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Draft Version of New Article of Impeachment

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AN ARTICLE OF IMPEACHMENT OF PRESIDENT GEORGE W. BUSH

INTRODUCED BY CONGRESSMAN DENNIS J. KUCINICH

JULY 10, 2008

Resolved, that President George W. Bush be impeached for high crimes and misdemeanors, and that the following Article of Impeachment be exhibited to the United States Senate:

An Article of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

ARTICLE ONE

DECEIVING CONGRESS WITH FABRICATED THREATS OF IRAQ WMDs TO FRAUDULENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION OF THE USE OF MILITARY FORCE AGAINST IRAQ.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," deceived Congress with fabricated threats of Iraq Weapons of Mass Destruction (WMD) to fraudulently obtain support for an authorization for the use of force against Iraq and used that fraudulently obtained authorization, then acting in his capacity under Article II, Section II of the Constitution as Commander in Chief, to commit US troops to combat in Iraq.

To gain Congressional support for passage of the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, the President made the following material representations to the Congress in SJ Res 45:

1. That Iraq was "continuing to possess and develop a significant chemical and biological weapons capability...."
2. That Iraq was "actively seeking a nuclear weapons capability. . . ."
3. That Iraq was "continuing to threaten the national security interests of the United States and international peace and security."
4. That Iraq has demonstrated a "willingness to attack, the United States...."
5. That "members of Al Qaida, an organization bearing responsibility for attacks on the United States, its citizens and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq.. . ."
6. The "attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations. . . ."
7. That Iraq "will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, . . ."
8. That an "extreme magnitude of harm that would result to the United States and its citizens from such an attack,. . . ."
9. That the aforementioned threats "justify action by the United States to defend itself; . . ."
10. The enactment clause of Section 2 of SJ Res 45, the Authorization of the Use of the United States Armed Forces authorizes the President to "defend the national security interests of the United States against the threat posed by Iraq. . . ."

Each consequential representation made by the President to the Congress in SJ Res 45, in subsequent iterations and the final version was unsupported by evidence which was in the control of the White House.

1. Iraq was not "continuing to possess and develop a significant chemical and biological weapons capability. . . ."

"A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. . . . There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has--or will--establish its chemical warfare

agent production facilities." Defense Intelligence Agency. Iraq--Key WMD Facilities--An Operational Support Study. September 2002. Available: <http://www.fas.org/irp/news/2003/06/dod060703.pdf> [1]

"Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing." Senate Select Committee on Intelligence. Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information. June 5, 2008. Available: <http://intelligence.senate.gov/080605/phase2a.pdf> [2]

"In April and early May 2003, military forces found mobile trailers in Iraq. Although intelligence experts disputed the purpose of the trailers, Administration officials repeatedly asserted that they were mobile biological weapons laboratories. In total, President Bush, Vice President Cheney, Secretary Rumsfeld, Secretary Powell, and National Security Advisor Rice made 34 misleading statements about the trailers in 27 separate public appearances. Shortly after the (mobile trailers were found, the Central Intelligence Agency (CIA) and Defense Intelligence Agency (DIA) issued an unclassified white paper evaluating the trailers. The white paper was released without coordination with other members of the intelligence community, however. It was disclosed later that engineers from DIA who examined the trailers concluded that they were most likely used to produce hydrogen for artillery weather balloons. A former senior intelligence official reported that "only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion." House Committee on Government Reform- Minority Staff. Iraq on the Record: Bush Administration's Public Statements about Chemical and Biological Weapons. March 16, 2004. Available: <http://oversight.house.gov/IraqOnTheRecord/index.asp?viewAll=1&Subject=Chemical+and+Biological+Weapons&submit=dis>

Former chief of CIA covert operations in Europe, Tyler Drumheller, has said that the CIA had credible sources discounting weapons of mass destruction claims, including the primary source of biological weapons claims, an informant who the Germans code-named "Curveball" whom the Germans had informed the Bush Administration was a likely fabricator and including the Niger Yellowcake forgery. Two other former CIA officers confirmed Drumheller's account to Sidney Blumenthal who reported the story at Salon.com on September 6, 2007.

