

Statement of

Elliott Adams

President of the Board

Veterans For Peace

House Judiciary Committee hearing

"Executive Power and Its Constitutional Limitations"

July 25, 2008

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Upon leaving the Constitutional Convention of 1787 –

Ben Franklin was asked: “Well, Doctor, what have we got—a Republic or a Monarchy?”

Dr. Franklin replied: “A Republic, if you can keep it.”

Ladies and Gentlemen in that a sentence is the essence of what this hearing is about today – "if you can keep it." Right now hanging in the balance, in one pan is our republic and all the principles that made the United State a shining beacon of freedom around the world and in the other pan is a totalitarian state and all the despotism that it brings.

In the armed forces we took an oath, the same oath congressmen take, "to support and defend the Constitution of the United States against all enemies, foreign and domestic." Now as veterans we still take oath very seriously. Which is why we are here on the Hill some of us gray haired and getting long in the tooth, but still defending the Constitution.

Veterans For Peace is comprised of veterans from every war our country has fought back to and including World War II. VFP has a long history of important work. VFP is 23 years old, has over 120 chapters spread around the country, has an NGO seat in the UN, and a small share in the 1997 Nobel Peace Prize. Our members help 85,000 Iraqis get safe drinking water, gave 54,000 free phone cards to patients in 148 VA hospitals, help Agent Orange victims both US soldiers and Vietnamese civilians, aided Hurricane Katrina victims, supports schools and orphanages in Afghanistan & Vietnam, have worked extensively in Central American for freedom and fair elections, bought appropriate body armor for soldiers in Iraq when the government could not supply it, and organized blood drives.

But many of our members have set aside all these other important works to defend our democracy by calling for impeachment.

There can be no question about whether criminal offenses have been committed by officials of this administration. The only question now is, what, if anything, you ladies and gentlemen are going to do about it.

There are those who say, "oh heck, there are only a few months left, just let them finish their terms, and then we can get on with our lives like waking from a bad dream." But we cannot afford that luxury. This is not about impeaching a few administration officials. This is about maintaining the structure of our government. This is about protecting the Geneva Conventions, the Nuremberg Principles, and the Law of Land Warfare. This is about defending the rights and freedoms of the US citizens.

This brings to mind the words of Ben Franklin "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

The officials of this administration have usurped power from congress, stolen the rights of the people, and by ignoring it Congress reinforces it and joins it. All future presidents of both parties will start where this presidency leaves off. For Congress to continue to

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allow the usurpation of power and the flagrant violations of the Constitution to go unanswered is in itself be a violation of law.

While there is no need for re-enumerating the long lists of impeachable offenses committed by officials of this administration, I can not escape the visceral pain and indignation that we, who served our country in combat, feel when we find our own government condoning and/or committing war crimes and/or crimes against humanity.

I cannot believe that members of our government are trying to obscure and distort what is torture and what is not torture. What is human has not changed in the past 8 years. What is torture has not changed in the past 8 year. The saddest thing to me about torture discussion is that it obscures the central point that, except in the movies, torture does not work. We were taught do not torture, not only because it is illegal, but especially because it ruins the integrity of the information you gather. Simply put, any victim of torture will eventually just try to say what ever it is the torturer wants them to say. Put another way it is the very power of torture that keeps it from giving us the truth.

As Congressmen you have available to you some of the greatest constitutional minds. But I learned in war that sometimes too much information can make it hard to see the essence. With your permission I will highlight a few salient points.

Without impeachment, requests and subpoenas and contempt citations are ignored (Congress has been mocked by an administration that has repeated ignored its subpoenas with impunity).

With impeachment, witnesses are freer to speak, "executive privilege" is gone, and subpoenas must be complied with.

The Constitution discusses impeachment in six places and never once mentions other remedies like censure, criminal referrals, legislative "solutions", or even prosecution (except to indicate it can occur separate from impeachment). The drafters of the constitution incorporated impeachment as the simple and proper process for dealing with all high crimes and even misdemeanors.

Without impeachment there looms the specter of an audacious broad sweeping self-serving pardon, even one that includes, a constitutionally dubious, but not explicitly forbidden, self-pardon! Which would further erode Congress' place in the balance of power rendering it virtually irrelevant. The only thing a president cannot pardon is an impeachment and a conviction in the Senate. But once removed from office, he can pardon nobody of anything.

For us veterans, when our time came, we volunteered our very lives for this republic; for the principle of freedom for all, for equal opportunity for all, to defend the Constitution and the principles embodied in the Declaration of Independence, to guarantee the opportunity for life, liberty, and the pursuit of happiness. Now it is your time, and I hear there is not enough time! Now is your time, and I hear it will not be good for one party

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or the other party! Now is your time, and I hear there is not enough political will around you!

When our founding fathers signed the Declaration of Independence they were not worried about political will, how much time there was, or about any parties' political future, they were just worried they were going to be hanged by the neck. But they did what was right. Now it is your time

Einstein said – "The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing."