

110TH CONGRESS
2D SESSION

H. RES. 1509

Expressing the sense of the House of Representatives that the next president of the United States should immediately work to reverse damaging and illegal actions taken by the Bush/Cheney Administration and collaborate with Congress to proactively prevent any further abuses of executive branch power.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Ms. BALDWIN submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing the sense of the House of Representatives that the next president of the United States should immediately work to reverse damaging and illegal actions taken by the Bush/Cheney Administration and collaborate with Congress to proactively prevent any further abuses of executive branch power.

Whereas over the past several years, serious questions have been raised about the conduct of high ranking Bush/Cheney Administration officials in relation to some of the most basic elements of our democracy: respect for the

rule of law, the principle of checks and balances, and the fundamental freedoms enshrined in the Bill of Rights;

Whereas the Bush/Cheney Administration misled the American public and the U.S. Congress regarding the threat of Iraqi weapons of mass destruction and alleged, despite all evidence to the contrary, a relationship between Iraq and al Qaeda, and this deceit dragged our country into a preemptive and unjustified war that has taken the lives of more than 4,000 United States troops, injured 30,000 more, and will cost our nation more than a trillion dollars;

Whereas the Bush/Cheney Administration undermined national security by manipulating and exaggerating evidence of Iran's nuclear weapons capabilities despite no real evidence that Iran had the intention or capability of attacking the United States, and then deliberately downplayed the December 2007 National Intelligence Estimate that reported with "high confidence" that Iran stopped developing nuclear weapons in 2003 because of international pressure;

Whereas the Bush/Cheney Administration has undertaken a broad assault on civil liberties through the suspension of habeas corpus and claiming the power to declare any person an "enemy combatant," blatantly ignoring the Geneva Convention protections that the United States helped create, ratify, and which carry the weight of law;

Whereas the Bush/Cheney Administration endorsed the torture and rendition of prisoners in violation of stated American policy and values, as well as international law, and then destroyed videotapes which may have substantiated such torture;

Whereas the Bush/Cheney Administration violated the Fourth Amendment and the Foreign Intelligence Surveillance Act of 1978 by spying on Americans without a court order or oversight;

Whereas the Bush/Cheney Administration abused the state secrets privilege in recent legal challenges regarding warrantless wiretapping, torture, and rendition, and this administration's use of the state secrets privilege has been to the detriment of the rights of private litigants harmed by egregious misconduct, as well as Americans' trust in the judicial system;

Whereas Bush/Cheney Administration officials have consistently impeded congressional investigations into allegations of wrongdoing by refusing to comply with congressional subpoenas;

Whereas Bush/Cheney Administration claims that senior presidential advisers are immune from congressional subpoenas have impeded congressional oversight, undermined the rule of law, damaged our democracy, and have been rejected by a United States district court;

Whereas United States Attorneys pursued politically motivated prosecutions in violation of the law, and allegedly at the direction of the Bush/Cheney Administration;

Whereas Bush/Cheney Administration officials in the Department of Justice systematically violated the law and committed misconduct in basing hiring decisions for career prosecutor positions, detailees to senior Department offices, and immigration judgeships on the applicants' political affiliations and views;

Whereas it appears Bush/Cheney Administration officials intentionally revealed the identity of Valerie Plame Wilson

as a covert agent of the CIA for political retribution, and then intentionally obstructed justice by disseminating false information through the White House press office;

Whereas President Bush has shown contempt for the legislative branch and disregard for the law through the excessive expansion of presidential power in misusing signing statements that declare his intent to ignore provisions of legislation he has signed into law;

Whereas Bush/Cheney Administration officials have systematically shielded from access and destroyed public documents relevant to the conduct of the administration by utilizing nongovernmental email accounts for official communications;

Whereas Vice President Cheney has consistently placed self-interest over serving the American people, exemplified by his claim that the Office of the Vice President is not an entity within the executive branch for the alleged purpose of shielding the activities of his office from public scrutiny;

