

SENATE BILL REPORT

SJM 8016

As Reported By Senate Committee On:
Government Operations & Elections, January 21, 2008

Brief Description: Requesting an impeachment investigation into actions by President Bush and Vice President Cheney.

Sponsors: Senators Oemig, Regala, Kohl-Welles, Kline, Spanel, Fairley, Kauffman, Fraser and Prentice.

Brief History:

Committee Activity: Government Operations & Elections: 1/17/08, 1/21/08 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Joint Memorial No. 8016 be substituted therefor, and the substitute joint memorial do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Minority Report: Do not pass.

Signed by Senator Roach, Ranking Minority Member.

Staff: Sharon Swanson (786-7447)

Background: Impeachment is a process authorized by the United States Constitution to bring charges against certain officials of the federal government for misconduct while in office. Article 2, Section 4, specifies 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." Civil officers include federal judges and cabinet members.

Article 1, Section 2, of the Constitution specifies that the House of Representatives has the sole power of impeachment. Impeachment requires a majority vote in the House. Once impeached, officials are tried by the Senate. Conviction requires a two-thirds vote by the Senate. When the President of the United States is tried, the Chief Justice of the Supreme Court presides.

Article 1, Section 3, specifies that, "Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

SUMMARY OF BILL (Recommended Substitute): The Senate and the House of Representatives of the State of Washington petition our Representatives in the United States Congress to charge President George W. Bush and Vice President Richard B. Cheney with the offenses contained within the Memorial and commence a full investigation and trial in the United States Senate.

The resolution specifically provides that President George W. Bush and Vice President Richard B. Cheney committed illegal acts including authorizing warrantless surveillance of American citizens; illegally invading Iraq; and violating the Command Responsibility Doctrine by illegally authorizing torture during an armed conflict.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Adds language regarding specific offenses.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony on Recommended Substitute: PRO: What we are doing here with this resolution is our constitutional duty. This is not political. Every public official has taken an oath to uphold the Constitution of the United States. This President and Vice President have been accused of violating our sense of decency and of violating the laws of our country with illegal wire taps, torture, and illegal detainment. Such charges must be investigated and if the charges warrant the guilty party must be convicted and removed from office. Should the President and Vice President be above the law or accountable to the law. All it takes for evil to triumph is for good men and women to do nothing. It is important to hold those accountable who would take away our freedoms. We are a country of laws and a country of principles. How can I face my children if I do not act on this resolution? It is vital that we hold people accountable. We should think about the principles that Martin Luther King Jr. stood for. He was a non violent activist. Let's think about what he stood for at this time of his birthday. We need to send a strong message that we will stand for the Constitution. I don't want my children to have to leave this country because we didn't say stop when those in power go to far. When the people in power betray us we have the power to impeach them. The power has been stolen from the people. There is nothing to prevent future president's to do as they wish with the powers that this administration have taken from the people. The media has stifled public debate. American's overwhelming favor impeachment. Impeachment will open the door to truth. We need to go back to the American we want for our children. The war on terror is a fraud. The Bush Administration meant to invade and occupy Iraq. The Bush Administration refused, prior to 9/11, an offer by the Taliban to hand over Osama Bin Laden. President Bush notified Pakistan and Afghanistan in August, 2001 that we would attack Iraq soon. The Bush Administration meant to invade and occupy Iraq and Afghanistan. Passively waiting for their term to expire is criminally negligent. They must be impeached. No issue is more important than the U.S. Constitution. This document holds our country together. Without our Constitution as a foundation we have nothing. Our Government is illegitimate and does not answer to the people. Impeachment was promised to us by the founders to restore integrity and to restore the power to the people. Articles of Impeachment introduced in the House of Representatives are stuck in committee. We must

rely on you, our state legislators to magnify our voices and to compel Congress to do their job. The eyes of the world are upon us. Politics is not just a game about winning the next election. Politics is about the lives of the people. Please help us. The majority of citizens disapprove of the war in Iraq and disapprove of this president. What has happened to this nation and to our constitution? This is a very similar phenomena to what happened in Germany when few people spoke up in time to reign in a tyrant. I urge that you allow the law to be applied.

Persons Testifying: PRO: Senator Eric Oemig; Representative Marilyn Chase; Representative Hasegawa; Linda Boyd, Carole Waller, Richard W. Behan, Ernest C. Jenner, Citizens; James Hauser, Vashon Islanders for Peace.