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Joan Claybrook, President

February 8, 2006

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

Re: S. 852 – Free the Secret List!

Dear Mr. Chairman:

Yesterday on the floor of the Senate you stated that the Judiciary Committee possesses a list of asbestos defendants that will be obligated to contribute to the asbestos trust fund and the amount each would contribute. Today, on the floor of the Senate, in response to Senator Durbin's questions, you reaffirmed that you had obtained this information pursuant to subpoenas issued to the relevant private companies. To date, however, you have refused to publicly disclose the names of these companies and amounts they would pay, and you have been reputedly reluctant to grant unrestricted access to these names, even for other members of the Judiciary.

Several nonpartisan and academic financial reports have cast doubt on the viability of the trust fund, alleging it is doomed to early insolvency. These analyses underscore the unpredictability of revenue given that the total number of corporate contributors and the size of their assessments are unknown. Now we learn that this information is indeed known to the Judiciary Committee Chair, but has been withheld as "confidential."

Transparency is the cornerstone of our American system of democracy. Without transparency, citizens are denied the right—and duty—of active participation in government. Moreover, as you know, there is a great deal of controversy over whether the contributions to the trust fund by companies large and small are equitable, based on size and liability, or whether they are inequitable based on being able to exert extraordinary influence on the legislative process.

Today on the floor you agreed that "we ought to know who is going to contribute the money," that you "raised hell to get the information, and finally had to raise a subpoena to get the information. We have it, so that it is available for those who have to make a decision."

The American people are the ultimate decision makers in our democracy—legislation cannot be a secret process. We urge you to keep your word and immediately reveal the identities of the contributors to the \$140 billion asbestos trust fund.

Respectfully,

Joan Claybrook
President