

**A**rticles of Impeachment against George Walker Bush, President of the United States of America, and other officials, for high crimes and misdemeanors.

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# Articles of Impeachment

## Against George W. Bush and Other Officials

### Preface

The following draft of Articles of Impeachment against George W. Bush and other officials was presented for consideration to Rep. Cynthia McKinney at her request in September 2006 for consideration by John Judge and Mike Zmolek, now former members of her congressional staff. This draft formed the basis for the Articles of Impeachment introduced on December 8, 2006 as H Res 1106 (109<sup>th</sup> Congress). The original draft (below) included seventeen charges under three main articles of impeachment. The charges not included in H Res 1106 were submitted into the Congressional Record as addenda under the title: “actions by the President that warrant further investigation as possible grounds for impeachment as identified by many scholars, lawyers and concerned citizens.” We now wish to make available this original draft and to provide this brief explanation of the rationale behind it.

Over a two to three week period we immersed ourselves, outside normal working hours, in past articles of impeachment and the growing body of books and reports laying out grounds for impeachment of President George W. Bush, Vice President Dick Cheney and other officials. We knew that Rep. McKinney would soon be leaving office and that any Articles of Impeachment she introduced would expire if not acted on by the end of the 109<sup>th</sup> Congress. Knowing this, we decided to design this draft as an educational document, citing each specific piece of legislation governing the infraction cited.

We also included several quotes from Framers of the Constitution, in order to emphasize how the pattern of conduct under the Bush Administration fits the pattern they had in mind when they established the framework for impeachment. In previous articles of impeachment against a sitting president, each article typically addresses a discreet infraction. The range of infractions identified in the growing body of writing we reviewed presented a challenge, for the number of impeachable offences committed by President Bush, as identified by legal scholars and others, is simply unprecedented.

As we read about the framing of the Constitution, it became clear that impeachment is a sanction or punishment specifically reserved for high crimes or high misdemeanors. Only those holding high office are in a position to commit such offences against the state, and they must be held to a higher standard. When George Madison agreed to substitute the phrase “high crimes and misdemeanors” for “maladministration” he was seeking to ensure that while impeachment was reserved for “high” offences, it was not restricted to specific violations of law.

We had compiled a list of Bush Administration violations of domestic and international laws. But there were other actions, such as refusing to co-operate with Congress, failing to hold officials and contractors accountable and lying that were found to be egregious, but might not be specifically illegal. And so we asked, was the whole greater than the sum of its parts?

This took us back to the duties of the President as defined by the Oath of Office and Article II of the Constitution. Ultimately, all impeachable offences fall under these broader categories. In order to demonstrate an overall pattern of abuse, which is precisely what the Founders sought to curtail, we chose to group the seventeen charges under three violations of the duties of the President.

Thus Article I charges that President Bush has failed in his duty “take care that the laws be faithfully executed” as specified in Article II of the Constitution. Where domestic law is concerned, he has done this by ordering unlawful spying on American citizens, by using signing statements to exempt himself from enforcing laws and by suspending basic legal proceedings. Where international law is concerned he has done this by promoting illegal war, condoning torture as well as kidnappings and extraordinary renditions for the purpose of circumventing laws that ban torture and by sanctioning the use of weapons that are illegal under international law.

Article II charges that the President Bush has abused executive privilege in violation of his oath to “faithfully execute the office of President of the United States” by obstructing congressional inquiry and shielding his appointees from judicial accountability, by failing to hold appointees accountable despite widespread negligence, incompetence and fraud and by seeking to exempt his office from accountability through the use of signing statements. While rare, it is possible to impeach an official who is no longer in office. H Res 1106 names Richard Cheney and Condoleezza Rice as among the “other officials” deserving of impeachment. The draft below includes the names Alberto Gonzalez and Donald Rumsfeld. It is important to recognize that all of these officials played a part in the pattern of constitutional violations here described, and could be held accountable.

Article III charges that President Bush has violated his oath to “preserve, protect and defend the Constitution,” primarily by upsetting the balance of power between the Executive and Congress. By withholding critical intelligence from Congress or actively manipulating intelligence to deceive the Congress and the public into supporting the invasion and occupation of Iraq, by not seeking a declaration of war from Congress before leading the country to war, by refusing to cooperate with Congressional investigations, by unilaterally suspending the Bill of Rights, by ordering unreasonable searches and seizures and most of all by establishing a parallel legal system for trying detainees when the Constitution makes it very clear that only the Congress, not the Executive, may make law, the Bush Administration has clearly demonstrated a pattern of seeking to derogate power from the Congress to the Executive.

Many impeachment advocates have expressed hopes that with the Democrats now in charge of Congress and investigations underway, some kind of “smoking gun” may be turned up to implicate the President in clear and unambiguous wrongdoing. This approach seems to conceptualize impeachment as requiring the evidence to prove guilt of a crime on the level of a felony. If the framers of the Constitution had intended impeachment to be reserved only for such high crimes, there would have been no talk of misdemeanors. By structuring these three articles as we did, the overall pattern of disregard (and often contempt) for the Constitution can be demonstrated in the actions of the Bush Administration. Even so, it would appear quite clear that the Bush Administration’s efforts to fix intelligence, to engage in unlawful spying on the American public, the suspension of *habeus corpus* and the attack on the Bill of Rights are each violations that have already exceed those committed by, for example, President Nixon, who resigned rather than face the inevitability of impeachment.

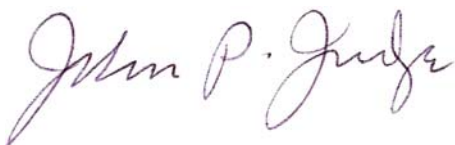
Furthermore, it is scarcely necessary to build a case that the Bush Administration has operated outside the scope of the Constitution when the Executive itself has asserted the right to do so through legal memos and advisory documents. The President’s advisors openly espouse a “unitary presidency” under

which the Constitution is effectively suspended during a time of war, and the President may claim extraordinary powers in the name of defending the country. Attorney General Alberto Gonzalez has openly demeaned Article VI of the Constitution by referring to its stipulation that any treaty properly ratified by the Senate was “quaint” and outdated in the context of the so-called war on terrorism. As Deputy Assistant Attorney General, John Yoo drafted a convoluted memo arguing in effect that the Geneva Conventions could be used to punish al Qaeda detainees, but that the President could deny them any of the protections spelled out under those accords.

