

THE PROSECUTION OF GEORGE W. BUSH FOR MURDER

"When impeachment hardly seems enough"[1]

by Vincent Bugliosi

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"In many states and federally, the innocent agent doctrine is codified. Title 18 United States Code, §2(b) provides: 'Whoever willfully causes an act to be done which if directly performed by him... would be an offense against the United States, is punishable as a principal.'

"In other words, if Bush personally killed an American soldier, he would be guilty of murder. Under the law, he cannot immunize himself from this criminal responsibility by causing a third party to do the killing. He's still responsible. George Bush cannot sit safely in his Oval Office in Washington D.C. while young American soldiers fighting in his war are being blown to pieces by roadside bombs in Iraq, and wash his hands of all culpability. It's not quite that easy. He could only do so if he did not take the nation to war under false pretenses [my italics]. If he did—which the evidence overwhelmingly shows [my italics]—he is criminally responsible for the thousands of American deaths in Iraq." —Page 88

No One Above the Law

Obviously the prosecution of Bush and his coconspirators for the crime of the murder is serious business... seriously sad, too. In spite of all the righteous anger and outrage so many of us have directed toward this cabal that has been running our country (aground) for almost a decade—and even recognizing fully these men (and woman) have committed a host of prosecutable capital crimes—we certainly do not rejoice in having to bring them to justice. No. What compounds the tragedy is Congress and a duped-and-dulled American populace stood by to let the Bushoviks "enjoy" the murderous consequences of their lies. And as all criminals, even the mighty, these miscreants are people, fellow human beings who suffer—they have feelings and family and friends who care for them.

Ironically, one of the unexpected discoveries delivered by Prosecution is that when it comes to feeling the pain of the men and women he sends into the meat grinder, George W. Bush has no such humane sentiments for their suffering: "In the photo section of this book are just some of the photos that appeared regularly in the newspapers of Bush smiling broadly throughout the last five years of the war. Not just smiling broadly, but whenever there was a photo of Bush and six or seven other people all smiling, who is seen smiling the most? You guessed it. George Bush." — page 72. Bush attends fundraisers, tells jokes, dances the jig, feasts on state dinners, works out incessantly, and spends 35% of his time on vacation or retreat. Being a war president is a walk in the park for our imbecile in chief.

The Case and the Evidence

The legal framework for the prosecution is set up by Bugliosi in Chapter 4. He begins by citing numerous journalists and other public figures critical of the president for "'false selling of' and 'railroading us into' the Iraq war," then marvels that virtually none of these critics goes on to advocate any legal punishment whatsoever—as if the president had merely dissembled about the weather. For the crime of intentionally misleading the nation into war—and thus knowingly "bringing about" the wrongful deaths of Americans—Bugliosi shows that after January 20, 2009, Bush can be and should be prosecuted for murder. The author then discusses the legal terminology for what constitutes first degree and second degree murder, and why the former applies to the president and his active coconspirators.

Even second degree murder—usually meaning "implied malice" or no intent to kill—in some states, like Texas (which does not have degrees for homicide), can result in the death penalty. As Bugliosi points out in a footnote:

"Indeed, Bush himself, ironically, would be the last person who would quarrel with the proposition that being guilty of mass murder (even one murder, by his lights) calls for the death penalty as opposed to life imprisonment. As governor of Texas, Bush had the highest execution rate of any governor in American history...."

Who has standing in the case? Any of the victims, i.e. any of the soldiers killed during the war. And the venue?

"The preferable venue for the prosecution of George W. Bush for murder and conspiracy to commit murder would be in the nation's capital, with the prosecutor being the Attorney General of the United States acting through his Department of Justice. This book, however, establishes jurisdiction for any state attorney general (or any district attorney in any county of a state) to bring murder and conspiracy charges against Bush for any soldiers from that state or county who lost their lives fighting Bush's war—which [per map] applies to every state in the union."—from front material.

So the most important question is whether Bush has a viable defense to his killings, namely that he acted in self-defense. If it can be demonstrated that Bush a) lied that Hussein had weapons of mass destruction that made him an imminent threat to the security of this country or b) intentionally misrepresented that Hussein was involved in the 9/11 attacks, then a competent prosecutor can prove murder to a jury. The table below shows the primary evidence adduced by Mr. Bugliosi for each proposition.

