

RESOLUTION IN SUPPORT OF IMPEACHMENT

(passed by the WA State 41st LD Democrats on Feb 19, 2008)

WHEREAS House Resolution 799 (H.Res.799, formerly introduced as H.Res. 333) has been introduced on the floor of the US House of Representatives with 25 sponsors and is in the Judiciary Committee; and

WHEREAS H.Res.799 lays out some but not all of the offenses of Vice President Cheney, including:

- ~ Purposely manipulating intelligence to fabricate a threat of Iraqi weapons of mass destruction in order to justify an attack on Iraq
- ~ Deceiving Congress about an alleged relationship between Iraq and al-Qaeda
- ~ Threatening aggression against the Republic of Iran, in the absence of any real threat from Iran towards the United States; and

WHEREAS Article II, Section 4 of the US Constitution provides impeachment as an orderly way to stop abuse of power by executive officers; and

WHEREAS WA State Senators Senators Oemig, Regala, Kohl-Welles, Kline, Spanel, Fairley, Kauffman, Fraser, and Prentice have introduced State Senate Joint Memorial 8016 (attached below), which petitions the US Congress to pursue impeachment and conviction of Vice-President Cheney and President Bush; and

WHEREAS impeachment may be the only way to prevent the Bush administration from escalating the current skirmishes with Iran into full scale war; and

WHEREAS impeachment hearings would reveal the truth and would demonstrate that Congress and the American people do not turn a blind eye to apparent criminality; and

WHEREAS failing to hold Vice-President Cheney and President Bush accountable would set a constitutionally unacceptable precedent and would be a travesty of justice;

THEREFORE BE IT RESOLVED, that we, the Democrats of the 41st Legislative District in Washington State, do hereby instruct our elected members of the U.S. House of Representatives to support H.Res.799, calling for the impeachment of Vice-President Cheney; and

THEREFORE BE IT FURTHER RESOLVED, that we, the Democrats of the 41st Legislative District in Washington State, do hereby instruct our elected lawmakers in the Washington State House and the Washington State Senate, to support State Senate Joint Memorial 8016.

THEREFORE BE IT FINALLY RESOLVED, that we, the Democrats of the 41st Legislative District in Washington State, do hereby ask Senators Maria Cantwell and Patty Murray to announce their support for impeachment and conviction of the President and Vice-President.

Text of Washington State Senate Joint Memorial 8016

<http://apps.leg.wa.gov/billinfo/summary.aspx?year=2007&bill=8016>

Requests an impeachment investigation into actions by President Bush and Vice President Cheney.

Sponsored by WA State Senators Senators [Oemig](#), [Regala](#), [Kohl-Welles](#), [Kline](#), [Spanel](#), [Fairley](#), [Kauffman](#), [Fraser](#), [Prentice](#).

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The citizens of Washington state expect and require their highest elected officials be subject to the laws of the land, like any citizen, and uphold the constitutional oath taken by them upon assuming office; and

WHEREAS, The Fourth Amendment to the United States Constitution guarantees Americans privacy and freedom from warrantless search; and

WHEREAS, In 1967, the Supreme Court held in *Katz v. United States*, that the monitoring and recording of private conversations constitutes a "search" for Fourth Amendment purposes, and that the government must obtain a warrant before domestic wiretapping; and

WHEREAS, In 1978, Congress passed a law making it a criminal offense to eavesdrop on Americans without judicial oversight; and

WHEREAS, In 2001, the President signed a secret executive order authorizing warrantless surveillance of American citizens in direct conflict with the United States Constitution and United States law; and

WHEREAS, The President both demonstrated knowledge of the law he was breaking, and lied about breaking the law by stating on April 20, 2004, "... a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so."; and

WHEREAS, The President again demonstrated knowledge of the law he

was breaking and again lied about his lawlessness by stating on July 20, 2005, "Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about."; and

WHEREAS, On December 12, 2005, the New York Times published a government leak that revealed the unlawful surveillance program, stating that according to government officials: "Months after the September 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying."; and

WHEREAS, Five days later, on December 17, 2005, the President said, "I have reauthorized this program more than thirty times since the September the 11th attacks, and I intend to do so for as long as our nation faces a continuing threat from al Qaeda and related groups."; and