To date, all but one of the peoples’ representatives in Congress have effectively acquiesced to these justifications for suspending the Constitution in a time of war, despite recent polls suggesting a majority of Americans now favor impeachment. As a result, we now find ourselves in perhaps the most profound constitutional crisis since the founding of the United States of America. Our civil liberties have been eroded. Our Constitution has effectively been suspended. Decades of greater and greater arrogation of power by the executive branch have skewed the balance of power.

Two of the original seventeen charges—initiating a war without a declaration and the use of illegal weapons—could be made against most Presidents since the Second World War. This should remind us that the centralization of power by the executive branch, probably the one thing the framers of the Constitution were most concerned to prevent, was set in motion well before the current administration took office. Under the Bush Administration, this process has been greatly accelerated.

After the Constitutional Convention, Benjamin Franklin was asked if America had a republic or a monarchy, to which he replied: “A republic, if you can keep it.” Franklin and his cohorts intended impeachment as an instrument for checking such a usurpation of power in order to keep the Republic, for to keep a republic requires that all be held accountable to the same laws. The current Executive has asserted extra-constitutional and extra-legal powers which, if left unchecked, will leave this country under the rule of an elected monarchy. Far more than one party or one set of officers being temporarily in power is at stake.



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February 25, 2007

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(Original Signature of Member)

109TH CONGRESS  
2ND SESSION

**H. Res. \_\_\_\_\_**

*Articles of Impeachment against George Walker Bush,  
President of the United States of America, and other  
officials, for high crimes and misdemeanors.*

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**IN THE HOUSE OF  
REPRESENTATIVES**

**DECEMBER , 2006**

Ms. McKINNEY introduced the following Resolution:

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**RESOLUTION**

*Resolved*, that George Walker Bush, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against George Walker Bush, President of the United States of America, and other officials, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

1           *Be it resolved by the House of Representatives of*  
2           *the United States of America in Congress assembled that:*

3           **ARTICLE I. FAILURE TO ENSURE THE LAWS**  
4           **ARE FAITHFULLY EXECUTED**

5           In violation of his duty under Article II, Section 3 of the  
6           Constitution of the United States of America to “take Care  
7           that the Laws be faithfully executed,” George Walker Bush,  
8           during his tenure as President of the United States, has  
9           repeatedly violated the letter and spirit of laws and rules of  
10          criminal procedure used by civilian and military courts, and  
11          has violated or ignored regulatory codes and practices that  
12          carry out the law, has contravened the laws governing  
13          agencies of the executive and the purposes of these  
14          agencies, and in conducting the foreign affairs of the  
15          United States of America has proceeded in flagrant  
16          violation of the core body of international laws, to which  
17          the United States of America is bound by treaty.

18          With respect to domestic law, this conduct has  
19          included one or more of the following:

20                 **(1) Illegal Domestic Spying.**

21          In violation of the Foreign Intelligence Surveillance Act  
22          (FISA) [50 USC Chapter 36], George Walker Bush did  
23          clandestinely direct the National Security Agency and

1 various other intelligence agencies, in secret and outside  
2 the lawful scope of their mandates, to conduct electronic  
3 surveillance of citizens of the United States on U.S. soil  
4 without seeking to obtain, before or after, a judicial warrant,  
5 as required by FISA, for purposes unrelated to any lawful  
6 function of his offices, the said program having been  
7 subsequently ruled illegal (*ACLU vs. NSA*); he has also  
8 concealed the existence of this unlawful program of spying  
9 on American citizens from the people and all but a few of  
10 their representatives in Congress, even resorting to outright  
11 public deceit as on 20 April, 2004, when he told an  
12 audience in Buffalo, New York: “any time you hear the  
13 United States government talking about wiretap, it  
14 requires...a court order. Nothing has changed, by the way.  
15 When we're talking about chasing down terrorists, we're  
16 talking about getting a court order before we do so,”  
17 whereby said George Walker Bush, President of the United  
18 States, did commit and was guilty of high crimes against  
19 the United States of America.

20 **(2) Self-Exemption from Laws upon Signing.**

21 Since assuming the office of President of the United States,  
22 George Walker Bush has attached signing statements to  
23 more than one hundred bills before signing them, within

1 which he has made over eight hundred challenges to  
2 provisions of laws passed by Congress, a figure that  
3 exceeds the total number of such challenges by all previous  
4 presidents combined, and has used this practice to exempt  
5 himself, as President of the United States, from enforcing  
6 or from being held accountable to provisions of the said  
7 laws, whereby said George Walker Bush, President of the  
8 United States, did commit and was guilty of high  
9 misdemeanors against the United States of America.

10 **(3) Suspension of Basic Legal Proceedings.**

11 In dereliction of his duty to uphold the law, George Walker  
12 Bush has systematically violated basic legal and criminal  
13 procedures that require any search, seizure, arrest or  
14 detention to be non-discriminatory, based on probable  
15 cause and sufficient evidence to warrant a stated charge,  
16 that provide access to legal counsel, arraignment and the  
17 option of bail within a period of days, and that require  
18 reasonable and non-coercive interrogations, rights of  
19 silence, as well as privy communications with counsel and  
20 with others, pending an outcome of either release or a  
21 speedy and public trial, conducted in accord with federal  
22 and state statutes on criminal and court process, the  
23 provisions of the Uniform Code of Military Justice,

1 applicable international law, or appeals to higher courts that  
2 apply. By ordering mass arrests and indefinite detentions  
3 based on indiscriminate profiling of specific populations,  
4 George Walker Bush has also systematically violated laws  
5 prohibiting harmful extraditions, secret arrest and custody,  
6 and denial of defined and legal periods of detention or  
7 incarceration, whereby said George Walker Bush, President  
8 of the United States, did commit and was guilty of high  
9 crimes against the United States of America.

