

Resolution on Impeachment of Bush and Cheney

Whereas George W. Bush and Richard B. Cheney:

1. deliberately misled the nation and doctored intelligence, as described in the Downing Street minutes, <http://www.downingstreetmemo.com/memos.html> about the threat from Iraq in order to justify a war of aggression and an occupation of Iraq, as further described in House resolution H. Res. 333 <http://kucinich.house.gov/UploadedFiles/int3.pdf> and as listed in House Resolution H. Res. 635 <http://www.govtrack.us/congress/billtext.xpd?bill=hr109-635>
2. committed crimes against peace by initiating war against Iraq in violation of the UN Charter <http://www.worldpress.org/specials/iraq/>;
3. committed crimes against humanity in their conduct of the occupation of Iraq in which they killed hundreds of thousands of Iraqi civilians and created millions of refugees <http://www.guardian.co.uk/Iraq/Story/0,,1892888,00.html> and <http://edition.cnn.com/2006/WORLD/meast/10/13/iraq.main/index.html>;
4. killed over 3700 American soldiers and severely wounded nearly 30,000 more in the pursuit of an illegal, immoral, and unjust occupation of Iraq. While Bush and Cheney have stated no truthful noble cause for the war, one of the central purposes appears to be to take control of Iraq's immense oil reserves to financially benefit private corporate interests. See Bush's benchmark listing fact sheet released the same day Bush announced the "surge" that expressly called on the Iraq parliament to "enact hydrocarbons law to promote investment . . . " <http://www.whitehouse.gov/news/releases/2007/01/20070110-3.html> and <http://www.alternet.org/waroniraq/56672/>;
5. committed further crimes against peace by threatening Iran in violation of the UN Charter, as described in House resolution H. Res. 333 <http://thomas.loc.gov/cgi-bin/query/z?c110:H.RES.333>: and http://news.bbc.co.uk/1/hi/world/middle_east/6649053.stm;
6. detained thousands of prisoners without charges and without providing the ability to confront their accusers at a fair trial <http://thereport.amnesty.org/eng/Regions/Americas/United-States-of-America>;
7. condoned the torture of prisoners in violation of the Geneva Conventions, the US anti-torture statute of 1994, the US War Crimes Act of 1996, and the oath of office <http://hrw.org/english/docs/2004/05/24/usint8614.htm> and <http://thereport.amnesty.org/eng/Regions/Americas/United-States-of-America> and http://www.boston.com/news/nation/articles/2006/03/24/bush_shuns_patriot_act_requirement/. Bush's refusal to faithfully execute the laws prohibiting torture and his declaration on February 7, 2002 that the Geneva Conventions did not apply to prisoners in Afghanistan and in Guantanamo set the stage for torture there <http://hrw.org/reports/2004/usa0604/2.htm>. The Rumsfeld approved Guantanamo torture techniques were then imported to Iraq in August 2003, where the International Committee of the Red Cross found "systemic" mistreatment of Iraqi prisoners in several facilities and where the Schlesinger Report confirmed in August 2004 that abuses were "widespread" and "serious both in number and in effect," and that there is both "institutional and personal responsibility at higher levels;"

8. approved at least two different illegal electronic surveillance programs of American citizens without a warrant in violation of the fourth amendment and in violation of the Foreign Intelligence Surveillance Act of 1978, and repeatedly lied to the American people by stating that no surveillance was taking place without a court order. The first program includes intercepting phone and email conversations without warrants and was exposed by the *NY Times* on December 16, 2005 http://emoglen.law.columbia.edu/CPC/NYT_15cnd-program.html. After that program was exposed Bush said the program was carefully targeted to just include international calls and suspected members of Al Qaeda. Then, the second program was exposed by *USA Today* on May 11, 2006. It provides a wholesale attack on the fourth amendment by recording call identification information of tens of millions of purely domestic calls as well as international calls http://www.usatoday.com/news/washington/2006-05-10-nsa_x.htm;

9. attacked basic human rights protections in the constitution including habeas corpus, fifth amendment freedom from loss of life, liberty and property without due process of law, eighth amendment freedom from cruel and unusual punishment, and fourth amendment freedom from unreasonable search and seizure;

10. attacked the separation of powers in an effort to consolidate power in the executive;

