUILDING  
DES MOINES, IOWA 50319  
TELEPHONE: 515/281-5164  
FACSIMILE: 515/281-4209

The Honorable Patrick Leahy  
Chairman  
Senate Committee on the Judiciary  
Washington, DC

The Honorable Arlen Specter  
Ranking Minority Member  
Senate Committee on the Judiciary  
Washington, DC

Dear Mr. Chairman and Senator Specter:

I am the Attorney General and chief law enforcement officer of Iowa and am writing to urge the Committee to act favorably on the nomination of David W. Ogden to serve as Deputy Attorney General.

Mr. Ogden is an accomplished attorney having handled complex litigation over a number of years in private practice. He is intimately familiar with the Department of Justice, having served as Chief of Staff to then Attorney General Janet Reno and as Assistant Attorney General for the Civil Division.

Mr. Ogden headed the Transition Team for the Department of Justice on behalf of then President-elect Obama and, in that capacity, spent significant time with representatives of the Attorneys General. I believe that he will be both a powerful advocate and a good listener. My goal as Attorney General is to establish a level of comity with the Federal government which allows us to work together when that is appropriate and, on the occasions when there are disagreements, to do so recognizing that although we may differ, we share the same client, the public.

I believe that David Ogden will work collaboratively with the state Attorneys General, that he will not tolerate petty disputes and that this will allow the Department of Justice and the state Attorneys General to focus on the task ahead.

Thank you for this opportunity. Please do not hesitate to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. J. Miller", is written over a horizontal line.

Thomas J. Miller  
Attorney General of Iowa

February 4, 2009

*Todd R. Steggerda*

Senator John McCain  
United States Senate  
241 Russell Senate Office Building  
Washington, DC 20510

Dear Senator McCain:

I am writing to you in strong support of the nomination of David Ogden to be Deputy Attorney General of the United States. Before serving as Chief Counsel to your 2008 presidential campaign, I had the distinct privilege of working with David for several years in the Washington law office of Wilmer Cutler Pickering Hale and Dorr LLP. During this period of time, I came to know David as a brilliant and dedicated lawyer, possessing both the integrity and sound judgment that will be necessary to help lead the Justice Department in these difficult times. Most importantly, I do believe that David is deeply committed to the rule of law and will serve with great distinction if confirmed as Deputy Attorney General. I have been very proud to call David Ogden my Partner at WilmerHale, and I know the Nation will be well-served if he is confirmed.

Sincerely,



Todd Steggerda

cc: The Honorable Patrick Leahy, Chairman  
The Honorable Arlen Specter, Ranking Member  
Senate Judiciary Committee



February 4, 2009

Todd C. Zubler

Senator John McCain  
United States Senate  
241 Russell Senate Office Building  
Washington, D.C. 20510

+ [REDACTED] (ft)  
+ [REDACTED] (ff)

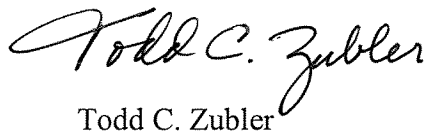
Dear Senator McCain:

I am writing to express my support for the nomination of David Ogden to be Deputy Attorney General of the United States. I am currently his law partner at Wilmer Cutler Pickering Hale and Dorr LLP and have practiced law with him since 2001 when he joined the firm. In 2000, I was honored to serve as deputy general counsel on your presidential campaign.

David unquestionably has the experience, intelligence, integrity, and judgment necessary to be Deputy Attorney General. His prior experience at the Department of Justice has exposed him to many of the substantive issues and managerial responsibilities he would now face as Deputy Attorney General. Such prior experience is important because of the Department of Justice's size and the vast scope of what it does. The Deputy Attorney General needs to be someone comfortable with the job's responsibilities from day one.

David is also a lawyer of great intelligence. He has a reputation within our firm for careful analytical thinking, and he would bring this intelligence to bear on the many complex legal and national-security issues that the Department of Justice must address. Finally, David is man of integrity and judgment. I have no doubts whatsoever about his ethics and commitment to the rule of law. Based on my personal experience, I am confident he would serve the Nation in this position with reasonableness, fair-mindedness, and respect for the principled application of law.

Sincerely,



Todd C. Zubler

cc: The Honorable Patrick Leahy  
The Honorable Arlen Specter



February 4, 2009

Dear Senate Judiciary Committee Member:

On behalf of the many families Eagle Forum represents nationwide, **I am writing to urge you to oppose the nomination of David Ogden for the post of Deputy Attorney General** during his confirmation hearing tomorrow, Thursday, February 5, 2009.