WHEREAS, The Director of National Intelligence, Mike McConnell, indicated in a letter to Senator Arlen Specter that the President's executive order in 2001 authorized additional secret surveillance activities and undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush had confirmed in December 2005; and

WHEREAS, The President denied the necessary security clearances to investigators from the Office of Professional Responsibility in the Justice Department who were to have investigated this matter, but could not and did not; and

WHEREAS, On March 10, 2004, Alberto Gonzales and the President's Chief of Staff, Andrew H. Card, Jr. tried to bypass Acting Attorney General James Comey by meeting directly with a sick Mr. Ashcroft in his hospital bed. According to the testimony of James Comey before the Senate Judiciary Committee, the purpose of this visit was to reauthorize the secret wiretapping program, which Comey had refused to reauthorize; and

WHEREAS, The President subsequently appointed Mr. Gonzales to the Attorney General post, who continued to reauthorize the warrantless surveillance program until he tendered his resignation on August 26, 2007, under threat of impeachment; and

WHEREAS, The secret surveillance program uses a "splitter" to send a copy of internet traffic and phone calls to a secure room operated by the NSA in the San Francisco office of AT&T, according to the testimony of Mark Klein, the retired AT&T communications technician who admitted

to connecting the "splitter" that copied the data in 2003; and

WHEREAS, Mark Klein also indicated that similar spy rooms were being constructed in other cities, including Seattle, Washington, and San Jose, Los Angeles, and San Diego; and

WHEREAS, On August 17, 2006, the United States District Court for the Eastern District of Michigan, in ACLU v. NSA, ruled that the NSA wiretapping program violated privacy and free speech rights, constitutional separation of powers, and the 1978 Foreign Intelligence Surveillance Act, and stated that "It was never the intent of the framers to give the President such unfettered control, particularly where his actions blatantly disregard the parameters clearly enumerated in the Bill of Rights"; and

WHEREAS, This unwarranted and unlawful, and seemingly unconstitutional surveillance program is still being used to spy on American citizens; and

WHEREAS, United States and international law forbid invading a foreign country without provocation; and

WHEREAS, International laws ratified by Congress are part of United States law according to Article VI of the United States Constitution, which states "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land"; and

WHEREAS, The United Nations Charter was ratified by the United States in 1945 and requires that member states, including the United States, not attack or threaten attack of another country without explicit Security Council approval except for self-defense against an armed attack; and

WHEREAS, There was no armed attack upon the United States by Iraq, and the United Nations Security Council did not vote to approve the use of force against Iraq; and

WHEREAS, On September 16, 2004, the Secretary General of the United Nations Kofi Annan, commented on the United States invasion of Iraq by stating: "It was not in conformity with the United Nations charter. From our point of view, from the charter point of view, it was illegal."; and

WHEREAS, In October 2002, Congress authorized the President to use his discretion to decide whether or not to use force against Iraq; and

WHEREAS, The President and Vice President mislead Congress and the

American people about the potential threat of Iraq; and

WHEREAS, The President and Vice President were either deliberately deceitful or willfully ignorant about the potential threat of Iraq; and

WHEREAS, On March 19, 2003, the President, acting on his sole discretion, ordered the illegal invasion of Iraq, according to his letter to Congress dated March 21, 2003, stating "I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq."; and

WHEREAS, United States law, 18 U.S.C Sec. 2340A forbids a United States citizen from committing or conspiring to commit the offense of torture outside of the United States; and

WHEREAS, International law forbids torture and the United States has bound itself to this unconditional prohibition by the American Convention on Human Rights signed in 1977, the International Covenant on Civil and Political Rights signed in 1977 and ratified in 1992, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment signed in 1988 and ratified in 1994; and

WHEREAS, In 1947, the United States charged a Japanese officer, Yukio Asano, with war crimes for waterboarding a United States civilian; and

WHEREAS, In March 2006, the United States Department of State's Bureau of Democracy, Human Rights and Labor released a 2005 report on human rights practices in Tunisia in which it formally recognized "submersion of the head in water" as torture; and