Whereas President Bush, Vice President Cheney, and other Bush/Cheney Administration officials have been presented with ample opportunities to collaborate with Congress and reverse the above listed damaging and abusive actions;

Whereas despite these opportunities, they instead choose to show contempt for the Constitution and the legislative branch, compelling Americans and Congress to look to the next administration for executive branch accountability;

Whereas on November 4, 2008, Americans will elect the next president of the United States;

Whereas on January 20, 2009, the next president of the United States will stand before the American people and take an oath of office, swearing to “. . . preserve, protect and defend the Constitution of the United States”;

Whereas this commitment and obligation is so fundamental to our democracy that our Nation’s founders proscribed this oath in our Constitution;

Whereas no President or Congress has the authority to override that document, whereby “We the People” conferred upon the branches of government limited and defined power, and provided for meaningful checks and balances; and

Whereas the actions taken by the next president of the United States will impact the conduct of future presidents, perhaps for generations: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
 2 resentatives that the next President of the United States
 3 should take the necessary steps to do the following:

4 (1) AFFIRM OUR NATION’S COMMITMENT TO
 5 UPHOLDING THE CONSTITUTION OF THE UNITED
 6 STATES.—The next president must immediately and
 7 publicly reaffirm our Nation’s commitment to the
 8 rule of law, the principle of checks and balances, re-
 9 spect for the legislative process, and the funda-
 10 mental freedoms enshrined in the Bill of Rights.

11 (2) FULLY INVESTIGATE BUSH/CHENEY ADMIN-
 12 ISTRATION OFFICIALS’ ALLEGED CRIMES AND HOLD
 13 THEM ACCOUNTABLE FOR ANY ILLEGAL ACTS.—The

1 next President must cooperate fully with congress-
2 sional oversight efforts to establish an independent
3 investigation, as well as to address potential statute
4 of limitation concerns, in order to hold all Bush/Che-
5 ney Administration officials accountable for any
6 crimes they may have committed.

7 (3) HOLD ACCOUNTABLE BUSH/CHENEY ADMIN-
8 ISTRATION OFFICIALS WHO SHOWED OR SHOW CON-
9 TEMPT FOR THE LEGAL DUTY TO COMPLY WITH
10 CONGRESSIONAL SUBPOENAS.—The next President
11 must fully support Congress' constitutionally rooted
12 right of access to the information it needs to per-
13 form its legislative and oversight functions enun-
14 ciated in Article I of the Constitution.

15 (4) HOLD ACCOUNTABLE BUSH/CHENEY ADMIN-
16 ISTRATION OFFICIALS WHO DISCLOSED THE IDEN-
17 TITY OF ANY COVERT INTELLIGENCE AGENT.—The
18 next President must cooperate fully with congress-
19 sional efforts to ensure that the disclosure of the
20 identity of any United States intelligence agent
21 could give rise to criminal liability.

22 (5) HOLD ACCOUNTABLE BUSH/CHENEY ADMIN-
23 ISTRATION OFFICIALS WHO PURSUE POLITICALLY
24 MOTIVATED PROSECUTIONS.—The next President
25 must cooperate fully with congressional efforts to re-

1 store faith in the American justice system by inves-
2 tigating and censuring any officials who engage in
3 misconduct in Federal office.

4 (6) ENSURE THAT ANY BUSH/CHENEY ADMINIS-
5 TRATION OFFICIAL GUILTY OF A WAR CRIME IS
6 PROSECUTED UNDER THE WAR CRIMES ACT AND
7 THE ANTI-TORTURE ACT.—The next President must
8 cooperate fully with congressional efforts to repeal
9 the redefinition of grave abuses of Common Article
10 3 included in the Military Commissions Act of 2006,
11 which limits the scope of the original War Crimes
12 Act and makes this repeal retroactively operable to
13 the beginning of the invasion of Iraq. The next
14 President must also cooperate fully with congres-
15 sional investigations into the lack of prosecutions
16 under the War Crimes Act and the Federal Anti-
17 Torture Act despite countless allegations of serious
18 violations.

