

February 23, 2009

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

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

Members of the Committee  
Senate Judiciary Committee  
711 Hart Senate Office Building  
Washington, DC 20510

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

The undersigned organizations write to express our concerns about the possible nomination of Mayer Brown lobbyist Mark Gitenstein to head the Office of Legal Policy (OLP) in the Department of Justice (DOJ). The Assistant Attorney General for Legal Policy serves as the primary policy advisor to the Attorney General, including working with the Attorney General in advising the President on nominations for Article III judgeships, and promotes the Department's policies in Congress. Based on publicly available information, it appears that Mr. Gitenstein's nomination would conflict with President Obama's ethics policy. At a minimum, it appears that Mr. Gitenstein would have to recuse himself from important job responsibilities, making him a poor fit for the position.

Mr. Gitenstein has a long record of advocating against corporate and government accountability. As a lobbyist for the U.S. Chamber of Commerce and other clients, Gitenstein opposed accountability measures such as the Sarbanes Oxley Act and the False Claims Act. He also sought to limit consumer access to courts, promoting policies such as federal preemption of state law and "legal reform" – a euphemism for limiting consumer rights and remedies.

With the economy reeling from corporate misconduct and a lack of government oversight, the American people deserve a proven champion of their interests at the head of OLP, not someone who has lobbied extensively against their interests.

Should Mr. Gitenstein's nomination come before your committee, we urge you to scrutinize it carefully and consider the importance of confirming an individual with a demonstrated commitment to the legal rights of all Americans. If you have any questions or would like to discuss this in more detail, please contact David Arkush at Public Citizen at (202) 454-5130 or [darkush@citizen.org](mailto:darkush@citizen.org).

Sincerely,

Public Citizen

Center for Auto Reliability and Safety

Government Accountability Project

Home Owners for Better Buildings

Homeowners Against Deficient Dwellings

National Association of Consumer Advocates

Project on Government Oversight