

May 25, 2023

President-elect Mary Smith
American Bar Association
1050 Connecticut Ave. NW
Suite 400
Washington, DC 20036

Dear President-elect Mary Smith:

Congratulations on your wonderful elevation to this high position within the legal profession.

President Donald Trump took a wrecking ball to the Constitution and rule of law, which he continues as a presidential candidate for 2024. He proclaimed on July 23, 2019, "Then I have Article 2, where I have the right to do anything I want as president." Although presidential lawlessness is not novel, President Trump took it to a frightening new level. To paraphrase his national security advisor John Bolton, obstruction of justice was a way of life at the White House (as were notorious criminal violations of the Hatch Act and systemic, deliberate refusal to execute the laws, e.g., EPA and CFPB).

Hundreds of congressional subpoenas or requests for information were denied. The power of the purse was usurped to construct a wall with Mexico. Multiple unconstitutional presidential wars endured. The President continued to play prosecutor, judge, jury, and executioner to kill anyone on the planet secretly suspected of a threat to national security currently or in the future. The National Security Agency, which operates with no statutory charter, targeted the vast universe of the "not-yet-guilty" for warrantless surveillance running roughshod over the Fourth Amendment.

These and other constitutional abuses have diminished under President Joe Biden. But they remain at an alarming level, including limitless executive power, dragnet surveillance, and a possible cover-up of President Biden's role in the destruction of Nord Stream 1 and 2, as reported by Pulitzer Prize investigative reporter Sy Hersh (who also disclosed the My Lai Massacre and Abu Ghraib prison torture).

Lawyers should be first responders in constitutional crises. But they have been dishearteningly MIA, including the ABA, as unconstitutional, boundless executive power continues to mushroom. One of your predecessors, our friend Michael Greco, took the lead in creating special ABA task forces to challenge government abuses that had surged after 9/11, producing three white papers citing President George W. Bush for constitutional violations.

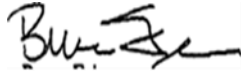
We believe you might equal or better his instruction. You might consider task forces to confront a wide array of constitutional deformities that threaten to create one-branch government and destroy separation of powers. We would be eager to assist you in this urgent enterprise according to whatever protocols you might find useful.

We look forward to a substantive and thoughtful response.

Sincerely yours,



Ralph Nader



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Enclosed: *The Incommunicados* by Ralph Nader and Bruce Fein