

110TH CONGRESS
2D SESSION

H. RES. 1345

Impeaching George W. Bush, President of the United States, of high crimes
and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2008

Mr. KUCINICH submitted the following resolution

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By motion of the House, referred to the Committee on the Judiciary

RESOLUTION

Impeaching George W. Bush, President of the United States,
of high crimes and misdemeanors.

1 *Resolved*, That President George W. Bush be im-
2 peached for high crimes and misdemeanors, and that the
3 following Article of Impeachment be exhibited to the
4 United States Senate:

5 An Article of Impeachment exhibited by the House
6 of Representatives of the United States of America in the
7 name of itself and the people of the United States of
8 America, in maintenance and support of its impeachment

1 against President George W. Bush for high crimes and
2 misdemeanors.

3 ARTICLE ONE—DECEIVING CONGRESS WITH FAB-
4 RICATED THREATS OF IRAQ WMDs TO FRAUDU-
5 LENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION
6 OF THE USE OF MILITARY FORCE AGAINST IRAQ

7 In his conduct while President of the United States,
8 George W. Bush, in violation of his constitutional oath to
9 faithfully execute the Office of President of the United
10 States, and to the best of his ability, preserve, protect,
11 and defend the Constitution of the United States, and in
12 violation of his constitutional duty under article II, section
13 3 of the Constitution “to take care that the laws be faith-
14 fully executed,” deceived Congress with fabricated threats
15 of Iraq Weapons of Mass Destruction to fraudulently ob-
16 tain support for an authorization for the use of force
17 against Iraq and used that fraudulently obtained author-
18 ization, then acting in his capacity under article II, section
19 2 of the Constitution as Commander in Chief, to commit
20 U.S. troops to combat in Iraq.

21 To gain congressional support for the passage of the
22 Joint Resolution to Authorize the Use of United States
23 Armed Forces Against Iraq, the President made the fol-
24 lowing material representations to the Congress in S.J.
25 Res. 45:

1 1. That Iraq was “continuing to possess and
2 develop a significant chemical and biological weapons
3 capability. . . .”

4 2. That Iraq was “actively seeking a nuclear
5 weapons capability. . . .”

6 3. That Iraq was “continuing to threaten the
7 national security interests of the United States and
8 international peace and security.”

9 4. That Iraq has demonstrated a “willingness
10 to attack, the United States. . . .”

11 5. That “members of al Qaeda, an organization
12 bearing responsibility for attacks on the United
13 States, its citizens and interests, including the at-
14 tacks that occurred on September 11, 2001, are
15 known to be in Iraq. . . .”

16 6. The “attacks on the United States of Sep-
17 tember 11, 2001, underscored the gravity of the
18 threat that Iraq will transfer weapons of mass de-
19 struction to international terrorist organiza-
20 tions. . . .”

21 7. That Iraq “will either employ those weapons
22 to launch a surprise attack against the United
23 States or its Armed Forces or provide them to inter-
24 national terrorists who would do so. . . .”

1 8. That an “extreme magnitude of harm that
2 would result to the United States and its citizens
3 from such an attack. . . .”

4 9. That the aforementioned threats “justify ac-
5 tion by the United States to defend itself. . . .”

6 10. The enactment clause of section 2 of S.J.
7 Res. 45, the Authorization of the Use of the United
8 States Armed Forces authorizes the President to
9 “defend the national security interests of the United
10 States against the threat posed by Iraq. . . .”

11 Each consequential representation made by the Presi-
12 dent to the Congress in S.J. Res. 45 in subsequent
13 iterations and the final version was unsupported by evi-
14 dence which was in the control of the White House.

15 To wit:

16 1. Iraq was not “continuing to possess and de-
17 velop a significant chemical and biological weapons
18 capability. . . .”

19 “A substantial amount of Iraq’s chemical
20 warfare agents, precursors, munitions and pro-
21 duction equipment were destroyed between
22 1991 and 1998 as a result of Operation Desert
23 Storm and United Nations Special Commission
24 (UNSCOM) actions. There is no reliable infor-
25 mation on whether Iraq is producing and stock-

1 piling chemical weapons or whether Iraq has or
2 will establish its chemical warfare agent produc-
3 tion facilities.”

4 The source of this information is the De-
5 fense Intelligence Agency, a report called,
6 “Iraq—Key WMD Facilities—An Operational
7 Support Study,” September 2002.

