

April 14, 2009

The Honorable John F. Kerry
Chairman
U.S. Senate Committee on Foreign Relations
Dirksen Senate Office Building
Washington, D.C. 20510-6225

The Honorable Richard G. Lugar
Ranking Minority Member
U.S. Senate Committee on Foreign Relations
Dirksen Senate Office Building
Washington, D.C. 20510-6225

Dear Chairman Kerry and Senator Lugar:

We, the undersigned, write to convey our strongest support for the confirmation of Dean Harold Hongju Koh of the Yale Law School as the next United States Department of State Legal Advisor. Dean Koh is a thoughtful and exceptionally qualified scholar and public servant. His appointment to this position would bring enormous competence and great distinction to the Legal office, the Department of State and the White House. We strongly believe that any fair-minded individual will reach the same conclusions that we have.

One of the undersigned has actually worked in the State Department's Legal Office, is deeply knowledgeable about Dean Koh's work as a law scholar and can attest to its value and competence. While none of us agree with every word Dean Koh has written, his work is indisputably in the mainstream of public international law and is insightful, thoroughly researched, carefully reasoned and of the highest quality.

In addition, some of us have direct experience teaching and researching comparative law and can attest that Dean Koh's analysis of the role of foreign legal developments in the interpretation and elaboration of U.S. legal rules in no way suggests that foreign law can ever – or should ever – trump or supercede domestic U.S. law. Under perfectly acceptable legal theories – the majority view, in all probability – the examination of how similar nations address problems that mirror our own can positively inform, though certainly never control, the debate about appropriate interpretation of our own legal rules and standards. This viewpoint is mainstream and widely, though, of course, not unanimously, accepted among law scholars and foreign policy intellectuals alike. But agree or disagree, Dean Koh has always presented himself as a voice of reason, ethics and morality, and there is no reason to believe he would do otherwise in this important position.

Some of the undersigned also worked directly with Dean Koh during our tenure as members of the United States Commission for International Religious Freedom. At that time, Dean Koh represented President Clinton as Assistant Secretary of State for Democracy, Human Rights and Labor. Dean Koh's record was nothing short of exemplary; he was consistently thoughtful, deliberative, and always open to discussion and

reason. As Assistant Secretary, Dean Koh advocated effectively for his office, while maintaining consistency with the policies of Secretary Albright and President Clinton. Dean Koh was certainly very supportive of human rights, as are we all, but was never ideological, strident or unreasonable. We also note, by the way, that Dean Koh was unanimously confirmed to that position and, as history proved, rightly so. He served his President and his country with great distinction and justly garnered almost universal praise from Democrats and Republicans alike.

If any lingering doubts remain, we strongly urge you to examine for yourselves Dean Koh's writings and to meet with him in person. We are certain he will represent himself in person – as he has throughout his admirable academic and public service careers – as a scholar and public servant of sound judgment and possessed of a finely honed understanding of international law, as well as the national security needs of our great country.

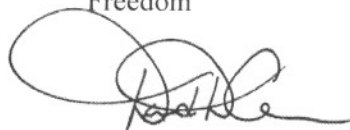
In conclusion, we join many others in urging the confirmation of this distinguished scholar and dedicated public servant.

With appreciation for your own public service.

Sincerely yours,



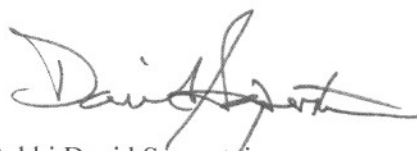
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