

A Guide to the Impeachment of George W. Bush and Richard B. Cheney

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1. Executive Summary

President Bush must be impeached to protect the Constitution.

For conspiring to defraud Congress and the American people by lying to Congress and withholding material information from Congress. For lying about the reasons for going to war. For condoning and facilitating torture. For abusing the powers of his office by spying on Americans. For creating a unitary executive in violation of the separation of powers clauses of the Constitution. For all these reasons, he must be impeached.

Any American can petition the government for redress of grievances, but there are specific precedents for states to petition Congress to begin impeachment. If cities and states submit such petitions to Congress, it may give Members of Congress the courage to act and to do what is morally right.

Getting Congress to vote on impeachment will help voters see which Members will work to protect the Constitution and which ones will work to cover-up the crimes of the Bush administration.

In this Guide, we provide a sample resolution, which can be passed by local governments, to send petitions to Congress to begin impeachment proceedings against both Bush and Cheney.

We must impeach Bush now because it is the moral thing to do. We must stand up for our principles including the framework of the Constitution.

2. What Is Impeachment?

Not everyone knows what the technical term ‘impeachment’ means. Impeachment is just a formal accusation. After conducting an investigation, the House Judiciary Committee drafts Articles of Impeachment charging the President or other officers with treason, bribery or other high crimes and misdemeanors. The U.S. House of Representatives then votes. If at least one of those Articles passes, then the President is officially “impeached.” The U.S. Senate then holds a trial and if the President is found guilty, he can be removed from office. If acquitted, he can stay in office. Bill Clinton was impeached and found not guilty. Richard Nixon was threatened with impeachment and resigned before it could be voted on.

3. Grounds for Impeachment of Bush and Cheney

The most obvious and easily prosecuted crimes for which George Bush can and should be impeached are the following.

3.1. *Conspiracy to defraud Congress regarding Iraq*

3.1.1. **We Use The Term “Conspiracy” because Bush Didn’t Act Alone**

Prosecutors consider conspiracy to be an easier crime to charge, in most cases, than the underlying crime. So it is with Bush and Cheney.

There is ample evidence of violations of laws by officials at all levels of the Bush administration. A conspiracy can be shown to exist in the pattern of allowing these abuses of power, in not punishing those directly involved, and in covering up the behavior.

The lies that Powell, Rumsfeld and Rice told Congress can, therefore, be connected with Bush as part of a conspiracy to defraud Congress and support the charges for impeachment.

3.1.2. Misrepresenting the Threat from Iraq

To justify going to war, Bush manipulated and then misrepresented the intelligence about Iraq, deliberately misleading the public, the Congress and the UN about the threat from Iraq. Evidence shows that President Bush was not simply misled by faulty intelligence about the threat from Iraq. Bush was given confidential information that contradicted his public statements. He knew or should have known that his statements to Congress and to the public were false, or at best unreliable.

By lying to Congress, Bush undermined the principles of democracy that require an informed electorate and a balance of powers. Bush properly sought approval from Congress before invading Iraq, but that approval was meaningless if it was based on his fraudulent statements. Bush also directly violated US Laws related to Fraud and False Statements, 18 U.S.C 1001, and Conspiracy to Defraud the United States, 18 U.S.C. 371.

Evidence that Bush knew or should have known his statements were false when he made them prior to the war include:

- doubts expressed at the time by the intelligence community, especially from the State Department,
- contradictory evidence available at that time from the Defense Intelligence Agency (DITSUM 044-02),
- contradictory evidence raised at that time and recently made public by CIA agent Terry Drumheller in his *60 Minutes* interview,
- doubts raised at the time by Ambassador Wilson regarding uranium from Niger,
- doubts raised at that time by the Department of Energy regarding aluminum tubes,
- doubts raised at the time about the reliability of the informant called "Curveball," and
- the passing "B" grade given to Hussein for cooperation by U.N. inspectors before the war.

For many months preceding the Iraq invasion, Bush, Cheney, Rumsfeld and Rice made hundreds of speeches, press statements, and wrote letters that consistently made the point that Iraq was a threat to America. There were two main themes that they used. One was that Iraq was somehow involved with 9/11 and Al Qaeda. The second was that Iraq had, or was attempting to build, weapons of mass destruction.

3.1.3. Iraq, Al Qaeda and the 9/11 Connection

Bush and his White House team consistently demonized Iraq by associating it with 9/11 and Al Qaeda so effectively that at one point 70% of Americans actually believed Saddam was behind 9/11 even though Iraq was not even involved. Al Qaeda was actually opposed to Saddam Hussein because Saddam led a secular government instead of an Islamic government. To bolster its claims, the White House repeatedly maintained that 9/11 pilot Mohammed Atta met with Iraq officials in Prague. But Cheney had been previously informed by the CIA that these reports were not credible. Al Qaeda now has a strong presence in Iraq, but that was not true before the war.