Mr. Ogden is well-known for his pro-abortion stance. He wrote and filed an amicus brief on behalf of *Casey v. Planned Parenthood* (1992) in which he argued:

*"Abortion rarely causes or exacerbates psychological or emotional problems. When women do experience regret, depression, or guilt, such feelings are mild and diminish rapidly without adversely affecting general functioning. The few women who do experience negative psychological responses after abortion appear to be those with preexisting emotional problems..."*

and,

*"In sum, it is grossly misleading to tell a woman that abortion imposes possible detrimental psychological effects when the risks are negligible in most cases, when the evidence shows that she is more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant (if not greater) risks or adverse psychological effects..."*

In fact, David Ogden is so pro-abortion that he began his career as a law clerk to Justice Harry Blackmun, the Supreme Court Justice who wrote the majority opinion in *Roe v. Wade* (1973). He has taken radically pro-abortion positions in many more abortion cases on behalf of the National Organization for Women, the American Psychological Association, People for the American Way, as well as other liberal groups, arguing against parental notification, against spousal notification, and against limits on Title X fund recipients.

Your constituents want to see that pro-life Senate Republicans are not allowing these radically pro-abortion nominees to slip through the committee hearing process unchallenged, without being confronted on their problematic policy positions. **We urge you to oppose David Ogden's nomination by voting NO in committee.**

**Eagle Forum will be scoring this vote.**

Faithfully,

Colleen Holmes  
Executive Director



February 13, 2009

Senator Patrick Leahy  
Chairman United States Senate Judiciary Committee  
433 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Leahy and Senate Judiciary Committee Members:

The Alliance Defense Fund (“ADF”) submits this letter in opposition to the Department of Justice nominees David Ogden, Elena Kagan, Dawn Johnsen, and Thomas Perrelli. ADF is a legal alliance, composed of more than 1,200 attorneys, that focuses its activities around three legal issues: (1) guarding the sanctity of life; (2) protecting marriage and the family; and (3) defending religious freedom. ADF regularly litigates difficult and contentious cases involving both novel and complex constitutional issues. In doing so, ADF consistently advocates for an originalist interpretation of the constitution, with the goal of fostering long-term legal stability and adherence to the “rule of law.”

President Obama’s most recent nominees for top-level positions in the Department of Justice (“DOJ”)—David Ogden, Elena Kagan, Dawn Johnsen, and Thomas Perrelli—each subscribe to a results-oriented school of jurisprudence unmoored from a proper understanding of the constitution. Their legal philosophies depart from mainstream views, their professional careers reflect a far-left ideology, and their involvement in the DOJ will jeopardize the proper enforcement of federal law and development of constitutional doctrines. For the reasons expressed herein, ADF opposes each of their nominations and urges the Senate Judiciary Committee (“Committee”) to do the same.

### **David Ogden**

President Obama has nominated David Ogden to serve as Deputy Attorney General. Mr. Ogden’s far-left jurisprudential background is truly astounding. He has repeatedly been an advocate of sexually oriented businesses, including distributors of hard-core pornography. He has represented a variety of clients seeking to strike down even slight restrictions on abortion, such as parental-consent laws, spousal-consent laws, and 24-hour waiting periods. And he has been a

consistent advocate for the homosexual agenda. Perhaps most troubling of all, it appears that Mr. Ogden has been somewhat misleading in his testimony before this Committee. For these reasons, which will be more fully discussed herein, ADF urges this Committee to reject Mr. Ogden's nomination.

Throughout his career, Mr. Ogden has been a major defender of sexually oriented businesses and organizations. He has repeatedly represented major organizations within the pornography industry—including Playboy Enterprises, Playboy Programming Distribution Corporation, the Consenting Adults Telephone Rights Association, and PHE, Inc., which is the nation's largest distributor of hard-core pornography and other sexually oriented products. This industry is unique in its extreme degradation of women and disregard for human relationships.

