

Testimony of  
Congressman Maurice Hinchey

The House Judiciary Committee hearing on Executive Power and Its Constitutional  
Limitations

Friday, July 25, 2008

I would like to extend my appreciation to my dear friend Chairman Conyers and Ranking Member Lamar Smith, and members of the Committee, for giving me this opportunity to participate in this very important hearing on "Executive Power and its Constitutional Limitations."

This is a very important hearing, and I am honored to be a part of it. The Members who do not sit on the House Judiciary Committee, including myself, were invited to this hearing today because of certain actions we have taken as Members of Congress to highlight the behavior of this administration. While our actions varied, our purpose for acting can be linked to one common dominator - we do not believe that anyone is above the laws of these United States. I have no doubt that under the current administration, administrative officials have intentionally gone outside the bounds of the law and should be held accountable.

I think this is the most impeachable administration in the history of our country. This administration has successfully put its own interests above the interests of the American people, which is why in August of 2007, I introduced two companion bills to Senator Feingold's censure resolutions in the House. Both bills, H.Res. 625 and H.Res. 626, outline a very comprehensive argument in favor of censuring several administrative officials.

H.Res.625 would censure administration officials because of their role in stating the case for invading Iraq. The resolution would also condemn administrative officials for failing to plan for the inevitable civil conflict and humanitarian strife in Iraq. Finally, the resolution would also reprimand the administration for overstressing the military with prolonged deployments that have damaged U.S. efforts to be prepared for other conflicts.

H. Res. 625 would condemn administration officials for launching the warrantless surveillance program and for instituting and following extreme policies on torture, the Geneva Conventions, and detainees at Guantanamo Bay. The resolution would also condemn the politically - motivated firings of U.S. Attorneys.

I was unwilling to sit idly by and watch these abuses take place. Especially after evidence in how the administration responded to individuals that posed a dissenting view or a threat to its policies came to light- two obvious examples of this being the disclosure of the identity of CIA Operative Valerie Plame and the treatment of certain federal prosecutors.

The Founding Fathers of this great country set up a system of Checks and Balances to make certain that the three branches of government did not abuse their power. They did not set up the system of Checks and Balances as an option but rather an obligation which is why I consider it to be imperative to offer my voice on behalf of so many others who could not speak out of fear. Someday we will all be judged by what we did, or worse, what we did not do when confronted with these abuses. Inaction is simply not an option. I will leave you with this final thought, President Theodore Roosevelt

once said, "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it." Administration officials past, present and future should be no exception.