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July 9, 2008

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

The Honorable Arlen Specter
Ranking Minority Member, Committee on the Judiciary
SD-224 Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Chairman Leahy and Senator Specter,

I am sure you share the concern of many Americans who are deeply troubled by the findings of politicized hiring in the Department of Justice Honors Program and the Summer Law Intern Program which are detailed in the June 24, 2008 report by the Justice Department's Office of the Inspector General (OIG) and Office of Professional Responsibility (OPR). Both the effectiveness and the integrity of the Justice Department have been undermined by a process in which hiring decisions for non-partisan career attorneys were improperly based on political litmus tests rather than strictly on merit as required by department policy and law.

As you are aware, the joint OIG/OPR report found that those discriminated against included members of my organization, the American Constitution Society for Law and Policy (ACS). Highly qualified attorneys and law students who applied for the Department's summer intern and career honors program -- the exclusive means by which DOJ hires recent law school graduates and judicial law clerks without prior experience -- were "deselected" because of their association with "liberal" legal associations, including ACS. For example, all seven of the candidates for the honors program in 2002 who indicated that they were ACS members "were deselected by the Screening Committee for interviews." By contrast, of the 29 candidates for the honors program affiliated with the conservative Federalist Society, only 2 applicants were "deselected." Similarly, 12 of 13 applicants for the summer intern program who were affiliated with ACS were "deselected" for job interviews, while not one of the 12 applicants who were Federalist Society members was deselected. In 2006, 5 of the 6 applicants for the summer intern program who were affiliated with ACS were "deselected," while only one out of 10 applicants who were Federalist Society members was deselected.



The Department of Justice changed the hiring process for these two programs in 2007 and Attorney General Mukasey has promised to implement the report's recommendations for additional changes. I hope that the Senate Committee on the Judiciary, under your leadership, will use its oversight powers to ensure that the Department indeed follows the recommendations contained in the report and that such hiring abuses never occur again.

For decades, service at the Justice Department has been considered among the highest callings in the legal profession. The Department's reputation for integrity has been based on no small part on the participation of talented non-political employees in law enforcement decisions and the other work of the Department. The Committee's oversight is vital to make certain that the Department is one again an institution in which the nation's best and brightest work to safeguard its most cherished principles.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Brown', is written over a horizontal line.

Lisa Brown
Executive Director



**A M E R I C A N
C O N S T I T U T I O N
S O C I E T Y F O R
L A W A N D P O L I C Y**

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July 9, 2008

The Honorable John Conyers, Jr.
Chairman, Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Lamar S. Smith
Ranking Minority Member, Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

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Lisa Brown
Executive Director