

## Why Not Impeachment?

By [Robert Parry](#)

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[Agenda](#)

*The disclosure that the Bush administration secretly reestablished a policy of abusing “war on terror” detainees even as it assured Congress and the public that it had mended its ways again raises the question: Why are the Democrats keeping impeachment of George W. Bush and Dick Cheney “off the table”?*

After the Democratic congressional victory last Nov. 7, Washington Democrats rejected calls for impeachment from rank-and-file Democrats and many other Americans, considering it an extreme step that would derail a bipartisan strategy of winning over Republicans to help bring the Iraq War to an end.

That thinking got a boost on Nov. 8, the day after the election, when President Bush announced the resignation of Defense Secretary Donald Rumsfeld and the appointment of former CIA Director Robert Gates, who had been a member of the Iraq Study Group and was believed to represent the “realist” wing of the Republican Party.

One Democratic strategist called me that day with a celebratory assertion that “the neocons are dead” and rebuffed my warning that Gates had a troubling history of putting his career ahead of principle, that he was a classic apple-polisher to the powerful. [See the Consortiumnews.com’s Archive, “[Who Is Bob Gates?](#)”]

The Democrats also missed the fact that Rumsfeld submitted his resignation the day before the election – not the day after – along with [a memo](#) urging an “accelerated draw-down of U.S. bases” in Iraq from a high of 110, to 10 to 15 by April 2007, and to five by July 2007.

In other words, Rumsfeld’s ouster didn’t signal Bush’s new flexibility on ending the war, as the Democrats hoped, but a repudiation of Rumsfeld for going wobbly on Iraq.

Even when the Rumsfeld memo surfaced in early December, the Democrats ignored it, sticking to their wishful script that the Rumsfeld-Gates switch marked a recognition by Bush that it was time to begin extricating U.S. forces from Iraq.

Those rose-colored glasses got smudged badly when Bush instead announced in January that he was ordering an escalation, sending more than 20,000 additional troops to Iraq.

But instead of responding with their own escalation – and putting impeachment back “on the table” – the Democrats opted for a strategy of wooing moderate Republicans to mild-mannered legislative protests.

As an opening shot in this Nerf-ball battle, Senate Majority Leader Harry Reid fired off a symbolic resolution to express disapproval of Bush’s “surge,” a meaningless gesture that Republicans kept bottled up for weeks making the Democrats look both feckless and inept.

## Dangling Moderates

The failed “anti-surge” resolution should have clued in the Democrats to what was in store. The congressional Republicans would keep dangling the prospect that a handful of moderate Republicans finally might abandon Bush’s war policy.

But, like the end of a rainbow that keeps receding as one pursues it, the promise of moderate Republicans switching sides could never be reached.

The final act of legislative disillusionment came on Sept. 19 when Sen. John Warner, R-Virginia, reneged on a commitment to support a bill by Sen. Jim Webb, D-Virginia, to guarantee longer home leave for combat troops.

Warner said he reversed himself after he was lobbied by Defense Secretary Gates. “I endorsed it,” Warner said. “I intend now to cast a vote against it.”

With Warner’s help, Republicans blocked Webb’s amendment on a procedural vote that fell four votes short of the 60 needed.

Neoconservative pro-war Sen. Joe Lieberman, I-Connecticut, hailed the defeat of Webb’s proposal as proof “Congress will not intervene in the foreseeable future, ... that Congress doesn’t have the votes to stop this [Bush] strategy of success from going forward.”

Soon, the Republicans were stampeding the Democrats into supporting condemnations of MoveOn.org for its “General Betray Us” ad and into urging Bush to adopt an even more belligerent posture against Iran by labeling its Revolutionary Guards a terrorist organization. [See Consortiumnews.com’s [“Hillary Prods Bush to Go After Iran.”](#)]

Still, despite nearly a full year of futility in challenging Bush’s war – as public approval of the Democratic Congress sank to near record lows – the leadership kept the issue of impeachment off the table. It was as if national Democrats had concluded that the American people admired timidity and incompetence.

## New Slap

Now, President Bush has slapped the Democrats in the face again by misleading them on his continuing policy of allowing harsh interrogations (that many would call torture) of terror suspects. Bush apparently is confident that the Democrats will swallow whatever humiliation he serves up.

The New York Times revealed on Oct. 4 that the Bush administration only pretended to repudiate earlier legal opinions that Bush had the right to abuse and torture detainees. Secret memos from 2005, which reaffirmed that right, were kept from Congress.

“When the Justice Department publicly declared torture ‘abhorrent’ in a legal opinion in December 2004, the Bush administration appeared to have abandoned its assertion of nearly unlimited presidential authority to order brutal interrogations,” the Times reported.

“But soon after Alberto R. Gonzales’s arrival as attorney general in February 2005, the Justice Department issued another opinion, this one in secret. It was a very different document, according to officials briefed on it, an expansive endorsement of the harshest

interrogation techniques ever used by the Central Intelligence Agency.

“The new opinion, the officials said, for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.” [[NYT, Oct. 4, 2007](#)]

The Bush administration achieved its sleight of hand on torture policy by purging traditional conservative lawyers, such as former Assistant Attorney General Jack Goldsmith and former Deputy Attorney General James Comey, who had resisted White House assertions of virtually unlimited powers for Bush as Commander in Chief.

In 2004, those lawyers – under Attorney General John Ashcroft – mounted a remarkable rebellion against the White House theories of an imperial presidency. Goldsmith and Comey objected to the legality of several anti-terror operations approved by Bush, including the memos permitting torture and warrantless wiretaps.

Their opposition to Bush’s program for warrantless spying on Americans led to a dramatic showdown when then-White House counsel Gonzales and White House chief of staff Andrew Card went to Ashcroft’s hospital room where he was recovering from surgery. They urged him to overrule Comey who had balked at reauthorizing the spying, but Ashcroft refused.

Soon, the dissident Justice Department lawyers were headed out the door. Ashcroft, Comey and Goldsmith all resigned and were replaced by more compliant lawyers, led by Bush’s longtime legal adviser Gonzales.

The Times reported that the memo reaffirming Bush’s broad authority over treatment of detainees was signed by Steven Bradbury, who followed Goldsmith as head of the elite Office of Legal Counsel, the Justice Department office responsible for opinions relating to issues of presidential authority.

Unlike other lawyers in that sensitive job, Bradbury also has emerged as a vocal defender of Bush’s detention policies and wiretapping operations. In an interview with the Times, Bradbury said, “In my experience, the White House has not told me how an opinion should come out.”

However, the Times also reported that the White House kept Bradbury on a tight leash by delaying his formal appointment in hopes of avoiding another situation like the one with the independent-thinking Goldsmith.

Harriet Miers, who replaced Gonzales as White House counsel, “decided to watch Bradbury for a month or two. He was sort of on trial,” one Justice Department official told the Times.

After the Times’ article appeared, congressional Democrats – feeling misled again by the White House – demanded to see the confidential memos on interrogations. But Sen. Christopher Bond of Missouri, ranking Republican on the Senate Intelligence Committee, said the White House would resist turning over the memos.

At some point, the congressional Democrats may have to face up to the hard choice before them: either put impeachment of Bush and Cheney back “on the table” or accept that the United States has ceased being a constitutional Republic governed by the principle that no man is above the law.

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, *Neck Deep: The Disastrous Presidency of George W. Bush*, was written with two of his sons, Sam and Nat, and can be ordered at [neckdeepbook.com](http://neckdeepbook.com). His two previous books, *Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq* and *Lost History: Contras, Cocaine, the Press & 'Project Truth'* are also available there. Or go to [Amazon.com](http://Amazon.com).

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