

Lawyers Stepping Up

By [Katrina vanden Heuvel](#)

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We are lawyers in the United States of America. As such, we have all taken an oath obligating us to defend the Constitution and the rule of law.... We believe the Bush administration has committed numerous offenses against the Constitution and may have violated federal laws.... Moreover, the administration has blatantly defied congressional subpoenas, obstructing constitutional oversight Thus, we call on House Judiciary Chairman John Conyers and Senate Judiciary Chairman Patrick Leahy to launch hearings into the possibility that crimes have been committed by this administration in violation of the Constitution.... We call for the investigations to go where they must, including into the offices of the President and the Vice President. — American Lawyers Defending the Constitution

Over one thousand lawyers – including former Governor Mario Cuomo and former Reagan administration official Bruce Fein – have signed onto the [above statement](#) demanding wide-ranging investigative hearings into unconstitutional and potentially criminal activity by the Bush administration.

In a conference call with reporters yesterday, Michael Ratner, president of the [Center for Constitutional Rights](#) and winner of the [2007 Puffin/Nation Prize for Creative Citizenship](#), said: “The majority of lawyers in this country understand that the Bush administration has really gone off the page of constitutional rights and off the page of fundamental rights, and is willing to push the Congress to restore those rights.” Ratner said he was “dismayed” that a Democratic majority has failed “to push on key illegalities... the torture program, and now the destruction of the tapes involving the torture program; the warrantless wiretapping, the denial of habeas corpus, the secret sites/rendition program, special trials, and of course what we now know is the firing of US Attorneys scandal.... The minimal that absolutely is needed to get us back on the page of law is to have serious investigative hearings that go up the chain of command and figure out who is responsible for what.”

Ratner noted that even with regard to the US attorney’s investigations, where Congressional committees held Harriet Miers, Josh Bolten, and Karl Rove in contempt, leadership has failed to enforce these actions by bringing the resolutions to a vote. “Just announcing that investigations will be held and subpoenas will be issued is terribly insufficient unless Congress is willing to enforce the subpoenas by issuing contempt citations,” Ratner said. “Congress has a constitutional duty to oversee the activities of the executive branch and our entire system of government is threatened when Congress simply folds before an obstinate executive. Issuing contempt citations against Bolten, Miers, and Rove should be Congress’s first order of business in 2008.”

Marjorie Cohn, president of the [National Lawyers Guild](#), discussed the administration’s

torture program violating three US-ratified treaties and the US torture statute; the illegal War in Iraq violating the US-ratified UN Charter as a war of aggression; and Attorney General Michael Mukasey's conflict of interest in overseeing investigations into the torture program and the destruction of the CIA interrogations tapes.

Also speaking with reporters was Jesselyn Raddack, a former Justice Department ethics lawyer who served as an advisor during the interrogation of John Walker Lindh (the "American Taliban"). Raddack said, "My e-mails documented my advice against interrogating Lindh without a lawyer, and concluded that the FBI committed an ethics violation when it did so anyway. Both the CIA videotapes and my e-mails were destroyed, in part, because officials were concerned that they documented controversial interrogation methods that could put agency officials in legal jeopardy.... " Raddack pointed to the Department of Justice's investigations of Enron and Arthur Anderson for obstruction of justice and destruction of evidence, and the need for the same aggressive oversight and legal proceedings in these scandals.

This is a vital effort by those charged with defending our constitution, as Ratner said, "This lawyers' letter and the growing number of signatures we'll have on it, and prominent people - it's a way of saying to Congress, 'You need some backbone. You need to have a serious investigation, wherever it might go, on these issues that really have taken the United States out of the mainstream of human rights.' It's absolutely critical... We've opened up the door to illegality.... Unless we have accountability on those illegalities, we're going to be facing a very bleak future in which fundamental rights will not really be obeyed."

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