

# George W. Bush the Murderer: The Movie

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[War is a Crime](#)

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A new movie has just been released based on Vincent Bugliosi's book "The Prosecution of George W. Bush for Murder." Bugliosi, of course, prosecuted Charles Manson and authored best sellers about Manson's guilt, O.J. Simpson's guilt, and Lee Harvey Oswald's guilt. Whether we all agree with all of those conclusions, it is worth noting that each book was reviewed and considered by the biggest U.S. newspapers and television networks. When Bugliosi wrote a book about George W. Bush's guilt, something we're almost all united on, the corporate media shut it out. Will the same fate greet this movie?

I hope not. In the book, and in this new movie, Bugliosi makes a devastating, well documented case that President George W. Bush is guilty of the murder of U.S. soldiers as a result of the lies he told to justify the invasion of Iraq, and can be prosecuted by any state attorney general in the country, or by any county prosecutor from a jurisdiction where a U.S. soldier lived prior to being killed in Iraq.

In the movie, we watch Harvard Law Professor Alan Dershowitz remark that if presidents had to live in fear of their actions being scrutinized for criminality that would have a huge impact on their behavior. Dershowitz means this as somehow a negative thing. Bugliosi points out that that is exactly the point: we ought to deter criminal behavior in presidents.

Bugliosi's argument for prosecution is simple. Bush wanted a war with Iraq. He had to show that a preemptive invasion of Iraq was justified. To do this Iraq had to be an imminent threat to the United States. There were two major problems. Bush couldn't prove any connection between Saddam Hussein and 9/11. More importantly, Bush's own 2002 classified intelligence estimate found that Saddam was not an imminent threat to the United States. Bush simply reversed the findings of the National Intelligence Estimate of 2002, and sent men and women off to fight a fraudulent and unnecessary war, knowing full well that some of them would come home in boxes.

The facts are not in dispute. Bush chose to send US troops into Iraq. He did not do so in self-defense or as a last resort or under an international mandate, but rather went out of his way to concoct false motives for war and to rush its launching. By sending troops into war, Bush was knowingly and needlessly but certainly condemning some of them to death. The Iraqis who killed those soldiers in predictable and legally justifiable defense of their country fall into the legal category of "third-party innocent agent." This does not mean they are innocent, but rather that their actions do nothing to lessen the guilt of George W. Bush as murderer of those soldiers. Bugliosi calls this the "vicarious liability rule of conspiracy."

Bugliosi explains:

“In other words, if Bush personally killed an American soldier, he would be guilty of murder. Under the law, he cannot immunize himself from his criminal responsibility by causing a third party to do the killing. He’s still responsible. George Bush cannot sit safely in his Oval Office in Washington, D.C., while young American soldiers fighting his war are being blown to pieces by roadside bombs in Iraq, and wash his hands of all culpability. It’s not quite that easy. He could only do this if he did not take this nation into war under false pretenses. If he did, which the evidence overwhelmingly shows, he is criminally responsible for the thousands of American deaths in Iraq.”

In addition, Bugliosi argues, Bush could be found guilty of murder under the rule of “aiding and abetting,” because he instigated the killing of American soldiers by ordering the invasion of Iraq.

Did Bush have “malice aforethought”? Yes, according to Bugliosi. We convict people of murder for driving 100 mph through a school zone and hitting a child, or for blowing up a building while unaware that someone is inside. These are cases where the murderer does not know he is committing murder but where he is reckless enough to take an unreasonable risk of doing so. In Bush’s case, he absolutely knew that invading Iraq would involve U.S. casualties, and yet he ordered the invasion, thereby acting with the intent that American soldiers be killed.

Bugliosi strengthens this argument by pointing out that we often convict people of murder for accidental killings that occur in the act of committing other felonies:

“A robber, for instance, was convicted of first degree murder under the felony-murder rule where, as he was leaving the store in which he had robbed the owner, he told the owner not to say a word or he’d be harmed, and fired into the ceiling to scare the owner. The shot, after two or three ricochets, pierced the head of the owner, killing him. In fact, the felony-murder rule applies even where the defendant is not the killer! There have been cases where the proprietor of the store fired at a robber, missed him and hit and killed a customer. And the robber was convicted of first degree murder of the customer.”

