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## Preemptive impeachment

***Law professor stands ready to draft articles for any member of the House***

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*While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country...*

—The National Security Strategy of the United States of America

January 4, 2002—“We sentenced Nazi leaders to death for waging a war of aggression,” says International Law Professor Francis A. Boyle of the University of Illinois, Urbana-Champaign. By contrast, Prof. Boyle wants merely to impeach George W. Bush, Dick Cheney, Donald Rumsfeld and John Ashcroft for their plans to invade Iraq and create a police state in America.

Boyle is offering his services as counsel, free of charge, to any member of the House of Representatives willing to sponsor articles of impeachment. He is experienced in this work, having undertaken it in 1991 for the late Rep. Henry B. Gonzalez (D-TX), in an effort to stop the first Persian Gulf War. It takes only one member to introduce articles of impeachment. Of course, it will take many more than that to vote for impeachment, which will culminate in a trial in the Senate. Boyle is confident that, once the articles are introduced, others, including Republicans, will co-sponsor them. But we have to convince our Representatives that impeachment is necessary for the country and politically safe for them. This non-violent, constitutional process may be our best way of stopping World War III and saving our civil rights.

### Grounds for Impeachment

Article II Sec. 4 of the Constitution states 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.” Boyle says that waging a war of aggression is a crime under the *Nuremberg Charter, Judgment and Principles*. “It’s very clear,” he adds, “if you read all the press reports, they are going to devastate Baghdad, a metropolitan area of 5 million people. The Nuremberg Charter clearly says the wanton devastation of a city is a Nuremberg war crime.”

The United States is a party to the *Nuremberg Charter, Judgment and Principles*, and thus is constitutionally bound to obey them. “The Constitution, in Article 6, says that international treaties are the supreme law of the land here in the United States of America. So all we would be doing here, in this impeachment campaign,” Boyle says, “is impeaching them for violating international treaties, as incorporated into the United States Constitution, as well as the Constitution itself.”

### Bush Cabal Repudiates Nuremberg Principles

We don’t have to wait for the devastation of Baghdad to impeach the Bush cabal because they have already repudiated the Nuremberg Charter via the so-called Bush Doctrine of preventive war and preemptive attack. “This doctrine of pre-emptive warfare or pre-emptive attack was rejected **soundly in the Nuremberg Judgment**,” Boyle says. “The Nuremberg Judgment...rejected this Nazi doctrine of international law of alleged self-defense.” The Bush Doctrine, embodied in the [National Security Strategy document](#), published on the White House web site, is appalling, Boyle says. “It reads like a Nazi planning document prior to the Second World War.”

## **The Fruit Doesn't Fall Far From the Tree**

As Rep. Henry B. Gonzalez explained on the floor of the House in 1991, his articles charged the elder Bush with:

- 1) Violating the Equal Protection Clause by having minorities and poor whites, who were the majority of the soldiers in the Middle East, "fight a war for oil to preserve the lifestyles of the wealthy."
- 2) Violating "the Constitution, Federal law, and the UN Charter by bribing, intimidating, and threatening others, including the members of the UN Security Council, to support belligerent acts against Iraq."
- 3) Violating the Nuremberg principles by conspiring to engage in a massive war against Iraq that would cause tens of thousands of civilian deaths.
- 4) Committing "the United States to acts of war without congressional consent and contrary to the UN Charter and international law." (This refers to the lack of a formal declaration of war, as required by the Constitution).
- 5) Committing crimes against the peace by leading the United States into aggressive war against Iraq, in violation of Article 24 of the UN Charter, the Nuremberg Charter, other international instruments and treaties, and the Constitution of the United States.

Boyle believes that the articles he drafted for Gonzalez' effort to impeach George H. W. Bush, the father, could still serve as a basis for impeaching George W. Bush, the son.

## **Are the People Ready for Another Impeachment?**

Impeachment has the advantage of bypassing the U.S. Supreme Court, which illegally installed Bush in the Oval Office. The same "Justices" would have the final word on legal challenges to constitutional abominations, such as the USA PATRIOT Act and the Homeland Security Act, both of which the White House rammed through a Congress frightened by the September 11<sup>th</sup> attacks and the as yet unsolved anthrax attacks on Capitol Hill.

But no matter how blatant the violations of constitutional, statutory and international law are, impeachment is still a political process. Republicans control the Congress and many Democrats, fearful of being labeled "soft on terrorism" might be unwilling to challenge the Bush cabal. It would take tremendous public pressure to get a reluctant Congress to impeach. Still, Boyle thinks he can garner public support by adding an article of impeachment against John Ashcroft.

"We know for a fact that there are Republicans and Democrats and Independents and Greens, even very conservative Republicans, such as Dick Armey and [Bob] Barr, who are very worried about a police state." Boyle says that an article against Ashcroft would make clear "that we don't want a police state in the name of an oil empire."

## **It's Up to Us**

Unfortunately for the impeachment campaign, Armey has retired and Barr, who spoke out against some of the most draconian proposals for what eventually became the USA PATRIOT Act, was defeated in the Republican primary. Boyle is still waiting for the one member of Congress willing to introduce articles of impeachment when the 108<sup>th</sup> Congress convenes on January 7.

Since Bush has indicated that he is not likely to go to war before the end of January or early February, Boyle thinks we have a month to stop the war by impeaching the chain of command: Bush, Cheney and Rumsfeld, along with police state enforcer Ashcroft. Time and the Internet are advantages Rep. Gonzalez did not have in 1991, when the Persian Gulf War was launched the day after he introduced his articles.

Boyle is asking the public to push for impeachment in two ways. First, [contact your own member of Congress](#) to urge him or her to introduce articles of impeachment, and tell the member that he or she may [contact Prof. Boyle](#) for assistance in drafting the articles. Second, demand impeachment by engaging in non-violent direct action, in exercise of your First Amendment rights to free speech, peaceable assembly and petition for redress of grievances. Boyle was pleased that 100,000 people marched around the White House last October 26 to protest the impending war on Iraq. But he says *one million* people need to peaceably take to the streets with signs, banners and voices shouting, "Impeach Bush!"

"The bottom line: it's really up to you and to me to enforce the law and the Constitution against our own government," he says. "We are citizens of the United States of America. We have to act to preserve the republic that we have, to preserve our Constitution, to preserve a rule of law. This is our responsibility as citizens. We simply can't pass the buck and say 'Oh, some judge is going to do it somewhere.' It's up to us to keep this republic."

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*Listen to Kéllia Ramares' full interview of Prof. Francis Boyle at [R.I.S.E. - Radio Internet Story Exchange](#). Also, [shop the R.I.S.E. online store](#) for impeachment paraphernalia.*

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