



John D. Podesta

President & CEO

April 26, 2009

Honorable John Conyers
2426 Rayburn
House Office Building
Washington, DC 20515

Dear Chairman Conyers,

I am writing to ask you to consider holding impeachment hearings against 9th Circuit Court of Appeals Judge Jay Bybee, should he decide not to voluntarily resign.

As you are well aware, Judge Bybee is the only architect of the Bush administration's torture program to currently hold public office.

A legal memorandum signed by Judge Bybee when he was the head of the Office of Legal Counsel and recently released by the Obama administration approved the use of cruel, inhuman, and degrading techniques, including waterboarding, slamming a detainee into a wall, depriving a detainee of sleep for up to eleven days at a time, and trapping a prisoner in a "confinement box" with insects in order to induce terror. The techniques endorsed by Judge Bybee's memoranda violated U.S. law and our commitments under the United Nations Convention Against Torture.

On March 13, 2003, Judge Bybee was confirmed by a 74-19 vote in the Senate. During his Senate hearings, Mr. Bybee stonewalled the Judiciary Committee when asked about his role in national security matters. He said at the time, "As an attorney at the Department of Justice, I am obliged to keep confidential the legal advice that I provide to others in the executive branch." A number of Senators have now acknowledged that, had they known then what they now know, Judge Bybee would not have been confirmed.

Jay Bybee currently sits on the U.S. Court of Appeals, one level removed from the U.S. Supreme Court. He has taken an oath to uphold the Constitution. Yet, having issued opinions that violate the Constitution and concealed relevant aspects of his legal views and professional conduct from the Senate, Bybee has neither the legal nor moral authority to sit in judgment of others.

My organization, the Center for American Progress Action Fund, has collected signatures from approximately 20,000 Americans (see attached) who have expressed their deep-felt and sincere desire to see that Judge Bybee is held to account for authorizing torture. It is unacceptable to allow him to continue to serve in his current role. Judge Bybee should resign, but if he fails to do so, I urge you to begin impeachment proceedings against him.

Sincerely,

A handwritten signature in blue ink, appearing to read "John D. Podesta", with a long horizontal flourish extending to the right.

John D. Podesta