11. attacked the messenger who revealed that Bush "twisted" intelligence "to exaggerate the Iraqi threat." Just as Nixon retaliated against former Pentagon analyst Daniel Ellsberg http://en.wikipedia.org/wiki/Daniel_Ellsberg, according to papers filed in court by special prosecutor Patrick Fitzgerald in April 2006, there was "concerted action" by "multiple people in the White House" to "discredit, punish or seek revenge against" former Ambassador Joseph Wilson for his July 6, 2003 *NY Times* op ed piece <http://www.nytimes.com/2003/07/06/opinion/06WILS.html?ex=1372824000&en=6c6aeb1ce960dec0&ei=5007> that ripped the cover off of Bush's false assertions in his 2003 state of the union address that Iraq was trying to buy uranium from Africa for building a nuclear bomb. In retaliation, and to silence other would-be critics, the White House collected information about Wilson and disclosed to reporters that his wife, Valerie Plame, was a covert agent in the CIA counterinsurgency division, putting her life, and the lives of her contacts, at risk in violation of a US law protecting intelligence personnel (*The Impeachment of George W. Bush*, by Elizabeth Holtzman);

12. as the sole person under the Federal Stafford Act with responsibility and authority to issue emergency orders to mobilize the military and any federal resources needed to aid and assist in a disaster (see *Failure of Initiative*, February 2006 report of the House Select Bipartisan Committee to investigate the Preparations for and the Response to Hurricane Katrina <http://katrina.house.gov/>), Bush failed to take care that the laws be faithfully executed, violated the public trust, and demonstrated reckless and inexcusable indifference to human life before, during and after Hurricane Katrina. Bush knew but did not act until too late, and then he lied about it on national TV. Footage and transcripts from briefings Aug. 25-31 demonstrate that Bush was personally told well in advance of the "unprecedented strength" of the hurricane, the "devastating damage expected," and that "water shortages will make human suffering incredible," according to highly accurate predictions by the National Weather Service. The Associated Press reported that "in dramatic and sometimes agonizing terms, federal disaster officials warned President Bush and his homeland security chief before Hurricane Katrina struck that the storm could breach levees, put lives at risk in New Orleans' Superdome and overwhelm rescuers, according to confidential video footage," <http://www.truthout.org/cgi-bin/artman/exec/view.cgi/47/18079>. Yet Bush failed to muster resources to evacuate residents in advance and failed to assist New Orleans residents after Hurricane Katrina hit. Then three days

later Bush told Good Morning America, "I don't think that anybody anticipated a breach of the levees." <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/02/AR2006030202130.html> In years before the storm Bush demonstrated inexcusable criminal negligence and violated the public trust by cutting the budget for hurricane defense, though the high probability of the breaching of the levees and the enormous risk to human life from a major hurricane hitting New Orleans were predicted and well known for years before the hurricane hit <http://www.cnn.com/2005/US/09/03/katrina.chertoff/index.html>;

13. failed to take care that the laws be faithfully executed by issuing signing statements that claim the authority to disobey laws based on the president's own interpretation of their constitutionality, and then by taking action in violation of these laws, including the US law making torture a crime, laws regarding Congressional oversight that require providing information to Congress, laws regarding domestic spying, laws regarding civil liberties, and laws strengthening whistle blower protection, thereby expanding the president's own power by stepping into the legislative and judicial functions at the expense of Congress and the courts, upsetting the balance among the three branches of government, and moving us away from the rule of law toward vastly increased executive power; http://www.boston.com/news/nation/articles/2006/04/30/bush_challenges_hundreds_of_laws/ and http://www.boston.com/news/nation/articles/2006/03/24/bush_shuns_patriot_act_requirement/;

14. converted the Justice Department into an arm of the Republican Party by firing meritorious federal prosecutors who refused to base decisions on whom to prosecute on political considerations--to help Republicans win election, an offense James Madison discussed in a speech to the Senate on June 17, 1789, in which Madison said, "The danger then consists merely in this, the president can displace from office a man whose merits require that he should be continued in it. What will be the motives which the president can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this house, before the senate, for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." <http://www.gwu.edu/~ffcp/mep/displaydoc.cfm?docid=fc11904> <http://www.commondreams.org/archive/2007/03/27/113/print/>;

15. condoned criminal conduct and obstructed justice by commuting the sentence of convicted perjurer Scooter Libby to keep him silent and to demonstrate that Bush and Cheney will not allow high officials in the administration to be held accountable for their criminal acts;

16. obstructed congressional investigations of these and other acts by the administration by defying subpoenas from Senate and House committees seeking documents and testimony under oath by administration officials and former administration officials; and

Whereas the constitution requires the president to take the following oath of office: "I do solemnly swear that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States;" and

Whereas the constitution provides that the president "shall take Care that the Laws be faithfully executed;" and

Whereas the constitution mandates that "the President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors;" and

Whereas impeachment was so important to our founding fathers that it is mentioned six times in five different sections of the constitution; and