10 With respect to international law, this conduct has  
11 included one or more of the following:

12 **(4) Promoting Illegal War.**

13 Abraham Lincoln wrote in 1848, “Allow the President to  
14 invade a neighboring nation whenever he shall deem it  
15 necessary to repel an invasion and you will allow him to do  
16 so whenever he may choose to say he deems it necessary  
17 for such purpose, and you will allow him to make war at  
18 pleasure. If today, he should choose to say he thinks it  
19 necessary to invade Canada, to prevent the British from  
20 invading us, how could you stop him? You may say to him,  
21 ‘I see no probability of the British invading us,’ but he will  
22 say to you, ‘Be silent; I see it, if you don’t.’”

1 In direct violation of Articles 41 and 42 of the United  
2 Nations Charter, a treaty ratified by the United States  
3 Senate in 1945 and therefore the supreme law of the land as  
4 according to Article VI of the Constitution, George Walker  
5 Bush has advanced and executed a policy based on so-  
6 called pre-emptive or preventive war, whereby the United  
7 States of America claims the right to unilaterally assault,  
8 invade or occupy other nations without first engaging in  
9 collective measures with other member states of the United  
10 Nations or first gaining the prior assent of the United  
11 Nations Security Council, and whereas George Walker  
12 Bush did apply this doctrine by launching a war of  
13 aggression against the sovereign nation of Iraq, resulting in  
14 the deaths of tens of thousands of Iraqi civilians and  
15 thousands of United States military personnel, without  
16 United Nations Security Council authorization, whereby  
17 said George Walker Bush, as President of the United States,  
18 by advancing a doctrine of preventive war and initiating  
19 and continuing the invasion and occupation of Iraq by  
20 United States forces did commit and was guilty of precisely  
21 such high crimes against the United States of America as  
22 Abraham Lincoln foresaw.

23 **(5) Promoting Illegal Torture.**

1 In direct violation of, and as part of a pattern of consistent  
2 attempts through executive orders, legal memoranda and  
3 alterations to regulations such as the Army Field Manual, to  
4 undermine the Federal Torture Statute [18 USC Sec.  
5 2340A]; the Third Geneva Convention banning torture and  
6 abuse of Prisoners of War, as well as non-combatants and  
7 unarmed (“enemy”) combatants held in detention; and  
8 Articles 4 and 32 of the Fourth Geneva Convention, which  
9 expressly prohibit not merely torture but physical abuse of  
10 any kind being inflicted upon “persons protected by the  
11 Convention,” defined as “those who, at a given moment  
12 and in any manner whatsoever, find themselves, in case of  
13 a conflict or occupation, in the hands of a Party to the  
14 conflict or Occupying Power of which they are not  
15 nationals,” this language being written as a precaution  
16 against and in anticipation of alternate definitions of torture,  
17 these declarations and treaties being ratified by the United  
18 States Senate and therefore the supreme law of the land as  
19 according to Article VI of the Constitution, George Walker  
20 Bush, as President of the United States of America, has  
21 condoned and presided over a vast expansion of the use of  
22 torture against unarmed combatants and civilian non-  
23 combatants, both foreign and domestic, detained or

1 kidnapped by forces or agents of the United States, leading  
2 to extreme pain, psychological trauma, disfigurement and  
3 in some cases, death. By signing a legal memorandum on  
4 February 7, 2002 (declassified on June 17, 2004), in which  
5 he wrote that “The war on terror ushers in a new  
6 paradigm,” one which requires “new thinking in the law of  
7 war,” and decreeing that, contrary to all past military  
8 practices of an official nature, the United States would no  
9 longer be constrained by the laws of war presently in force  
10 in its treatment of those captured during its invasion and  
11 occupation of Afghanistan and subsequently detained, a  
12 legal opinion which the Supreme Court struck down on  
13 June 29, 2006 (*Hamdan v. Rumsfeld*) by its ruling that the  
14 Third Geneva Convention *did* apply to detainees in the  
15 custody of the United States, George Walker Bush,  
16 President of the United States, by his concerted efforts to  
17 undermine any legal limits on the use of torture by United  
18 States personnel, did commit and was guilty of high crimes  
19 against the United States of America.

20           **(6) Promoting Kidnappings and Renditions for**  
21                   **Illegal Torture.**

22 In direct violation of the United Nations Convention  
23 Against Torture, Article 3, which states that “No State

1 party shall expel, return or extradite a person to another  
2 state where there are substantial grounds for believing that  
3 he would be in danger of being subjected to torture,” and  
4 the Fourth Geneva Convention, Articles 31 and 45, the said  
5 conventions having been ratified by the United States  
6 United States Senate and therefore the supreme law of the  
7 land as according to Article VI of the Constitution, George  
8 Walker Bush, as President of the United States of America,  
9 did sign, on September 17, 2001, an executive order (still  
10 classified) granting unilateral authority to the Central  
11 Intelligence Agency to render detainees to countries where  
12 torture is routinely practiced for the express purpose of  
13 interrogation, thereby subverting an established program of  
14 rendering detainees to justice by bringing them to the  
15 United States or to a country in which they were wanted to  
16 face criminal charges in a court of law. And whereas the  
17 Central Intelligence Agency did thereafter carry out this  
18 order not only by rendering hundreds of detainees to  
19 countries where they were subsequently tortured, but also  
20 in many cases first illegally kidnapping the detainees, and  
21 did subsequently establish secret detention centers,  
22 operating outside any known laws, for the express purpose  
23 of circumventing all legal protections to which the said

1 detainees were entitled under international law, whereby  
2 said George Walker Bush, President of the United States,  
3 did commit and was guilty of high crimes against the  
4 United States of America.

