

To Members of the Media:

Ascertaining and Communicating the Truth: The Need for Rigorous, Competent Questioning of Hillary Clinton and Persistent Follow-Up

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I was a practicing lawyer for 21 years, I served for eight years as Mayor of Salt Lake City, and I have dealt intensively with, and taught at a major state university about, the news media. During that time, and since, I have found that competent, rigorous questioning is often, if not usually, the best means of ascertaining the truth.

Of course, discovering and communicating the truth is the journalist's highest calling. As recognized by the Society of Professional Journalists (SPJ) Code of Ethics:

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty.

The first maxim of the SPJ Code of Ethics is:

SEEK TRUTH AND REPORT IT. *Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.*

Competent questioning -- by a journalist or anyone else -- does not permit the person being questioned to evade, to equivocate, or to provide misleading generalities. Rather, getting to the truth -- or ascertaining that the person being questioned simply isn't telling the truth -- often requires

persistence and follow-up questioning by an informed, competent questioner.

Too often, representatives of the media ask one significant question of a politician, then the politician will either lie or evade, then everyone politely moves on without coming any closer to the truth than before the questioning began. That is a betrayal of the solemn duty owed by the media to the public -- and undermines our democracy in the process, as the public continues to be confused, misled, and uninformed.

In one illustrative instance, a reporter asked President George W. Bush about the practice of kidnapping people and delivering them to be tortured. President Bush gave a blatantly false account of returning people to "their country of origin with a promise that they won't be tortured " -- and, with that blatant lie (known by many to be a lie as soon as it was uttered), the matter was simply dropped by the reporters. See <https://www.youtube.com/watch?v=wGSKVV1BwSY&feature=youtu.be> from 13:42-14:45. That was a terrible disservice to the public, to the cause of truth, and to the rule of law and our democracy.

Hillary Clinton is the presumed front-runner for the 2016 presidential election. She has a recognized reputation for lying, distorting, and evading.¹

The American people deserve better -- they deserve the truth -- but they won't get it if the media continues its lazy and/or timid (often seemingly driven by bias and even complicity) inquiries of Hillary Clinton.

These are issues of war and peace, of life and death, of fundamental human rights and economic justice, of integrity, of the habitability of the earth -- and the next President of the United States has a crucial, perhaps a dispositive, role.

Please, Journalists: Ask the questions competently and persistently -- and get the answers, finally, for the American people.

¹ "A recent Gallup Poll found that 53 percent of Americans think Clinton isn't 'honest and trustworthy.' Steven Thomma and William Douglas, "Is Hillary Clinton dishonest? A lot of Americans think so," Gazette.com, April 5, 2008 (<http://www.freerepublic.com/focus/f-news/1997528/posts>). "Issues of honesty have dogged Clinton for years. In this week's poll, a third of Americans says she has less honesty and integrity than most people in public life." Kathleen A. Frankovic, "Reputation Audit: Hillary Clinton," YouGov, February 27, 2014 (<https://today.yougov.com/news/2014/02/27/should-hillary-run/>)

Questions

Among the questions that should be asked are the following:

Iraq War -

Hillary Clinton voted for the Authorization for Use of Military Force Against Iraq Resolution of 2002 to give a blank check to President George W. Bush to make the unilateral decision as to whether the U.S. military would attack and occupy Iraq, a nation that posed no threat of harm to the United States.

- In the months before 9/11, Condoleezza Rice and Colin Powell both independently stated that Saddam Hussein had *not* been able to re-arm after disarming following the First Gulf War, and, according to Colin Powell, he didn't even pose a military threat to his neighbors.^{2 3})
- Twenty-one Democrats in the Senate voted against the Resolution; twenty-nine Democratic Senators voted in favor. Hillary Clinton and John Kerry both voted *for* the Resolution.
- Before her vote, then-Senator Clinton had the opportunity to read a National Intelligence Estimate (NIE)⁴ addressing the U.S. intelligence community's views concerning whether Iraq had, or was building, a nuclear capability and whether it possessed other weapons of mass destruction. The document was in a secured room in the Capitol Building, available to all members of Congress. However, Hillary Clinton failed even to read the NIE before she cast her vote for the U.S. to engage in an illegal war of aggression against Iraq.
- Had she bothered to read the NIE, Clinton would have found that the Bureau of Intelligence and Research (INR) within the State Department disagreed with several of the claims of the Bush administration about the supposed Iraqi nuclear program, including claims that Hussein had attempted to purchase uranium from Niger.⁵

