

Let Judgment Be Bush's History

By [David Swanson](#)

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History cannot be the judge of Bush and Cheney. The corporate news really is the first draft of history, and there will be no magical leap from its dishonesty to an honest account. Most in the Washington establishment [want to protect](#) Bush and Cheney and gang, although the New York Times has now printed [one column](#) admitting the obvious point that if the outgoing criminals are not punished, their heirs will repeat their crimes.

What is Bush's legacy? Wars, ruined economy, destroyed relations, increased terrorism, global warming? Yes, but for the most part Bush's legacy will be determined by what happens after he's gone. If all power remains in the White House and Congress devolves into a royal court, that will be Bush's legacy, and the historians who are permitted to publish their thoughts will glorify, not judge, it. If, instead, we choose to enforce the laws of the land, then judgment will be Bush's history. In fact, the books judging the need for judgment have already been written.

For many months, citizens have been funding [an effort](#) to send copies of Vincent Bugliosi's "The Prosecution of George W. Bush for Murder" to state attorneys general and district prosecutors. That should continue, and we should [get organized](#) about electing prosecutors to office who commit to enforcing our laws.

But Vince only hits on one of the thousands of possible criminal charges. Another book that lists and describes dozens of the most egregious criminal violations by the Bush gang is [The 35 Articles of Impeachment and the Case for Prosecuting George W. Bush](#). This book includes the full text of Dennis Kucinich's articles of impeachment, plus documentation of the charges. It also includes a chart created by author and former federal prosecutor Elizabeth de la Vega that pulls out the criminal violations found in each article of impeachment. And the book begins with an introduction that I wrote, discussing some of the areas of criminality not included in the 35 articles and explaining how we can bring about indictments. This book should be purchased, read, and mailed to Eric Holder.

Five other books should be sent Holder's way. One is de la Vega's [U.S. v. Bush](#), which lays out a presentation to a grand jury of a case that Bush, Cheney, and others defrauded the nation into an unnecessary war. Another is Marjorie Cohn's [Cowboy Republic](#), which covers six general areas of criminal activity. Michael Ratner's [The Trial of Donald Rumsfeld](#) is an indictment of the whole lot of them, not just Rumsfeld.

The other two books are ones that I've just now read and highly recommend both for reading and for sending to Eric Holder. One is [George W. Bush: War Criminal? The Bush Administration's Liability for 269 War Crimes](#) by Michael Haas. This is a phenomenal work that categorizes 269 of the crimes committed by Bush and his subordinates. Haas covers

crimes in four areas: “the legality of war, the conduct of war, treatment of prisoners, and the conduct of the postwar occupation.” And he does indeed list and explain 269 violations of law, without touching on the bulk of the criminal offenses committed by Bush and Cheney, which occurred right here at home, albeit often with the justification of “war time.” Talking heads in the media generally ask me why Bush should be prosecuted when past presidents have committed crimes and not been prosecuted, and I try to point out that not only does justice have to begin somewhere, not only have we raised our standards over the decades and criminalized more actions, but the abuses of the Bush administration have surpassed in both arrogance and sheer volume the rest of the American presidents’ crimes combined. Book’s like Haas’ help to make this point hit home.

The last book I want to recommend is one of pre-Bush history that ought to inspire our determination to make judgment Bush’s history rather than letting history be his judge. I didn’t know about this book until John Nichols in the Nation magazine named it a [Most Valuable Progressive for 2008](#). The book is called [The Magna Carta Manifesto: Liberties and Commons for All](#) by Peter Linebaugh. This is a stunning work of scholarship documenting the meaning of the Magna Carta down through the centuries, prominent in that meaning being the tradition established by the Magna Carta that no man would be above the law, that no man would sit in judgment of himself, that no one would be tried or imprisoned without due process including judgment by a jury of peers.

The Great Charter of Liberties was originally produced together with the Charter of the Forest, and these two documents were paired together for centuries, before one of them was forgotten and the other was reinterpreted as the sacred text of private property, capitalism, God, and empire. The Charter of the Forest protects the rights of commoners to commoning. That’s a verb: commoning, which encompasses the rights to use and maintain forests and wild places, to allow livestock to forage, to gather wood, berries, mushrooms, water. Linebaugh tells a global story of the loss of commons, of the enclosing of public spaces, of the creation of poverty and criminality, and of the Magna Carta as a manifesto against privatization. It strikes me as important right now that we recognize the power that the rule of law has had for good and its intimate ties to social as well as formal justice. Does Eric Holder — do the rest of us — want to oversee the demise of this tradition?

Other reading materials and ways to get involved can be found at <http://convictbushcheney.org> , and later this year Seven Stories Press will publish my book on all the work that will lie before us even after Bush and Cheney are convicted: “Daybreak: Undoing the Imperial Presidency and Forming a More Perfect Union.”

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David Swanson is the author of the upcoming book “Daybreak: Undoing the Imperial Presidency and Forming a More Perfect Union” by Seven Stories Press and of the introduction to “The 35 Articles of Impeachment and the Case for Prosecuting George W. Bush” published by Feral House and available at Amazon.com. He has worked as a newspaper reporter and as a communications director, with jobs including press secretary for Dennis Kucinich’s 2004 presidential campaign, media coordinator for the International Labor Communications Association, and three years as communications coordinator for ACORN, the Association of Community Organizations for Reform Now. Swanson is Co-Founder of AfterDowningStreet.org, creator of ConvictBushCheney.org and Washington

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