In *United States v. American Library Association*, 539 U.S. 194 (2003), Mr. Ogden submitted an amicus brief on behalf of fifteen library directors, arguing that the federal constitution requires public libraries to remove internet pornography filters. In that brief, Mr. Ogden treated pornography like informative data, writing that "[i]mposition of mandatory filtering on public libraries impairs the ability of librarians to fulfill the purpose of public libraries—namely, assisting library patrons in their quest for information . . . ." In several other cases, including *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994), Mr. Ogden represented sexually orientated businesses and organizations in their quest to avoid any measure—however slight—of government regulation. His advocacy of expansive First Amendment rights for sexually oriented businesses rests on a revisionist understanding of the constitution.

Mr. Ogden has also been a staunch supporter of abortion, seeking to eradicate any state or federal law protecting unborn children or educating women about the harms of abortion. In *Hartigan v. Zbaraz*, 484 U.S. 171 (1987), Mr. Ogden argued, in a brief for the American Psychological Association, that a parental-consent law violated the constitutional "right" of a 14-year-old girl to kill her unborn child. In that brief, Mr. Ogden argued that 14-year-old girls are mature enough to decide whether to abort their child, stating that "the decision to abort is one that . . . a reasonable adolescent[] could make." He also asserted that 14-year-old girls are just as capable of making abortion decisions as adults are:

[E]mpirical studies have found few differences between minors aged 14-18 and adults in their understanding of information and their ability to think of options and consequences when asked to consider treatment-related decision. These unvarying and highly significant findings indicate that with respect to the capacity to understand and reason logically, there is no qualitative or quantitative difference between minors in mid-adolescence, i.e., about 14-15 years of age, and adults.

Mr. Ogden's efforts to invalidate parental-consent laws conflict with citizens' sentiment in this country; nearly 70% of Americans favor laws requiring women under 18 to get parental consent for any abortion. See Gallup's Pulse of Democracy: Abortion, available at <http://www.gallup.com/poll/1576/Abortion.aspx>.

In *Casey v. Planned Parenthood of S.E. Pennsylvania*, 505 U.S. 833 (1992), Mr. Ogden argued, in an *amicus* brief for Planned Parenthood and the American Psychological Association, that spousal notification and a mandatory 24-hour waiting period violate the federal constitution. He reasoned that "compelled spousal notification places a substantial burden on a married woman's right to terminate her pregnancy" and "cannot be justified [by] the [government's] interest in promoting the integrity of the marital relationship." By taking this position, Mr. Ogden's brief advocated the invalidation of a spousal-notification law supported by 64% of Americans. See Gallup's Pulse of Democracy: Abortion, available at <http://www.gallup.com/poll/1576/Abortion.aspx>. He also insisted that a minimal waiting period of 24 hours "severely burdens a woman's right to choose." These absolutist positions on abortion are based on a flawed understanding of the constitution, wholly disconnected from the federalist principles upon which our great nation was founded. Mr. Ogden's views leave no room whatsoever for the state to advance its compelling interest in its future citizens and taxpayers.

Mr. Ogden has also been an unwavering advocate for homosexual activists. In *Lawrence v. Texas*, 539 U.S. 558 (2003), he served as counsel for the American Psychological Association and argued that the criminalization of sodomy violates federal constitutional rights. In that brief, he asserted that "homosexuality is a normal form of human sexuality." He also argued, despite abundant evidence to the contrary, that "the children of [same-sex couples] . . . demonstrate no deficits in intellectual development, social adjustment, or psychological well-being as compared to children of [opposite-sex couples]." He submitted a brief advocating similar positions in *Bowers v. Hardwick*, 478 U.S. 186 (1986).

Mr. Ogden supports the use of "strict scrutiny" for equal-protection challenges brought by persons involved in same-sex relationships. He has asserted that "gay men and lesbians constitute a discrete and insular minority deserving strict equal protection scrutiny." Donald N. Bersoff and David W. Ogden, "APA Amicus Curiae Briefs: Furthering Lesbian and Gay Male Civil Rights," *American Psychologist*, Vol. 46, No. 9, p. 950-56 (Sept 1991). This radical legal theory has been rejected by nearly every court that has addressed the issue. See, e.g., *Hernandez v. Robles*, 7 N.Y.3d 338, 855 N.E.2d 1 (2006); *Andersen v. King County*, 158 Wash.2d 1, 138 P.3d 963 (2006); *Conaway v. Deane*, 401 Md. 219, 932 A.3d 571 (2007). The only judicial opinion adopting that approach—the California Supreme Court's decision in *In re Marriage Cases*, 43 Cal.4th 757, 183 P.3d 384 (2008)—has been resoundingly rejected by the people of California when they approved a

constitutional amendment that effectively nullified the Court's decision. Mr. Ogden's advocacy of such radical constitutional jurisprudence lacks any basis in sound constitutional theory; instead, it is intended to further his favored political end, without regard for an originalist understanding of the document he purports to be interpreting.

