



Peace and Justice Commission

ACTION CALENDAR

June 20, 2006

To: Honorable Mayor and
Members of the City Council

From: Peace and Justice Commission

Submitted by: Steve Freedkin, Chair, Peace and Justice Commission

Subject: Ballot Measure: Impeachment of President and Vice President

RECOMMENDATION

Adopt a Resolution placing an advisory measure on the November 7, 2006 ballot calling for impeachment of President George W. Bush and Vice President Richard B. Cheney.

FISCAL IMPACTS OF RECOMMENDATION

Costs to add this item on the November general election ballot.

CURRENT SITUATION AND ITS EFFECTS

There is an active effort to organize cities and towns across the country to adopt resolutions calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney. This effort is being made because the Bush Administration intentionally misled the Congress and American people regarding the threat from Iraq in order to justify an unnecessary war; violated the Constitutional rights of citizens by directing the National Security Agency to conduct electronic surveillance; permitted the torture of detainees in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and caused the identity of a CIA covert agent to be published after that agent's husband published a newspaper article revealing that his official investigation has shown that claims of Iraq seeking to purchase uranium for nuclear weapons from Niger were not reliable.

In all of this, George W. Bush and Richard B. Cheney have acted in a manner contrary to their trust as President and Vice President of the United States and subversive of Constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the People of the United States of America.

BACKGROUND

On April 25, 2006, the City Council approved a recommendation to request that the Peace and Justice Commission review placing an advisory measure on the November ballot calling for the impeachment of President Bush and Vice President Cheney and, if appropriate, return to the City Council in June with a recommendation including specific ballot language.

The Peace and Justice Commission established a subcommittee on a Berkeley referendum on impeachment of the current national administration. The subcommittee met twice during the month of May to draft language for a referendum and articles of impeachment for action at the Commission's regular meeting of June 5, 2006.

At the regular meeting of June 5, 2006, the Commission discussed the draft referendum and took the following action:

M/S/C (*Freedkin, Wagley*) to approve the referendum calling for impeachment of President George W. Bush and Vice President Richard B. Cheney, and to recommend that the City Council place it on the November ballot. **Ayes:** Bohn, Brody, Cohen, Freedkin, Kashner, Meola, McDonald, Sherman, Sorgen, Wagley, Winkelman; **Noes:** None; **Abstain:** Seaton; **Absent:** Litman.

Commissioner Seaton abstained from the vote for the following reason: *“While I am troubled by certain conduct such as indefinite detention without independent review, I believe that Congress will be mired in pro- and anti- impeachment debates for every future administration. I also believe misleading the country is not an impeachable offense.”*

CITY MANAGER

See City Manager companion report.

CONTACT PERSON

Steve Freedkin, Chairperson, Peace and Justice Commission, (510) 644-2778
Manuel Hector Jr., Secretary, Peace and Justice Commission, (510) 981-5110

Attachments

1. Resolution
2. Exhibit A

RESOLUTION NO. N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE CALLING FOR THE IMPEACHMENT OF PRESIDENT GEORGE W. BUSH AND VICE PRESIDENT RICHARD B. CHENEY

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 7, 2006 General Municipal Election, a measure calling upon the United States House of Representatives to initiate proceedings for the impeachment and removal from office of President George W. Bush and Vice President Richard B. Cheney, calling upon the California State Legislature to submit a Resolution in support of impeachment to the United States House of Representatives, and establishing a Temporary Task Force on Impeachment; and

WHEREAS, the Berkeley City Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Statewide General Election; and

WHEREAS, the Berkeley City Council desires to submit all measures to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to cause the posting, publication, and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, Government Code and Elections Code of the State of California.

BE IT FURTHER RESOLVED, that the Registrar of Voters of Alameda County is required to perform the necessary services in connection with said election.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Berkeley.

BE IT FURTHER RESOLVED, that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY REFERENDUM	
Shall the City of Berkeley call upon the United States House of Representatives to initiate proceedings for the impeachment and removal from office of President George W. Bush and Vice President Richard B. Cheney, call upon the California State Legislature to submit a Resolution in support of impeachment to the United States House of Representatives, and establish a Temporary Task Force on Impeachment?	YES
	NO

BE IT FURTHER RESOLVED, that the text of the measure be as shown in Exhibit A, attached hereto and made a part hereof.

Exhibit A

TEXT OF REFERENDUM

REFERENDUM DECLARING THAT THE PEOPLE OF BERKELEY (1) CALL UPON THE UNITED STATES HOUSE OF REPRESENTATIVES TO INITIATE PROCEEDINGS FOR THE IMPEACHMENT AND REMOVAL FROM OFFICE OF PRESIDENT GEORGE W. BUSH AND VICE PRESIDENT RICHARD B. CHENEY; (2) CALL UPON THE CALIFORNIA STATE LEGISLATURE TO SUBMIT A RESOLUTION IN SUPPORT OF IMPEACHMENT TO THE UNITED STATES HOUSE OF REPRESENTATIVES; DIRECTING THAT COMMUNICATIONS TO THOSE EFFECTS BE SENT TO APPROPRIATE PARTIES; AND (3) ESTABLISH A TEMPORARY CITY OF BERKELEY TASK FORCE ON IMPEACHMENT

The People of the City of Berkeley do hereby enact as follows:

Section 1 Title

This referendum shall be known and may be cited as the Berkeley Citizens' Measure to Protect the Constitution and Impeach President George W. Bush and Vice President Richard B. Cheney.