² "We are able to keep his [Hussein's] arms from him. His military forces have not been rebuilt." Condoleezza Rice, July 2001. (Video:

<https://www.youtube.com/watch?v=ECPGenxyKM&feature=youtu.be> from 23:14-23:58)

³ "And frankly they [sanctions against Iraq] have worked. He [Hussein] has not developed any significant capability with respect to weapons of mass destruction. He is unable to project conventional power against his neighbors." Colin Powell, Cairo press conference, February 24, 2001. (Video: *Id.*)

⁴ The unclassified portions of the October 2002 NIE are available at <http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf>.

⁵ The INR stated in the NIE that "the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious." NIE (<http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf>) page 84.

Also, the INR and the Department of Energy expressed the firm view that Iraq was *not* using aluminum tubes to enrich uranium for use in nuclear weapons⁶, as had been claimed by the Bush administration. In conclusion, the INR disagreed that the evidence established Iraq was pursuing a "coherent effort to reconstitute its nuclear weapons program." NIE (<http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf>) at 8-9.

- Senator Bob Graham, in a speech to his colleagues on October 2002, said emphatically: "Friends, I encourage you to read the classified intelligence reports which are much sharper than what is available in declassified form. We are going to be increasing the threat level against the people of the United States. Blood is going to be on your hands." Senator Graham said in an interview on NPR in June 2007 that the NIE was "pocked with dissent, conditions, [and] minority opinions on a variety of critical issues."
- Senator Edward M. Kennedy voted against the Resolution, stating: "The power to declare war is the most solemn responsibility given to Congress by the Constitution. We must not delegate that responsibility to the president in advance."⁷ That position restates the established legal principle that the grant in the Constitution of the power to Congress "to declare war" does *not* include the power "to declare future wars," by authorizing presidential action or by other means.⁸

⁶ The view of the State Department's INR concerning the aluminum tubes, which was supported by the DOE, is summarized as follows:

"In INR's view Iraq's efforts to acquire aluminum tubes is central to the argument that Baghdad is reconstituting its nuclear weapons program, but INR is not persuaded that the tubes in question are intended for use as centrifuge rotors. INR accepts the judgment of technical experts at the U.S. Department of Energy (DOE) who have concluded that the tubes Iraq seeks to acquire are poorly suited for use in gas centrifuges to be used for uranium enrichment and finds unpersuasive the arguments advanced by others to make the case that they are intended for that purpose. INR considers it far more likely that the tubes are intended for another purpose, most likely the production of artillery rockets. The very large quantities being sought, the way the tubes were tested by the Iraqis, and the atypical lack of attention to operational security in the procurement efforts are among the factors, in addition to the DOE assessment, that lead INR to conclude that the tubes are not intended for use in Iraq's nuclear weapon program." NIE (<http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf>) page 9.

⁷ Jim VandeHei and Juliet Eilperin, "Congress Passes Iraq Resolution," *Washington Post*, October 11, 2002.

⁸ Francis D. Wormuth and Edwin B. Firmage, *To Chain the Dog of War - The War Power of Congress in History and Law* (Southern Methodist University Press; 1986), at 65. See also, *id.* at 200 ("Congress may not authorize the President to go to war upon the occurrence of specified facts in the future."); 204 ("If Congress were allowed to declare a future war upon the occurrence of specified conditions, those conditions might arise in the context of other unforeseen circumstances in which the war would work a mortal injury to national interests and national security Rather, Congress should assume its full constitutional responsibility to monitor circumstances that might meet its conditions for war. The, if

Questions:

Obvious core questions have never been clearly asked of, nor answered by, Hillary Clinton regarding the most crucial issue she faced as a United States Senator -- and which touches fundamentally upon her competence, diligence, and principled decision-making. Among those questions are the following:

A. Do you agree or disagree with the proposition, as stated in 2007 by candidate Barack Obama, that "The president does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation"?