8 “Statements by the President and Vice
9 President prior to the October 2002 National
10 Intelligence Estimate regarding Iraq’s chemical
11 weapons production capability and activities did
12 not reflect the intelligence community’s uncer-
13 tainties as to whether such production was on-
14 going.”

15 The source of this information is the Sen-
16 ate Select Committee on Intelligence, a report
17 entitled “Report on Whether Public Statements
18 Regarding Iraq By U.S. Government Officials
19 Were Substantiated By Intelligence Informa-
20 tion.” June 5, 2008.

21 “In April and early May 2003, military
22 forces found mobile trailers in Iraq. Although
23 intelligence experts disputed the purpose of the
24 trailers, administration officials repeatedly as-
25 serted 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 and the Defense Intelligence Agency 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 later disclosed that engineers from the Defense Intelligence Agency 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.’ ”

The source of this information is the House Committee on Government Reform, minority staff, “Iraq on the Record: Bush Administration’s Public Statements about Chemical and Biological Weapons.” March 16, 2004.

1 Former chief of CIA covert operations in
2 Europe, Tyler Drumheller, has said that the
3 CIA had credible sources discounting weapons
4 of mass destruction claims, including the pri-
5 mary source of biological weapons claims, an in-
6 formant who the Germans code-named
7 “Curveball” whom the Germans had informed
8 the Bush administration was a likely fabricator
9 of information including that concerning the
10 Niger yellowcake forgery. Two other former
11 CIA officers confirmed Drumheller’s account to
12 Sidney Blumenthal who reported the story at
13 Salon.com on September 6, 2007, which in fact
14 is the media source of this information.

15 “In practical terms, with the destruction of
16 the al Hakam facility, Iraq abandoned its ambi-
17 tion to obtain advanced biological weapons
18 quickly. The Iraq Survey Group (ISG) found no
19 direct evidence that Iraq, after 1996, had plans
20 for a new biological weapons program or was
21 conducting biological weapons-specific work for
22 military purposes. Indeed, from the mid-1990s,
23 despite evidence of continuing interest in nu-
24 clear and chemical weapons, there appears to be
25 a complete absence of discussion or even inter-

1 est in biological weapons at the Presidential
2 level. In spite of exhaustive investigation, the
3 Iraq Survey Group found no evidence that Iraq
4 possessed, or was developing, biological weapon
5 agent production systems mounted on road ve-
6 hicles or railway wagons. The Iraq Survey
7 Group harbors severe doubts about the source's
8 credibility in regards to the breakout program.”
9 That's a direct quote from the “Comprehensive
10 Report of the Special Advisor to the Director of
11 Central Intelligence on Iraq's WMD,” com-
12 monly known as the Duelfer report by Charles
13 Duelfer.

14 “While a small number of old, abandoned
15 chemical munitions have been discovered, the
16 Iraq Survey Group judges that Iraq unilaterally
17 destroyed its undeclared chemical weapons
18 stockpile in 1991. There are no credible indica-
19 tions that Baghdad resumed production of
20 chemical munitions thereafter, a policy the Iraq
21 Survey Group attributes to Baghdad's desire to
22 see sanctions lifted, or rendered ineffectual, or
23 its fear of force against it should WMD be dis-
24 covered.”

1 The source of this information, the “Com-
2 prehensive Report of the Special Advisor to the
3 Director of Central Intelligence on Iraq’s
4 WMD,” Charles Duelfer.

5 2. Iraq was not “actively seeking a nuclear
6 weapons capability.”

7 The key finding of the Iraq Survey
8 Group’s report to the Director of Central Intel-
9 ligence found that “Iraq’s ability to reconstitute
10 a nuclear weapons program progressively de-
11 cayed after that date. Saddam Husayn (sic)
12 ended the nuclear program in 1991 following
13 the Gulf War. Iraq Survey Group found no evi-
14 dence to suggest concerted efforts to restart the
15 program.”

16 The source of this information, the “Com-
17 prehensive Report of the Special Advisor to the
18 Director of Central Intelligence on Iraq’s
19 WMD,” Charles Duelfer.

20 Claims that Iraq was purchasing uranium
21 from Niger were not supported by the State
22 Department’s Bureau of Intelligence and Re-
23 search in the National Intelligence Estimate of
24 October 2002.

