

## Impeaching Bush, State by State

By Evan Derkacz, AlterNet

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Forget bird flu, impeachment is spreading across the nation, state by state.

On Tuesday afternoon, Rep. Dave Zuckerman (Prog.-VT) dropped the third of three nearly unreported bombshells on the Bush administration. Zuckerman, along with 12 fellow lawmakers, introduced a formal resolution for the Vermont state legislature to call on the U.S. House of Representatives to impeach President George W. Bush.

With this resolution, Vermont joined the California and Illinois state legislatures, already embroiled in impeachment debates of their own.

For those who still believe impeachment's just a pipe dream, there are several key developments to consider beyond this burgeoning state movement. In addition to the hawkish Zbigniew Brzezinski's op-ed in Tuesday's *International Herald Tribune* warning that an attack on Iran could merit impeachment, Salon's Michelle Goldberg and my colleague Onnesha Roychoudhuri both noted last month that the "i-word" had gone public.

In an interview with impeachment expert Michael Ratner, Roychoudhuri observed that:

"[T]he distant rumbling is growing louder by the day, creating a resonant echo that is rapidly taking root in public discourse. 'Impeach Him,' reads the cover of this month's *Harper's Magazine*. And in a public forum in New York City last week, journalists, lawyers and political figures came together to discuss the case against our president."

While the main impediment continues to be a sycophantic Republican majority, polls show that more Americans favor impeachment hearings than currently approve of the job Bush is doing (33 to 32 percent). In addition, as Bob Geiger notes, Bush's state-by-state popularity is lower than even his anemic nationwide figures suggest, with a paltry four states remaining red two years into his second term. In other words, the population has the stomach for it even if the representatives don't.

The legal basis for these unprecedented state-level actions was discovered when, according to Steven Leser, Illinois Rep. Karen A. Yarbrough "stumbled on a little known and never utilized rule of the U.S. House of Representatives." The rule was written in a book formerly known as Jefferson's Manual, which, according to C-SPAN, "is a book of rules of procedure and parliamentary philosophy ... written by Thomas Jefferson in 1801 ... [used by the House] as a supplement to its standing rules." Section LIII, sec. 603 states, "There are various methods of setting an impeachment in motion ... [one of them is] by charges transmitted from the legislature of a State ..."

Each of the three resolutions mentions Iraq lies, torture and illegal spying, with slight variations in tone and specifics. Assemblyman Paul Koretz's California resolution (which includes Dick Cheney) and the Illinois resolution both include the leak of Valerie Plame's identity, while Vermont's focuses almost exclusively on Bush's most salient transgression, his illegal spying on Americans. The spying charge leads the other two resolutions' list of charges as well.

In December, cringing at the prospect of getting scooped by its own reporter's upcoming book on the subject, the *New York Times* published a story it'd been sitting on for months at the behest of the Bush administration. The front page story by James Risen and Eric Lichtblau outlined a program for illegally spying on American citizens, which had been explicitly authorized by the president. It became popularly known as the NSA Wiretapping Scandal.

Having failed at pressuring the *Times* into hiding the story for another three years, the Bush administration opted for its signature blend of hubris and fear, at once admitting publicly to having violated the law but hiding beneath the smoke of "terrorism prevention" and the mirrors of the Nixonian prerogative: "When the president does it, that means that it is not illegal." Of course, we now know precisely how much water that explanation holds, even if reworded for maximum terror exploitation: "When the *commander-in-chief* does it, it is not illegal."

Still, despite the fact that no attempt was made to cover up this blatant violation of the law, political will in the Republican-controlled House to bring impeachment was harder to find than a fact in the mouth of Scotty McClellan. Wisconsin Sen. Russ Feingold's resolution to censure the president (impeachment is a House-only proposition) -- a measure supported by a plurality of American voters -- included a crystal-clear retort to partisan claims that the illegal wiretapping was necessary:

This issue is not about whether the government should be wiretapping terrorists -- of course it should, and it can under current law ... But this president and this administration decided to break the law, and they have yet to give a convincing explanation of why their actions were necessary, appropriate or legal.

But the president and his spin doctors had successfully grabbed the reins of the debate by framing the question thusly: "Do you, or do you not, want us to be able to spy on terrorists?" The fact that this and other myths surrounding the president's violation of the law were easily debunked did little to shake Republican Bush worship *or* Democratic defeatism.

As Feingold's legally toothless censure proposal went into that good night, impeachment took a back seat. Criticism of Rumsfeld took the front seat, and congressional Republicans, with one eye on Bush's tanking popularity and the other on the increasingly ominous midterm elections, began to back away from the president and tentatively joined the calls for an exit strategy -- *any* strategy really -- from Iraq.

Enter the blogs. On Jan. 24, well before the Illinois legislator Karen Yarbrough stumbled over this state legislature loophole, blogger arbortender of DailyKos had unearthed the rule that another writer dubbed "Jefferson's Revenge". Fellow blogger Kagro X took the baton, and the blogs have been pushing the story and building the momentum ever since, from Vermont's various town- and countywide resolutions to the Illinois bombshell, through California's and now Vermont's state-level proposals. According to Steve Leser, Democratic state legislators in Wisconsin, New Mexico, Nevada and North Carolina are also considering either impeachment or censure proposals.

In any case, the three states already debating impeachment represent nearly 50 million Americans, or roughly 16 percent of the total U.S. population.

As promising as this development is, serious questions remain unanswered. If Americans perceive that voting the Republicans out of the House will lead directly to a vote for impeachment hearings, will they instinctively rally around the president despite his unpopularity specifically and the unpopularity of Republicans in general?

Or, more ominously, will an unpopular president, terrified at the possibility of a crushing Republican defeat in '06 and facing impeachment hearings, launch some sort of "October Surprise?"

October Surprise speculation ranges from my colleague Joshua Holland's prediction that measures will be taken to significantly lower gas prices to Dave Lindorff's claim that:

"a number of journalists told me they worried that Bush, Rove and Cheney, if they thought they were going to lose the House in November and face serious investigations into their crimes and deceits, would do something treasonous, like launching a war against Iran, or perhaps allowing another major terrorist attack against a U.S. target, so that they could then clamp down further on domestic freedom and ramp up jingoistic support among their wavering base."

In the final tally, the state-sponsored impeachment resolutions remain more symbolic than anything -- which may be just as well. By building a public case against Bush for his clear violations of U.S. law, Republicans are left with the albatross of Bush around their necks as they tiptoe into the '06 elections. As pollster Jan van Lohuizen wrote to Republican Chairman Ken Mehlman in a memo: "We are now 'brand W.' Republicans."

*Evan Derkacz is AlterNet's associate editor and writer of Peek, the blog of blogs.*

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