Whereas George Mason, a primary author of the Constitution, said that impeachment was the single most important part of the entire document. "Shall any man be above Justice? Above all shall that man be above it who can commit the most extensive injustice?" <http://gunstonhall.org/georgemason/constitution.html> July 20, 1787; and

Whereas "high Crimes and Misdemeanors" is a term of art that means a serious abuse of power, whether or not it is also a crime, that endangers our constitutional system of government, or an abuse of public trust. (See *Constitutional Grounds for Presidential Impeachment: Report of the House Judiciary Committee, 1974*, http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/watergatedoc_3.htm, articles by Elizabeth Holtzman who served on the House Judiciary Committee during the impeachment hearings of Richard Nixon in 1974 <http://www.thenation.com/doc/20060130/holtzman>; and <http://www.thenation.com/docprint.mhtml?i=20070212&s=holtzman>, and the book, *The Impeachment of George W. Bush*, by Elizabeth Holtzman)

Whereas each of the above listed acts meets or exceeds that standard; and

Whereas impeachment is the only constitutional method to protect Americans from a president intent on abusing power, violating the constitution, violating the laws, and breaching public trust; and

Whereas Bush and Cheney threaten further crimes, including launching a war of aggression against Iran, and whereas sufficient time remains in their term of office for them to commit those crimes so allowing either or both of them to remain in office for that remaining time will facilitate these crimes, and whereas pretexts for attacking Iran have been issued, as described by a former CIA Middle East field officer and current Time Magazine columnist <http://www.time.com/time/printout/0,8816,1654188,00.html>; and

Whereas failing to hold Bush and Cheney accountable not only condones their crimes but facilitates a future president committing similar or greater crimes; and

Whereas members of Congress swear an oath to "support and defend the constitution of the United States against all enemies, foreign and domestic," and no part of this oath permits exception for partisan advantage, the next election, political expediency, whether it is distracting from other issues, or how much time they have left in office; and

Whereas failure by Congress to initiate the one remedy--impeachment--provided by our founding fathers to protect the constitution from such serious abuses has put that constitution, the rule of law, civil liberties, our democratic form of government, the separation of powers, the lives of our men and women in uniform, and the lives of countless civilians at severe risk; and

Whereas citizen pressure led the Vermont State Senate and 87 cities and towns around the nation to pass impeachment resolutions; and

Whereas a poll conducted by <http://www.americanresearchgroup.com> on July 5, 2007 found that 54% of American adults want the US House of Representatives to begin impeachment proceedings against Vice President Dick Cheney while only 40% oppose, and whereas the poll also found that 45% are in favor of the same thing for President George W. Bush while 46% oppose; and

Whereas in view Congress' ongoing complicity with the war, the torture, the lies, the warrantless wiretapping, and the imprisonment without trial, and its failure to protect rights and civil liberties, it is up to the people themselves to defend the constitution and our civil liberties by building larger grassroots movements, including a movement for impeachment;

Therefore be it resolved that the National Lawyers Guild calls upon the U.S. House of Representatives to immediately initiate impeachment proceedings, to investigate the charges, and if the investigation supports the charges, to vote to impeach George W. Bush and Richard B. Cheney as provided in the Constitution of the United States of America; and

Be it further resolved that the National Lawyers Guild will establish an NLG Impeachment Committee open to all members to coordinate action by the NLG in support of impeachment, to work with national and grassroots impeachment organizations, and to provide legal assistance for those efforts to strengthen the national campaign for impeachment; and

Be it further resolved that the NLG Impeachment Committee will help organize and coordinate events at the local, state, and national level to build public participation in the campaign to initiate impeachment investigation, impeachment, and removal of Bush and Cheney from office without further delay; and

Be it further resolved that the National Lawyers Guild calls on NLG members to ask their respective member of Congress to support H. Res. 333 to impeach Cheney and to introduce or support other impeachment resolutions; and

Be it further resolved that the National Lawyers Guild calls on all other state and national bar associations, state and local government bodies, community organizations, labor unions, and all other citizen associations to adopt similar resolutions and to use all their resources to build the campaign demanding that Congress initiate impeachment investigation, impeach, and remove Bush and Cheney from office without further delay; and

Be it further resolved that the National Lawyers Guild will forward a copy of this resolution to the Speaker and the Clerk of the US House of Representatives, to Representative John Conyers, Chair of the House Judiciary Committee, to the various state and federal bar associations, to other peace and justice organizations, and to the news media.

Implementation: By the NLG Impeachment Committee established by this resolution, by interested local chapters, and by national officers.

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The resolution cosponsors are:

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