5 **(7) Use of Illegal Weapons.**

6 In violation of multiple and diverse tenets of international  
7 law, George Walker Bush, as President of the United States,  
8 has authorized or sanctioned the use of illegal weapons,  
9 including but not limited to the following:

- 10 (a) *land mines*, deployed by United States forces in  
11 Afghanistan and Iraq, which indiscriminately injure and kill  
12 combatants and innocent civilians alike, and which are  
13 therefore illegal under Geneva Conventions Protocol I,  
14 Article 85, which states that it is a war crime to launch “an  
15 indiscriminate attack affecting the civilian population in the  
16 knowledge that such an attack will cause an excessive loss  
17 of life or injury to civilians,” and which are banned under  
18 the Protocol II of the Convention on Certain Conventional  
19 Weapons, which forbids the deployment of any “mine,  
20 booby-trap or other device which is designed or of a nature  
21 to cause superfluous injury or unnecessary suffering;”  
22 (b) *cluster bombs*, including those which upon explosion  
23 project lethal plastic fragments not detectable by X-ray,

1 deployed by United States forces in Afghanistan and Iraq,  
2 which leave unexploded ordinance known to maim and kill  
3 innocent civilians and which are therefore also illegal under  
4 Geneva Conventions Protocol I, Article 85, as well as  
5 under Protocol I of the Convention on Certain  
6 Conventional Weapons, which bans “the use of any  
7 weapon the primary effect of which is to injure by  
8 fragments which in the human body escape detection by X-  
9 rays,” and under Annexed Articles 22 and 23 of the Hague  
10 Convention IV, which states that “It is especially forbidden  
11 to kill treacherously individuals belonging to the hostile  
12 nation or army;”  
13 (c) *depleted uranium munitions*, being radiological  
14 weapons used extensively by United States Forces in Iraq  
15 and Afghanistan, in violation of Geneva Conventions  
16 Protocol I, Articles 35.2, 35.3, 48 and 55.1, which prohibit  
17 the use of “projectiles and material and methods of warfare  
18 of a nature to cause superfluous injury or unnecessary  
19 suffering” or weapons “which are intended, or may be  
20 expected, to cause widespread, long- term and severe  
21 damage to the natural environment” or damage to “the  
22 health or survival of the population,” and which have been  
23 classified as “weapons of mass destruction” by the United

1 Nations Subcommission on Prevention of Discrimination  
2 and Protection of Minorities;

3 (d) *napalm*, a weapon widely used in Vietnam, an upgraded  
4 kerosene-based version of which has more recently been  
5 used by United States forces in Iraq, being dubbed the  
6 “Mark 77 firebomb”, in violation the Chemical Weapons  
7 Convention, Article II.1.b, which expressly prohibits  
8 “Munitions and devices, specifically designed to cause  
9 death or other harm through the toxic properties” of the  
10 device when used as a weapon;

11 (e) *white phosphorous*, which Defense Department  
12 spokesman Lieutenant-Colonel Barry Venable confirmed  
13 on November 15, 2005 was deployed “as an incendiary  
14 weapon” in urban areas of Fallujah, Iraq, where there were  
15 high concentrations of civilians, during Operation Phantom  
16 Fury (November 2004-January 2005), making the said  
17 deployment of white phosphorous a violation of the  
18 Chemical Weapons Convention, Article II.1.b;

19 (f) *BLU-82B/C-130 “daisy cutter” bombs*, being massive  
20 incendiary bombs deployed by United States forces in  
21 Afghanistan, and which upon detonation create a firestorm  
22 the size of five football fields or greater, and a vacuum  
23 pressure capable of collapsing internal organs, in violation

1 of Geneva Conventions Protocol I, Articles 35, 48, 51 and  
2 55, which expressly forbid such indiscriminate destruction  
3 of civilian life and the environment;  
4 the United States of America being a signatory to all the  
5 above cited international legislation, as ratified by the  
6 Senate and therefore being the supreme law of the land  
7 under Article VI of the Constitution, whereby said George  
8 Walker Bush, President of the United States, did commit  
9 and was guilty of high crimes against the United States of  
10 America, as well as war crimes.

11 In all of this, George Walker Bush's conduct has followed  
12 a pattern of not merely failing to uphold the laws he took an  
13 oath to defend as President of the United States, but of  
14 flouting such laws with the impunity of a dictator. Indeed,  
15 on numerous occasions, George Walker Bush has openly  
16 expressed his desire to become a dictator, as he did while  
17 President-Elect on December 18, 2000, when he stated: "If  
18 this were a dictatorship, it'd be a heck of a lot easier . . . just  
19 as long as I'm the dictator . . ."

20 This arrogant posture has also been typical in foreign  
21 affairs where he has made concerted efforts to undermine  
22 international law and international treaties, including his  
23 termination of the Anti-Ballistic Missile Treaty without the

1 assent of the legislative branch, his decision to rescinded  
2 the authorizing signature of the United States from the  
3 Rome Statute of the International Criminal Court, his  
4 willingness to offend the 152 nations who are signatories to  
5 the Ottawa Treaty by refusing to sign and continuing the  
6 use of land mines by the world's most powerful military  
7 rather than asserting America's moral leadership, his  
8 willingness to offend the 93 nations who are parties to the  
9 Convention on Certain Conventional Weapons Protocol III  
10 by refusing to sign and continuing the use of incendiary  
11 weapons against civilian targets, his defiance of the United  
12 Nations Security Council by launching a unilateral war of  
13 aggression against the government and the people of Iraq,  
14 and in general showing little remorse over or regard for the  
15 tens of thousands of innocent civilians and American  
16 service personnel who have perished as a direct or indirect  
17 result of his foreign policy.

18 Wherefore George Walker Bush, by such conduct, warrants  
19 impeachment and trial, and removal from office.

20 **ARTICLE II. ABUSE OF OFFICE AND OF**  
21 **EXECUTIVE PRIVILEGE.**

22 In violation of his constitutional oath faithfully to  
23 "faithfully execute the office of President of the United

1 States,” George Walker Bush, in his conduct while  
2 President of the United States, has consistently  
3 demonstrated disregard for that oath by obstructing and  
4 hindering the work of investigative bodies, by seeking to  
5 expand the scope of the powers of his office, by failing to  
6 ensure a swift response to a natural disaster where lives  
7 were in the balance, and by failing to appoint competent  
8 officials or to hold those whom he appoints or those to  
9 whom the government grants contracts accountable in cases  
10 of dereliction of duty, abuse and outright fraud.