B. If you agree with that proposition, do you believe that, under the Constitution, the prerogative of Congress to make the decision as to whether to engage in a military attack can be delegated to one person -- the President -- so that he or she will make the final decision as to whether to engage in aggressive military hostilities?

C. By voting to grant President Bush the power to determine whether to engage in a military attack against Iraq, weren't you supporting the delegation of Congress's exclusive power to decide whether to engage in a military attack against another nation?

D. Since Iraq had not attacked the U.S., and was not imminently threatening an attack against the U.S., and since the U.N. had not authorized the war as required in the U.N. Charter, the invasion and occupation you voted to authorize was, as two current or past Secretaries-General of the United Nation stated ⁹, an illegal war -- the same international crime of aggressive war for which the U.S. and its allies

occasion for a war should arise, Congress will be able at that time to evaluate all the circumstances and itself choose war or peace."

⁹ Kofi Annan declared that the "US-led war on Iraq was illegal." Ewen MacAskill and Julian Borger, "Iraq war was illegal and breached UN charter, says Annan," The Guardian, September 15, 2004 (<http://www.theguardian.com/world/2004/sep/16/iraq.iraq>). "Even before the strike against Baghdad, Boutros Boutros-Ghali said any U.S.-led invasion of Iraq without specific UN authorization would violate international law. 'This intervention is illegal,' he told an audience in Winnipeg on Tuesday." "Former UN head calls Iraq war 'illegal'," CBC News, March 29, 2003 (<http://www.cbc.ca/news/canada/former-un-head-calls-iraq-war-illegal-1.380751>).

prosecuted and convicted Germans at the Nuremberg Tribunal. In light of those conclusions, how do you justify your vote to go to war against Iraq? Do you see a danger of other countries engaging in illegal wars of aggression in the future on the basis of this precedent, as predicted by former U.N. Secretary-General Boutros Boutros-Ghali? (Id.)

E. If you had known at the time of your vote in favor of authorizing President Bush to order the invasion and occupation of Iraq that the U.S. intelligence community was divided as to many of the main premises for going to war -- such as whether Iraq had obtained aluminum tubes to enrich uranium for a nuclear weapons program, whether Hussein had attempted to obtain uranium from Niger, and whether there was any evidence at all that Iraq was actually engaged in building a nuclear weapons capability -- would you still have voted for the resolution authorizing the use of force?

F. Why, before you voted to give President Bush the authority to decide to invade and occupy Iraq, did you fail and/or refuse to go to the secured room in the Capitol Building and read the National Intelligence Estimate, which contained highly pertinent views not contained in the sanitized version prepared by the Bush administration and apparently relied upon by you?

G. You have said before that you were "fully briefed" about the NIE.¹⁰ In being "fully briefed," did you then learn of the significant disagreements within the U.S. intelligence community concerning several of the core representations made by the Bush administration in making its case for war? If you were so "fully briefed" that you obtained that knowledge, why did you still vote for the Resolution for the Use of Force?

¹⁰ MR. RUSSERT: Again, learning from mistake, do you wish you had read the National Intelligence Estimate, which had a lot of caveats from the State Department and the Energy Department as to whether or not Saddam Hussein really had a biological and chemical and active nuclear program?

SEN. CLINTON: I was fully briefed by the people who wrote that. I was briefed by the people from, you know, the State Department, the CIA, the Department of Defense; all of the various players in that...I felt very well briefed. And it wasn't just what the Bush administration was telling us in the NIE, I went way outside of any kind of Bush administration sources; independent people, people from the Clinton administration, people in the British government.

H. You have said you were "fully briefed" about the NIE, but you've never identified one specific person who briefed you. Who were all of the people that briefed you about the NIE and which of them, if anyone, briefed you about the major disagreements in the intelligence community, reflected in the NIE, about the claims that Saddam Hussein had weapons of mass destruction or a program to build biological, chemical, and nuclear weapons?

I. Why, while you were being "fully briefed," did you not bother to read the one document that was the authoritative source regarding the matters about which you claim you were being briefed? Why get "briefed" about what the document said rather than simply reading it yourself?