"In practical terms, with the destruction of the Al Hakam facility, Iraq abandoned its ambition to obtain advanced biological weapons (BW) weapons quickly. The Iraq Survey Group (ISG) found no direct evidence that Iraq, after 1996, had plans for a new BW program or was conducting BW-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in BW at the Presidential level. In spite of exhaustive investigation, ISG found no evidence that Iraq possessed, or was developing BW agent production systems mounted on road vehicles or railway wagons.... ISG harbors severe doubts about the source's credibility in regards to the breakout program." Duelfer, Charles. Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD. Available: <http://www.lib.umich.edu/govdocs/duelfer.html> [3]

"While a small number of old, abandoned chemical munitions have been discovered, ISG judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter, a policy ISG attributes to Baghdad's desire to see sanctions lifted, or rendered ineffectual, or its fear of force against it should WMD be discovered." Duelfer, Charles. Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD. Available: <http://www.lib.umich.edu/govdocs/duelfer.html> [4]

2. Iraq was not "actively seeking a nuclear weapons capability."

The key finding of the Iraq Survey Group's (ISG) Report to the Director of Central Intelligence found that "Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date. Saddam Husayn (sic) ended the nuclear program in 1991 following the Gulf war. ISG found no evidence to suggest concerted efforts to restart the program." Duelfer, Charles. Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD. Available: <http://www.lib.umich.edu/govdocs/duelfer.html> [5]

Claims that Iraq was purchasing uranium from Niger were not supported by the State Department's Bureau of Intelligence and Research in the National Intelligence Estimate (NIE) of October 2002.

The CIA had warned the British not to claim Iraq was purchasing uranium from Niger prior to the British statement that was later cited by President Bush. George Tenet, July 11, 2003

"One, there is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Second, there is no indication that Iraq has attempted to import uranium since 1990. Three, there is no indication that Iraq has attempted to import aluminum tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have been -- it would have encountered practical difficulties in manufacturing centrifuges out of the aluminum tubes in question. Fourthly, although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment program. As I stated above, the IAEA (International Atomic Energy Agency) will naturally continue further to scrutinize and investigate all of the above issues." ElBaradei, Mohamed. Director General, International Atomic Energy Agency. Statement to the United Nations Security Council on The Status of Nuclear Inspections in Iraq: An Update. March 7, 2003. Available: <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml> [6]

3 Iraq was not “continuing to threaten the national security interests of the United States.”

"Let me be clear: analysts differed on several important aspects of [Iraq's biological, chemical, and nuclear] programs and those debates were spelled out in the Estimate. They never said there was an 'imminent' threat." Remarks as Prepared for Delivery by Former CIA Director George J. Tenet at Georgetown University. February 5, 2004. Available: <http://www.fas.org/irp/cia/product/dci020504.html> [7]

“We have been able to keep weapons from going into Iraq We have been able to keep the sanctions in place to the extent that items that might support weapons of mass destruction have had some controls on them it’s been quite a success for ten years.” Powell, Colin. Secretary of State. Interview with Face the Nation. February 11, 2001.

“[British Secret Intelligence Service Chief Sir Richard Billing Dearlove] reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action. . . . The Foreign Secretary (of England) said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force.” Rycroft, Matthew; Private Secretary to Prime Minister Tony Blair. Memo to British Ambassador to the United States David Manning. July 23, 2002. Available: <http://www.timesonline.co.uk/tol/news/uk/article387374.ece> [8]

4. Iraq did not have the “willingness to attack, the United States.”

“The fact of the matter is that both baskets, the UN basket and what we and other allies have been doing in the region, have succeeded in containing Saddam Hussein and his ambitions. His forces are about one-third their original size. They really don’t possess the capability to attack their neighbors the way they did ten years ago.” Powell, Colin. Secretary of State. Transcript of Remarks made to German Foreign Minister Joschka Fischer. February 2001. Available: <http://www.usembassy-israel.org.il/publish/peace/archives/2001/february/...> [9]

