



ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

January 4, 2008

The Honorable John Conyers, Jr.
Chair, Judiciary Committee of the House of Representatives
2426 Rayburn House Office Building
Washington D.C. 20515

Via Facsimile & Federal Express

Dear Congressman Conyers:

Enclosed is a letter requesting that the House Judiciary Committee commence hearings to investigate and disclose violations of law and significant abuses of power by President Bush and members of his administration. Those listed at the end of the letter have indicated their desire to add their names as signatories to the letter. Actual signatures would have been added to the letter, but it would have substantially delayed delivery of the letter to you.

Thank you for your consideration of the request. I am available for any assistance I can render to you.

Best regards,

A handwritten signature in black ink, appearing to read "Ross C. Anderson".

Ross C. Anderson
Mayor

Enclosure

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The Honorable John Conyers, Jr.
Chair, Judiciary Committee of the House of
Representatives
2426 Rayburn House Office Building
Washington D.C. 20515

Dear Congressman Conyers:

We are writing out of deep concern for our nation. **The President and members of his administration have violated, and continue to violate, our Constitution, significant and numerous treaty obligations, customary international law, and laws passed by Congress.** However, the federal courts and Congress (even with a Democratic majority) have utterly failed to hold the President and his administration accountable and to put an end to the egregious violations of law and abuses of power.

When the President abuses and exceeds the powers vested in the executive branch, **the people of our nation have reason to expect, and our Constitution contemplates, that the other co-equal branches of government – the courts and Congress – will rein in the President, not only holding him to account, but also making it clear that such abuses and excesses will not be tolerated, now or in the future, in our constitutional democracy.** When the courts and Congress fail in their duties to challenge and repair abuses of executive power, they condone the abuses and are thereby complicit in undermining our Constitution, our international standing, and our nation's commitment to the rule of law.

Our nation and our constitutional form of government are at a crucial crossroads. **Either we condone and thereby encourage unlawful misconduct by our President and his administration, or we hold them to account and put an end to the illegalities.** We can make it clear to the world, including all U.S. citizens, present and future, that we are a nation of laws, that we will support and uphold our Constitution, and that we will not tolerate the undermining of the carefully structured system of checks and balances among three co-equal branches of government. **To challenge, disclose and censure the abuses of power by the Bush administration would also serve to uphold our nation's proud history of support for fundamental human rights, which has distinguished our nation, until now,** from those totalitarian, human-rights abusing nations that have kidnapped, disappeared, and tortured

people, and deprived them of any semblance of due process.

In a constitutional form of government, which is committed to the rule of law, the courts are a safeguard against unlawful conduct by government officials, including the President. **The courts are intended to be a safeguard against tyranny and dictatorship, both procedurally and substantively. Alarming, that is no longer the case in the United States.**

Recently, a federal court has ruled that the invocation of the "state secrets" doctrine by the Bush administration is sufficient to deny citizens the right to obtain information about whether their communications have been subjected to warrantless governmental surveillance, in violation of the Fourth Amendment to the US Constitution and federal statutory law (the Foreign Intelligence Surveillance Act). Without the ability to obtain that information, the parties challenging the unlawful governmental surveillance have been held to lack standing to pursue their claims in court. Contrary to earlier false representations by President Bush that warrants were being obtained by his administration before electronic surveillance of communications was being conducted, **the federal government is known to have continually and blatantly violated a criminal law passed by Congress and one of the most cherished rights protected by our Constitution. However, astoundingly, there is now no recourse in the federal courts.**

The federal courts have even denied recourse to those who, pursuant to the "extraordinary rendition" program, have been illegally kidnapped, disappeared, and tortured by US agents and assignees in other countries. That dangerous lack of accountability has resulted from the indiscriminate acceptance by the courts of the assertion by the Bush administration of the "state secrets" doctrine. **The Bush administration has invoked the "state secrets" doctrine 39 times, compared to a total of only six times by other presidents from 1953 to 1976**, during the height of the Cold War.

Without action by Congress, these recent court decisions significantly undermine any notion that the rule of law prevails in the United States in instances of presidential abuse of power – and make it clear that no remnant of justice remains in relation to claims that such abuses have caused severe harm to innocent people. These decisions also call into question whether the truth about these abuses will ever be

brought to light. **All of this is leading our nation toward an unbounded and unaccountable tyranny, completely foreign to what many of us value most about our beloved country.**

Because the courts are not providing a means of disclosing, or holding the Bush administration accountable for, serious violations of the law, it is particularly essential that Congress vigorously assume its constitutional prerogative and duty to thoroughly investigate and disclose the truth about the abuses of power and excesses of President Bush, Vice-President Cheney and others in the administration, all of which have caused extreme damage to our country.