J. Does your failure to actually read the NIE reflect the same level of intellectual and moral curiosity, diligence, and competence the American people should expect of you as President? What should lead them to expect any better of you as President when, as a U.S. Senator about to vote on a matter of war and peace, you failed to do what Senator Bob Graham and some others did -- leading Senator Graham to essentially beg you and others to read the unclassified version of the NIE, with the warning that if you did not and if you voted for the authorization to use force against Iraq, "blood would be on your hands"?

K. Would you agree that because of your support for President Bush to go to war against Iraq, that the blood of U.S. servicemen and servicewomen, the blood of hundreds of thousands of innocent Iraqis, and the blood of thousands of our allies is indeed on your hands, particularly since you did not bother to read a document -- the NIE -- that reflected serious disagreements within the U.S. intelligence community about many of the major premises relied upon by the Bush administration as it made its case for war against Iraq? If you're not responsible, who is?

Lying About Your Trip to Bosnia

Hillary Clinton traveled to Tuzla, Bosnia in March 1996 as First Lady. A CBS reporter, Sharyl Attkisson, accompanied Hillary Clinton and Chelsea on that trip and later exposed Clinton's lies about the event. Video that entirely contradicts Clinton's fabricated account has been made public.

<http://www.youtube.com/watch?v=8BfNqhV5hg4&feature=youtu.be> The following are among Clinton's documented lies about the Bosnia event:

- "I remember landing under sniper fire." (There was no sniper fire.)
- "There was supposed to be some kind a greeting ceremony at the airport but instead we just ran with our heads down to get into the vehicles to get to our base." (As Sharyl Attkisson stated, "That's *not* what happened." The video shows Clinton and Chelsea speaking with young people at the airport, taking their time and not rushing, heads down or otherwise, to any vehicles.)
- "I remember landing under sniper fire. There was no greeting ceremony and we were told to run to our cars. Now that is what happened." (It most assuredly is *not* what happened, as proven by the video.)

Questions:

A. When you were a U.S. Senator, you provided an account about your and Chelsea's arrival in Tuzla, Bosnia in 1996. You said you landed "under sniper fire." You said that instead of participating in a "greeting ceremony, you "just ran with [your] heads down to get into the vehicles to get to [your] base." A CBS reporter was there and has publicly shown video tape proving that there was no sniper fire, that there was a leisurely greeting by young people of you and Chelsea at the airport, and there was no running, heads down or otherwise, to any vehicles. What you said about the events that day appears from video tape to be a complete fabrication. Do you confirm or deny fabricating or grossly exaggerating and misleading in connection with your account of your arrival in Bosnia in 1996?

B. If you fabricated, exaggerated, or misled, please tell the truth about what really happened and explain why you did not tell the truth about it in your earlier account when you were a U.S. Senator.

C. If you can misrepresent to the American people what happened that day, apparently in order to burnish your credentials as having been under fire, aren't the American people justified in requiring verification of everything you say before you are to be believed? With such a low level of perceived integrity, why should you be a nominee for President of the United States?

GLBT Rights and Leadership

Those who gush over Hillary Clinton's very-late-in-the-day support for marriage equality should never forget her betrayals when the battles were being courageously fought by so many others. For instance, sounding like Pat Robertson, she said (January 2000): "Marriage has got historic, religious and moral content that goes back to the beginning of time and I think a marriage is as a marriage has always been, between a man and a woman."

Voters should hold public officials accountable for their past betrayals, particularly on matters as fundamental as marriage equality.

Is it really "good enough" that Hillary Clinton finally deemed marriage equality a human right only after the writing was on the wall and others had already, for years, fought the battle she was unwilling to fight?

Hillary Clinton never provided any leadership on marriage equality. As with so many other craven politicians, she played it politically safe, opposing marriage equality. She, like Obama, had to be pushed into a corner after millions of others provided the leadership Obama and Clinton were too cowardly to provide (as their views were "evolving").

Questions:

A. Those whose basic rights are infringed upon want leadership by those who will buck the tide of tradition and politics-as-usual. You opposed marriage equality when the polls showed that most Americans opposed it as well. Then, when the issue became more mainstream and "safe" for politicians, you switched your position, finally saying that marriage equality is a human right. If on such a matter of human rights, you stood up for equality only when it seemed politically safe, even politically advantageous, why would the American people expect you to take a principled position on any other matter when such a position may not be popular at the time?

