

Impeachment and Indictment

by Richard Z. Duffee

1. The Meaning of Popular Sovereignty

Because this is our country, we have the right to make the laws we must obey. No one has any right to make us obey laws that cannot be traced to us: we have to have approved of the people who made the laws and the process they used to make them. This is what popular sovereignty means. The Declaration of Independence and the Constitution proclaimed us a sovereign people.

It is our sovereignty that makes us citizens. Under George III, we were subjects, not citizens. A subject has the same relationship to a sovereign that a slave has to a master. It was because the colonists were subjects of the Crown that they so easily accepted the idea of slavery, for they were essentially claiming that a slave-owner could have the same relationship to his slave that they themselves already had to the British king, and since they thought the king admirable, they thought slave-owners admirable.

If we lose our sovereignty, our right and duty to be responsible for the laws of our country, we are degraded to subjects, and to the conditions that give rise to slavery. In order to get cheap resources and labor, around the world our government claims the right to set up puppet governments and to require people to obey them. If we are citizens, we are implicated in the subjugation of people in such countries as Afghanistan and Iraq. We can only relieve ourselves of our obligations by viewing ourselves as subjects who have no power over our government.

Many of us, of course, want to be relieved of the duties of citizenship and don't mind if other people are subjected to imperial power. But then we are consenting to criminal behavior. More than consenting to it: we are funding it with our taxes.

2. The Reason for the Oath of Office

I can only say I have a right if I can say who has the duty to observe my right. But what if someone violates my right? Then I have to be able to find some official who will order the violator to restore whatever my right gives me a right to. If I can't do that, the state does not enforce my right and I do not have that right under that legal regime.

Sovereignty is our most fundamental group right because it is the right to decide as a group what rights and duties the state will enforce. In our representative system, the officials who have the duty to enforce our sovereignty are our Congressional Representatives. This is why they take an oath of office saying they will protect, preserve, and defend the Constitution. Their willingness to defend the Constitution is our guarantee of our sovereignty—the guarantee that we will not be bullied into obeying laws we do not, as a group, believe in, and that the laws we actually have approved will be enforced.

When a president and vice-president breach their oaths of office by failing to obey the law, failing to enforce it, and manipulating the government into own arbitrary and oppressive desires instead of the law—all of which Bush and Cheney have done (see below)—the oaths of office

Congressional Representatives have taken to enforce our sovereignty obligate them to impeach. If Congress refuses to impeach when the grounds for impeachment are clear, as they are now, Congress is allowing our citizenship to be destroyed and is returning us to the condition of subjects while elevating the executive to monarchy.

3. “High Crimes and Misdemeanors”

The Constitution says officials shall be impeached when they commit “high crimes and misdemeanors, treason, or bribery.” Bush and Cheney may have committed treason or taken bribes: investigation will be necessary to determine that. But we are in a good position to assert that they have committed “high crimes and misdemeanors.”

This odd and vague term comes from British law. The reason for its oddity and vagueness is that high officials have the power to change the law, the power to conceal their actions, and the power to have their actions attributed to other people. Because high officials can change the law, if you want to protect yourself from them, it is not sufficient to give a list of the laws they may not break because the officials can change the legal names for the actions they want to perform. Changing the names of actions is routine legal work: a legislative drafting committee will “stipulate” a definition, such as “for the purposes of this act, “bribery shall mean...” and so on. Because it is impossible to prevent such verbal shell games, “high crimes and misdemeanors” is an intentionally vague term meant to indicate any action that changes the form of government.

Bush and Cheney have undertaken many such changes in our form of government:

- 1) They have proclaimed perpetual war. Legally, a war can only be undertaken by congressional declaration against another state capable of negotiating a treaty to end the war.
- 2) They have destroyed habeas corpus. Habeas corpus is the most fundamental individual legal right because it is the right to speak to a judge. If one cannot speak to a judge, one can make no legal claim at all.
- 3) In order to evade subpoenas, Cheney has proclaimed the vice-presidency a fourth branch of government that implicitly operates outside the law—because the law acknowledges no fourth branch of government.
- 4) Article 6 of the Constitution makes international law part of the supreme law of our country. Most of the international law Bush and Cheney disavow and disobey was created on the initiative of the US government in the 1940’s. They are hypocritically destroying our own creation.
- 5) Bush has instituted “signing statements” in which, for the first time in US history, a president openly breaches his oath of office to enforce the law by saying he will not enforce a law he is signing. In doing this, he is usurping power from the Congress because he does not want to veto an act when he believes Congress may override his veto.