11 **(1) Obstructing Inquiry and Detection.**

12 At the Virginia Convention on ratification of the  
13 Constitution, George Mason argued that the President  
14 might usurp his powers to “pardon crimes which were  
15 advised by himself” or prior to indictment or conviction “to  
16 stop inquiry and prevent detection,” to which James  
17 Madison responded that if he did so, “the House of  
18 Representatives would impeach him.”

19 In an effort to conceal the high crimes and misdemeanors  
20 here mentioned, George Walker Bush, in his conduct as  
21 President of the United States of America, has presided  
22 over the most secretive Presidency in this nation’s history,  
23 and an administration which actively interferes with the

1 free flow of information by manipulating the press and  
2 frustrating its ability to provide an oversight function by  
3 being actively hostile to questioning from the press, by  
4 placing imposters posing as agents of the press at press  
5 conferences, by threatening reporters with prosecution  
6 under espionage laws, and by purchasing television  
7 segments and placing newspaper stories falsely posing as  
8 unbiased reporting in an effort to promote Administration  
9 policies. The conduct of this Administration follows a  
10 pattern of seeking to hush “whistleblowers” who come  
11 forward to share potentially incriminating information with  
12 the public, rather than investigating the alleged crime. This  
13 Administration has also refused to provide key information  
14 to Congressional investigations, and to prosecutors  
15 investigating the outing of a Central Intelligence Agency  
16 Officer in an apparent act of retribution, or to actively  
17 pursue the identity of the guilty informant, despite the  
18 President’s public pledge to fire the guilty party once  
19 discovered, and even after one Administration official was  
20 charged in the case with obstruction of justice.

21 George Walker Bush has abused his office by consistently  
22 invoking executive privilege in order to shelter his office  
23 and his appointees from both Congressional oversight and

1 judicial accountability, whereby said George Walker Bush,  
2 President of the United States, did commit and was guilty  
3 of high misdemeanors against the United States of America,  
4 as George Mason foresaw.

5 **(2) Replacing the Veto with Signing Statements.**

6 By declining to veto even one bill, and instead attaching  
7 signing statements challenging hundreds of laws passed by  
8 Congress, thereby seeking to exempt the executive branch  
9 from accountability to said laws, George Walker Bush has  
10 subverted the very nature of his office by seeking to add to  
11 his office extraordinary and unconstitutional powers and  
12 privileges, whereby said George Walker Bush, President of  
13 the United States, did commit and was guilty of high  
14 misdemeanors against the United States of America.

15 **(3) Failure to Uphold Accountability.**

16 Founder James Madison wrote that the power of the  
17 President unilaterally to remove subordinates is absolutely  
18 necessary because it will make the President himself  
19 responsible for the conduct of all executive officers and, “if  
20 he suffers them to perpetrate with impunity high crimes or  
21 misdemeanors against the United States, or neglects to  
22 superintend their conduct, so as to check their excesses,”  
23 subject to impeachment himself.

1 In abrogation of his responsibility under the oath of office  
2 to take care that the Laws be faithfully executed, by which  
3 he agreed to act in good faith and accept responsibility for  
4 the overall conduct of the executive branch, a duty vested  
5 in his office alone under the Constitution, George Walker  
6 Bush, failed to take responsibility for, investigate or  
7 discipline those responsible for an ongoing pattern of  
8 negligence, incompetence and malfeasance to the detriment  
9 of the lives, property, health and fortunes of the American  
10 people. He has also procured offices for persons who were  
11 unfit, and unworthy of them. The Administration of  
12 George Walker Bush has failed to account for billions of  
13 dollars of government revenue shipped to Iraq, including  
14 payments made to private contractors involved in  
15 reconstruction efforts, resulting in the squandering away of  
16 the public treasure. It has failed to hold government  
17 contractors responsible to Congress and the people through  
18 transparent and public reporting and accounting controls, or  
19 by disciplining firms for such abuses as over-billing, price  
20 gouging, fraudulent accounting, violation of labor laws and  
21 breach of contract. It has failed to take any disciplinary  
22 measures against those responsible for the failure to follow  
23 standard operating procedure in response to the attacks of

1 September 11, 2001. And it has failed to hold to account  
2 those top officials responsible for allowing a natural  
3 disaster to become a catastrophe of incompetence and  
4 neglect by ignoring warnings since 1998 that a powerful  
5 hurricane could overwhelm the levee system of the City of  
6 New Orleans, by reducing rather than increasing Federal  
7 funding for the said levees, and by delaying the Federal  
8 response to Hurricane Katrina for five days as hundreds of  
9 thousands of citizens of the United States of America  
10 remained stranded and well over a thousand Americans  
11 died.

12 Those whom George Walker Bush, as President of the  
13 United States of America, has failed to hold to account  
14 include but are not limited to the following top-level  
15 officials in his administration:

16

17 (a) *Richard Cheney*. In violation of his oath of office to  
18 support and defend the Constitution, Richard Cheney, Vice  
19 President of the United States of America, played a key  
20 role in manipulating intelligence in the interest of  
21 promoting the illegal invasion of Iraq by pressuring  
22 analysts at the Central Intelligence Agency to “fix” their  
23 intelligence estimates of the danger posed by Iraq in

1 relation to weapons of mass destruction; he promoted the  
2 use of torture methods which violate both federal and  
3 international laws by exempting intelligence agencies from  
4 legal restraints and opposing legislation that restricted its  
5 use; he promoted the privatization of the armed forces and  
6 war racketeering by private contractors, including multi-  
7 billion dollar no-bid contracts to his former employer  
8 Halliburton, even while holding a pecuniary interest in  
9 Halliburton through stock options which grow in value as  
10 Halliburton's war profits increase, whereby Richard  
11 Cheney, Vice President of the United States, did commit  
12 and was guilty of high crimes and misdemeanors against  
13 the United States of America.