And perhaps more troubling than Mr. Ogden's far-left jurisprudence is his lack of candor before this Committee. In a child pornography case, *United States v. Knox*, Mr. Ogden argued—on behalf of the ACLU, the American Library Association, and the American Booksellers Association—that the defendant had been improperly convicted under the federal child pornography statute. In that case, the Department of Justice adopted an “extreme” interpretation of the child pornography law, asserting that materials do not qualify as child pornography unless there is actual nudity, *i.e.*, the child's genitals or pubic area are fully or partially exposed. President Clinton publicly chastised the DOJ for its position, as did the Senate, by a vote of 100-0, and the House, by a vote of 425-3.

When questioned about this case during the Judiciary Committee's hearing, Mr. Ogden stated that he and his clients did not adopt what he characterized as the DOJ's “very extreme view . . . of the law.” He stated: “The brief that I submitted . . . made a different point. . . . The court decided not to accept that view, but it wasn't the view—the extreme view that I myself rejected—that the Justice Department brief took.” It appears, however, that Mr. Ogden's brief had in fact adopted the same “extreme” position put forth by the DOJ. The DOJ's brief asserted that “[d]epictions . . . come within the statute only if they show minors engaged in the conduct of lasciviously exhibiting their . . . genitals or pubic areas.” Brief of Respondent United States at 13, *Knox v. United States*, No. 92-1183 (U.S.S.C. Sept 1993) (found at 1993 WL 723366). Similarly, Mr. Ogden's brief argued that “nudity was not only a requirement, but that nudity alone was insufficient. Something more, a ‘lascivious exhibition of the genitals and public areas,’ was required.” Brief of *Amici* in support of Petitioner at 17, *Knox v. United States*, No. 92-1183 (U.S.S.C. Sept 1993) (found at 1992 U.S. Briefs 1183 (Lexis)). This lack of candor in Mr. Ogden's testimony further demonstrates that he is not fit to serve as a high-ranking DOJ official.

### **Elena Kagan**

President Obama has nominated Elena Kagan to serve as Solicitor General. In her past, Ms. Kagan has shown open hostility towards the military's “Don't Ask, Don't Tell” policy, which is favored by a majority of Americans and, more importantly, by a majority of military servicemen and women. See Gallup's Pulse of Democracy: Homosexual Relations, *available at* <http://www.gallup.com/poll/1651/Homosexual-Relations.aspx>; Military Times Poll, *available at* [http://www.militarycity.com/polls/2007activepoll\\_politics.php](http://www.militarycity.com/polls/2007activepoll_politics.php).

While Dean of Harvard Law School, Ms. Kagan did not allow military recruiters on campus in protest to the military's "Don't Ask, Don't Tell" policy. In an email to the Harvard Law School community, she referred to this fifteen-year policy as "a profound wrong—a moral injustice of the first order." See Email from Elena Kagan, Dean Harvard Law School, to Harvard Law School Community (Oct 6, 2003, 9:04 EST), *available at* [http://www.hlrecord.org/home/index.cfm?event=displayArticlePrinterFriendly&uStory\\_id=fb9b7e30-726c-45a1-ae9c-e74a7c5f655f](http://www.hlrecord.org/home/index.cfm?event=displayArticlePrinterFriendly&uStory_id=fb9b7e30-726c-45a1-ae9c-e74a7c5f655f).

Moreover, Ms. Kagan submitted an *amicus* brief challenging the Solomon Amendment, the federal law denying federal funding to an institution of higher education that has a policy or practice of prohibiting or preventing the military from gaining access to campuses for purposes of military recruiting. The *amicus* brief joined by Ms. Kagan and other law professors offered an implausible interpretation of the Solomon Amendment, which was rejected by a unanimous Supreme Court. See *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47 (2006). In fact, the Court's opinion characterized Ms. Kagan's interpretation as one that would render the Solomon Amendment "largely meaningless." *Id.* at 57-58.

Ms. Kagan's proffering of an unsupportable interpretation of federal law to achieve her desired political result raises serious questions about her capacity to defend federal laws with which she personally disagrees. She appears driven by a results-oriented jurisprudence, unfitting for a high-ranking DOJ official who should not be tainted by an extremist ideology. Her outright hostility towards governing military policy and her inability to reconcile her personal views with her legal positions demonstrates that Ms. Kagan is ill qualified for the job of Solicitor General.