But googling “Bush Cheney impeachment charge” will bring up over a hundred such lists, so I am not going to make yet another effort at a “complete” one. Deciding on a viable list of charges is the job of the Judiciary Committee: our job is to get the Judiciary Committee, Congress, and Senate to do their evident duty.

Dennis Kucinich has reputedly drawn up a list of FIFTY charges. I recommend the list on www.afterdowningstreet.org and the following National Lawyer's Guild resolution:

“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/;](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.

Submitted by: James Marc Leas, jolly39@juno.com

The resolution cosponsors are: Audrey Bomse, Marjorie Cohn, Laura Safer Espinoza, John Wheat Gibson, Eileen Hansen, Larry Hildes, Jim Klimaski, Jordan Kushner, Jim Lafferty, James Marc Leas, Kerry McLean, Bill Monning, Dorinda Moreno, Michael Ratner, Susan Scott, Jennifer Van Bergen, Aaron Varhola, Karen Weill”

4. Bush and Cheney’s Ordinary Crimes

Even in the face of impeachable offences like those above, many people say. “But I don’t see that Bush and Cheney have actually done anything illegal. Show me some ordinary crime they have committed.” Steve Fournier, attorney and Green candidate for the 1st district of Connecticut, confronted John Larson, 1st district Congressman (Democrat) with the following list of ORDINARY crimes Bush and Cheney have committed, and their consequences:

“Congress must impeach Bush and Cheney for their Crimes

- The rationale for the resolution purporting to authorize the military occupation of Iraq was based on false and misleading statements by the president. Lying to Congress is a felony.

- Executive branch officials are holding prisoners without access to legal process. This is kidnapping.
- Executive branch officials conducted warrantless wiretapping of Americans. This is a felony under the Foreign Intelligence Surveillance Act.
- Executive branch officials interfered in federal prosecutions, removed federal prosecutors for noncompliance with political demands, and committed perjury before congress when asked to remember critical facts relevant to the prosecutors' removal. These acts are obstruction of justice.
- The president has defied subpoenas duly issued by Congress. It is the duty of Congress to enforce its subpoenas with a contempt citation and to enforce that citation by appropriate legal means.
- Executive branch officials, military and civilian, have tortured prisoners during interrogation. This is felonious conduct under federal law.
- The president has issued "signing statements" authorizing or directing federal employees to violate selected provisions of duly enacted laws. This is contrary to his constitutional oath to see that the laws are faithfully executed.
- Officials of the executive branch maintain contracts with armed civilians that purport to authorize the killing of other civilians. This violates the laws prohibiting homicide.
- As commander-in-chief, the president has permitted the misdirection of billions in cash and government property and has failed to equip soldiers properly. Other than mutiny, Congress is the sole check on criminal malfeasance by the commander-in-chief.
- Members of the House of Representatives are the only people in America who can hold the president accountable for these crimes. It is their responsibility to do that, regardless of the political consequences.
- If you fail to hold the president accountable, you are setting a precedent for future presidents and future congresses not to hold the executive accountable for high crimes.
- Each Congressional Representative's failure to act will be seen as a deliberate step in the creation of a presidency that is no longer subject to the rule of law.

5. Indictment

We cannot know whether the current Congress will finally do its duty and impeach. Whether it will or not, we must indict Bush and Cheney and try them. Here again, we face the problem of the collusion of the rest of the government. It is obvious that Mukasey will never indict Bush and Cheney; he won't even enforce subpoenas against them. The next administration might decide to do its duty, of course, but the current failure of any of the front-running presidential candidates to do their own duty by demanding impeachment bodes ill for that. Meanwhile smaller jurisdictions have moved toward indictment.

On March 4 the Selectmen of Marlboro, Vermont, voted to indict Bush and Cheney. Later the same day, Brattleboro, Vermont, found its referendum to indict Bush and Cheney passed by 2012 "yes" votes to 1795 negative ones:

Shall the Selectboard instruct the Town Attorney to draft indictments against President Bush and Vice President Cheney for crimes against our Constitution, and publish said indictments for consideration by other authorities, and shall it be the law of the Town of Brattleboro that the Brattleboro Police, pursuant to the above-mentioned indictments,

arrest and detain George Bush and Richard Cheney in Brattleboro if they are not duly impeached, and prosecute or extradite them to other authorities that may reasonably contend to prosecute them?

If Bush and Cheney suffer no consequences for their illegality, we will have told all future administrations that arbitrary imperial rule is theirs for the taking. Failure to impeach on or indict Bush and Cheney for each and every crime they have committed will count as precedent for impunity for every future crime by an executive officer. We will be marching on our way to having executives like Tiberius and Caligula, to having people crucified on the public thoroughfares, and to scrambling for loaves of bread tossed to us in stadiums and for nickels thrown from stretch limos.