<i>Argument</i>	<i>Key Evidence[2]</i>
Bush and his coconspirators lied about Hussein having WMDs making him a direct, imminent threat to the US.	The national intelligence community (in the form of the 16 US intelligence agencies that gave their input to the CIA's October 1, 2002, National Intelligence Estimate) told the Bush administration that Hussein was not an imminent threat. The admin's declassified version changed wording to assert that the Hussein threat existed.
Bush and his coconspirators knowingly deceived the American public that Hussein collaborated with Al Qaeda and caused the 9/11 attacks.	We have innumerable public statements calculated to associate the crime of 9/11 with Saddam Hussein and Iraq—"We're taking the fight to those that attacked us."—and deliberately spreading the deception to complicit members of the mainstream media.

So that's the basics. Bugliosi then describes some possible cross-examination and tells us he's fully convinced a jury would convict Bush, Cheney, Rice, and Rove of first degree murder[3]. He also claims there might be some back and forth prior to the case—for example, the prosecutor doesn't think he can convince a jury beyond a reasonable doubt of the defendants' guilt—and arrangement of pleas to lesser crimes for the subordinates if they will testify against Bush. The author writes:

"Not only would someone in their shoes be likely to accept this plea bargain, but it should be particularly easy with these people: Rice, completely complicit with Bush in helping to take this nation to war on a lie, has already sold her soul to George Bush, so I can't conceive that someone of her character would have the loyalty to risk death for Bush. And Cheney is a sniveling coward who did everything possible to keep out of harm's way in Vietnam, so certainly he's not going to risk death for Bush. Rove would probably drop to his knees and start crying like a baby, begging for mercy..."

The rest of the book discusses the incomprehensible failures of the Bush administration that led to 9/11 and the incredible fact that they spun the media so well that Bush's approval rating actually increased dramatically following this epochal catastrophe that occurred on their watch. [Poor Vincent, unlike the many scholars and conscientious citizens who've actually investigated 9/11, seems to accept the official conspiracy theory about that fateful day. I'm wondering why then he finds it credible to that theory, based on his incompetence argument, that not a single official was reprimanded. Indeed, several were promoted.]

But, hey, no one's perfect. Indeed, what I like most about Vincent B is his passion, his soulful cries for the thousands of real people killed and maimed beyond all help. Check out this podcast from the House Judiciary Committee Hearings in late July 2008. VB lays out the essentials for a case against the non-9/11 lies that became the war and the liars who perpetrated them. Some bold prosecutor will certainly pick up the torch. And the truth will be cathartic.

Do I want to see Bush executed for his crimes? No, I hate to see that happen, who could wish to see anyone punished so severely? And actually I'm opposed to capital punishment (by the state) on principle. But on the colder level of logic, I believe the country and the world are due some deep, deep reconstructive justice "though the heavens fall."

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[1] The subtitle is mine (bw, editor/reviewer), but it fits not only because we're running out of Bush's term but because the penalty of successful impeachment, removal from office, doesn't fit the crime. As Mr. Bugliosi writes, "If Bush were impeached, convicted in the Senate, and removed from office, he'd still be a free man, still be able to wake up in the morning with his cup of coffee and freshly squeezed orange juice and read the morning paper, still travel widely and lead a life of privilege, still belong to his country club and get standing ovations whenever he chose to speak to the Republican faithful. This, for being responsible for over 100,000 horrible deaths[†]? For anyone interested in true justice, impeachment alone would be a joke for what Bush did."—page 82

[2] The table only shows the central evidence presented by Bugliosi; the chapter is a cornucopia of data supporting the arguments. For example, the fact that Bush stopped pursuing Osama bin Laden shows Bush had other motives for attacking Iraq than avenging 9/11. Also, the Downing Street memo, which stated it was obvious the Bushoviks wanted to remove Saddam "and the intelligence and facts were being fixed around the policy."

[3] In all states it would be up to the jury to decide what the appropriate punishment should be for the convicted defendants. Depending on the state, the punishment would range from life imprisonment with the possibility of parole, to life imprisonment without the possibility of parole and the death penalty.

[†] Bugliosi points out here a key point of the law: "Even assuming, at this point, that Bush is criminally responsible for the deaths of over 100,000 people in the Iraq war, under federal law he could only be prosecuted for the deaths of the 4,000+ American soldiers killed in the war. No American court would have jurisdiction to prosecute him for the 100,000+ Iraqi deaths since these victims not only were not Americans, but they were killed in a foreign nation, Iraq. Despite their nationality, if they had been killed here in the States, there would of course be jurisdiction."

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