14

15 (b) *Alberto Gonzalez*. In contempt of the Constitution, the  
16 balance of powers and the Geneva Conventions, Alberto  
17 Gonzalez, Attorney General of the United States of  
18 America, who when still serving as White House Counsel  
19 wrote that the "Constitution is an outdated document," did  
20 initiate and promulgate policies intended to grant the  
21 President limitless authority in perpetuity, by claiming that  
22 the Authorization of the Use of Military Force (AUMF) of  
23 September 14, 2001 [S.J. Res. 23] gave the President

1 unlimited authority in conducting the “War on Terror”,  
2 arguing further that by passing the AUMF Congress had  
3 granted the President authority for “unwarranted  
4 surveillance” and almost any other claim to legal immunity,  
5 and by drafting memoranda and legal justifications seeking  
6 to exempt United States forces from observing the Geneva  
7 Accords in relation to the use of torture and the treatment  
8 of detainees, writing in a memorandum dated 25 January,  
9 2002 that “this new paradigm renders obsolete Geneva’s  
10 strict limitations on questions of enemy prisoners and  
11 renders quaint some of its provisions,” as part of a pattern  
12 of seeking to subvert constitutional and international law in  
13 support of expanding the power of the executive, whereby  
14 Alberto Gonzalez did commit and was guilty of high  
15 crimes against the United States of America.

16

17 (c) *Condoleezza Rice*, In violation of her Constitutional  
18 duty to share and provide accurate and truthful intelligence  
19 information with the Congress, as former National Security  
20 Adviser to the President, did play a leading role in seeking  
21 to deceive Congress and the American public by repeating  
22 and propagating false statements concerning Iraq’s alleged  
23 weapons of mass destruction program, including false

1 information that the purchase of aluminum tubes  
2 demonstrated that Iraq was pursuing a nuclear weapon and  
3 false information that Iraq was purchasing uranium from  
4 Niger; she also falsely denied that the United States was  
5 engaged in practices of kidnapping, rendition and torture,  
6 whereby Conoleezza Rice, Secretary of State of the United  
7 States of America, did commit and was guilty of high  
8 misdemeanors against the United States of America.

9

10 (d) *Donald Rumsfeld*. In violation of the Federal Torture  
11 Statute, the United Nations Convention Against Torture  
12 and the Geneva Conventions, Donald Rumsfeld, during his  
13 tenure as Secretary of Defense for the United States of  
14 America, oversaw the implementation of a set of changes to  
15 policy governing interrogations, including the transferring  
16 of General Geoffrey Miller from Guantánamo to Baghdad  
17 specifically to “enhance” interrogation techniques, and  
18 personally authoring a memorandum in December of 2002  
19 suggesting the use of “stress positions, noise and light  
20 discipline, the use of music, disrupting sleep patterns, those  
21 kind of techniques,” thus leading several senior, high-  
22 ranking officers in the Judge Advocate Corps to challenge  
23 the “standards for detention and interrogation” being

1 changed by the administration, noting that “with the war on  
2 terror a fifty-year history of exemplary application of the  
3 Geneva Convention had come to an end,” whereby Donald  
4 Rumsfeld did commit and was guilty of high crimes against  
5 the United States of America.

6  
7 By neglecting to superintend the conduct of these and other  
8 officials and contractors serving at the pleasure of his  
9 administration so as to check their excesses, by obstructing  
10 Congressional inquiry, oversight and investigation, by  
11 obstructing the work of appointed commissions and other  
12 means to hold members of the Executive Branch  
13 responsible for their negligence or violations of law, and  
14 similarly by frustrating judicial action in relation to his  
15 appointees, George Walker Bush has overseen an  
16 Administration characterized by a culture of corruption and  
17 the the death of accountability, whereby said George  
18 Walker Bush, President of the United States, did commit  
19 and was guilty of high misdemeanors against the United  
20 States of America.

21  
22 Wherefore, by their forementioned conduct, George Walker  
23 Bush, Richard Cheney, Alberto Gonzalez, Condoleezza

1 Rice and Donald Rumsfeld warrant impeachment and trial,  
2 and George Walker Bush, Richard Cheney and  
3 Condoleezza Rice warrant removal from office.

4

5 **ARTICLE III. FAILURE TO PRESERVE, PROTECT**  
6 **AND DEFEND THE CONSTITUTION**

7 At the Constitutional Convention, James Madison argued  
8 that “high Crimes and Misdemeanors” intentionally  
9 included “[a]ttempts to subvert the Constitution.”  
10 In violation of his constitutional oath to “preserve, protect,  
11 and defend the Constitution of the United States” to the  
12 best of his ability, which includes the duty *not* to abuse his  
13 powers or transgress their limits, the duty *not* to violate the  
14 rights of citizens, including those guaranteed by the Bill of  
15 Rights, and *not* to act in derogation of powers vested  
16 elsewhere by the Constitution, George Walker Bush, in his  
17 conduct while President of the United States has not only  
18 failed in this regard, but has demonstrated a pattern of  
19 disregard or contempt for the Constitution itself, as he  
20 clearly demonstrated in November 2005 when he shouted  
21 at a group of Republican lawmakers, “Stop throwing the  
22 Constitution in my face. It's just a [*expletive*] piece of  
23 paper!”

1 This conduct has included one or more of the following:

2 **(1) Manipulating Intelligence and Lying to Justify War.**

3 At the North Carolina ratification debate, James Iredell  
4 stated that the President “. . . must certainly be punishable  
5 for giving false information to the Senate . . .” adding that  
6 if important intelligence was concealed from the Senators,  
7 “and by that means induced them to enter into measures  
8 injurious to their country, and which they would not have  
9 consented to had the true state of things been disclosed to  
10 them—in this case, I ask whether, upon an impeachment  
11 for a misdemeanor upon such an account, the Senate would  
12 probably favor him.”