1 The CIA had warned the British Govern-
2 ment not to claim Iraq was purchasing uranium
3 from Niger prior to the British statement that
4 was later cited by President Bush, this accord-
5 ing to George Tenet of the Central Intelligence
6 Agency on July 11, 2003.

7 Mohamed ElBaradei, the Director General
8 of the International Atomic Energy Agency, in
9 a “Statement to the United Nations Security
10 Council on The Status of Nuclear Inspections
11 in Iraq: An Update” on March 7, 2003, said as
12 follows:

13 “One, there is no indication of resumed
14 nuclear activities in those buildings that were
15 identified through the use of satellite imagery
16 as being reconstructed or newly erected since
17 1998, nor any indication of nuclear-related pro-
18 hibited activities at any inspected sites. Second,
19 there is no indication that Iraq has attempted
20 to import uranium since 1990. Three, there is
21 no indication that Iraq has attempted to import
22 aluminum tubes for use in centrifuge enrich-
23 ment. Moreover, even had Iraq pursued such a
24 plan, it would have been—it would have en-
25 countered 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 to further scrutinize and investigate all of the above issues.”

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.”

George Tenet, who was Director of the CIA, said this in Prepared Remarks for Delivery at Georgetown University on February 5, 2004.

“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

1 a success for 10 years.” The source of this
2 statement, Colin Powell, Secretary of State, in
3 an interview with Face the Nation, February
4 11, 2001.

5 On July 23, 2002, a communication from
6 the Private Secretary to Prime Minister Tony
7 Blair, “Memo to British Ambassador David
8 Manning” reads as follows: “British Secret In-
9 telligence Service Chief Sir Richard Billing
10 Dearlove reported on his recent talks in Wash-
11 ington. There was a perceptible shift in atti-
12 tude. Military action was now seen as inevi-
13 table. Bush wanted to remove Saddam through
14 military action, justified by the conjunction of
15 terrorism and WMD. But the intelligence and
16 facts were being fixed around the policy. The
17 NSC had no patience with the U.N. route and
18 no enthusiasm for publishing material on the
19 Iraqi regime’s record. There was little discus-
20 sion in Washington of the aftermath after mili-
21 tary action. The Foreign Secretary said he
22 would discuss this with Colin Powell this week.
23 It seemed clear that Bush had made up his
24 mind to take military action, even if the timing
25 was not yet decided. But the case was thin.

1 Saddam Hussein was not threatening his neigh-
2 bors, and his WMD capability was less than
3 that of Libya, North Korea or Iran. We should
4 work up a plan for an ultimatum to Saddam to
5 allow back in the U.N. weapons inspectors. This
6 would also help with the legal justification for
7 the use of force.”

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

10 “The fact of the matter is that both bas-
11 kets, the U.N. basket and what we and other
12 allies have been doing in the region, have suc-
13 ceeded in containing Saddam Hussein and his
14 ambitions. His forces are about one-third their
15 original size. They really don’t possess the ca-
16 pability to attack their neighbors the way they
17 did 10 years ago.” The source of this quote,
18 Colin Powell, Secretary of State, in a transcript
19 of remarks made to German Foreign Minister
20 Joschka Fischer in February 2001.

21 The October 2002 National Intelligence
22 Estimate concluded that “Baghdad for now ap-
23 pears to be drawing a line short of conducting
24 terrorist attacks with conventional or chemical
25 or biological weapons against the United States,

1 fearing that exposure of Iraqi involvement
2 would provide Washington a stronger case for
3 making war.”

4 5. Iraq had no connection with the attacks of
5 9/11 or with al Qaeda’s role in 9/11.

6 “The report of the Senate Select Com-
7 mittee on Intelligence documents significant in-
8 stances in which the administration went be-
9 yond what the intelligence community knew or
10 believed in making public claims, most notably
11 on the false assertion that Iraq and al Qaeda
12 had an operational partnership and joint in-
13 volvement in carrying out the attacks of Sep-
14 tember 11.” This is a quote from Senator John
15 D. Rockefeller, IV, the chairman of the Senate
16 Select Committee on Intelligence entitled “Ad-
17 ditional Views of Chairman John D. Rocke-
18 feller, IV” on page 90.

