



WHO IS DAWN JOHNSEN?

Meet Obama's Nominee To Justice Dept's Office Of Legal Counsel, Wrong On Terror & Wrong On Life

LAST NIGHT, OBAMA RE-NOMINATED JOHNSEN TO LEAD POWERFUL JUSTICE DEPT. OFFICE

"Obama Will Renominate Dawn Johnsen To Lead The Justice Department's Powerful Office Of Legal Counsel ..." (Charlie Savage, "President Is Said to Decide to Renominate Six Choice," [The New York Times](#), 01/08/10)

"The Office of Legal Counsel Tells The President And Other Executive Officials Whether Actions Would Be Lawful. Officials Who Rely On Its Opinions Are Essentially Safe From Prosecution." (Charlie Savage, "President Is Said to Decide to Renominate Six Choice," [The New York Times](#), 01/08/10)

JOHNSEN OPPOSED TO NATIONAL SECURITY POLICIES THAT HAVE KEPT US SAFE

Johnsen Opposed Executive Actions To Keep Americans Safe From Terrorists, Calling Them "Outlandish" And "Shockingly Flawed." "Ms. Johnsen, a law professor at Indiana University, was an unsparing critic of memorandums, written by lawyers at the Office of Legal Counsel in the Bush administration, that said the president could largely ignore international treaties and Congress in fighting terrorists ... The broad reading of presidential authority was 'outlandish,' and the constitutional arguments were 'shockingly flawed,' Ms. Johnsen has written ..." (Neil A. Lewis, "Storm Clouds Gather Over Obama Nominees," [The New York Times](#), 03/31/09)

- **Even The Clinton Administration's Office Of Legal Counsel "Determined As A Matter Of Law That The Executive Order Banning Assassinations Did Not Apply To Targeting Of Top Al Qaeda Leadership, A Ruling That Appears To Have Been Vital To CIA Efforts In The 1990s."** (Letter to Chairman Patrick Leahy from Sens. Jeff Sessions, Orrin Hatch, Chuck Grassley, Jon Kyl, Lindsey Graham, John Cornyn and Tom Coburn, 01/13/10)

Johnsen Wants To Spend Her Time "Condemning" Bush Anti-Terror Policies. "Here is a partial answer to my own question of how should we behave, directed especially to the next president and members of his or her administration but also to all of us who will be relieved by the change: We must avoid any temptation simply to move on. We must instead be honest with ourselves and the world as we condemn our nation's past transgressions and reject Bush's corruption of our American ideals. Our constitutional democracy cannot survive with a government shrouded in secrecy, nor can our nation's honor be restored without full disclosure." (Dawn Johnsen, "Convictions: Restoring Our Nation's Honor," [Slate.com](#), 03/18/08)

- **Johnsen Wants To Investigate Past Anti-Terror Actions Taken By Bush Administration That She Claims Are "Illegitimate."** "The harm to the rule of law that our Nation has endured during the Bush presidency has inspired desperately needed reexamination of fundamental questions of presidential authority, including the authority to interpret the Constitution. The Bush administration's excessive and illegitimate claims of nonenforcement authority, the most difficult of contexts, present a serious challenge for the future of executive authority." (Dawn Johnsen, "What's A President To Do? Interpreting The Constitution In The Wake Of Bush Administration Abuses," [Boston University Law Review](#), [Vol. 88:395 2008] p.419)
- **Johnsen Says Bush Administration Detainee Policies "Have Failed Miserably," Blames America For Threat From Terrorist.** "And American hero Alberto Mora movingly reminded us that, even putting aside the court's repeated determinations of illegality, the Bush administration's detainee policies have failed miserably... creating fertile conditions for the recruitment of terrorists ..." (Dawn Johnsen, "Blogging From ACS Convention Re: Boumediene," [Slate.com](#),

AS FORMER NARAL & ACLU LAWYER, JOHNSEN COMPARED PRO-LIFE POLICIES WITH SLAVERY

Johnsen Has Worked For Both NARAL And The ACLU. “Legal Director, National Abortion & Reproductive Rights Action League (currently NARAL Pro-Choice America) (1988-1993) Staff Counsel Fellow, American Civil Liberties Union Reproductive Freedom Project, New York (1987-1988).” (Dawn Johnsen Faculty Profile, [Indiana University Maurer School of Law](#))

Johnsen Compared Promotion Of Pro-Life Policies With Slavery: “During the hearing, other lawmakers expressed dismay at 20-year-old comments by Johnson comparing ‘forced pregnancy’ with slavery. In a brief filed when she was a lawyer with the National Abortion Rights Action League, Johnsen cited a footnote that said forcing women to bear children was ‘disturbingly suggestive of involuntary servitude, prohibited by the 13th Amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the state’s asserted interest.’” ([FOX News](#), “GOP Blocks Controversial Obama Nominee Dawn Johnsen Before Recessing,” 12/25/09)

Johnsen Opposes Legal Restrictions On Abortions, Including “Waiting Periods.” “Abortion restrictions often sound superficially reasonable and appealing: They include such benign-sounding requirements as waiting periods, ‘informed consent,’ special physical specifications for buildings in which abortions are performed, and special hospital admitting privileges for the physicians who perform them. They are designed to sound reasonable while also limiting the number of abortions performed, ultimately as completely as would a criminal ban ... The notion of legal restrictions as some kind of reasonable ‘compromise’—perhaps to help make abortion ‘safe, legal and rare’—thus proves nonsensical.” (Dawn Johnsen, “The Hollowing Out Of Roe v. Wade,” [Slate.com](#), 01/25/06)

THAT’S WHY REPUBLICANS WANT DEMS TO HOLD NEW HEARING TO EVALUATE JOHNSEN’S RECORD, APPROACH

Senate Republicans Calling on Senate Dems To Hold New Hearing To Thoroughly Evaluate Johnsen’s Record and Approach. “Accordingly, we ask that you hold a new hearing on her nomination before scheduling her nomination for a Committee vote. We do not make this request lightly, but feel compelled to do so based on the nominee’s record and the position to which she has been nominated....It is critical that OLC be led by a lawyer who is willing to support and authorize all necessary and appropriate action in our Nation’s continued war against al Qaeda. For the Committee to properly discharge its advice and content duty, we believe a second hearing is necessary to evaluate Ms. Johnsen’s nomination and approach to the serious national security questions currently facing the administration.” (Letter to Chairman Patrick Leahy from Sens. Jeff Sessions, Orrin Hatch, Chuck Grassley, Jon Kyl, Lindsey Graham, John Cornyn and Tom Coburn, 01/13/10)