13 In violation of the separation of powers under the  
14 Constitution and his subsequent obligation to share  
15 intelligence with the Congress, George Walker Bush, while  
16 serving as President of the United States of America, in the  
17 service of carrying out a pre-planned scenario to invade  
18 Iraq, did withhold intelligence from the Congress, by  
19 refusing to provide Congress with the full intelligence  
20 picture that he was being given, by redacting information,  
21 such as removing portions of reports such as the  
22 Presidential Daily Brief, and actively manipulating the  
23 intelligence on Iraq’s alleged weapons programs by

1   pressuring the Central Intelligence Agency and other  
2   intelligence agencies to provide intelligence such that “the  
3   intelligence and facts were being fixed around the policy”  
4   as revealed in the “Downing Street Memo.” To this end,  
5   President George Walker Bush and Secretary of Defense  
6   Rumsfeld created the Office of Special Plans inside the  
7   Pentagon to over-ride existing intelligence reports by  
8   providing unreliable evidence that supported the claim that  
9   Iraq’s alleged weapons of mass destruction posed an  
10   imminent threat to the United States of America. By  
11   justifying the invasion of Iraq with false and misleading  
12   statements linking Iraq to Al Qaeda and the attacks of  
13   September 11, 2001, and falsely asserting that Iraq had a  
14   nuclear weapons program for which it was importing  
15   aluminum tubes and uranium from Niger, these assertions  
16   being either false, or based on “fixed” intelligence, with the  
17   intent to misinform the people and their representatives in  
18   Congress in order to gain their support for invading Iraq,  
19   denying both the people and their representatives in  
20   Congress the right to make an informed choice, George  
21   Walker Bush, President of the United States, did commit  
22   and was guilty of high crimes against the United States of  
23   America.

1           **(2) Initiating War Without a Declaration.**

2     In violation of the War Powers Act, the Constitution, its  
3     guarantee of a republican form of government, and the  
4     constitutional separation of powers, George Walker Bush  
5     has subverted the rightful authority of Congress to declare  
6     war by launching a war of aggression against the sovereign  
7     nation of Iraq without seeking a declaration of war,  
8     whereby said George Walker Bush, President of the United  
9     States, did commit and was guilty of high crimes against  
10    the United States of America.

11           **(3) Suspension of Due Process.**

12    In direct dereliction of his duty to defend the Constitution,  
13    George Walker Bush has systematically deprived citizens  
14    and residents of the United States of their constitutional  
15    rights to due process under the law, by sanctioning or  
16    ordering, at the discretion of the executive, their detention  
17    without charge and without trial, a fundamental right to  
18    which they are entitled under *habeus corpus* and the Fifth  
19    Amendment of the Bill of Rights; by denying the right to a  
20    fair and speedy trial and blocking access to counsel for the  
21    defense, both of which are rights guaranteed under the  
22    Sixth Amendment in the Bill of Rights; by denying those so  
23    illegally detained the opportunity to appear before a judicial

1 officer that they might challenge the legal grounds of their  
2 detention; by sanctioning and ordering mass arrests and  
3 detentions which inevitably involve all of the above named  
4 abuses; and by refusing to disclose the identities and  
5 locations of those detained, whereby said George Walker  
6 Bush, President of the United States, did commit and was  
7 guilty of high crimes against the United States of America.

8 **(4) Unreasonable Searches and Seizures.**

9 In violation of the Fourth Amendment to the Constitution,  
10 George Walker Bush did clandestinely direct the National  
11 Security Agency, the Federal Bureau of Investigation, the  
12 Pentagon and the Department of Homeland Security to  
13 conduct electronic surveillance, including a new form of  
14 spying using sophisticated software to track internet usage,  
15 of citizens of the United States on U.S. soil without seeking  
16 to obtain, before or after, a judicial warrant, including  
17 spying on groups and individuals who had committed no  
18 illegal acts, involving penetration, entrapment and  
19 provocation, thereby reviving practices previously  
20 discontinued after they were deemed prejudicial to justice  
21 by the United States Senate Select Committee to Study  
22 Governmental Operations with Respect to Intelligence  
23 Activities, chaired by Senator Frank Church, whereby said

1 George Walker Bush, President of the United States, did  
2 commit and was guilty of high crimes against the United  
3 States of America.

4 **(5) Corrupting the FISA Courts.**

5 In violation of the separation of powers under the  
6 Constitution, George Walker Bush did clandestinely direct  
7 the National Security Agency and various other intelligence  
8 agencies to conduct electronic surveillance of citizens of  
9 the United States on U.S. soil without seeking to obtain,  
10 before or after, a judicial warrant, thereby corrupting the  
11 powers of the Congress and the judiciary by circumventing  
12 the Foreign Intelligence Surveillance Act (FISA) courts  
13 established by the Congress, whose express purpose is to  
14 put a check on the executive, to such an extent that the  
15 presiding judge of the Foreign Intelligence Surveillance  
16 Court filed a complaint while another judge resigned in  
17 protest, whereby George Walker Bush, President of the  
18 United States, did commit and was guilty of high  
19 misdemeanors against the United States of America.

20 **(6) Non-Cooperation with Congress.**

21 In derogation of the legislative functions of the Congress,  
22 granted under Article I, Section 1 of the Constitution, and  
23 the implied obligation to see that the laws made by

1 Congress are faithfully executed, George Walker Bush, in  
2 his conduct as President of the United States, has engaged  
3 in a consistent pattern of obstructing and frustrating  
4 Congressional investigations. George Walker Bush  
5 opposed and delayed the formation of a commission to  
6 investigate the attacks of September 11, 2001, and once it  
7 was formed, refused to turn over key documents and  
8 information in compliance with subpoenas, and also sought  
9 and gained exemption from testifying under oath for all but  
10 one top administration official (Condoleezza Rice). He  
11 refused requests from the Select Bipartisan Committee to  
12 Investigate the Preparation for and Response to Hurricane  
13 Katrina and requests from the 9/11 Commission to turn  
14 over key documents and information. Under his  
15 administration the Justice Department made it official  
16 policy to refuse cooperation with Freedom of Information  
17 Act (FOIA) requests, to refuse the release of records or  
18 testimony central to informing government decisions, to re-  
19 classify previously unclassified records and to withhold  
20 even non-secret documents. These actions severely restrict  
21 the ability of the people and their representatives in  
22 Congress seeking to hold government officials accountable  
23 for their decisions to have access to a record of how official

1 decisions were reached, or even to know what the official  
2 polices are. Wherefore, George Walker Bush, by  
3 obstructing the work of the Congress, did commit and was  
4 guilty of high misdemeanors against the United States of  
5 America.