B. Do you agree that the Defense of Marriage Act was unconstitutional? What did you think of Bill Clinton's support, and signing into law of, the clearly unconstitutional Defense of Marriage Act? Did you discuss it with him at the time? What was your view of its constitutionality at the time? Did you ever render an opinion about its unconstitutionality? If so, when did you express that view and to whom?

C. Do you believe that the denial of a right for members of the GLBT community to adopt children in some states (where marriage equality is not yet recognized) should be left up to each state -- or should the right to adopt be recognized as a matter of fundamental equality under the U.S. Constitution and federal law?

Financial Institutions and Accountability, Enforcement, and Regulation

President Bill Clinton signed into law the Financial Services Modernization Act of 1999, repealing depression-era legislation, the Glass-Steagall Act, which prohibited the common ownership of commercial banks, investment banks, and/or insurance companies. In 1999, a bank analyst, Lawrence Cohn, was quoted in *Time* magazine (Nov. 8, 1999) as saying that the "horrible legislation" "creates a huge potential obligation for U.S. taxpayers" because it would "encourage concentration of financial power in a few hands, any one of which could topple the system if it failed -- forcing a government bailout." That prediction became true. Many attribute the 2008-09 economic disaster to the repeal of the Glass-Steagall Act, along with the de-regulation of derivatives trading under the Commodity Futures Modernization Act of 2000, also signed into law by President Bill Clinton at the behest of Treasury Secretary Robert Rubin, who had been the head of Goldman Sachs.

Questions:

A. Do you favor the restoration of the prohibitions of the Glass-Steagall Act and will you make such restoration a major priority of your administration during your first year in office?

B. Do you favor the restoration of the regulation of derivatives trading as they existed before the enactment of the Commodity Futures Modernization Act of 2000?

C. Do you favor breaking up financial institutions that are considered too big to fail so that the United States will not again be left with the outrageous choice of severely impacting the economy if a financial institution is permitted to fail or having the government bail it out at a cost of billions of dollars? If you say you favor breaking up the too-big-to-fail

banks, will you pledge to make it a major priority of your administration during your first year in office?

D. Not one Wall Street banker has served prison time for any of the fraud that helped lead to the 2008-09 financial disaster. Will you pledge to aggressively investigate and prosecute those responsible for fraud, including the officers and directors of rating firms that misled investors about the quality of derivatives comprised of poorly performing mortgages and the officers and directors responsible for buying and selling derivative instruments comprised of mortgages, or portions thereof, that did not merit the values represented?

E. The enforcement and prosecution by the SEC and DOJ of fraud crimes by people affiliated with financial institutions, "insurance" companies like AIG, and rating companies has been pathetic. The revolving door between enforcement and the financial industries, or the law firms representing financial firms, is notorious. Will you support, and make a priority, a ban on government employees responsible for regulation, enforcement, and prosecution working for the private firms that are subject to the regulation, enforcement, and prosecution for a period of at least five (5) years?

F. You accepted approximately \$400,000 for two speeches from Goldman Sachs in October 2013. Don't you understand how incredibly unseemly that is? Why would you do something like that, which is perceived as a slap in the face to millions of Americans who were burned by the 2008-09 economic melt-down, from which Goldman Sachs made many millions of dollars? It seems that one has to be completely out of touch or simply uncaring to personally accept such huge sums for two speeches from Goldman Sachs while so many Americans are still experiencing serious harm from the misconduct of Goldman Sachs and other Wall Street firms. After all, millions of people in the U.S. lost their homes and/or a huge portion of their pensions or other savings and investments for their retirement as a result of the economic meltdown, while firms like Goldman Sachs were bailed out by the federal government and executives were paid many millions of dollars in bonuses.

G. Have you ever said anything about Goldman Sachs rushing to sell off derivative instruments that it believed were going to lose massive amounts of money while, at the same time, persuading some of its customers

to purchase those same instruments? If you have ever mentioned the matter, what did you say, to whom, and when? Do you feel good about accepting \$400,000 for two speeches from a financial firm that contributed in significant ways to the 2008-09 economic disaster? Why should the American people vote for someone who is so obviously beholden to financial firms like Goldman Sachs? Also, aren't such payments essentially lawful bribery in the sense that Goldman Sachs, as with Bill Clinton and later with Barack Obama, expects that its investments in presidential candidates will pay off with enormous dividends?