6. Priorities

1) It will be best if the current Judiciary Committee holds hearings and draws up charges, then a majority of the House votes for impeachment, and two thirds of the Senate vote for conviction and removal from office. John Conyers and Nancy Pelosi claim this cannot happen because more than a third of the current Senate will vote against conviction. Nixon believed in the same impossibility until he found that, once the Judiciary Committee heard the evidence, some of the Republicans on it voted to send charges on to the House. The extent to which the hearing of evidence will change the minds of Representatives and Senators measures the amount of honesty left in Washington. Let us hope there is enough honesty left in the Capitol to convict Bush and Cheney.

2) When the Judiciary Committee votes on the charges, Bush and Cheney might resign, as Nixon did, in order to prevent the charges going to the House, for once the charges reach the House, there can be no pardon from impeachment. Of course, if Bush and Cheney do resign, we will not have succeeded in strengthening the precedent left by Nixon's case. Much of our current quandary was caused by Nixon's resignation and the failure of Congress to proceed further, for the failed impeachment of Clinton then made impeachment appear to the media-mis-educated public eye to be a petty partisan matter. But Bush and Cheney's resignations would at least prevent them from doing any more damage. They would not be able to illegally attack Iran, to stage false flag incidents, to declare martial law, to prevent elections, or to fill the spaces in the concentration camps they have built. And after their resignations they could be prosecuted, which would put a damper on future executives' willingness to do what they have done.

3) If the Judiciary Committee holds the hearings it should hold and Bush and Cheney do not resign, then having the House hear the impeachment charges would be an enormous feat of public education and a great opportunity for us to examine our national conscience. It would enlighten and change millions of people, for these impeachment hearings would have nothing in common with those against Clinton. There would have been nothing like these hearings in living memory, for the charges against Nixon never went to the House. And such hearings would be far more serious than those against Andrew Johnson, for all eleven charges against Johnson concerned only his firing of Edwin Stanton from his position as Secretary of the Department of War, not the massive corruption and degradation of the Constitution for which Bush and Cheney are indictable.

4) If it is not possible to indict Bush and Cheney in the current Congress, the next Congress will begin to function by January 4, 2009. This will give it 17 days to begin impeachment proceedings. It will be able to do this if the incoming Representatives agree to do it beforehand. Therefore all candidates now campaigning for the 435 congressional seats and the 33 open senatorial seats should commit themselves to impeach upon entry into office. Those who will be on the Judiciary Committee should pledge themselves to vote for hearings; general members of the House should pledge themselves to vote for hearings; senatorial candidates should pledge themselves to act as quickly as possible once the House votes.

6) Whether or not it is not possible to impeach at the beginning of the next Congress, we should all pledge ourselves to do whatever we can to indict Bush and Cheney. It would be best, of course, for Bush and Cheney to be impeached now and to be immediately indicted for their crimes under US and international law, but if that can't happen, we should demand indictment by the federal government. The fact that Bush and Cheney and Mukasey will not do this should not prevent us from beginning to demand it, for the next administration should come into office prepared to indict and prosecute them. **If the next administration is not willing to do this, we should suspect that the reason is that the next president wants to make Bush and Cheney's illegally obtained powers permanent.**

7) Whether or not the Federal government will indict Bush and Cheney, we should demand that the next administration sign on to the International Criminal Court, and that the International Criminal Court should indict Bush, Cheney, and other high officials with crimes against peace, crimes against humanity, and war crimes so that future administrations will observe international law, as the Constitution requires.

8) Whether or not the next administration will sign on to the International Criminal Court, we should indict Bush and Cheney in any jurisdiction possible. We should encourage town ordinances like those of Marlboro and Brattleboro, Vermont. We should seek the adoption of similar ordinances in any other jurisdictions.

7. Conclusion: Impeachment is the Threshold Issue for Securing any other Genuine Improvement in Government.

I pledge myself to devote myself entirely to impeachment upon entry into office if elected, and to co-ordinate my actions with all other candidates for Congress pledging themselves to impeach. Because impeachment is a fundamental non-partisan issue that must be resolved to ensure our right to effectively legislate anything, that is, to regain our sovereign right, I will put it before any other priority of any party or of my own.

Without impeachment, everything else that is done in government is now insecure; it can all be brushed away with a flick of the executive's hand. Therefore I will, with others, seek all 8 priorities listed in section 6 above.

Richard Duffee