19 Continuing from Senator Rockefeller:

20 “The President and his advisors undertook
21 a relentless public campaign in the aftermath of
22 the attacks to use the war against al Qaeda as
23 a justification for overthrowing Saddam Hus-
24 sein. Representing to the American people that
25 the two had an operational partnership and

1 posed a single, indistinguishable threat was fun-
2 damentally misleading and led the Nation to
3 war on false premises.” Senator Rockefeller.

4 Richard Clarke, a National Security Advi-
5 sor, in a memo of September 18, 2001, titled
6 “Survey of Intelligence Information on Any
7 Iraq Involvement in the September 11 Attacks”
8 found no “compelling case” that Iraq had either
9 planned or perpetrated the attacks, and that
10 there was no confirmed reporting on Saddam
11 cooperating with bin Laden on unconventional
12 weapons.

13 On September 17, 2003, President Bush
14 said: “No, we’ve got no evidence that Saddam
15 Hussein was involved with September 11. What
16 the Vice President said was is that he (Sad-
17 dam) has been involved with al Qaeda.”

18 On June 16, 2004, a staff report from the
19 9/11 Commission stated: “There have been re-
20 ports that contacts between Iraq and al Qaeda
21 also occurred after bin Laden had returned to
22 Afghanistan in 1996, but they do not appear to
23 have resulted in a collaborative relationship.
24 Two senior bin Laden associates have ada-
25 mantly denied that any ties existed between al

1 Qaeda and Iraq. We have no credible evidence
2 that Iraq and al Qaeda cooperated on attacks
3 against the United States.”

4 “Intelligence provided by former Undersec-
5 retary of Defense Douglas J. Feith to buttress
6 the White House case for invading Iraq in-
7 cluded ‘reporting of dubious quality or reli-
8 ability’ that supported the political views of sen-
9 ior administration officials rather than the con-
10 clusions of the intelligence community, this ac-
11 cording to a report by the Pentagon Inspector
12 General.

13 “Feith’s office ‘was predisposed to finding
14 a significant relationship between Iraq and al
15 Qaeda,’ according to portions of the report re-
16 leased by Senator Carl Levin. The Inspector
17 General described Feith’s activities as ‘an alter-
18 native intelligence assessment process.’” The
19 source of this information is a report in the
20 Washington Post dated February 9, 2007, page
21 A-1, an article by Walter Pincus and Jeffrey
22 Smith entitled “Official’s Key Report on Iraq is
23 Faulted, ‘Dubious’ Intelligence Fueled Push for
24 War.”

1 6. Iraq possessed no weapons of mass destruc-
2 tion to transfer to anyone.

3 Iraq possessed no weapons of mass de-
4 struction to transfer. Furthermore, available in-
5 telligence information found that the Iraq re-
6 gime would probably only transfer weapons of
7 mass destruction to terrorist organizations if
8 under threat of attack by the United States.

9 According to information in the October
10 2002 National Intelligence Estimate (NIE) on
11 Iraq that was available to the administration at
12 the time that they were seeking congressional
13 support for the authorization of use of force
14 against Iraq, the Iraq regime would probably
15 only transfer weapons to a terrorist organiza-
16 tion if “sufficiently desperate” because it feared
17 that “an attack that threatened the survival of
18 the regime were imminent or unavoidable.”

19 “The Iraqi Intelligence Service (IIS) prob-
20 ably has been directed to conduct clandestine
21 attacks against the United States and Allied in-
22 terests in the Middle East in the event the
23 United States takes action against Iraq. The
24 IIS probably would be the primary means by
25 which Iraq would attempt to conduct any chem-

1 ical and biological weapon attacks on the U.S.
2 homeland, although we have no specific intel-
3 ligence information that Saddam's regime has
4 directed attacks against U.S. territory."

5 7. Iraq had no weapons of mass destruction and
6 therefore had no capability of launching a surprise
7 attack against the United States or its Armed
8 Forces and no capability to provide them to inter-
9 national terrorists who would do so.

10 Iraq possessed no weapons of mass de-
11 struction to transfer. Furthermore, available in-
12 telligence information found that the Iraq re-
13 gime would probably only transfer weapons of
14 mass destruction to terrorist organizations if
15 under severe threat of attack by the United
16 States.

