

March 1, 2010

Congress of the United States

AGRICULTURE

The Honorable Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue
Washington D.C. 20530

House of Representatives
Washington, DC 20515-1505

JUDICIARY

POLICY

SMALL BUSINESS

Dear Attorney General Holder,

On January 7, 2010, President Obama nominated Dawn Johnsen to head the Office of Legal Counsel for the second time. Today, I write to request information regarding recent reports that Ms. Johnsen has been directly involved in Office of Legal Counsel's personnel decisions without being confirmed by the Senate.

Ms. Johnsen has a personal, pro-abortion agenda that can negatively impact America's future. The record demonstrates that Ms. Johnsen is incapable of placing the Rule of Law above her political ideology or personal agenda. It is alarming that news reports have indicated that Ms. Johnsen has been performing duties prescribed to the Office of Legal Counsel, despite the fact that the Senate has not confirmed her nomination. This raises additional concerns regarding Ms. Johnsen's ethics and respect for the Senate's confirmation process.

Last year, there was insufficient Senate support to confirm Dawn Johnsen. On March 24, 2009, I, along with 62 of my House colleagues, sent a letter to President Obama calling on him to withdraw Ms. Johnsen's nomination. Despite the concerns raised by several Senators and Members of the House, President Obama decided to nominate Ms. Johnsen again. Since Ms. Johnsen's nomination in 2010, the Senate Judiciary Committee has repeatedly postponed the confirmation vote, with the most recent postponement occurring on February 25, 2010.

In order to confirm or dismiss allegations regarding Ms. Johnsen's violation of pre-confirmation etiquette and potential disregard for the Constitution's clearly defined Senate confirmation process, I respectfully request that you provide my office with copies of all records of communications between any Office of Legal Counsel officials and Dawn Johnsen regarding personnel decisions that involve hiring, firing, promotion, discipline or any other personnel actions for career and non-career Office of Legal Counsel officials. These are the same materials that have been requested under the Freedom of Information Act (FOIA) by Nathan Paul Mehrens, Counsel for Americans for Limited Government. Under the FOIA, all federal agencies are required to respond to a request for information within 20 business days. However, Mr. Mehrens has yet to receive any response to the request that was filed on October 26, 2009. The processing time for this request has far exceeded the period allowed under the FOIA. I am, therefore, making my own request to you for this information and also enclosing a copy of Mr. Mehrens' original request. I look forward to your response and to both requests being fulfilled in a timely manner.

Sincerely,


Steve King
Member of Congress