19 (7) AFFIRM THAT IT IS THE SOLE LEGAL
20 RIGHT OF CONGRESS TO DECLARE WAR.—The next
21 President must cooperate fully with congressional ef-
22 forts to tighten the standards for when a declaration
23 of war is required for military action.

24 (8) CRIMINALIZE LYING TO CONGRESS AND THE
25 AMERICAN PUBLIC ABOUT THE REASONS FOR GOING

1 TO WAR.—The next President must cooperate fully
2 with congressional efforts to strengthen Federal per-
3 jury laws to prohibit the issuance of false state-
4 ments, concealment, or false documentation in any
5 matter related to a presidential request for a dec-
6 laration of war.

7 (9) RESTORE THE WRIT OF HABEAS CORPUS AS
8 AN ESSENTIAL PRINCIPLE OF OUR DEMOCRACY.—
9 The next President must reaffirm our Nation’s trea-
10 ty obligations under the Geneva Conventions and en-
11 sure all individuals held by the United States have
12 access to the courts to petition for a writ of habeas
13 corpus.

14 (10) ENSURE TORTURE IS UNIFORMLY PROHIB-
15 ITED UNDER UNITED STATES LAW.—The next presi-
16 dent must cooperate fully with congressional efforts
17 to codify anti-torture language and approve uniform
18 standards for interrogation techniques applicable to
19 individuals under control or custody of the United
20 States Government.

21 (11) ENSURE RENDITION IS UNIFORMLY PRO-
22 HIBITED UNDER UNITED STATES LAW.—The next
23 president must cooperate fully with congressional ef-
24 forts to outlaw torture “outsourcing” by prohibiting
25 the direct or indirect transfer or return of persons

1 by the United States for the purpose of detention,
2 interrogation, trial, or otherwise to a country listed
3 by the Secretary of State as supporting torture,
4 cruel, or degrading treatment used in detention or
5 interrogation of individuals.

6 (12) IMMEDIATELY CLOSE THE GUANTANAMO
7 BAY DETENTION CAMP.—The next President must
8 do everything in his power to ensure that all sus-
9 pected terrorists held at Guantanamo are imme-
10 diately tried in fair judicial proceedings and are not
11 subjected to trial by secret evidence. He must also
12 engage the international community to ensure the
13 release of innocent detainees.

14 (13) ENSURE THAT AMERICANS CAN BRING
15 CLAIMS AGAINST THEIR GOVERNMENT.—The next
16 President must guarantee that the state secrets
17 privilege shall not constitute grounds for dismissal of
18 a case or claim and instead require independent ju-
19 dicial review of claims of state secrets privilege by
20 executive branch officials.

21 (14) IMMEDIATELY TAKE AFFIRMATIVE STEPS
22 TO PROTECT ALL BUSH/CHENEY ADMINISTRATION
23 DOCUMENTS.—The next president must also publicly
24 reaffirm that the Office of the Vice President is part
25 of the executive branch.

1 (15) PUBLICLY REVIEW POTENTIAL ABUSES OF
2 THE PRESIDENTIAL PARDON PROCESS.—The next
3 president must collaborate fully with Congress to in-
4 vestigate the granting of presidential pardons and
5 articulate comprehensive standards to guide future
6 presidential pardons.

7 (16) REFORM THE USE OF PRESIDENTIAL
8 SIGNING STATEMENTS.—The next president must
9 commit to providing all signing statements for publi-
10 cation, affirm Congress' right to participate in court
11 proceedings regarding the constitutionality of any
12 presidential signing statements, and ensure that
13 Congress can obtain testimony from administration
14 officials who may attempt to claim executive privi-
15 lege to explain or justify any signing statements.

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