3.1.4. Iraq and Weapons of Mass Destruction (WMD)

3.1.4.1. Uranium from Niger

The White House team tried very hard to convince everyone that Iraq was attempting to build a nuclear weapon. In his 2003 State of the Union Address, Bush said "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." What Bush didn't say was that Ambassador **Joseph Wilson** had been sent to Niger a year earlier to investigate this claim. Wilson concluded that the stories were false and informed the White House of this in March of 2002. By September of 2002, the CIA was calling these claims "highly dubious" and urged Bush not to use the story in his speeches. In March of 2003, the British government learned that the documents supporting this claim had actually been forged.

In July of 2003, Joseph Wilson went public with his findings. Rather than give up the nuclear weapons story, the White House tried to discredit Wilson by leaking selected parts of a classified document that supported their claim, and revealed that Joseph Wilson's wife, **Valerie Plame**, was a CIA agent. They did not leak the primary conclusions of the document which refuted their claims.

Special Prosecutor Patrick Fitzgerald investigated the illegal release of Valerie Plame Wilson's identity as a CIA agent. White House Chief of Staff Scooter Libby was indicted and has resigned. Bush later admitted approving the release of the classified information.

3.1.4.2. Aluminum Tubes for Uranium Enrichment

In September of 2002, the Bush administration leaked selected portions of a classified report that suggested Iraq had attempted to buy aluminum tubes for use in a uranium centrifuge. Judith Miller at the NY Times published an article based on this leak. Bush, Cheney, Rice and Powell used this story about aluminum tubes repeatedly in interviews with the press. But this claim had been widely rejected by the Department of Energy and other intelligence agencies. They concluded that the tubes were intended for building conventional rockets. Despite having been told the story was bogus, Bush used it in his State of the Union speech on January 28, 2003.

3.1.4.3. Mobile Weapons Labs

Bush and his team repeatedly claimed that Iraq possessed mobile weapons labs capable of producing anthrax. Colin Powell showed diagrams of them at his speech before the UN justifying the invasion of Iraq. These claims originated from Curveball,

a discredited Iraqi informer who fed the CIA many of the stories related to WMD. On May 29, 2003, two small trailers matching the description were found in Iraq. A team of bio-weapons experts examined the trailers and concluded their sole purpose was to produce hydrogen for weather balloons. For over a year, Bush suppressed the report and claimed these were part of Iraq's bio-weapons program. The report was only recently made public.

3.2. Torturing Prisoners

On 6/22/04 Bush said *“We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.”* Sadly his actions speak louder than his words. Bush, Cheney, Rumsfeld and Alberto Gonzales are guilty of violating the **"Federal Torture Act,"** 18 U.S.C. 113C, the UN Torture Convention and the **Geneva Convention.** Torture is outlawed, not only because it is inhumane, but also because it is ineffective. People will say anything, true or false, to avoid torture.

In December of 2002, White House Counsel **Alberto Gonzales** wrote a memo advising the President of “the threat of domestic criminal prosecution under the War Crimes Act,” a federal statute, for torturing prisoners. He advised Bush to invent a legal technicality --declaring detainees in the “war on terror” to be outside the Geneva Conventions -- which, he said, “substantially reduces” the chance of prosecution. Bush took Gonzales' advice and signed an order declaring that the Geneva Convention does not cover members of Al Qaeda and the Taliban. This gave a green light for the torture and illegal detainment of prisoners. In 2006, the Supreme Court in *Hamdan v Rumsfeld*, decided against Bush and declared that all non-citizen prisoners are protected by the Geneva Convention.

Since 2002 prisoners have been routinely abducted and “rendered” to prisons on foreign soil where they can be tortured. An example is **Maher Arar**, a Canadian citizen and computer programmer who once worked with someone whose brother supported Al Qaeda, back in 1997, long before 9/11. When Arar was passing through JFK airport with his family in 2002, he was detained for questioning. He was then sent to Syria for a year where he was tortured and held in a cell not much bigger than a grave. He was eventually released to the Canadian Government. Arar sued the US government but a Federal Court judge in Brooklyn threw it out claiming the trial would embarrass the Canadian government.

We all remember the atrocities photographed in Abu Ghraib. These were procedures that were condoned by the military hierarchy all the way to the top. Yet the only ones prosecuted were the soldiers who carried out the orders.

America is no longer seen as a beacon of freedom and justice by the world. We are now a rogue state that kidnaps people and tortures them. Bush justified these crimes by declaring that all his activities are inherently legal by Executive Privilege and, therefore, not really torture. *“We are gathering information about where the terrorists may be hiding. We are trying to disrupt their plots and plans. Anything we do to that effort, to that end, in this effort, any activity we conduct, is within the law. We do not torture.”* (Bush 11/7/05, speech in Panama City).

