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The Honorable John Conyers, Jr.
Chairman, U.S. House of Representative
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

RE: Charles W. Walker, Sr.

Dear Chairman Conyers:

Along with the concerns about Governor Siegelman and George Wilson being investigated because of pressure from the White House and from Karl Rove, there are concerns about the prosecution of Senator Charles W. Walker, Sr. Senator Walker was a highly prominent African-American State Senator, who was particularly visible in his efforts to prevent the confederate flag from flying over the Georgia State Capitol. Senator Walker battled with Governor Sonny Perdue, who earlier had been defeated by Senator Walker in a race to become the Senate Majority Leader. Governor Perdue then switched parties and became a contender for the governorship against Senator Walker's candidate for Governor. The tension over the confederate flag issue was one of the underlying issues in the campaign. Governor Perdue's friend, Richard Thompson, was United States Attorney. He began investigating a number of prominent Democrats. A subsequent investigation by the Justice Department revealed that U.S. Attorney Thompson was carrying out a political agenda with respect to some of his investigations. For example, U.S. Attorney Thompson began investigations against Terry Coleman, Speaker of the House for the Georgia House of Representative, State Senator Van Streat, and Senator Majority Leader Charles Walker. He also subpoenaed records of Governor Roy Barnes. An investigation by the Office of Professional Responsibility of the Justice Department revealed that U.S. Attorney Thompson had abused his office and that his initiation of the investigations was not consistent with the standards required by the Justice Department. After the investigation, U.S. Attorney Thompson resigned. Investigations against Governor Barnes and Mr. Coleman were dropped, but the investigation against Senator Walker continued.

Against this background, it is essential for Congress to look into whether the investigation and prosecution of Senator Walker was motivated by the significant role he played in Democratic politics in Georgia and because he stood a chance of becoming the next Governor of

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Georgia.

Ironically, the case against Senator Walker was tried before a Judge who had been accused, prior to his nomination, of being a member of private clubs that discriminated on the basis of race. U.S. District Court Judge Dudley H. Bowen, Jr. had been nominated by Senator Sam Nunn over the opposition of a number of watchdog groups seeking a diversified federal judiciary. Senator Walker opposed the nomination.

Senator Walker's trial raises a number of questions going to the heart of our judicial system. Among them is the fact that the jury pool was expanded significantly from a largely minority population in Augusta, Georgia, to encompass outlying areas of Augusta, which were predominantly white. Senator Walker's trial attorney challenged this as a naked attempt to dramatically change the racial composition of the jury pool.

Thereafter, when a number of whites were challenged under a standard peremptory system, Judge Bowen, using his own personal standards and not those repeatedly announced by the Supreme Court, determined that the challenges were not race neutral and put four jurors back on the jury after they knew that they had been stricken. The Eleventh Circuit held that the reasons for rejecting defense counsel's peremptory challenges were not supportable. Nonetheless, the Court determined that it would defer to Judge Bowen's discretion. The issues relating to the jury selection process will be part of the Petition for a Writ of Certiorari that Senator Walker will be filing in the Supreme Court.

Underlying this case are two core questions: did politics affect the criminal justice system and did the judicial system endorse or promote a racially biased jury to secure a conviction of a visible and upcoming minority Democrat. The examination by Congress of what lies behind this prosecution and what occurred during this trial is in the highest tradition of the goals and objectives of Congress.

Very truly yours,



Nathan Z. Dershowitz

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