17 According to information in the October
18 2002 National Intelligence Estimate on Iraq
19 that was available to the administration at the
20 time they were seeking congressional support
21 for the authorization of the use of force against
22 Iraq, the Iraqi regime would probably only
23 transfer weapons to a terrorist organization if
24 "sufficiently desperate" because it feared that
25 "an attack that threatened the survival of the

1 regime were imminent or unavoidable.” That,
2 again, from the October 2002 National Intel-
3 ligence Estimate on Iraq.

4 “The Iraqi Intelligence Service probably
5 has been directed to conduct clandestine attacks
6 against U.S. and Allied interests in the Middle
7 East in the event the United States takes ac-
8 tion against Iraq. The Iraq Intelligence Service
9 probably would be the primary means by which
10 Iraq would attempt to conduct any chemical or
11 biological weapons attacks on the U.S. home-
12 land, although we have no specific intelligence
13 information that Saddam’s regime has directed
14 attacks against U.S. territory.”

15 As reported in the Washington Post on
16 March 1, 2003, in 1995, Saddam Hussein’s
17 son-in-law, Hussein Kamel, had informed U.S.
18 and British intelligence officers that “all weap-
19 ons—biological, chemical, missile, nuclear—
20 were destroyed.” That from the Washington
21 Post, March 1, 2003, page A15, an article enti-
22 tled “Iraqi Defector Claimed Arms Were De-
23 stroyed By 1995,” by Colum Lynch.

24 The Defense Intelligence Agency, in a re-
25 port called “Iraq—Key WMD Facilities—An

1 Operational Report Study” in September 2002,
2 said this:

3 “A substantial amount of Iraq’s chemical
4 warfare agents, precursors, munitions and pro-
5 duction equipment were destroyed between
6 1991 and 1998 as a result of Operation Desert
7 Storm and United Nations Special Commission
8 (UNSCOM) actions. There is no reliable infor-
9 mation on whether Iraq is producing and stock-
10 piling chemical weapons or whether Iraq has or
11 will establish its chemical warfare agent produc-
12 tion facilities.”

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

18 Here’s what Colin Powell said at the time:
19 “Containment has been a successful policy, and
20 I think we should make sure that we continue
21 it until such time as Saddam Hussein comes
22 into compliance with the agreements he made
23 at the end of the Gulf War.” Speaking of Iraq,
24 Secretary of State Powell said, “Iraq is not
25 threatening America.”

1 9. The aforementioned evidence did not “justify
2 the use of force by the United States to defend
3 itself” because Iraq did not have weapons of mass
4 destruction, or have the intention or capability of
5 using nonexistent WMDs against the United States.

6 10. Since there was no threat posed by Iraq to
7 the United States, the enactment clause of the Sen-
8 ate Joint Resolution 45 was predicated on
9 misstatements to Congress.

10 Congress relied on the information provided to it by
11 the President of the United States. Congress provided the
12 President with the authorization to use military force that
13 he requested. As a consequence of the fraudulent represen-
14 tations made to Congress, the United States Armed
15 Forces, under the direction of George Bush as Com-
16 mander in Chief, pursuant to section 3 of the Authoriza-
17 tion for the Use of Force which President Bush requested,
18 invaded Iraq and occupies it to this day, at the cost of
19 4,116 lives of servicemen and -women, injuries to over
20 30,000 of our troops, the deaths of over 1 million innocent
21 Iraqi civilians, the destruction of Iraq, and a long-term
22 cost of over \$3 trillion.

23 President Bush’s misrepresentations to Congress to
24 induce passage of a use of force resolution is subversive
25 of the constitutional system of checks and balances, de-

1 structive of Congress's sole prerogative to declare war
2 under article I, section 8 of the Constitution, and is there-
3 fore a High Crime. An even greater offense by the Presi-
4 dent of the United States occurs in his capacity as Com-
5 mander in Chief, because he knowingly placed the men
6 and women of the United States Armed Forces in harm's
7 way, jeopardizing their lives and their families' future, for
8 reasons that to this date have not been established in fact.

9 In all of these actions and decisions, President
10 George W. Bush has acted in a manner contrary to his
11 trust as President and Commander in Chief, and subver-
12 sive of constitutional government, to the prejudice of the
13 cause of law and justice and to the manifest injury of the
14 people of the United States and of those members of the
15 Armed Forces who put their lives on the line pursuant
16 to the falsehoods of the President.

17 Wherefore, President George W. Bush, by such con-
18 duct, is guilty of an impeachable offense warranting re-
19 moval from office.

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