
SUBSTITUTE SENATE JOINT MEMORIAL 8016

State of Washington

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2008 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Oemig, Regala, Kohl-Welles, Kline, Spanel, Fairley, Kauffman, Fraser, and Prentice)

READ FIRST TIME 01/22/08.

1 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
3 UNITED STATES, IN CONGRESS ASSEMBLED:

4 We, your Memorialists, the Senate and House of Representatives of
5 the State of Washington, in legislative session assembled, respectfully
6 represent and petition as follows:

7 WHEREAS, The citizens of Washington State expect and require their
8 highest elected officials be subject to the laws of the land, like any
9 citizen, and uphold the constitutional oath taken by them upon assuming
10 office; and

11 WHEREAS, In 2001, the President signed a secret executive order
12 authorizing warrantless surveillance of American citizens in direct
13 conflict with the United States Constitution and United States law; and

14 WHEREAS, The President both demonstrated knowledge of the law he
15 was breaking, and lied about breaking the law by stating on April 20,
16 2004, ". . . a wiretap requires a court order. Nothing has changed, by
17 the way. When we're talking about chasing down terrorists, we're
18 talking about getting a court order before we do so."; and

19 WHEREAS, The President again demonstrated knowledge of the law he
20 was breaking and again lied about his lawlessness by stating on July

1 20, 2005, "Law enforcement officers need a federal judge's permission
2 to wiretap a foreign terrorist's phone, or to track his calls, or to
3 search his property. Officers must meet strict standards to use any of
4 the tools we're talking about."; and

5 WHEREAS, This unwarranted and unlawful, and seemingly
6 unconstitutional surveillance program is still being used to spy on
7 American citizens; and

8 WHEREAS, The President's authorization and subsequent lies about an
9 unwarranted, unlawful, and apparently unconstitutional surveillance
10 program would seem to constitute an impeachable offense; and

11 WHEREAS, United States and International law forbid invading a
12 foreign country without provocation; and

13 WHEREAS, On September 16, 2004, the Secretary General of the United
14 Nations Kofi Annan, commented on the United States invasion of Iraq by
15 stating: "It was not in conformity with the United Nations charter.
16 From our point of view, from the charter point of view, it was
17 illegal."; and

18 WHEREAS, In October 2002, Congress authorized the President to use
19 his discretion to decide whether or not to use force against Iraq; and

20 WHEREAS, The President and Vice President misled Congress and the
21 American people about the potential threat of Iraq; and

22 WHEREAS, The President and Vice President were either deliberately
23 deceitful or willfully ignorant about the potential threat of Iraq; and

24 WHEREAS, On March 19, 2003, the President, acting on his sole
25 discretion, ordered the illegal invasion of Iraq, according to his
26 letter to Congress dated March 21, 2003, stating "I directed United
27 States Armed Forces, operating with other coalition forces, to commence
28 combat operations on March 19, 2003, against Iraq."; and

29 WHEREAS, Misleading the Congress and the American people to justify
30 invading another country in direct violation of International and
31 United States laws would seem to constitute an impeachable act; and

32 WHEREAS, The President, acting with the support of the Vice
33 President and the former Attorney General who resigned under threat of
34 impeachment, authorized the abusive treatment of prisoners; and

35 WHEREAS, When Congress sought to reaffirm the United States
36 prohibition on torture by passing a 2005 antitorture law, the President
37 signed the law with a signing statement that effectively states that
38 the President has the right to torture at his discretion because, "The

1 executive branch shall construe . . . the Act, relating to detainees,
2 in a manner consistent with the constitutional authority of the
3 President to supervise the unitary executive branch . . ."; and

4 WHEREAS, The abusive techniques authorized by the President were
5 committed during an armed conflict; and

6 WHEREAS, The abusive techniques authorized by the President have
7 previously been classified as torture and prosecuted as a war crime by
8 the United States; and

9 WHEREAS, International law defines torture during an armed conflict
10 as a war crime; and

11 WHEREAS, In 1947 the United States charged a Japanese officer,
12 Yukio Asano, with war crimes for waterboarding a United States
13 civilian; and

14 WHEREAS, International law defines that a commander involved in
15 ordering, allowing, or insufficiently preventing and prosecuting a war
16 crime is criminally liable under the Command Responsibility doctrine;
17 and

18 WHEREAS, The President appears to be guilty of war crimes by simple
19 application of the Command Responsibility doctrine to the publicly
20 known facts; and

21 WHEREAS, Illegally authorizing torture in violation of United
22 States and International laws, and committing war crimes would seem to
23 constitute an impeachable offense; and

24 WHEREAS, Based on the overwhelming evidence that has been presented
25 to the American people as established in this resolution, numerous
26 grounds for impeachment appear to exist; and

27 WHEREAS, Such offenses, if committed, are subversive of
28 constitutional government to the great prejudice of the cause of law
29 and justice, and to the manifest injury of the people of Washington
30 state and of the United States of America; and

31 WHEREAS, Petitions from the country at large may be presented by
32 the Speaker of the House of Representatives according to Clause 3 of
33 House Rule XII; and

34 WHEREAS, Jefferson's Manual section LIII, 603, states that
35 impeachment may be set in motion by charges transmitted from the
36 legislature of a state; and

37 WHEREAS, Impeachment is a process defined in the United States

1 Constitution by which charges are brought against a President or Vice
2 President or civil officers of the United States in the House of
3 Representatives; and

4 WHEREAS, The filing of these charges is followed by a trial in the
5 United States Senate that determines guilt or innocence; and

6 WHEREAS, If the President or Vice President committed such
7 offenses, ignoring these offenses would undermine core American values
8 of truth and justice; and

9 WHEREAS, Failing to impeach the President and Vice President if
10 they have committed such offenses would signal tacit approval of these
11 activities and sanction their use by future administrations; and

12 WHEREAS, Failing to impeach the President and Vice President simply
13 because they are serving their second term would signal future
14 administrations that any high crime or misdemeanor, if committed or
15 covered up until their second term, will be tolerated until an upcoming
16 election; and

17 WHEREAS, Freedom and liberty, and the laws and the Constitution of
18 the United States of America can only be protected by Americans; and

19 WHEREAS, America has only until January 20, 2009, to signal to
20 history that America will not sanction torture, America will not
21 sanction unprovoked war, and America will not sanction illegal spying;
22 and

23 WHEREAS, America will defend herself from all enemies foreign and
24 domestic; and

25 WHEREAS, America will protect the integrity of the Constitution and
26 the Executive branch; and

27 WHEREAS, We, your Memorialists, have each sworn an oath to protect
28 the United States Constitution;

29 NOW, THEREFORE, Your Memorialists exhort our Representatives in the
30 United States Congress to charge President George W. Bush and Vice
31 President Richard B. Cheney with the above offenses and commence a full
32 investigation and trial in the United States Senate; and

33 BE IT RESOLVED, That copies of this Memorial be immediately
34 transmitted to the President of the United States Senate, the Speaker
35 of the House of Representatives, and each member of Congress.

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