H. Will you commit to bring into top government economic and regulatory positions consumer and shareholder advocates and others who have worked for the public interest rather than financial firm executives who are likely to be passing through the self-serving revolving door from financial firms, to government, and back to the financial firms?

Economic Justice - Gross Disparity in Income and Wealth

Questions:

A. What, if anything, will you do to reduce the gross disparity in income and wealth between the top 1% and the bottom 75%?

B. Will you support a minimum wage of at least \$11/hour, adjusted in the future for inflation? If so, when did you first go on record as supporting such an increase in the minimum wage and why did you not advocate it before? If you do not support such an increase in the minimum wage, why not?

C. Will you support an equalization between taxes on ordinary income (i.e. earnings from work performed by taxpayers) and capital gains income (i.e. money made from investments)? If not, why not?

D. Will you support a decrease on the percentage paid by employees and employers for FICA taxes, while eliminating the payroll cap on FICA taxes? If not, how do you justify the current astoundingly regressive FICA tax, where wealthy people pay an increasingly smaller percentage of their income than members of the middle class for Social Security and Medicare?

E. Will you support eliminating the Bush tax cuts for the wealthy, while maintaining or increasing cuts for the middle-class and the poor? Exactly what do you propose, if anything, to achieve greater tax equity?

F. With close ties to Walmart (having served on its Board of Directors for six years) and the Walton family (members of which have contributed many thousands of dollars to you or affiliated campaigns), have you expressed to them any support for the campaign to persuade Walmart to pay its workers more than \$10 per hour and to provide decent benefits that do not have to be subsidized by U.S. taxpayers? If you have expressed such support, to whom have you expressed the support, what did you express, and when did it happen?

Record as Attorney, First Lady, Senator, Secretary of State

Questions:

A. You resisted having the U.S. exit Iraq quickly at and after the end of the Bush administration. What good came from maintaining, and even increasing the number of, troops in Iraq? What was the cost, in human terms and economically, from staying in Iraq after the end of the Bush administration? Do you regret resisting a rapid U.S. exit from Iraq?

B. When General Stanley McChrystal sought 40,000 more troops to fight the Taliban in Afghanistan in mid-2009, you sided with him and favored sending even more troops to Afghanistan than Secretary of Defense Gates had favored. Gates has written that you "argued forcefully that withdrawing the surge [before the end of 2012] would signal we were abandoning Afghanistan." What good came from the "surge" and do you regret your advocacy of the surge? Would you advocate more troops in Afghanistan to fight the Taliban now? If not, what has changed from mid-2009 to now in regard to whether the U.S. should commit more troops to fight the Taliban?

D. Regarding the war power in the context of the military attacks against Libya:

James Madison, the main architect of the Constitution, stated: "In no part of the constitution is more wisdom to be found, than in the clause which

confides the question of war or peace to the legislature, and not to the executive department."

Thomas Jefferson agreed, writing: "We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body."

George Washington noted that, even in military hostilities amounting to less than full-fledged war, it is for Congress and not the President to decide whether to commence such aggression. He said: "The constitution vests the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure."

When he was a candidate in 2007, Barack Obama agreed, saying explicitly: "The president does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation."

You advocated, against the advice of Defense Secretary Robert Gates, that the U.S. should engage in air strikes against Libya, without concern for whether the U.S. Congress first authorized the attacks on another nation. Do you contend that one person -- the President of the United States -- can constitutionally decide, unilaterally, that military strikes will be made against other nations that have not attacked the U.S. and that do not pose a danger to the U.S.? Describe your view of the constitutional power to engage in military attacks on other nations, including who has the power and under what circumstances.

E. While more than 70% of Americans opposed intervening militarily in Syria, you advocated air strikes against the Syrian government, regardless (once again) of whether Congress authorized the military attacks. What would have been accomplished by such air strikes, other than the loss of innocent Syrian lives? Would such an attack have been consistent with the War Power Clause of the Constitution? If you believe it would have been, explain in detail the basis of that belief. Would such an attack have been lawful under international law without the authorization of the United Nations Security Council, pursuant to the U.N. Charter?