3.3. *Illegal Wiretapping & Abuse of Power*

Bush has publicly admitted to authorizing the NSA, a secretive spy agency, to conduct wiretaps on American citizens. The Bush wiretaps violated 50 U.S.C. 1805 that requires him to get approval from the FISA court within 72 hours after starting a wiretap. Bush has argued that these wiretaps are needed to monitor suspected terrorists. But the FISA routinely approves any such request. If all Bush wanted to do was conduct legal wiretaps, then why did he bypass the court?

There is no objection to wiretapping legitimate suspects with oversight of the courts. The problem here is the abuse of power in which the executive branch unilaterally decides who is and is not tapped.

Regardless of his reasons, this is clearly a violation of the Constitution and statutory law and is grounds for impeachment.

4. City and State Impeachment Resolutions

A number of American cities have passed resolutions calling for impeachment. Resolutions have also been introduced in the Illinois state legislature by **Karen Yarbrough**, the Vermont State Legislature by **Dave Zuckerman**, and in the California state legislature by **Paul Koretz**. An up-to-date list of resolutions passed or in progress can be found at: "www.impeachpac.org/resolutions".

4.1. *Why We Send Petitions to the Speaker of the House*

Rules of the House of Representatives explicitly allow legislatures to introduce impeachment resolutions. The First Amendment guarantees any citizen, city, or state "to petition the Government for a redress of grievances."

According to Clause 3, Rule XII, of the Rules of the House of Representatives:

"Petitions, memorials, and other papers addressed to the House may be presented by the Speaker as well as by a Member (IV, 3312). Petitions from the country at large are presented by the Speaker in the manner prescribed by the rule (III, 2030; IV, 3318; VII, 1025). A Member may present a petition from the people of a State other than his own (IV, 3315, 3316)."

This clause is routinely used to accept petitions and memorials from cities and states across America. The same clause can also be used to accept petitions from individuals or other groups, but they carry less weight than a petition from a local government.

4.2. *Why States can Initiate Impeachment*

Section 603 of the Jefferson Manual, an integral part of the Rules of the House of Representatives, says "In the House there are various methods of setting an impeachment in motion..." One such method is "by charges transmitted from the legislature of a State or territory..." In 1903 the Florida legislature passed a bill to impeach a corrupt US District Judge named **Charles Swayne**. This bill was sent to the House and Representative William Lamar rose and introduced the bill on behalf of Florida, resulting in Swayne's eventual impeachment. This established the precedent whereby a state can "initiate impeachment"

A similar precedent was established when the legislature of the territory of Mississippi, before it became a state, requested the impeachment of Judge Peter Bruin. As with the Swayne case, the House ordered a committee to report back on whether Judge Bruin should be impeached. There is some indication that the Judge died or resigned before further action was taken.

4.3. How to Send the Impeachment Resolution to Congress

- 1) Attach a cover letter to the impeachment resolution that urges Congress to act.
- 2) Sign the petition letter using an original signature. The signature cannot be a copied, faxed or stamped. Petitions without an original signature will be rejected, so this is extremely important. A city or state seal should be added if possible.
- 3) Send the package to:
Speaker of the House
H-209, The Capitol
Washington D.C.
20515
- 4) The Speaker will send it to the Parliamentarians who will decide which committee it will be referred to. Then it will be sent to the Clerk of the House who will deliver it to the committee.

5. Why Cities and States Should Pass Resolutions

5.1. Cities and States Affected by Bush

The crimes that Bush has committed have a profound impact on the residents of cities and states.

- Men and women from cities and states are being sent to Iraq where they may be killed or wounded.
- Tax money that could have been spent locally is being diverted to Iraq.
- Bush has weakened the security of cities and states by depriving them of their National Guard troops. Look at the mess in New Orleans. Unfortunately, there will be more Katrinas, and we need our troops here now to protect us.
- Bush promised that he could keep the price of oil down. We were told that there was no conceivable scenario in which gas prices would go up after invading Iraq. Bush's supply-side policies have failed. Continued tensions in Iraq and Iran are a big part of why prices are up at the pump.

5.2. Little Action at the Federal Level

House Resolution 635 by John Conyers calls for the creation of a Select Committee to write articles of impeachment. It has 33 cosponsors. It is stagnant in the Judiciary Committee.

We expect that these acts by state legislators will give Members of Congress the courage to step forward and introduce impeachment legislation or at least vote for such legislation on the floor of the House. We unfortunately must impeach the President to

protect the Constitution. If there are some in Congress who prefer to be part of the cover-up of these crimes by blocking hearings on impeachment, we must fight to throw them out and bring in a Congress that is not just a rubber-stamp for a unitary executive. Let impeachment go to a floor vote, so the voters can see who is willing to protect the Constitution.