6 **(7) Establishment of an Unconstitutional,**  
7 **Parallel Legal System.**

8 Edmund Randolph stated at the Constitutional Convention  
9 that: “The Executive will have great opportunitys [*sic*] of  
10 abusing his power, particularly in time of war when the  
11 military force, and in some respects the public money will  
12 be in his hands.”

13 In direct dereliction of his duty to defend the Constitution,  
14 George Walker Bush has, during his tenure as President of  
15 the United States of America, sanctioned the establishment  
16 of a parallel legal system operating outside the scope of the  
17 Constitution under which the participants would not be  
18 bound by due process or basic rights of the accused to  
19 speedy and fair trials, access to counsel, or even the right to  
20 know the charges and evidence against them, by replacing  
21 these measures with a new form of law involving: secret  
22 and indefinite detention without trial or hearing; renditions  
23 to other countries outside the reach of law and justice; the

1 use of military tribunals to replace civilian courts;  
2 detentions outside normal writ of *habeus* rules and without  
3 access to effective counsel, unmonitored conversations or  
4 judicial attention and review; exclusion of the accused from  
5 portions of the trial and from access to evidence used  
6 against them; acceptance of hearsay, including testimony  
7 gained under torture or duress; and a lack of independent  
8 judiciary or appeal of conviction. An unknown number of  
9 individuals, many of whose names the Administration has  
10 refused to release, have already been held in undisclosed  
11 locations or secret prisons, and mass arrests have been  
12 accompanied by deportations. By failing to conduct timely  
13 status review hearings, as required under Article 5 of the  
14 Geneva Convention, the Bush Administration has made it  
15 effectively impossible to determine the status and the rights  
16 of those held in secret detention. Although the Supreme  
17 Court has ruled that the denial of rights under the Geneva  
18 Accords is illegal [*Hamdan vs. Rumsfeld*], new proposals  
19 from the Bush Administration expand the definition of  
20 those who can be detained as “enemy combatants” as no  
21 longer limited to aliens abroad, and assert that neither the  
22 Uniform Code of Military Justice alone, nor federal  
23 criminal procedures will guide the functions of these new

1 courts, whereby George Walker Bush, as President of the  
2 United States of America, in defiance the Supreme Court,  
3 and in keeping with a pattern of conduct seeking to exempt  
4 himself from its rulings and from constitutional law, did  
5 commit and was guilty of high crimes against the United  
6 States of America, as well as war crimes.

7 In all of this, George Walker Bush has sought to arrogate  
8 unprecedented power to his executive office and to  
9 undermine the system of checks and balances established  
10 by the Founders, by using war and national emergency as  
11 the basis for his claims in support of a unitary presidency.

12 Wherefore George Walker Bush, by such conduct, and in  
13 the interest of saving our Constitution and our democracy  
14 from the threat of arbitrary and tyrannical government,  
15 warrants impeachment and trial, and removal from office.

# Bibliographic Sources

- Bonifaz, John C.; Foreword by Rep. John Conyers, Jr. **Warrior-King: The Case For Impeaching George W. Bush.** (Nation Books, NY, 2003)
- Center for Constitutional Rights. **Articles of Impeachment Against George W. Bush.** (Melville House Publishing, Hoboken, New Jersey; 2006)
- de la Vega, Elizabeth. **United States v. George W. Bush et al.** (Seven Stories, Tom Dispatch.com, NY, 2006)
- Holtzman, Elizabeth and Cynthia L. Cooper. **The Impeachment of George W. Bush: A Practical Guide for Concerned Citizens** (Nation Books, NY, 2006)
- Lapham, Lewis. **Pretensions to Empire: Notes on the Criminal Folly of the Bush Administration – A Case for Impeachment** (The New Press, NY, 2006)
- Lindorff, Dave & Olshansky, Barbara. **The Case for Impeachment: The Legal Argument for Removing President George W. Bush from Office** (Thomas Dunne Books, NY, 2006)
- Loo, Dennis & Phillips, Peter (eds.). **Impeach the President: The Case Against Bush and Cheney** (Seven Stories, NY, 2006)
- Nichols, John, **The Genius of Impeachment: The Founders' Cure for Royalism** (The New Press, NY, 2006)
- U.S. House of Representatives, Judiciary Committee Democratic Staff. **The Constitution in Crisis: The Downing Street Minutes and Deception, Manipulation, Torture, Retribution, and Coverups in the Iraq War** (2005, online at [www.house.gov/conyers](http://www.house.gov/conyers))
- Dempsey, James X. and Cole, David. **Terrorism & the Constitution: Sacrificing Civil Liberties in the Name of National Security.** (First Amendment Foundation, DC, 2002)
- Irons, Peter. **War Powers: How the Imperial Presidency Hijacked the Constitution.** (Metropolitan Books/Henry Holt, NY, 2005)
- Keefe, Patrick Radden. **Chatter: Dispatches from the Secret World of Global Eavesdropping.** (Random House, NY, 2005)
- Cole, David. **Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism.** (The New Press, NY, London, 2003)
- Margulies, Joseph. **Guantanamo and the Abuse of Presidential Power.** (Simon & Schuster, NY, 2006)
- Begg, Moazzam. **The Enemy Combatant: My Imprisonment at Guantanamo, Bagram, and Kandahar** (The New Press, NY, 2006)
- McCoy, Alfred W. **A Question of Torture.** (Metropolitan Books, New York, 2006)
- Fisher, Louis. **Military Tribunals & Presidential Power: American Revolution to the War on Terrorism.** (University Press of Kansas, Lawrence, KS, 2005)
- Prados, John. **Hoodwinked: The Documents That Reveal How Bush Sold Us a War.** (The New Press, NY, 2004)
- Ahmed, Nafeez Mosaddeq. **Behind the War on Terror: Western Secret Strategy and the Struggle for Iraq.** (New Society Publishers, 2003)
- Brecher, Jeremy et. al., eds. **In the Name of Democracy: American War Crimes in Iraq and Beyond.** (Metropolitan Books, New York, NY, 2005)
- Falk, Richard, et al, ed. **Crimes of War: Iraq** (Nation Books, NY, 2006)