

RESOLUTION 05-07-2006

DIGEST

U.S. Constitutional Violations: Investigation of Executive Branch

Urges the California congressional delegation to commence a congressional investigation of the executive branch's representations used to justify war on Iraq and Afghanistan, or to ask for the appointment of a special counsel.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations urges the California Congressional Delegation to commence a Congressional investigation of the Executive Branch's representations used to justify war in Iraq and Afghanistan, now referred to as the war on terror, to Congress, the United Nations and to the people of the U.S. and the world; or to ask the Department of Justice to appoint an outside special counsel.

PROPONENT: National Lawyers Guild, San Francisco Chapter

STATEMENT OF REASONS

Existing Law: Power to declare war belongs to Congress. Art. I, Sec. 8. The President of the United States, the Vice-President, and all civil and executive officers, Senators, and Congress members must swear or affirm that they will support the Constitution of the United States. Art. II, Sec. I, Cl. 8; Article V.

All treaties made under the authority of the U.S.(shall be part of) "the Supreme Law of the Land...." The U.N. Charter, the Geneva Conventions, and other treaties and charters are thus part of the Supreme Law of the Land. Article VI, Cl. 3.

Assassination of foreign public figures is forbidden by Executive Order 12, 333. Torture is forbidden by the United Nations Charter, Geneva Convention and the Uniformed Code of Military Justice.

Disclosing the identification of an undercover CIA agent is a felony.

This Resolution: Upholds and defends the Constitution and laws of the U.S., promotes respect for the rule of law, and contributes to the education of the legal profession, the science of jurisprudence, and professional excellence.

The Problem: Our country is entitled to a thorough, independent investigation to determine whether the Executive Branch has led the U.S. into preemptive war against Afghanistan and Iraq, now referred to as the "so-called War on Terror", a kind of war unknown to history and the laws of war, in violation of the "Supreme Law of the Land," thereby violating their oath. The current administration, contrary to findings by U.S. and U.N. investigators, has made accusations against Afghanistan for the 9/11 attack; of supporting Osama Bin Ladin in accomplishing the 9/11 attack; accusing Iraq of possessing weapons of mass destruction constituting imminent threat to

the safety of the United States, its peoples, and property, and its interests everywhere, which alleged threat they knew to be false or for which they knew they had no reliable evidence; through procuring enactment of PATRIOT Act I and parts of PATRIOT Act II, to deprive U. S. citizens and legal residents of their constitutional rights; authorizing assassinations and direct attacks in Iraq and in Afghanistan on civilians, civilian facilities, and locations where civilian casualties were unavoidable, including the use of widely destructive cluster bombs. The administration's acts cause needless U.S., British, Iraqi, Afghan Polish and Spanish casualties. The administration sent former Ambassador Joseph Wilson to Niger to investigate claims that Niger sold yellowcake uranium to Iraq. After Wilson announced absence of evidence to support the claim, a senior administration official unlawfully disclosed that Wilson's wife was an undercover CIA operative. Immediately after 9/11, dangerous levels of pollutants swirled around the World Trade Center; yet the administration's Environmental Protection Agency falsely assured New York City residents and workers that the air was safe. This false statement encouraged workers clearing the site and employees in the adjacent financial district to return promptly. The Executive Branch has authorized and ordered attempts to assassinate foreign public figures, succeeding as to some, and, in the process, killing civilians, including women and children.

IMPACT STATEMENT

This resolution does not affect any law, statute, or rule.

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