WHEREAS, The CIA has confirmed using waterboarding and former CIA agency official, John Kiriakou, has told news agencies that the White House and Justice Department knew of and authorized the use of new harsh questioning techniques, including waterboarding; and

WHEREAS, The President, acting with the support of the Vice President and the same former Attorney General who resigned under threat of impeachment, authorized the abusive treatment of prisoners; and

WHEREAS, The President and Vice President used "war on terror" as part of their justification for authorization of the abusive techniques; and

WHEREAS, The CIA has reportedly used waterboarding on Abd al-Rahim al-Nashiri, one of the prisoners; and

WHEREAS, In November 2005, the CIA destroyed video evidence of their interrogations of Abd al-Rahim al-Nashiri; and

WHEREAS, All the details Abd al-Rahim al-Nashiri made of his claims of torture were redacted from his transcript; and

WHEREAS, Federal attorneys defended the abusive treatment of prisoners by arguing that antitorture provisions did not apply to Guantanamo Bay captives; and

WHEREAS, When Congress sought to reaffirm the United States prohibition on torture by passing a 2005 antitorture law, the President signed the law with a signing statement that effectively states that the President has the right to torture at his discretion because, "The executive branch shall construe...the Act, relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch..."; and

WHEREAS, The abusive techniques authorized by the President were inflicted on people the President declared "enemy combatants"; and

WHEREAS, The abusive techniques authorized by the President were committed during an armed conflict; and

WHEREAS, The abusive techniques authorized by the President have previously been classified as torture and prosecuted as a war crime by the United States; and

WHEREAS, International law defines torture during an armed conflict as a war crime; and

WHEREAS, International law defines that a commander involved in ordering, allowing, or insufficiently preventing and prosecuting a war crime is criminally liable under the Command Responsibility doctrine; and

WHEREAS, The President appears to be guilty of war crimes by simple application of the Command Responsibility doctrine to the publicly known facts; and

WHEREAS, Based on the overwhelming evidence that has been presented to the American people as established in this resolution, numerous grounds for impeachment appear to exist; and

WHEREAS, Illegally authorizing torture in violation of United States and international laws, and committing war crimes would seem to constitute an impeachable offense; and

WHEREAS, The President's authorization and subsequent lies about an

unwarranted, unlawful, and apparently unconstitutional surveillance program would seem to constitute an impeachable offense; and

WHEREAS, Misleading the Congress and the American people to justify invading another country in direct violation of international and United States laws would seem to constitute an impeachable act; and

WHEREAS, Such offenses, if committed, are subversive of constitutional government to the great prejudice of the cause of law and justice, and to the manifest injury of the people of Washington state 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; and

WHEREAS, Jefferson's Manual section LIII, 603, states that impeachment may be set in motion by charges transmitted from the legislature of a state; and

WHEREAS, Impeachment is a process defined in the United States Constitution by which charges are brought against a President or Vice President or civil officers of the United States in the House of Representatives; and

WHEREAS, The filing of these charges is followed by a trial in the United States Senate that determines guilt or innocence; and

WHEREAS, If the President or Vice President committed such offenses, ignoring these offenses would undermine core American values of truth and justice; and

WHEREAS, Failing to impeach the President and Vice President if they have committed such offenses would signal tacit approval of these activities and sanction their use by future administrations; and

WHEREAS, Failing to impeach the President and Vice President simply because they are serving their second term would signal future administrations that any high crime or misdemeanor, if committed or covered up until their second term, will be tolerated until an upcoming election; and

WHEREAS, Freedom and liberty, and the laws and the Constitution of the United States of America can only be protected by Americans; and

WHEREAS, America has only until January 20, 2009, to signal to history that America will not sanction torture, America will not sanction unprovoked war, and America will not sanction illegal spying; and

WHEREAS, America will defend herself from all enemies foreign and domestic; and

WHEREAS, America will protect the integrity of the Constitution and the Executive branch; and

WHEREAS, We, your Memorialists, have each sworn an oath to protect the United States Constitution;

NOW, THEREFORE, Your Memorialists, exhort our Representatives in the United States Congress to charge President George W. Bush and Vice President Richard B. Cheney with the above offenses and commence a full investigation and trial in the United States Senate.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of the United States Congress.