

Congress Opposes Bush Pardons: Bush Pardons of His Own Subordinates for Crimes He Authorized

Nadler Introduces Resolution Opposing Bush Pardons

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Here's a resolution, hot off the presses from Jerrold Nadler, Chair of the Constitution Subcommittee of the House Judiciary Committee: H.RES.1531,

"Expressing the sense of the House of Representatives that the President of the United States should not issue pardons to senior members of his administration during the final 90 days of his term of office," Sponsor: Rep Nadler, Jerrold [NY-8] (introduced 11/20/2008). There will be a petition promoting this resolution, through which you can write to your representative and senators at <http://democrats.com/nadler-pardons>

Senator Russ Feingold editorialized against these possible pardons at Salon.com yesterday; please urge him to introduce in the Senate the same resolution that Nadler has in the House.

Never before has a president pardoned himself or his subordinates for crimes he authorized. The idea that the pardon power constitutionally includes such pardons ignores a thousand year tradition in which no man can sit in judgment of himself, and the fact that James Madison and George Mason argued that the reason we needed the impeachment power was that a president might some day try to pardon someone for a crime that he himself was involved in. The problem is not preemptive pardons of people not yet tried and convicted. The problem is not blanket pardons of unnamed masses of people. Both of those types of pardons have been issued in the past and have their appropriate place. The problem is the complete elimination of any semblance of the rule of law by pardoning one's own subordinates for crimes you instructed them to commit.

Yes, of course, there's something absurd about knowing that a president authorized crimes, not impeaching him, not prosecuting him, not proposing any action with any teeth at all, but formally objecting to the idea of him issuing pardons of his own subordinates for crimes he authorized. But this is where we are. State, local, civil, foreign, and international prosecutions are likely ways of holding Bush, Cheney, and gang accountable, and pardons can't interfere with them. Pardons can't interfere with impeachment. But if we allow these pardons, we not only guarantee no federal prosecutions, and not only give Congress an excuse to drop its investigations, but we also establish the precedent that from here on out any president can violate any law and then pardon the crime. This is simply to end the idea of law. We cannot allow that.

We need to work with Congressman Nadler and Senator Feingold to promote awareness of

what is wrong with self-pardons. In this way we can prepare the American public for the appropriate response when the pardons come. The appropriate response will be to demand:

1. Immediate impeachment of Bush and Cheney, even if they are out of office.
2. Overturning of the pardons, as Bush's lawyers told him he could do to Clinton's pardon of Marc Rich, which was a far more minor abuse of the pardon power.
3. Legislation banning self-pardons and pardons of crimes authorized by the president.
4. A Constitutional Amendment banning self-pardons and pardons of crimes authorized by the president.
5. Prosecution of Bush, Cheney, and their subordinates for their crimes.

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