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Senator Patrick Leahy
U.S. Senate
Washington, D.C. 20510

Senator Charles Schumer
U.S. Senate
Washington, D.C. 20510

Senator Hillary Clinton
U.S. Senate
Washington, D.C.20510

Dear Senators,

The recent disclosures of the writings and thoughts of Judge John Roberts concerning roles of the Judiciary, Executive and Legislative branches of government give me, and others and I am sure you all, grave misgivings. Today, in the current edition of The New York Times, there are two articles which add further deepening of concerns about the future of the Supreme Court, and indeed, the future of this, our Country. The reason I add this bit about The Times, is that the items of concern to me relate the question of Due process in the so-called "Tribunals" trials in Guantanamo; the front page of The Times reports that the chief prosecutors have filed reports that the process is already rigged. In short a charade is being practiced on us in this Country and the rest of the world. If the outcomes of the "tribunals" ever are likely to be subject to Court review, Judge Robert's opinion is already written, Do not question! And the second article concerned the Federalist Society. Reading the article, was almost like reading something about Opus Dei, it seemingly is that kind of institution. For me, it cannot be believed that Judge Roberts who was listed as a forming member of the Society, now seeks to dissemble any knowledge of the organization. His relationship with the Federalist Society bodes further ill to our constitutional form of government.

Although I believe you Senators share my concerns over this forthcoming appointment, I would share with you my thoughts of some of the questions that should be posed to Judge Roberts. I am positive that you all have probing questions to be asked, but I offer a couple that I would like propound.

Reading Judge Roberts views, it struck me that the man is a throwback to the time of the Divine Right of Kings. His views of the powers the executive branch are the same as uttered way back when, say when Edmond Burke took issue with the French Revolution. The King can do no wrong. Judge Roberts' view is that we must all truckle before the throne of the Executive, with no right of review of nay-saying. It would seem that in the education of Judge Roberts he somehow overlooks the Parliamentary revolt against such Divine Right led by one Oliver Cromwell. Judge Roberts' views of the power of the Executive to do away with fundamental rights of checks and balances of our Constitution is an infirmity of views which if left unchallenged, unchecked, would dissolve the Constitution.

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He must and should be questioned as to where he gets the supremacy doctrine he so closely clings to, and why indeed, can he continue to hold such views given the Constitution of the United States. I would ask him if in the course of his education at Harvard, or anywhere he ever came across the writings of one Thomas Paine, perhaps the "Rights of Man", and his views on that tract. His answers might be illuminating, if he answers honestly. Which, quite frankly, I believe he will not, or will not indeed answer at all. And yet, such questions go to the very heart of our Constitutional liberties, and our Constitutional form of government of three equal, separate branches of Government. I do not believe he believes in this form of government, nor will he accept it, if appointed to the Supreme Court of the United States.

Very truly yours,

George Nager

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