

## APPENDIX A

# A Doubleheader: Impeach Bush and Cheney Now

*The hottest places in Hell are reserved for those who, in times of great moral crises, maintain their neutrality.*

—Dante Alighieri, *The Divine Comedy*

Although impeachment is a remedy generally not favored by most Americans, never in America's history has there been a more compelling case for impeachment than during the reign of George Bush and Dick Cheney. The U.S. House of Representatives must immediately start the impeachment process against Bush and Cheney by conducting full and public investigations of their crimes and misdeeds.

America's founding fathers created the constitutional remedy of impeachment for exactly the type of situation in which America finds itself. Our founding fathers may well be turning over in their graves, distressed that the impeachment process against Bush and Cheney was not started long ago.

Impeachment is not a harsh remedy, especially given the circumstances. Bush and Cheney will simply be removed from office, taking their incompetence and corruption with them. They will not be tortured. They will serve no time in prison. There will be no probation. They will pay no fines. They will not be required to perform public service or make restitution to any of their many victims. They will retain all their cushy retirement benefits including medical care and generous pensions. They will be free to make millions of dollars hitting the circuit of their loyal cronies and supporters.

They will simply be fired from their jobs.

Although the criminal rap sheet for Bush and Cheney is long and grim, these two criminals will never pay for their crimes, and their countless victims, both past and future, can never be made whole. Although impeachment is but a token payment for those victims, it is an incredibly important action that must be taken.

The purpose of this impeachment is not to punish Bush and Cheney, but to restore America's democracy and moral standing in the world.

The case for impeachment is overwhelming, even though the GOP-controlled House of Representatives and Senate steadfastly ignored their oversight obligations under the U.S. Constitution, impeding and stonewalling any serious investigation of the misdeeds of Bush and Cheney. Thus the full extent of their culpability is not yet known, and much may never be known.

The Bush White House is a huge infected elephant that has not had medical care or a bowel movement in several years. It will take a long time to clean out all the disease and crap, and much of the stench will linger forever.

Even in the unlikely case that what is known is not the tip of a much larger iceberg of corruption and malfeasance, that which is already known is so compelling that anything short of impeachment jeopardizes America's democracy and its constitutional form of government.

Serious constitutional investigations became possible only when the 2006 mid-term elections in November 2006 broke the GOP's death grip on Congress and America's democracy. Many of the same Republicans who supported and lusted for the impeachment of Clinton for lying about pre-sex with Monica Lewinsky refused to take any action with regards to Bush and Cheney, whose lies, crimes and misdeeds are at least one thousand times worse than Clinton's, and, in sharp contrast to Clinton's, cost countless lives and diminished America's democracy and security.

For good reason the American public never supported the GOP's politically motivated impeachment of Clinton. In contrast, a growing majority of Americans supports the impeachment of Bush and Cheney, and the number continues to rise as additional evidence of their malfeasance comes to light.

An October/November 2005 poll by Zogby International, a well-respected non-partisan polling company that was commissioned by AfterDowningStreet.org, found that a majority (53%) of Americans favored the impeachment of Bush if he lied about the war in Iraq. (He did lie, and he continues to lie). The 53% agreed with the statement: "If President Bush did not tell the truth about his reasons for going to war with Iraq, Congress should consider holding him accountable through impeachment." Two years later, an increasing majority of Americans believed, correctly, that Bush and Cheney lied about the reasons for their war on Iraq.

Of course, lying about the Iraq war is *only one* of several justifications for impeaching Bush and Cheney, and a growing majority of Americans favor impeaching Bush and Cheney for some or all of these other reasons.

Here in abbreviated form is a list of charges (further discussed below) that should be included in formal Articles of Impeachment against Bush and Cheney:

- the warrantless surveillance and wiretapping of American citizens;
- authorizing torture, rendition, war crimes, and the creation of a Soviet-style gulag of illegal secret prisons in several countries;
- invading and occupying Iraq in violation of international and U.S. law, and misleading and lying to Congress, America's allies and the American people about the reasons for this illegal and counterproductive war;
- incompetence, negligence and recklessness rising to the level of impeachable misconduct relating to: (1) the just but unfinished war in Afghanistan; (2) the unjust war in Iraq; (3) the feeble efforts to punish bin Laden and others responsible for 9/11; and, possibly, (4) the events leading up to 9/11;
- illegally leaking classified information for partisan political purposes;
- the outing of undercover CIA agent Valerie Plame in retaliation against her husband, retired ambassador Joseph Wilson;