If a Member of the House, or a Committee, will introduce impeachment, it will be a privileged motion that will force a floor vote, even if it is a vote to table.

5.3. *Politics of Impeachment*

Impeachment is not about politics. It is about protecting the Constitution. However, politics unfortunately are a fundamental part of the impeachment process, from beginning to end. For instance, it is often asked how impeachment will affect the 2006 elections.

Attempting impeachment will help Democrats win in 2006.

All politics is local. Democrats are flying high in the polls due to Bush's low ratings, but it is hard to turn those low national ratings into local election victories.

Impeachment will change that.

If an impeachment or censure vote comes to the floor of Congress, Members will have to vote for protecting the Constitution or for continuing the cover-up. A national issue now becomes a matter of an individual Member's vote. We can't fight Republican Representatives for just being in the same party as Bush, but we can fight them for voting to cover-up crimes and undermining the Constitution. We can win a local battle that focuses on a candidate's voting record.

How would a fight for impeachment affect Democrats in an election? Perhaps history can teach us. After Clinton was impeached, the Republicans who supported impeachment lost ground. But Clinton's impeachment was about a highly personal matter, and impeachment of Clinton did not have popular support.

Nixon, on the other hand, committed serious crimes and abused his power as President. After impeachment proceedings against Nixon resulted in his resignation, Democrats won in a landslide. The charges against Bush are more similar to those against Nixon but even more serious. If the Democrats work to impeach Bush then that is likely to help them in the next election.

5.4. *Responsibility of Citizens*

Working on a local impeachment resolution is one of the only concrete steps that a local body can take to protect the Constitution from abuse by the President.

Congress has accepted petitions from private citizens and from all sorts of governmental and private organizations. Labor unions, political parties, businesses, social clubs, fraternal societies, etc., can all petition Congress to impeach the President.

6. Model Resolution

The following is a proposed resolution or impeachment for **cities**. A copy of this city resolution and a version of this resolution for **states** can be downloaded from the web at "<http://www.impeachbush.tv/stateres.html>".

Resolution to Impeach President George W. Bush and Vice President Richard Cheney

WHEREAS, George W. Bush and Richard Cheney conspired with others to defraud the United States of America by intentionally misleading Congress and the public regarding the threat from Iraq in order to justify a war in violation of Title 18 United States Code, Section 371; and

WHEREAS, George W. Bush has admitted to ordering the National Security Agency to conduct electronic surveillance of American civilians without seeking warrants from the Foreign Intelligence Surveillance Court of Review, duly constituted by Congress in 1978, in violation of Title 50 United States Code, Section 1805; and

WHEREAS, George W. Bush and Richard Cheney conspired to commit the torture of prisoners in violation of the "Federal Torture Act" Title 18 United States Code, Section 113C, the UN Torture Convention and the Geneva Convention, which under Article VI of the Constitution are part of the "supreme Law of the Land"; and

WHEREAS, George W. Bush and Richard Cheney acted to strip American citizens of their constitutional rights by ordering indefinite detention without access to legal counsel, without charge and without the opportunity to appear before a civil judicial officer to challenge the detention, based solely on the discretionary designation by the President of a U.S. citizen as an "enemy combatant", all in subversion of law; and

WHEREAS, In all of this George W. Bush and Richard Cheney have acted in a manner contrary to their trust as President and Vice President, subversive of constitutional government to the great prejudice of the cause of law and justice, and to the manifest injury of the people of _____insert_your_City/County_____ and of the United States of America; and

WHEREAS, Petitions from the country at large may be presented by the Speaker of the House according to Clause 3 of House Rule XII;

Be it resolved that George W. Bush and Richard Cheney, by such conduct, warrant impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States;

Be it resolved further by the City of _____, That our senators and representatives in the United States Congress be, and they are hereby, requested to cause to be instituted in the Congress of the United States proper proceedings for the investigation of the activities of the President George W. Bush, to the end that he may be impeached and removed from such office.

Be it resolved further, That the Clerk of the City of _____ be, and is hereby, instructed to certify to the Speaker of the House of Representatives, under the seal of the City of _____, a copy of this resolution and its adoption by the City of _____, as a petition, and request that this petition be delivered

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to the Office of the Clerk and entered in the United States Congressional Journal. The copies shall be marked with the word "Petition" at the top of the document and contain the original authorizing signature of the _____.

7. References

7.1. Websites

- www.impeachbush.tv – information and resources on impeachment, lots of links
- www.afterdowningstreet.org – news, documents and editorials on impeachment
- www.impeachpac.org – political action kits and support for candidates
- www.pdamerica.org – progressive Democrats of America
- www.gpoaccess.gov/hpractice/

7.2. Books and Reports

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7.3. Articles

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