

The National Campaign to Impeach President George W. Bush

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Since the U.S. Supreme Court's installation of George W. Bush as President in January of 2001, the peoples of the world have witnessed a government in the United States of America that demonstrates little if any respect for fundamental considerations of international law, international organizations, and human rights, let alone appreciation of the requirements for maintaining international peace and security.

What the world has watched instead is a comprehensive and malicious assault upon the integrity of the international legal order by a group of men and women who are thoroughly Machiavellian in their perception of international relations and in their conduct of both foreign policy and domestic affairs.

This is not simply a question of giving or withholding the benefit of the doubt when it comes to complicated matters of foreign affairs and defense policies to a U.S. government charged with the security of both its own citizens and those of its allies in Europe, the Western Hemisphere, and the Pacific. Rather, the Bush Jr. administration's foreign policies represent a gross deviation from those basic rules of international deportment and civilized behavior that the United States government had traditionally played the pioneer role in promoting for the entire world community.

Even more seriously, in many instances specific components of the Bush Jr. administration's foreign policies constitute ongoing criminal activity under well-recognized principles of both international law and U.S. domestic law, and in particular the Nuremberg Charter, the Nuremberg Judgment, and the Nuremberg Principles.

Depending upon the substantive issues involved, those international crimes typically include but are not limited to the Nuremberg offenses of crimes against peace, crimes against humanity and war crimes, as well as grave breaches of the Four Geneva Conventions of 1949 and the 1907 Hague Regulations on land warfare, torture, disappearances, and assassinations.

In addition, various members of the Bush Jr. administration committed numerous inchoate crimes incidental to these substantive offenses that under the Nuremberg Charter, Judgment, and Principles were international crimes in their own right: viz., planning, preparation, solicitation, incitement, conspiracy, complicity, attempt, aiding and abetting, etc.

Of course the great irony of today's situation is that six decades ago at Nuremberg, representatives of the U.S. government participated in the prosecution, punishment and execution of Nazi government officials for committing some of the same types of heinous

international crimes that members of the Bush Jr. administration currently inflict upon people all around the world. To be sure, I personally oppose the imposition of capital punishment upon any person for any reason no matter how monstrous their crimes: Bush Jr., Tony Blair, Saddam Hussein, Slobodan Milosevic, Vladimir Putin, Ariel Sharon, my former client John Wayne Gacy, etc.

Furthermore, according to basic principles of international criminal law, all high-level civilian officials and military officers in the U.S. government who either knew or should have known that soldiers or civilians under their control committed or were about to commit international crimes, and failed to take the measures necessary to stop them, or to punish them, or both, are likewise personally responsible for the commission of international crimes.

This category of officialdom who actually knew or at least should have known of the commission of such substantive or inchoate international crimes under their jurisdiction and failed to do anything about it typically includes the Secretary of Defense, Secretary of State, Director of Central Intelligence, the National Security Adviser, the Attorney General, the Pentagon's Joint Chiefs of Staff and regional CINCs, and presumably the President and Vice President. These U.S. government officials and their immediate subordinates, among others, were personally responsible for the commission or at least complicity in the commission of crimes against peace, crimes against humanity, and war crimes as specified by the Nuremberg Charter, Judgment, and Principles – at a minimum. In international legal terms, the Bush Jr. administration itself should be viewed as constituting an ongoing criminal conspiracy under international criminal law.

Consequently, on Tuesday 11 March 2003, with the Bush Jr. administration's war of aggression against Iraq staring the American People, Congress and Republic in their face, Congressman John Conyers of Michigan, the Ranking Member of the House Judiciary Committee (which has jurisdiction over Bills of Impeachment), convened an emergency meeting of forty or more of his top advisors, most of whom were lawyers. The purpose of the meeting was to discuss and debate immediately putting into the U.S. House of Representatives Bills of Impeachment against President Bush Jr., Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, and then Attorney General John Ashcroft in order to head off the impending war. Congressman Conyers kindly requested that Ramsey Clark and I come to the meeting in order to argue the case for impeachment.

This impeachment debate lasted for two hours. It was presided over by Congressman Conyers, who quite correctly did not tip his hand one way or the other on the merits of impeachment. He simply moderated the debate between Clark and I, on the one side, favoring immediately filing Bills of Impeachment against Bush Jr. et al. to stop the threatened war, and almost everyone else there who were against impeachment for partisan political reasons. Obviously no point would be served here by attempting to digest a two-hour-long vigorous debate among a group of well-trained lawyers on such a controversial matter at this critical moment in American history. But at the time I was struck by the fact that this momentous debate was conducted at a private office right down the street from the White House on the eve of war.

Suffice it to say that most of the "experts" there opposed impeachment not on the basis of enforcing the Constitution and the Rule of Law, whether international or domestic, but on the political grounds that it might hurt the Democratic Party effort to get their presidential

candidate elected in the year 2004. As a political independent, I did not argue that point. Rather, I argued the merits of impeaching Bush Jr., Cheney, Rumsfeld, and Ashcroft under the United States Constitution, U.S. federal laws, U.S. treaties and other international agreements to which the United States is a party, etc. Article VI of the U.S. Constitution provides that treaties “shall be the supreme Law of the Land.” This so-called Supremacy Clause of the U.S. Constitution also applies to international executive agreements concluded under the auspices of the U.S. President such as the 1945 Nuremberg Charter.

Congressman Conyers was so kind as to allow me the closing argument in the debate. Briefly put, the concluding point I chose to make was historical: The Athenians lost their democracy. The Romans lost their Republic. And if we Americans did not act now we could lose our Republic! The United States of America is not immune to the laws of history!

After two hours of most vigorous debate among those in attendance, the meeting adjourned with second revised draft Bills of Impeachment sitting on the table.

Certainly, if the U.S. House of Representatives can impeach President Clinton for sex and lying about sex, then a fortiori the House can, should, and must impeach President Bush Jr. for war, lying about war, and threatening more wars. All that is needed is for one Member of Congress with courage, integrity, principles and a safe seat to file these currently amended draft Bills of Impeachment against Bush Jr., Cheney, Rumsfeld, and now Attorney General Albert Gonzales, who bears personal criminal responsibility for the Bush Jr. administration torture scandal. Failing this, the alternative is likely to be an American Empire abroad, a U.S. police state at home, and continuing wars of aggression to sustain both-along the lines of George Orwell’s classic novel 1984. Despite all of the serious flaws demonstrated by successive

United States governments that this author has amply documented elsewhere during the past quarter century as a Professor of Law, the truth of the matter is that America is still the oldest Republic in the world today. “We the People of the United States” must fight to keep it that way!

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