

# Top Question for Obama: Special Prosecutor to investigate the crimes of the Bush Administration

By [David Swanson](#)

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Region: [USA](#)

Theme: [Law and Justice](#)

## Bush Special Prosecutor Is Top Question for Obama

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[After five days of citizen voting at President-elect Obama's Change.gov website](#), the top-ranked question seeks a non-partisan Special Prosecutor to investigate the crimes of the Bush Administration:

"Will you appoint a Special Prosecutor – ideally Patrick Fitzgerald – to independently investigate the gravest crimes of the Bush Administration, including torture and warrantless wiretapping?" -Bob Fertik, New York City

The second round of questions began on December 30. As of January 4, nearly 4 million votes had been cast for over 63,000 questions. The [first round of questions ended on December 15 with nearly 1 million votes cast for over 10,000 questions](#).

In the second round, citizen-submitted questions were separated by category: Economy, National Security, Foreign Policy, Education, Health Care, Energy & Environment, Science & Technology, and Additional Issues. The Special Prosecutor question appears in "Additional Issues" and had 19,624 votes as of noon on Sunday. The second-ranked question about accountability for bank bailouts (under Economy) had 17,033 votes.

The Special Prosecutor question was endorsed by [Democrats.com](#), [The Nation](#), [People's Email Network](#), and key bloggers including [Digby](#) and [McJoan at DailyKos.com](#).

As noted by [Ari Melber of The Nation Magazine](#), the Special Prosecutor question ranked sixth in the first round of voting at the Obama site. But Melber writes, "Now that Vice President Cheney confessed his support for waterboarding on national television, flouting the rule of law, the issue is even more urgent."

According to Bob Fertik of Democrats.com, "Besides Vice President Cheney's admissions of torture, President Bush himself has admitted to illegal spying. If these actions go unprosecuted we will be sanctioning open criminality. Moreover, the Geneva Conventions require the United States to prosecute war crimes. We can stand for the rule of law or against it; the choice cannot be avoided and the question must not be."

President-elect Obama has promised to answer the top questions on his site. In this case it

would be the [first time since the Pennsylvania primary](#), and only the second time ever, he has had to address the issue of prosecuting the crimes of the Bush-Cheney administration. On April 14 he said, “if I found out that there were high officials who knowingly, consciously broke existing laws, engaged in coverups of those crimes with knowledge forefront, then I think a basic principle of our Constitution is nobody above the law.”

At the same time, there has been increasing speculation that President Bush, who has been relatively stingy about granting other pardons, will pardon not only Vice President Cheney, but perhaps even himself in the final minutes of his term. “If George Bush pardons Dick Cheney and himself for their crimes, the American people will be outraged,” Fertik said. “Under our Constitution, Presidents swear to uphold the Constitution, not to subvert it. If a President can deliberately authorize crimes and then abuse his pardon power to protect those who commit them, we live in a dictatorship – not a democracy.”

Melber believes citizen engagement is key. “With so few journalists directly asking the President-Elect about these issues, however, it is up to the rest of us to put accountability and the rule of law on the agenda.”

Voting remains open:

1. Sign in at <http://change.gov/openforquestions>
2. On the left menu, click “Additional Issues.” Bob Fertik’s question will appear at the top.
3. Look right for the checkbox, mouseover it so it goes from white to dark, then click to cast your vote

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*David Swanson is the author of the upcoming book “Daybreak: Undoing the Imperial Presidency and Forming a More Perfect Union” by Seven Stories Press and of the introduction to “The 35 Articles of Impeachment and the Case for Prosecuting George W. Bush” published by Feral House and available at Amazon.com. Swanson holds a master’s degree in philosophy from the University of Virginia. He has worked as a newspaper reporter and as a communications director, with jobs including press secretary for Dennis Kucinich’s 2004 presidential campaign, media coordinator for the International Labor Communications Association, and three years as communications coordinator for ACORN, the Association of Community Organizations for Reform Now. Swanson is Co-Founder of AfterDowningStreet.org, creator of ConvictBushCheney.org and Washington Director of Democrats.com, a board member of Progressive Democrats of America, the Backbone Campaign, and Voters for Peace, a member of the legislative working group of United for Peace and Justice, and convener of the accountability and prosecution working group of United for Peace and Justice.*

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