- authorizing or permitting relatives of bin Laden to flee the United States shortly after 9/11, and obstructing justice, and conspiring to obstruct justice, regarding investigations of the events leading up to 9/11;
- disregard and contempt for the U.S. Constitution, the Congress, the constitutional separation of powers, the rule of law, and their oaths of office, including the novel assertion and unprecedented seizing of unconstitutional executive powers, and the willful violation of U.S. law, international law, and U.S. treaty obligations;
- **NOTE:** We leave room below for the reader to insert his or her favorite impeachable offenses of Bush and Cheney, and any additional impeachable offenses that, after the publication of this book, see the light of day thanks to whistleblowers within the Bush administration and other patriots who have the courage to step forward and tell the truth about America's worst president, worst vice president, and most corrupt administration ever:
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## Impeachment Procedure

Article II, Section 4 of the U.S. Constitution provides: “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.”

The Constitution also broadly sets forth the procedural framework for the impeachment proceeding. Here's a summary:

- 1) The House Judiciary Committee first decides whether there should be an impeachment inquiry. If the Judiciary Committee wishes to proceed, it passes a committee resolution seeking authority from the entire House of Representatives to conduct a formal impeachment inquiry.
- 2) The entire House debates the Judiciary Committee request and, if it wishes the inquiry to go forward, it adopts a resolution authorizing the Judiciary Committee to proceed with the inquiry. This requires a majority vote of the entire House.
- 3) The House Judiciary Committee then conducts a formal impeachment inquiry by gathering evidence, conducting hearings, calling witnesses, and so forth, as it deems appropriate. At the end of its inquiry it prepares Articles of Impeachment, which are subject to a majority vote of the committee, and forwards them to the entire House.
- 4) The entire House then debates the Articles of Impeachment and passes or rejects each Article of Impeachment by majority vote.
- 5) If one or more Articles of Impeachment are approved, the president is technically said to be “impeached,” and the proceeding moves to the Senate for trial.
- 6) Based on the Articles of Impeachment received from the House, the Senate conducts an impeachment trial, with all 100 senators serving as the jury and

the Chief Justice of the U.S. Supreme Court presiding. The senators meet in private session to debate their verdict, and they then vote in open session on their verdict. A two-thirds vote of the Senate is required for conviction and removal from office.

- 7) Under the chain of succession determined by the 25th Amendment of the Constitution, the vice president automatically becomes president when the president is removed. Since the Senate has the sole power to try all impeachments, the accused has no right of appeal to any federal court.

Technically, the term “impeachment” is quite narrow and refers only to the House of Representatives passing, by majority vote, one or more Articles of Impeachment, regardless of the outcome of any subsequent trial in the Senate. As noted above, by adopting Articles of Impeachment, the House is said to have “impeached” the president. This is somewhat analogous to being indicted for a crime, and a trial in the Senate is still required. However, the term “impeachment” is most commonly used in a much broader sense to describe the entire process starting with the impeachment inquiry initiated and conducted by the House of Representatives and ending with an impeachment trial in the Senate. We use the term in this broader sense in this book.

More detailed impeachment charges are set forth in the Articles of Impeachment below:

### **Articles of Impeachment**

[NOTE: The Articles of Impeachment set forth below charge only George W. Bush. Similar Articles of Impeachment apply to Dick Cheney and should be prosecuted at the same time.]

In his conduct of the office of the President of the United States, George W. Bush, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has:

- participated in a conspiracy directed from the Bush White House to lie to and mislead the U.S. Congress and the American people about the reasons for invading and occupying Iraq, including misleading statements and lies about Iraq’s nuclear weapons and nuclear weapons capability, the threat of weapons of mass destruction (WMDs), connections between 9/11 and Iraq, connections between al Qaeda and Iraq, and the imminent threat of Iraq to the United States and other nations.
- waged war on Iraq in violation of U.S. law and international law, including the United Nations charter, and in violation of Congress’ authority to determine the necessity of war, by means of lying to Congress about the reasons for war, including making false statements to Congress in violation of the False Statements Accountability Act of 1996, the violation of which is a felony, which false statements include the president’s formal written letter and report dated March 18, 2003, that he submitted to Congress, as required by the Joint Resolution on Iraq passed by Congress in October 2002.