The October 2002 National Intelligence Estimate (NIE) concluded that “Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or [chemical or biological weapons] against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war.” Available: http://www.globalsecurity.org/intell/library/reports/2002/nie_iraq_octob... [10]

5. Iraq had no connection with the attacks of 9/11, or with al-Qaida's role in 9/11.

"The report [of the Senate Select Committee on Intelligence] documents significant instances in which the Administration went beyond what the Intelligence Community knew or believed in making public claims, most notably on the false assertion that Iraq and al-Qaida had an operational partnership and joint involvement in carrying out the attacks of September 11th. The President and his advisors undertook a relentless public campaign in the aftermath of the attacks to use the war against al-Qaida as a justification for overthrowing Saddam Hussein. Representing to the American people that the two had an operational partnership and posed a single, indistinguishable threat was fundamentally misleading and led the Nation to war on false premises." Senator John D. Rockefeller IV. Chairman, Senate Select Committee on Intelligence. Additional Views of Chairman John D. Rockefeller IV. Page 90. Available: <http://intelligence.senate.gov/080605/phase2a.pdf> [11]

Richard Clarke’s memo of September 18, 2001, titled Survey of Intelligence Information on Any Iraq Involvement in the September 11 Attacks found no “compelling case” that Iraq had either planned or perpetrated the attacks, and that there was no confirmed reporting on Saddam cooperating with Bin Laden on unconventional weapons <http://www.9-11commission.gov/report/911Report.pdf> [12] (page 334).

On September 17, 2003, President Bush said: “No, we’ve no evidence that Saddam Hussein was involved with September the 11th. What the vice president said was is that he (Saddam) has been involved with al-Qaida.” Available: <http://seattlepi.nwsource.com/national/140133.bushiraq18.html> [13]

On June 16, 2004, a Staff Report from the 9/11 Commission stated: “There has been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan [in 1996], but they do not appear to have resulted in a collaborative relationship. . . . Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.” Available: <http://www.washingtonpost.com/wp-dyn/articles/A46254-2004Jun16.html> [14]

"Intelligence provided by former undersecretary of defense Douglas J. Feith to buttress the White House case for invading Iraq included "reporting of dubious quality or reliability" that supported the political views of senior administration officials rather than the conclusions of the intelligence community, according to a report by the Pentagon's inspector general.

“Feith's office ‘was predisposed to finding a significant relationship between Iraq and al Qaeda,’ according to portions of the report, released yesterday by Sen. Carl M. Levin (D-Mich.). The inspector general described Feith's activities as ‘an alternative intelligence assessment process.’” Pincus, Walter and Smith, R. Jeffrey. “Official's Key Report On Iraq Is Faulted, 'Dubious' Intelligence Fueled Push for War.” Washington Post. February 9, 2007. A1.

6. Iraq possessed no weapons of mass destruction to transfer to anyone.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would only transfer weapons of mass destruction to terrorist organizations if under severe threat of attack by the United States:

According to information in the October 2002 National Intelligence Estimate (NIE) on Iraq that was available to the Administration at the time they were seeking Congressional support for the authorization of the use of force against Iraq, the Iraq regime would transfer weapons to a terrorist organization only if “sufficiently desperate” because it feared that “an attack that threatened the survival of the regime were imminent or unavoidable. . . .”

“Iraq probably would attempt clandestine attacks against the US Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge. Such attacks - more likely with biological than chemical agents - probably would be carried out by special forces or intelligence operatives.

“The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against US and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any CBW attacks on the US Homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against US territory.

“Saddam, if sufficiently desperate, might decide that only an organization such as al-Qa'ida - with worldwide reach and extensive terrorist infrastructure, and already engaged in a life-or-death struggle against the United States - would perpetrate the type of terrorist attack that he would hope to conduct.

“In such circumstances, he might decide that the extreme step of assisting the Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.” Available: http://www.globalsecurity.org/intell/library/reports/2002/nie_iraq_octob... [15]

7. Iraq had no weapons of mass destruction and therefore had no capability of launching a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so. . . .”

