

Statement of John Conyers, Jr.
Hearing on Executive Power and its Constitutional Limitations
2141 Rayburn Building
July 25, 2008, 10 AM

We face few issues more difficult, complex or important than separation of powers in general and excesses of the Executive Branch in particular. As our first great civil libertarian, Thomas Jefferson, wrote, “the greatest [calamity] which would befall [us would be] submission to a government of unlimited powers.”

It is for these reasons that Congress was given the power of congressional oversight, as well as the power of the purse, the power to go to war, and the power to impeach. It is for these same reasons that the founders created the independent courts, to operate as a check on the political branches and to serve as the final protector of our precious rights and liberties.

It is no secret that I have grave and serious concerns about excesses in executive branch authority. At my direction this Committee has spent a considerable portion of its time, energy and resources investigating allegations concerning the politicization of the Department of Justice; misuse of signing statements; misuse of authority with regard to detention, interrogation and rendition; possible manipulation of intelligence regarding the Iraq War; improper retaliation against critics of the Administration, including the outing of Valerie Plame; and excessive secrecy by the Administration including

the misuse of various privileges and immunities. I believe the evidence on these matters is both credible and substantial and warrant the response of the executive branch, under oath if at all possible.

Now I am sure that my friends on the other side of the aisle will argue that we have devoted too much time to these issues. I would remind them that I am not new to these matters – I did not begin to care about civil rights and liberties and the misuse of executive power when I became Chairman last year; I have a forty year track record of opposing injustice by both Democratic and Republican presidents. Regardless of who the next president is and who is in the majority next year, Congress and the American people will be struggling with the legacy of these excesses.

By the same token, I have friends on my own side of the aisle who will say we have done far too little, far too late. I would remind them that in the prior Congress I held forums on the presidential election in Ohio, the Downing Street Minutes and warrantless wiretapping and issued two comprehensive reports on these matters. This Congress the Judiciary Committee of which I chair has held 45 separate public hearings on these matters, has pursued criminal contempt against Josh Bolton and Harriet Meirs in the House, the Justice Department and a federal court, and is considering action against Karl Rove for his refusal to obey our subpoena. We have helped initiate several inspector general and office of professional responsibility investigations concerning these matters and have passed legislation into law limiting abusive US Attorney

appointments. Let me add, we are not done yet, and we do not intend to go away until we achieve the accountability that Congress is entitled to and the American people deserve.

I believe it is in all of our interests to work together to rein in any excesses of the executive branch, whether it is in Democratic, Republican or even Libertarian hands. Whether it was the suspension of habeas corpus during the Civil War, the Palmer Raids during World War I, the internment of Japanese Americans during World War II, or COINTELPRO during Vietnam, we know the executive branch overreaches during times of war. As one who was included on President Nixon's enemies list, I am all too familiar with the specter of an unchecked executive branch, and the risks to our citizens' rights are even more grave today as the war on terror has no specific end point.

Our challenge is to find a way to work together to find a way to protect those rights and develop a record and a process for addressing those abuses that will stand the test of time in a manner that serves our nation and our constitution.

I look forward to hearing from today's distinguished panels to obtain their advice and guidance.