Of course, the Judiciary Committee of the House of Representatives is best suited to conduct any inquiry into abuses of power by the President and others in his administration, particularly when violations of domestic statutory law, the Constitution, and treaty obligations have occurred. **As Chair of the House Judiciary Committee, you have an historic opportunity and solemn responsibility, through the holding of hearings, to discover and disclose, and to bring the President and others to account for, the astounding abuses of power and violations of the law arising from the following misconduct,** all of which have been severely injurious to our great nation:

- **Authorizing, permitting, and condoning the kidnapping, disappearance, imprisonment and torture of people throughout the world, in violation of the US Constitution, domestic statutory law, treaty obligations, and customary international law.** (In connection with the investigation of the illegal "extraordinary rendition" program, the Judiciary Committee should consider recommending passage of a compensation bill for Khaled el-Masri, Maher Arar, and others who have been kidnapped, imprisoned and tortured by U.S. agents and who have been denied any recourse to justice in US federal courts.)
- **Authorizing and permitting the arrest of US citizens without charges, and causing them to be held, indefinitely and incommunicado, without access to an attorney, without the right to challenge the lawfulness of their confinement through the great writ of habeas corpus, without a trial, and under inhumane circumstances.**
- Authorizing, permitting, and condoning the **electronic surveillance of US**

citizens' communications, including emails and telephone conversations, without a warrant, in violation of the US Constitution and the Foreign Intelligence Surveillance Act.

- **Engaging in an illegal war of aggression against Iraq**, in violation of the Kellogg-Briand Pact, the Nuremberg Covenant, and the United Nations Charter (all international treaty obligations, which, under the Constitution, comprise the supreme law of the land), following a **public campaign comprised largely of fictitious and fraudulent representations intended to persuade the people of the United States** that the war was justified by self-defense. The fraud was comprised of **outright misstatements of material fact** and by **withholding material information** known to President Bush and members of his administration that was directly contrary to the representations of President Bush, Vice President Cheney, and others in the administration to Congress and the American people.

- **Abusing and exceeding the executive power, and undermining the constitutional principle of separation of power**, through the issuance of a record number of **signing statements** following the enactment of legislation by Congress. These signing statements have led to an **unprecedented disregard by the executive branch, including administrative agencies, of federal statutory laws, and to the assertion of an unbounded dictatorial "unitary executive" presidential power**, during the so-called "war on terror," **an undeclared "war" that is geographically and temporally unlimited.**

In addition to inquiries into the above grave criminal misconduct and other gross abuses of power, **we urge that Judiciary Committee hearings include an inquiry into the use of false propaganda by members of the Bush administration**, which has served as the **source for articles in the news media that misled many of the people in the United States and elsewhere** concerning the supposed "threat" posed by Saddam Hussein and the execution of the war. **When our government lies to the people, with the aid of an inept and credulous news media, our democracy is at grave risk.**

Hearings on the matters described above could be **held for the purposes of (1) disclosing serious criminal misconduct and egregious abuses of power, (2) accountability, and (3) deterrence.** Crucial to our constitutional democracy and a commitment to the rule of law is a

determination of the facts of abuse and illegal misconduct, then conveying that **the outrages of the Bush administration are not reflective of American values, and that our proud nation will not condone the subversion of our values, our laws, or our Constitution** by any president or members of his or her administration. Such a result would also **vindicate Congress's vital role as a co-equal branch of our government that will zealously protect its role, rights, and responsibilities under the Constitution.**

We urge you, as Chair of the House Judiciary Committee, to commence hearings without further delay in connection with the above described violations of law and abuses of power by President Bush and members of his administration. To **embrace the opportunity to discover and disclose the truth, and to provide for the sort of accountability, transparency, and openness due to any democratic people,** will be an important step toward a **national recommitment to the rule of law, a renewal of international respect, and a return to the national values we Americans have always cherished for ourselves and our posterity.**

Respectfully,

George McGovern, Ralph Nader, Robert A. Feuer,
Rocky Anderson, Blase Bonpane, Theresa Bonpane,
Ramsey Clark, Mimi Kennedy, Andy Jacobs, Jr.,
James Abourezk, Daniel Ellsberg, Noam Chomsky,
Paul Findley, Kevin Zeese, John Nichols, Tim
Carpenter, Marcus Raskin, Jonathan Kozol, Harry
Belafonte