### **Dawn Johnsen**

President Obama has nominated Dawn Johnsen to lead the Office of Legal Counsel within the DOJ. One need not explore far to see Ms. Johnsen's far-left legal background and jurisprudential theories. She was a staff counsel for the ACLU, and served as Legal Director for the National Abortion Rights Action League ("NARAL"). NARAL has adopted extreme, absolutist positions on abortion, opposing any attempt to restrict abortion on-demand. In line with its unwavering demands on abortion, NARAL has publicly condemned the federal law banning partial-birth abortions, see NARAL Pro-Choice American Press Release, "Senate Votes to Criminalize Safe, Legal Medical Procedures, Next Stop is President Bush" (Oct 21, 2003), *available at* <http://www.commondreams.org/news2003/1021-04.htm>—a law supported by more than 72% of Americans. See Gallup's Pulse of Democracy: Abortion, *available at* <http://www.gallup.com/poll/1576/Abortion.aspx>.



As a legal scholar, Ms. Johnsen has promoted radical legal positions concerning abortion. She has sharply criticized the creation of any legal rights for unborn children, asserting that this might have a deleterious effect on her desired end—a woman’s unfettered access to abortion. *See* Dawn E. Johnsen, “The Creation of Fetal Rights: Conflicts with Women’s Constitutional Rights to Liberty, Privacy, and Equal Protection,” 95 Yale L.J. 599 (Jan 1986). In addition, she has adopted far-left feminist positions, arguing that “[f]etal rights laws would not only infringe on constitutionally protected liberty and privacy rights of individual women, they would also serve to disadvantage women as women by further stigmatizing and penalizing them on the basis of the very characteristic that historically has been used to perpetuate a system of sex inequality.” *Id.* at 620. These radical legal theories are far outside mainstream legal thought; they are grounded in achieving her desired end—the widespread availability of abortion—and not in a proper understanding of constitutional doctrine. And again, they run contrary to the government’s profound interest in promoting life.

### **Thomas Perrelli**

President Obama has nominated Thomas Perrelli as Associate Attorney General. While in private practice, Mr. Perrelli represented Terri Schiavo’s husband and worked closely with the ACLU to deprive Ms. Schiavo of food and water. His intimate involvement in that case and tireless efforts to ensure Ms. Schiavo’s death show a calloused disregard for the sanctity of all life, including the lives of disabled individuals.

In fostering Ms. Schiavo’s death, Mr. Perrelli advanced a legal position rejected by 80% of Americans. A poll completed after Ms. Schiavo’s controversial death found that 80% of likely voters said that a disabled person who is not terminally ill or in a coma should not, in the absence of a written directive to the contrary, be denied food and water. *See* Zogby International Poll, *available at* <http://www.zogby.com/search/ReadNews.cfm?ID=982>. Moreover, by a three-to-one margin, likely voters said that, when there is conflicting evidence on the wishes of a patient, elected officials should order that a feeding tube remain in place. *See* Zogby International Poll, *available at* <http://www.zogby.com/search/ReadNews.cfm?ID=982>. Mr. Perrelli’s unwillingness to protect Ms. Schiavo’s most important right—her inalienable right to life—raises serious questions about his ability to protect and defend the rights of other Americans.

### **Conclusion**

ADF respectfully requests that the Committee reject the DOJ nominations of David Ogden, Elena Kagan, Dawn Johnsen, and Thomas Perrelli. Their far-left, results-oriented jurisprudence is wholly unmoored from the constitution as drafted



and understood by our Founders. Confirming them to high-level DOJ positions will wreak havoc on the “rule of law” in our country.

Respectfully submitted,

The Alliance Defense Fund

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005

Tel + 1 202 626 3600  
Fax + 1 202 639 9355  
www.whitecase.com

February 19, 2009

VIA E-MAIL

The Honorable Patrick J. Leahy  
Chairman  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Arlen Specter  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

Re: Deputy Attorney General Nominee David W. Ogden

Dear Mr. Chairman and Ranking Member Specter:

I write to urge your favorable consideration of the President's nomination of David Ogden to the office of Deputy Attorney General of the United States.