Section 2 Findings and Declarations

The People of the City of Berkeley find and declare as follows:

1. President George W. Bush and Vice President Richard B. Cheney have committed High Crimes and Misdemeanors, including those enumerated herein, that warrant their impeachment and removal from office under Article II of the Constitution of the United States, which provides that "the President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors."
2. They have violated the Constitutional rights of citizens, impaired the due and proper administration of justice and the conduct of lawful inquiries, violated laws governing agencies of the Executive Branch, and failed to take care that the laws were faithfully executed, in contravention of their Constitutionally prescribed duties and their Oaths of Office:

A. They have directed the National Security Agency and various other agencies to conduct electronic surveillance in violation of the Fourth Amendment to the Constitution of the United States, which prohibits "unreasonable searches and seizures," and in violation of the Foreign Intelligence Surveillance Act (FISA) and other statutes in which Congress has prescribed conditions for such surveillance. They have declined to seek or obtain judicial authorization for such surveillance, as required under FISA, with violators subject to criminal and civil penalties including imprisonment and fines. They have periodically reauthorized such surveillance without judicial review. They have subverted the Congress's ability to fulfill its Constitutional role of oversight over the Executive Branch by refusing to provide substantive reports to Congress required under FISA and other laws of the land.

B. They have detained citizens and non-citizens both inside and outside of the United States, without charges, without due process, and with little or no access to counsel or courts.

3. They have usurped unto the Executive Branch powers Constitutionally reserved for the Judicial Branch in contravention of basic Constitutional principles of the separation of powers between the Executive, Legislative, and Judicial branches of government:

A. They have caused electronic surveillance to be conducted upon United States citizens within the United States without informing the courts or seeking required authorization therefrom.

B. They have engaged in indefinite detentions, both within and outside of the United States, without permitting independent review of such detentions, even after the Supreme Court of the United States ruled that detainees were entitled to such review.

4. They have usurped unto the Executive Branch powers Constitutionally reserved for the Legislative Branch:

A. In undertaking to invade and occupy Iraq, they misled the Congress and the People of the United States. They claimed, and the President asserted in the 2003 State of the Union

address before a joint session of Congress that Iraq was attempting to purchase uranium for a nuclear weapon from Niger, even after being advised by the Director of the Central Intelligence Agency (CIA) that such claims were not credible. They claimed that the United States had incontrovertible proof that Iraq possessed weapons of mass destruction, even that the United States Government had knowledge of their exact locations — claims subsequently proven false. They claimed that certain mobile facilities in Iraq were for the purpose of manufacturing weapons of mass destruction, even after United States and British operatives had examined those facilities and declared that they could not be used for such purpose. These statements and others misled the Congress and the People of the United States, denying the Citizens and their elected representatives the opportunity to make informed choices, and thereby subverted democracy.

B. They have declared that the Executive Branch is not bound by the Detainee Treatment Act of 2005, which prohibits the cruel, inhuman, or degrading treatment of detainees; and on more than 750 occasions, President Bush has executed "Signing Statements" asserting the Executive's right to ignore provisions of Acts of Congress as his Administration sees fit, including provisions requiring the Executive to report its activities to Congress and provisions enacted specifically to prohibit activities the Bush Administration had previously undertaken.

5. They have violated Article VI of the Constitution of the United States, which provides that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land":

A. They have permitted the torture of detainees in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the Third and Fourth Geneva Conventions.

B. They have refused the International Committee of the Red Cross access to detainees, in violation of the Geneva Conventions. They have denied access to detainees' lawyers and to their families, and have refused to say where detainees are being held.

6. In violation of federal statutes, they have caused to be published the identity of a CIA covert agent after that agent's husband published a newspaper article revealing that his official investigation had shown that claims Iraq was seeking to purchase uranium for nuclear weapons from Niger were not reliable.
7. They have engaged in "extraordinary rendition," capturing persons and transporting them to countries where detainees are routinely deprived of due process, and where torture is known to be practiced.
8. In all of this, George W. Bush and Richard B. Cheney have acted in a manner contrary to their trust as President and Vice President of the United States and subversive of Constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the People of the United States of America.
9. For all these reasons, the People of Berkeley do hereby call upon the United States House of Representatives to initiate an investigation into High Crimes and Misdemeanors, including those listed herein; and upon finding that such allegations may be true, to submit Articles of Impeachment regarding President George W. Bush and Vice President Richard B. Cheney to the Senate of the United States.
10. The People of Berkeley further call upon the Senate of the United States, upon finding that High Crimes and Misdemeanors were conducted by President George W. Bush and Vice President Richard B. Cheney, to convict them and remove them from office.
11. The People of Berkeley further call upon the Legislature of the State of California to submit a Resolution in support of impeachment regarding President George W. Bush and Vice President Richard B. Cheney to the United States House of Representatives.

Section 3 Actions Required

12. Within 30 days of passage of this Measure, the City Manager shall transmit to all members of the United States House of Representatives and all members of the California State

Legislature a letter advising of this measure's passage by the voters, and shall include in such transmittal a copy of this measure in full.

13. Within 45 days of passage of this Measure, the City Council of Berkeley shall establish a Temporary Task Force on Impeachment, which shall cease to exist when George W. Bush and Richard B. Cheney no longer hold federal office. The Mayor and each Council member shall be entitled to appoint one member to the Temporary Task Force. Said Temporary Task Force shall have among its duties to work with interested citizens and the City Council to monitor Congressional and State legislative action regarding impeachment, to educate the public, and to otherwise engage in First Amendment action to foster the creation of sufficient public opinion and activism to effectively promote the impeachment of President George W. Bush and Vice President Richard B. Cheney.