Bugliosi missed an opportunity here to further strengthen his case by noting that in the act of ordering the invasion of Iraq, Bush was committing a number of felonies. When Bush submitted his March 18, 2003, letter and report to the United States Congress providing reasons for attacking Iraq, he violated the federal anti-conspiracy statute, 18 U.S.C. – 371, which makes it a felony “to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose...”; and The False Statements Accountability Act of 1996, 18 U.S.C. – 1001, which makes it a felony to issue knowingly and willfully false statements to the United States Congress. Bush also committed a felony by misappropriating funds to secretly begin the invasion prior to this date.

Bugliosi notes that there is no statute of limitations for murder. Bush could be prosecuted by any future federal prosecutor who had the nerve to do so and could do so while keeping his or her job. But Bugliosi writes that a state attorney general or any district attorney in any city or county could bring a murder charge against Bush for any soldiers from that state or county who lost their lives in Iraq. And not just Bush, but Cheney, Rice, et alia. Bugliosi provides some truly talented proposals for questioning Bush in court and adds:

"I would be more than happy, if requested, to consult with any prosecutor who decides to prosecute Bush in preparation of additional cross-examination questions for him to face on the witness stand. I believe the cross-examination would be such that they'd have to carry the arrogant son of privilege off the stand on a stretcher."

I know the same offer to assist stands from former federal prosecutor Elizabeth de la Vega, author of "United States versus George W. Bush et al.," who also appears in the film.

Bugliosi believes he's found the one true way to bring Bush to justice. I think numerous avenues lie open, and that what is lacking is the will. But the statutes of limitations are running out on many crimes, narrowing the field for prosecution. Only those torture cases that resulted in death, for example, can now be prosecuted without running up against the statutes of limitations.

The root of warfare, I believe, is the valuing of U.S. lives over the lives of others. So it is unfortunate that Bugliosi's approach encourages that, even if unintentionally. Bugliosi does not see any legal case to try Bush for the murders of Iraqis, but he also openly admits that he cares more about the deaths of Americans. Bugliosi repeatedly cites the figure 100,000, or "over 100,000" as the number of Iraqi deaths, but never indicates where he came up with that number or how he ignores the fact that every serious study has placed the count above a million. Even if Bugliosi sees no way to prosecute Bush for the murder of Iraqis, he does not seem to have considered the possibility that U.S. troops are guilty of those murders. The U.S. troops in this story (and, sadly, it is thus far just a story, not a prosecution) play exclusively the role of victim. The legal and moral reality assigns them multiple roles.

I don't think it hurts Bugliosi's legal case, but I doubt that most Congress members believed Bush's lies about Iraq. At the very least, they were as reckless as he was. And I think there is a fundamental problem with Bugliosi's belief that there was something unique about Bush lying us into a war in Iraq. It has been firmly established that the U.S. invaded Mexico, that there was no evidence to tie Spain to the sinking of the *Maine*, that the troops and weapons on the *Lusitania* were public knowledge, that FDR told numerous lies about Japan and Germany, that the Gulf of Tonkin incident never happened, that the Taliban was willing to hand bin Laden over to a third nation to be tried, etc. The belief that Iraq was a first led me to correct the record with a book called [War Is A Lie](#).

Because I know war lies are not unusual, I may value deterrence more highly. I also do not thirst, as Bugliosi does, for anger and vengeance against "evil monsters." But Bugliosi, too, argues for deterrence as a central motivation, so it's interesting to see what the lack of deterrence has already wrought. President Obama continued Bush's wars, including the one in Iraq. President Obama has an open policy of murder including weekly Tuesday reviews of the names of victims. The [evidence](#) is [abundant](#). Bugliosi promises in the movie that he would treat a Democrat exactly the same way he treats Bush. I sure hope so.

Here's a [radio interview](#) I did with Bugliosi.

Here's a preview of the movie:

[http://youtu.be/68\\_3rjp0Rkw](http://youtu.be/68_3rjp0Rkw)

David Swanson's books include "[War Is A Lie](#)." He blogs at <http://davidswanson.org> and <http://warisacrime.org> and works as Campaign Coordinator for the online activist

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