While I first met Mr. Ogden some time ago, I have only recently had the opportunity to get to know him in greater depth and to appreciate matters of public record regarding his professional career. It is clear that he has outstanding professional credentials which render him well qualified to serve as Deputy Attorney General.

Having had the privilege of serving as Deputy Attorney General at the conclusion of my fifteen years of public service, I know that some of the greatest demands on a person serving in that high office are occasioned by its management responsibilities. Having had the opportunity to discuss informally this aspect of the Deputy's duties with Mr. Ogden, I am very impressed by his thoughtful and considered approach to these responsibilities.

For me, a most important consideration in assessing a nominee for Deputy Attorney General is whether the nominee's experience and qualifications provide a basis to conclude that the nominee will be a good and faithful steward of the Department as an institution. Given Mr.

The Honorable Patrick J. Leahy  
The Honorable Arlen Specter

February 19, 2009

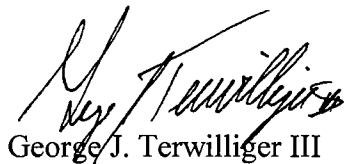
Ogden's prior Department experience and his appreciation of its vital interests, I believe one can conclude that Mr. Ogden would seek to promote and protect the institutional interests of the Justice Department and its vital public service missions.

It is also apparent to me that I may not share much of the philosophical orientation on legal and public policy issues that may be ascribed to Mr. Ogden. Whatever the differences may be, for two reasons they do not cause me to hesitate in supporting his confirmation. First, his views, so far as I know them, do not seem to be outside the mainstream of contemporary thinking on many legal and public policy issues. One can acknowledge a reasoned basis for positions on such issues even as one may disagree, even strongly, with those positions. Second, assuming that his views may reflect the general philosophical orientation of the President who nominated him, the President enjoys the prerogative to nominate for this high office those who share his agenda and views on public and legal policy matters.

I have not had occasion to consider in any detail certain reported criticism or questions raised concerning positions Mr. Ogden may have taken in matters where he was acting as counsel for a client. As you, of course, know well, in performing the ethical duty to zealously represent a client's interests within the bounds of the law, a lawyer may be called upon to take positions with which he or she may not personally agree or be entirely comfortable. Having attorneys see to a client's interests without regard to the attorney's personal beliefs or philosophical leanings is, of course, a bedrock tenet of our legal system. Thus, I would note that, as a general proposition, attributing the views or positions taken by a lawyer on behalf of a client to the lawyer himself or herself may not be a reliable indicator of the lawyer's personal views.

Thank you for permitting me to express my views concerning Mr. Ogden's nomination.

Sincerely yours,



George J. Terwilliger III



# Leadership Conference on Civil Rights

1629 K Street, NW  
10<sup>th</sup> Floor  
Washington, D.C. 20006

Phone: 202-466-3311  
Fax: 202-466-3435  
[www.civilrights.org](http://www.civilrights.org)

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*National Council of Negro Women*

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*American Association of University Women*  
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*Human Rights Campaign*  
Andrew L. Stern  
*Service Employees International Union*  
John Travina  
*Mexican American Legal Defense and Educational Fund*  
Randi Weingarten  
*American Federation of Teachers*  
Mary G. Wilson  
*League of Women Voters*

## COMPLIANCE/ENFORCEMENT COMMITTEE CHAIRPERSON

Karen K. Narasaki  
*Asian American Justice Center*

## PRESIDENT & CEO

Wade J. Henderson

February 24, 2009

Senator Patrick Leahy  
U.S. Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

Senator Arlen Specter  
U.S. Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

Dear Chairman Leahy and Ranking Member Specter:

On behalf of the Leadership Conference on Civil Rights, the nation's oldest, largest, and most diverse civil rights coalition, and the undersigned organizations, we write to express our strong support for the nomination of David Ogden to the position of Deputy Attorney General of the United States. Mr. Ogden is the right choice to work alongside Eric Holder to restore integrity and commitment to the rule of law absent from the Department of Justice over the past eight years.