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As reported in the Washington Post on March 1, 2003, in 1995, Saddam Hussein's son-in-law, Hussein Kamel had informed US and British intelligence officers that “all weapons--biological, chemical, missile, nuclear were destroyed.” Lynch, Colum. “Iraqi Defector Claimed Arms Were Destroyed by 1995.” Washington Post. A15. March 1, 2003.

"A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. . . . There is no reliable

information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has--or will--establish its chemical warfare agent production facilities." Defense Intelligence Agency. Iraq--Key WMD Facilities--An Operational Support Study. September 2002. Available: <http://www.fas.org/irp/news/2003/06/dod060703.pdf> [17]

8. There was not a real risk of an "extreme magnitude of harm that would result to the United States and its citizens from such an attack" because Iraq had no capability of attacking the United States.

"Containment has been a successful policy, and I think we should make sure that we continue it until such time as Saddam Hussein comes into compliance with the agreements he made at the end of the (Gulf) War. . . . [Iraq is] not threatening America." Powell, Colin. Secretary of State.

9. The aforementioned evidence did not "justify the use of force by the United States to defend itself" because Iraq did not have weapons of mass destruction, or have the intention or capability of using the non-existent WMD's against the United States.

10. Since there was no threat posed by Iraq to the United States, the enactment clause was predicated on lying to Congress.

Congress relied on the information provided to it by the President of the United States. Congress provided the President with the authorization to use military force that he requested. As a consequence of the fraudulent representations made to the Congress, the United States Armed Forces, under the direction of George Bush as Commander in Chief, pursuant to Section 3 of the Authorization for the Use of Force which President Bush requested, invaded Iraq and occupies it to this day, at the cost of 4,116 lives of US service men and women, injuries to over 30,000 of our troops, the deaths of over 1,000,000 innocent Iraqi civilians, the destruction of Iraq, and a long term cost over \$3 trillion.

President Bush's misrepresentations to Congress to induce passage of a use of force resolution is subversive of the Constitutional system of checks and balances, destructive of Congress' sole prerogative to declare war under Article I Section 8 of the Constitution, and is therefore a High Crime. An even greater offense by the President of the United States occurs in his capacity as Commander in Chief, because he knowingly placed the men and women of the United States Armed Forces in harm's way, jeopardizing their lives and their families' future, for reasons that to this date have not been established in fact.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States and of those members of the Armed Forces who put their lives on the line pursuant to the falsehoods of the President. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

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Links:

- [1] <http://www.fas.org/irp/news/2003/06/dod060703.pdf>
- [2] <http://intelligence.senate.gov/080605/phase2a.pdf>
- [3] <http://www.lib.umich.edu/govdocs/duelfer.html>
- [4] <http://www.lib.umich.edu/govdocs/duelfer.html>
- [5] <http://www.lib.umich.edu/govdocs/duelfer.html>
- [6] <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml>
- [7] <http://www.fas.org/irp/cia/product/dci020504.html>
- [8] <http://www.timesonline.co.uk/tol/news/uk/article387374.ece>
- [9] <http://www.usembassy-israel.org.il/publish/peace/archives/2001/february/me0222a.html>
- [10] http://www.globalsecurity.org/intell/library/reports/2002/nie_iraq_october2002.htm
- [11] <http://intelligence.senate.gov/080605/phase2a.pdf>
- [12] <http://www.9-11commission.gov/report/911Report.pdf>
- [13] <http://seattlepi.nwsource.com/national/140133.bushiraq18.html>
- [14] <http://www.washingtonpost.com/wp-dyn/articles/A46254-2004Jun16.html>
- [15] http://www.globalsecurity.org/intell/library/reports/2002/nie_iraq_october2002.htm
- [16] http://www.globalsecurity.org/intell/library/reports/2002/nie_iraq_october2002.htm
- [17] <http://www.fas.org/irp/news/2003/06/dod060703.pdf>