- incompetently, negligently and recklessly engaged in misconduct so extreme that it rises to the level of criminal and impeachable misconduct, relating to:
  - 1) the planning and conduct of the just but unfinished war in Afghanistan;
  - 2) the planning and conduct of his unjust war in Iraq;
  - 3) the feeble efforts to punish bin Laden and others responsible for 9/11; and
  - 4) the events leading up to 9/11.
- authorized, sanctioned, and engaged in conspiracy and cover-up regarding war crimes, torture, rendition (including sending people overseas to be tortured), and the creation of a Soviet-style gulag of illegal secret prisons in several countries, in violation of U.S. law including the War Crimes Act of 1996 (which provides for punishments including the death penalty), and international law including the Geneva Conventions and international treaties. At a minimum, he sanctioned torture and other unlawful conduct, conspired to protect abusers from prosecution, and allowed torture and other unlawful conduct to continue.
- repeatedly violated, and continues to violate, the Foreign Intelligence Surveillance Act of 1978 (FISA), the Fourth Amendment of the Constitution, and other constitutional protections of American citizens, by directing the National Security Agency and other executive personnel to conduct illegal electronic surveillance or other illegal investigations of American citizens without a court order.<sup>147</sup>
- obstructed justice, and conspired to obstruct justice, regarding the preceding charge, by repeatedly lying to the American people and Congress about his violations of FISA and the Constitution, including violations of the constitutional rights of American citizens under the Fourth Amendment, which prohibits searches and seizures without judicial warrants based on probable cause.
- obstructed justice, and conspired to obstruct justice, by opposing, and failing to fully cooperate with, investigations into the events leading up to 9/11, and by authorizing, or failing to prevent, the flight of relatives of bin Laden from the United States shortly after 9/11.
- illegally leaked classified information for partisan political purposes.
- violated the Intelligence Identities Protection Act of 1982, which protects the identity of undercover intelligence agents, in authorizing the outing of

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<sup>147</sup> Thousands of telephone calls by American citizens were illegally monitored without court order, and the full truth will never be known without a full investigation. Conducting wiretaps (also known as “electronic surveillance”) without a court order was a central charge in the articles of impeachment brought against Richard Nixon in 1974, and the illegal wiretaps by Nixon led not only to his resignation but also to the passage of FISA in 1978, the violation of which is a felony.

Valerie Plame, a covert CIA operative, and/or engaging in a conspiracy to cover up the same.

- fashioned out of thin air and claimed the novel dictatorial power of the president at any time to openly or secretly imprison American citizens whom he alone determines or simply asserts may be a threat to America, without any right of the seized to have legal representation or any other due process of law guaranteed by the Constitution. Under the dictatorial powers claimed by Bush, American citizens can be arrested at any time, and simply disappear into a Bush-styled gulag without a trace for the rest of their lives, without being informed of the charges against them, and without any notification of their families.
- claimed the novel power as commander in chief to violate the new anti-torture law passed by Congress in 2005.
- disregarded and showed contempt for, and continues to disregard and show contempt for, the Constitution, the Congress, the constitutional separation of powers, the rule of law, and his presidential oath of office, and engaged in the willful systematic abuse of his executive powers, including the novel assertion and unprecedented seizing of unconstitutional executive powers, and the willful systematic violation of both U.S. law and international law, including the UN Charter, the Geneva Conventions and treaty obligations.
- subverted, and continues to subvert, America's democracy by claiming that executive privilege and national security place him above the law and give him not only the power to do virtually anything he wishes, whether or not legal and whether or not constitutional, but also the power to keep his actions secret from both the American people and Congress.

In all of this, George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore, George W. Bush, by such conduct, warrants impeachment and trial, and removal from office.

Bush and Cheney threaten America's Constitution and its democracy. Their claim to unbridled power echoes that of disgraced Richard Nixon, who in 1977 infamously asserted, "when the president does it, that means that it is not illegal."

Impeach Bush and Cheney now!