Mr. Ogden has a firm record of support for civil rights. During his tenure at the Department of Justice from 1995-1999, as Associate Deputy Attorney General and Counselor and Chief of Staff to the Attorney General, Mr. Ogden worked with the leadership of the Civil Rights Division on the full range of civil rights issues including affirmative action, hate crimes, voting rights, racial profiling, clinic violence, single sex universities, the rights of the institutionalized, and police violence. He led the Department's hate crime initiative, resulting in the Clinton Administration's Hate Crimes legislation. He also directed the Department's Indian Country Law Enforcement initiative, which was designed to equalize the law enforcement resources available to reservations with the level that is available to the rest of the United States. In private practice, Mr. Ogden filed briefs or amicus briefs in high profile cases supporting the use of affirmative action and race conscious tools in K-12 education, the rights of women in cases involving the right to choose, the rights of gay and lesbian individuals, and the rights of mentally ill and mentally retarded citizens. Mr. Ogden has also worked on litigation to expand voting rights laws and to ensure the rights of defendants in capital punishment cases.

Mr. Ogden is currently a partner at Wilmer Cutler Pickering Hale and Dorr and served as the Department of Justice Agency Review lead for the Obama-Biden Transition Project. Previously, in addition to the various positions he held at the Department of Justice from 1995-1999, Mr. Ogden served as Assistant Attorney General in the Civil Division from 1999-2001. In this position, he directed the department's largest litigating unit, responsible for almost all federal agencies.

As Deputy Attorney General, Mr. Ogden will be responsible for overseeing the

*"Equality In a Free, Plural, Democratic Society"*

Hubert H. Humphrey Civil Rights Award Dinner • May 7, 2009



daily operations of the Department of Justice. Mr. Ogden's broad and diverse experiences serving in the Justice Department and in the private sector ensure that he will bring a sense of perspective and integrity to this position. Mr. Ogden's demonstrated ability to manage and oversee complex situations, his capacity to work cooperatively, and his background both in and out of the Department will enable him to restore independence and confidence to the Department.

In the past eight years, scandal and controversy have rocked the Department, politics has trumped impartial enforcement of the law, and ideology has undermined competence. The Department has been disrupted in its important work by turmoil, instability, politics, massive turnover, loss of experienced staff, and a lack of confidence. As Deputy Attorney General, Mr. Ogden will be needed to help re-establish the Department of Justice as an agency of integrity and dignity. We have confidence that Mr. Ogden is up to this task.

Sincerely,

Leadership Conference on Civil Rights  
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)  
Americans for Democratic Action  
Alliance for Justice  
Asian American Justice Center  
Association of Community Organizations for Reform Now  
Black Leadership Forum, Inc.  
Campaign for America's Future  
Human Rights Campaign  
Lawyers' Committee for Civil Rights Under Law  
Mexican American Legal Defense and Educational Fund  
NAACP Legal Defense & Educational Fund, Inc.  
NARAL Pro-Choice America  
National Abortion Federation  
National Association for the Advancement of Colored People (NAACP)  
National Congress of American Indians  
National Health Law Program  
National Partnership  
National Senior Citizens Law Center  
People For the American Way  
The Judge David L. Bazelon Center for Mental Health Law

# RELIGIOUS ALLIANCE AGAINST PORNOGRAPHY

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March 6, 2009

The Honorable Patrick J. Leahy  
United States Senate  
433 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Leahy,

We write you as representatives of the Religious Alliance Against Pornography to encourage you to vote against the confirmation of David Ogden, President Obama's nominee for the position of Deputy Attorney General. In addition to this letter, we have written every one of your senatorial colleagues as well as the President to express our grave concern regarding this nomination.

The Religious Alliance is a broad association of faith leaders united by the desire to protect the citizens of our country from the harms of pornography. We represent one of the most diverse coalitions of the faith community ever assembled, with representatives from the Roman Catholic, Jewish, Muslim, Mormon, Orthodox, and Protestant communities. Collectively, we represent more than 100 million Americans.

In our roles as faith leaders, we see the destructive impact of pornography on a regular basis. Pornography images and the implicit messages those images convey undermine marriages, lead to sexual addiction, and harm the lives of millions of young people. American teenagers are some of the most sexually active in the industrialized world, a result, we believe, of the systematic mainstreaming of pornography and its messages regarding human sexuality. While we recognize that not all pornographic material is illegal given current First Amendment jurisprudence, obscene material and child pornography do not constitute protected speech. Federal laws are in place to prosecute those who produce and distribute such content, and these laws must be enforced for the welfare of this nation's families and children.

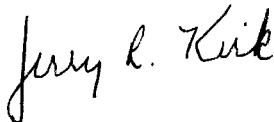
David Ogden's record speaks for itself; he has, for decades, defended pornographers—even child pornographers—and has opposed even the most reasonable regulations of pornography production and distribution. Given that record, we have strong doubts that the Justice Department will strive to protect our citizenry from illegal pornography, to the great detriment of our society, now and for years to come.

