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Honorable Alan Cranston
Honorable S. I. Hayakawa
Commission on Federal Appointments
in California
United States Senate
450 Golden Gate Avenue
San Francisco, California

Re: Daniel H. Weinstein

Dear Sirs:

I am writing as a former deputy district attorney for the City and County of San Francisco to give you my views of Daniel H. Weinstein, who is being considered by your commission for recommendation as United States Attorney for the Northern District of California. I was hired by District Attorney Joseph Freitas to handle specially the Voter Fraud prosecutions, and resigned from the office in February of this year, when that assignment was substantially completed, in order to handle the international legal affairs of a large-scale agricultural development in the third world. This letter comes completely unsolicited.

By way of background, I have a J.D. degree from Stanford, have been in private practice, have served as the legal adviser to a board of supervisors, and have worked as a prosecuting attorney in two offices. I have been active on committees of the California State Bar, and currently serve, pursuant to gubernatorial appointment, on the California Advisory Council to the Legal Services Corporation. I happen to be a registered Republican.

I am very much concerned that the prestigious and powerful office of U.S. Attorney be held by someone with experience and a measureable track record in two areas of central importance: the supervising of a prosecutorial office and the discretionary selecting of cases to be filed. It is because of my first-hand observation of Mr. Weinstein's performance in these two areas that I make this appeal that your commission recommend him to President Carter for United States Attorney.

The direct supervision and management of day-to-day operations of the San Francisco District Attorney's office has been the responsibility of Mr. Weinstein. He has, in my opinion, achieved marked successes in the recruitment of high-quality trial attorneys, the establishment of valuable in-service training, and the intelligent handling of personnel.

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matters. In recruiting, he has shown a fine ability to recognize lawyers of talent and to persuade them to leave positions far more lucrative to join his office. He has brought into the office women lawyers and minority lawyers of excellent abilities and presence. There is no question but that the professionalism of the San Francisco D. A.'s office is noticeably greater today than it was when Mr. Weinstein came 16 months or so ago.

Mr. Weinstein has established the in-service training of prosecuting attorneys on a solid basis where previously there was little or none. This includes mandatory weekly sessions on new cases and specialized problems for all attorneys not in trial, and extended orientation sessions for all new prosecutors. A first-rate felony prosecutor has been brought in to coordinate these training programs. Police personnel are instructed regularly on matters ranging from arrest procedure to report writing, which exemplifies an attention to detail characteristic of sound leadership. Mr. Weinstein also treats advocacy as a separate subject and art form, whose lessons the serious prosecutor is obligated to study and internalize.

I have also observed Mr. Weinstein handle both routine and sensitive personnel matters with a firm hand yet open mind. He seems to be an intrinsically fair person, who hears out all persons affected. He treats the clerical people with dignity and fellow lawyers with empathy. Yet there is always, it seems, present in him that special respect for the prosecutorial function as an institution, one deserving of society's most profound respect. This feeling was probably accentuated by his years at a national law school like Harvard and as a federal deputy public defender.

Then there is the matter of how a criminal case should be selected for indictment, i.e., the types of cases and the types of defendants. Mr. Weinstein has assisted in creating in the San Francisco District Attorneys office one of the nation's most outstanding consumer fraud units. He is currently establishing a Special Prosecution Unit to deal with organized crime and public corruption. In my opinion, this is indicative of his willingness to enforce all laws which the legislature has enacted to protect the public, not simply those traditionally enforced. Because of personnel limitations, not all violations of law can be prosecuted, and therefore those that are should be chosen with a seasoned, mature judgment with a conscious view towards enhancing the criminal justice system as a whole. Mr. Weinstein, to my mind, has such judgment.

Once a chief prosecutor establishes his policy as to the types of cases to be handled, the question of integrity assumes paramount importance. He must be resolute to avoid showing favoritism based on personal or political allegiance. Moreover, he must not be afraid to prosecute the powerful and the vengeful. Speaking from my experience as a voter fraud prosecutor, I can truthfully say that at no time was I asked by Mr. Weinstein to ease up or go slow on suspects who could harm him politically or otherwise. At the beginning of these prosecutions, it appeared that a certain very powerful San Francisco figure who was also

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a close personal friend of the Weinstein family may have violated the election residency laws. Mr. Weinstein made it a point to press upon me the obligation of a prosecutor to avoid even the appearance of favoritism, and insisted that this suspect be investigated promptly and thoroughly, and that a felony be charged if the evidence justified such under the same standards as applied to all other voter fraud suspects. The press was not aware of the aforesaid suspect, so Mr. Weinstein was not, in my opinion, playing to the gallery. Although our investigation was exonerative, the conduct of Mr. Weinstein in this matter is what caused me really to respect and believe in him.

In conclusion, I think that Mr. Weinstein has a rare feel for the law as a craft, and that he has as keen a set of ratiocinative powers as any you will find at the prosecutorial bar. Mr. Weinstein would, in my opinion, bring considerable credit to your good judgment if you decide to recommend him. He has the potential to be even a great United States Attorney.

Please be so kind as to make known this endorsement of Mr. Weinstein to each member of your commission. Thank you.

Sincerely,

Timothy C. Stoen

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cc: President Jimmy Carter

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