F. You advocated arming and training rebel factions in Syria. Wouldn't such an action be contrary to international law? If not, please explain, taking into account the requirements of the United Nations Charter.

G. How could you have been certain that arming and training rebel factions in Syria would not have strengthened the hand of al Qaeda or affiliated organizations that now comprise much of the rebel force in Syria?

H. Yes or no: Should the United States act in accordance with the United Nations Charter, which prohibits military attacks against another nation without authorization of the U.N. Security Council¹¹ -- or should the United States disregard those provisions of the U.N. Charter?

I. Did you really mean it when you said in April 2008 that the U.S. could "totally obliterate" Iran in retaliation for a nuclear attack on Israel, leading President Obama to criticize you for using "language that's reflective of George Bush"? Why would you be willing to kill millions of peace-loving, innocent Iranian people as a result of reckless or even criminal conduct on the part of certain Iranian leaders?

J. Is there anything you will not do to maintain the support of AIPAC, the powerful Zionist lobby in the U.S.? Have you ever publicly taken a position contrary to the position of AIPAC? If so, when and where did you communicate such a contrary position?

K. As disclosed by Chelsea Manning and Wikileaks, you are reported as having disregarded privacy rights by ordering U.S. officials to spy on top UN diplomats, in violation of the 1946 UN Convention. What exactly was your role? If an order was issued over your name to spy on top UN diplomats, how can you justify such spying on UN diplomats?

¹¹ Chapter VI, Article 33 of the United Nations Charter provides, in part, as follows: "1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, *shall*, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Chapter VI, Article 37 provides as follows: "1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they *shall* refer it to the Security Council. 2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate." (Emphasis added.)

L. Do you agree that human-caused climate instability is the greatest threat facing our world and its inhabitants, now and in the future? What did you do as Secretary of State to bring the international community together to effectively combat human-caused climate change? What more could have and should have been done? Why did you not make combating climate change a higher priority as Secretary of State? What will you commit to do as President to save the world from the most catastrophic consequences of climate change and, since you didn't achieve anything with respect to combating climate change in any of your other positions of power, why would anyone believe you will do anything as President?

M. You served on the Walmart Board of Directors for six years and, as a member of the Board, remained silent when Walmart campaigned against unions seeking to represent workers. What, if anything, will you do to strengthen collective bargaining and workers' rights as President?

N. While serving in the U.S. Senate, you worked out a deal with Simon & Shuster, owned by Viacom, Inc, the second largest media company in the world. That deal was extremely unusual, with a so-called \$8 million "advance" paid to you, which exceeded the amount paid as a book advance to any other elected official in the world. That deal appears to have been a means by which a company owned by Viacom could pay you a lot of money while you were serving in the U.S. Senate to curry your favor in matters affecting Viacom and its subsidiaries. Newt Gingrich gave up \$4 million of a book advance because of ethical concerns.¹² Why did you insist on keeping your money, in advance of actual royalties, when the conflicts of interest appeared to be so obvious?¹³ You said at the time you would donate part of the proceeds from the book to charity. How much did you donate to charity and to which charity was the money donated?

The Rule of Law

The Convention Against Torture requires that all crimes of torture be prosecuted by signatory nations (including the U.S.) in the same manner as

¹² Peter Applebome, "Gingrich Gives Up \$4 Million Advance On His Book Deal," *New York Times*, December 31, 1994 (<http://www.nytimes.com/1994/12/31/us/gingrich-gives-up-4-million-advance-on-his-book-deal.html>).

¹³ See Letter from Congressional Accountability Project to Senator Clinton (December 18, 2000), found at <http://www.congressproject.org/ethics/hclintcom1.html>). See also Cheryl K. Chumley, "Hillary Clinton Book Deal Raises Ethics Issues," *cnsnews.com*, July 7, 2008 (<http://cnsnews.com/news/article/hillary-clinton-book-deal-raises-ethics-issues>)

any other serious offenses. Torture is strictly and unqualifiedly prohibited by the Convention Against Torture and the Geneva Conventions. Torture is also illegal under U.S. domestic laws, including the War Crimes Act of 1996 and the Federal Anti-Torture Statute, which makes offenses punishable by up to 20 years in prison (or by the death penalty if the person tortured dies as a result).

