

July 13, 2004

The Honorable Orrin G. Hatch
United States Senator
104 Hart Office Building
Washington, DC 20510

The Honorable Patrick Leahy
United States Senator
433 Russell Senate Office Bldg.
(at Constitution and Delaware)
United States Senate
Washington, DC 20510

Re: The Society of American Law Teachers urges the
Committee to reject the nomination of Claude Allen
to the U.S. Court of Appeals for the Fourth Circuit.

SALT, the United States' largest membership organization of law professors, exists to promote fairness, justice, and excellence in the administration of justice. We are deeply concerned that the federal bench include only people who are fair-minded, and Claude Allen does not satisfy this standard. As Deputy Secretary at the U.S. Department of Health and Human Services, Allen participated in audits of AIDS advocacy groups that peacefully protested HHS's AIDS policies at the Barcelona International AIDS conference; Allen said that protesters should "think twice before preventing a cabinet-level official from bringing a message of hope to an international forum." Allen has made anti-gay comments, including referring to a candidate opposing Senator Jesse Helms, whom Allen supported, as linked "with the queers." He also has demonstrated insensitivity to African-Americans by, for example, giving Virginia's state NAACP executive secretary a portrait of Confederate General Robert E. Lee.

Of particular concern to SALT is Allen's opposition to litigation as a means of settling disputes, a position peculiarly inappropriate for a federal judge. Allen is a member of the Board of Peacemaker Ministries, which teaches that "lawsuits usually

damage relationships,” while “biblical” means of dealing with conflict are to be preferred. The organization specifically opposed lawsuits brought by victims of sexual abuse by clergy.

Allen has misrepresented policies that he administers (initially denying but then conceding, for example, the existence of a “cap” on uninsured children eligible for Virginia’s Children’s Health Insurance Program) and has strongly opposed state legislation allowing terminally ill people to choose to die with dignity.

SALT urges that the Senate Judiciary Committee to decline to approve the nomination of Claude Allen to the Fourth Circuit Court of Appeals.

Yours very truly,

Florence Wagman Roisman
Co-Chair, Judicial Nominations Committee