Senator Leahy, we are deeply disappointed by this nomination and strongly encourage you to vote against the confirmation of David Ogden, who is undoubtedly a brilliant attorney with impeccable professional credentials. However, for the second-highest ranking official in the Department of Justice to have such a record on the issue of pornography conveys the wrong message to the people—and particularly the youth—of our nation. It is within your power to send the right message by voting against confirmation, and it is our sincere hope that you will exercise that power when the nomination comes before the full Senate.

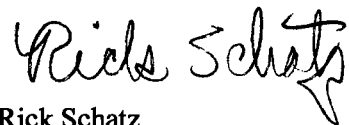
Respectfully yours,



Cardinal William H. Keeler  
Archbishop Emeritus of Baltimore  
Co-Chair, RAAP



Rev. Dr. Jerry R. Kirk  
Co-Chair, RAAP  
Founder and Chairman  
National Coalition for the  
Protection of Children & Families

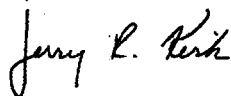


Rick Schatz  
RAAP Executive Committee  
President and CEO  
National Coalition for the  
Protection of Children & Families

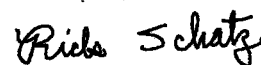
Religious Alliance Against Pornography (RAAP)



William Cardinal H. Keeler  
Co-Chairman, RAAP  
Archbishop Emeritus of Baltimore



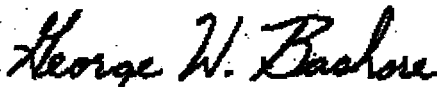
Reverend Jerry Kirk  
Co-Chairman, RAAP  
Chairman of the Board, NCPCF



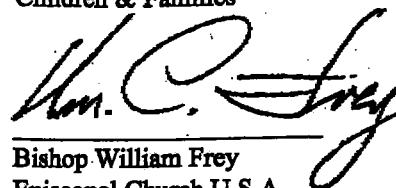
Mr. Rick Schatz  
President and CEO  
National Coalition for the Protection of  
Children & Families



Reverend Arlene Allen  
National Director Women's Ministries  
Assemblies of God



Bishop George Bashore  
United Methodist Church



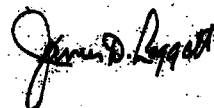
Bishop William Frey  
Episcopal Church U.S.A.



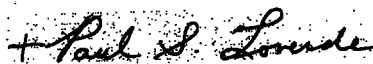
Commissioner Israel Gaither  
National Commander of  
The Salvation Army



Reverend Dwayne Hastings  
Vice President for Press Communications  
Southern Baptist Convention Rep.  
Ethics & Religious Liberty Commission



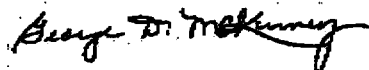
Bishop James Leggett  
General Superintendent  
International Pentecostal Holiness Church



Bishop Paul S. Loverde  
Bishop of Arlington  
The Catholic Diocese of Arlington



Reverend John E. Maracle  
Chief / President  
Native American Fellowship A/G  
North American Native Christian Council



Bishop George McKinney  
Jurisdictional Prelate  
Church of God in Christ, Inc.



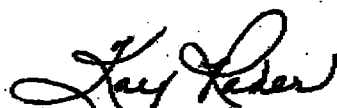
Reverend Dr. Jesse Miranda  
Professor  
Vanguard University  
President of Amen



Most Reverend George H. Neiderauer  
Archbishop of San Francisco



Theo Nicolakis  
Director of Information Technology  
Greek Orthodox Archdiocese of America



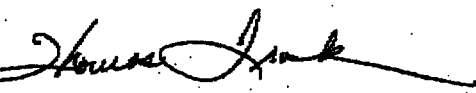
Commissioner Kay Rader  
The Salvation Army



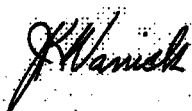
Rev. Dr. James Scott  
Assistant General Supervisor  
VP of Regional Church Operations  
The Foursquare Gospel



Imam Omar Shaheed  
Muslim American Society  
Masjid As-Salaam



Dr. Thomas Trask  
Former General Superintendent  
General Council of the Assemblies of God  
Representative of the National Association  
of Evangelicals



Dr. J.K. Warrick  
General Superintendent  
International Church of the Nazarene