President Obama announced that members of the Bush administration would not be prosecuted for torture or illegal surveillance (outlawed under the Foreign Intelligence Surveillance Act) because he believed we should "look forward and not look backward".

Questions:

A. Will you abide by the rule of law and order an investigation of illegal activity in relation to torture and illegal surveillance and, if any such activity is discovered to have occurred during the Bush or Obama administrations, order that those who violated the law be prosecuted in the same manner as other major crimes?

B. Will you order an investigation in connection with financial crimes leading to the 2008-09 financial melt-down and require that major crimes discovered by prosecuted aggressively? Will you also support a major increase in enforcement funding for the Department of Justice and Securities Exchange Commission?

C. Many perceive that whistleblowers like Chelsea Manning and Edward Snowden have helped the American people learn about criminal misconduct by U.S. agents and others, yet it is the messengers who are aggressively pursued and prosecuted, while those who committed serious criminal offenses go free. Among those other criminals are the people responsible for the war crimes reflected in the video tape of the shooting of unarmed people (including three Reuters reporters/photographers and a "good Samaritan" who stopped to help a wounded person in the street), in Baghdad, disclosed by Chelsea Manning. What protections should be provided to those who disclose such criminal misconduct? Do you agree with the aggressive pursuit and prosecution of Chelsea Manning and Edward Snowden? John Kerry recently referred to Edward Snowden as a "coward" and a "traitor". Do you agree or disagree with those

characterizations? How would you characterize Chelsea Manning and Edward Snowden?

Human and Civil Rights

Questions:

A. What, if anything, have you ever done to reduce the incarceration rate in the U.S., which now exceeds every other nation on earth?

B. Do you favor the de-criminalization of any drugs that are now illegal under federal law? If so, which drugs and why?

C. What, if anything, did you do while you served in the U.S. Senate to repeal mandatory minimum sentencing laws? Explain why you did or did not work hard to repeal mandatory minimum sentencing laws.

D. Bill Clinton failed and refused to take action to stop the genocide in Rwanda in 1994. In fact, he resisted the involvement of the U.N. in intervening in that genocide. What would you do under the same circumstances? Did you ever discuss the Rwandan genocide with President Clinton while it was occurring and, if so, what did you say and, if anything, what did you recommend?

E. What action, if any, are you willing to take against any nation, including Israel, that permits human trafficking to occur with impunity? What, if anything, did you ever do as a U.S. Senator or as Secretary of State to end human trafficking, including sex and labor trafficking?

F. What, if anything, did you ever do as a U.S. Senator or as Secretary of State to resolve our nation's immigration issues? What would you pledge to do as President?

G. What, if anything, did you do in the U.S. Senate to preserve or undermine the right of habeas corpus?

H. You stated to the New York Daily News editorial board on October 11, 2006, that in some situations interrogations called for "severity". According to the Daily News, the conversation included mention of waterboarding, hypothermia and other methods recognized as torture

under international law. Do you believe interrogations that involve severe physical pain, the infliction of emotional suffering, or humiliation should ever be allowed? If so, under what circumstances should such interrogations be allowed and how do you justify such a belief with the strict prohibitions against torture or cruel, inhuman or degrading treatment under the Geneva Conventions, the Convention Against Torture, and the International Covenant on Civil and Political Rights? How do you justify such a belief under the War Crimes Act of 1996 or the Federal Anti-Torture Statute?

I. Drone strikes in at least four nations have killed hundreds, if not thousands, of innocent people and have terrorized entire communities. Explain your support for drone strikes and describe the efforts you have made, if any, to support or oppose drone strikes by the U.S.

J. How do you justify the president ordering drone strikes without authorization by Congress for such military attacks in supposedly sovereign nations?

K. Do you support the indefinite detention of people, including U.S. citizens, who are suspected of being combatants hostile to the U.S., where such "indefinite detention" means the denial of charges, trial, and the right of habeas corpus?