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# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

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October 27, 2009

Mr. James Billington  
Librarian of Congress  
101 Independence Ave, SE  
Washington, DC 20540

Dear Mr. Billington:

We are writing to request that the Law Library of Congress withdraw its August 2009 report entitled "Honduras: Constitutional Issues" and issue a corrected version that addresses its multiple deficiencies. The report, which has contributed to the political crisis that still wracks Honduras, contains factual errors and is based on a flawed legal analysis that has been refuted by experts from the United States, the Organization of American States, and Honduras.

Since the report became public in September, our staffs have provided the Law Library with a number of written rebuttals from legal experts. They also met with Law Library personnel to detail inaccuracies and omissions in the report and to encourage corrective action. When those efforts proved unsuccessful, they offered to arrange a meeting, on October 22, between Law Library staff and a half dozen Honduran, Latin American and U.S. legal experts, including a former justice of the Honduran Supreme Court and a sitting Honduran appellate judge. The Law Librarian graciously accepted the offer but notified Foreign Relations Committee staff the evening before the meeting that she was withdrawing the Law Library experts, including the drafter of the report, from the discussion and would sit in herself.

At the meeting, the outside legal experts documented multiple problems with the report, including that:

- it fails to take into account essential normative sources. For example, a key line of analysis is based on a provision of the Honduran Constitution that was struck down by the Honduran Supreme Court in 2003;
- critical portions rely exclusively on a single, outside individual who had previously and publicly declared his support for the coup; and
- it espouses a unique interpretation of the Honduran Constitution without providing adequate textual or precedential support, or an analysis of current practice, and fails even to acknowledge the existence of other, more mainstream interpretations.

Because of these and other deficiencies, the report, which has been widely disseminated in both the United States and Honduras, is misleading to Congress and the public.

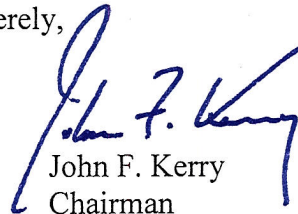
We wish to emphasize that we do not seek to prejudice the judgments of the Law Library experts – we admire their expertise. Rather, we ask that you ensure that the Law Library promptly follow-up on this important communication with the outside experts, integrate those facts and views presented that are valid into its analysis, and issue a corrected, inclusive version of the paper.

Thank you for your attention to this important matter. The stakes are too high to allow the record to stand uncorrected.

Sincerely,



Howard L. Berman  
Chairman  
Committee on Foreign Affairs  
U.S. House of Representatives



John F. Kerry  
Chairman  
Committee on Foreign Relations  
U.S. Senate