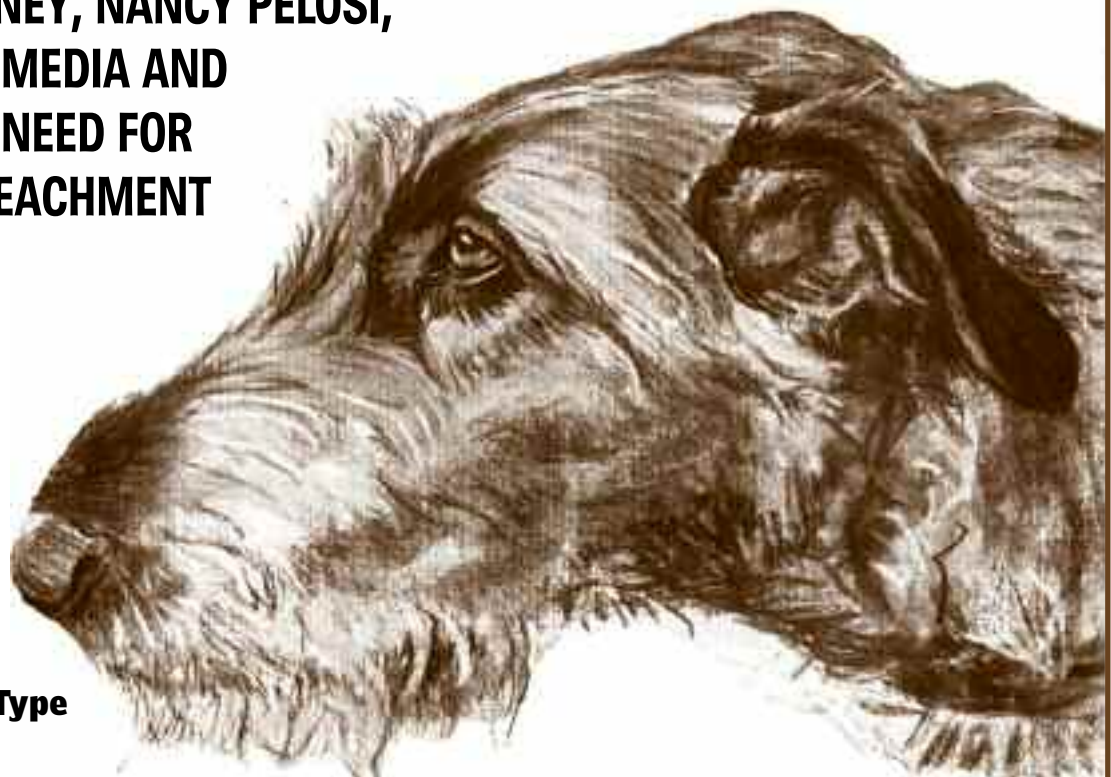


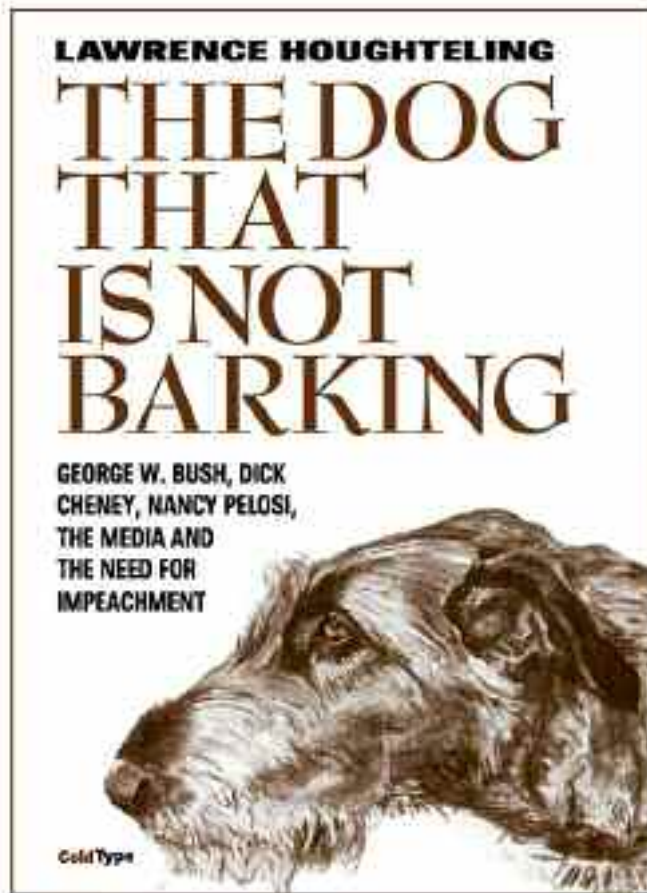
LAWRENCE HOUGHTELING

**THE DOG
THAT
IS NOT
BARKING**

**GEORGE W. BUSH, DICK
CHENEY, NANCY PELOSI,
THE MEDIA AND
THE NEED FOR
IMPEACHMENT**



ColdType



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“And we are now men, and must accept in the highest mind the same transcendent destiny; and not minors and invalids in a protected corner, nor cowards fleeing before a revolution ...”

Ralph Waldo Emerson, “Self-Reliance”

Something strange is happening in America, something that reminds me of the famous Sherlock Holmes case of the “curious incident of the dog in the night-time.” The curious fact was that the dog did nothing, it failed to bark, which Holmes deduced was because the person committing the crime was its master. As I listen in vain for the big dogs in the media and politics to yowl about the obvious and necessary remedy for George Bush’s continuing onslaught on good sense and humanity – I mean, of course, his impeachment and removal from office – I wonder, is Mr. Bush their master?

Not quite their master; that’s too simple and harsh. But there is a similar, more nuanced explanation that fits. Think of all those establishment politicians like “What d’ye call her,” and liberal foreign policy bigshots like old “Tut-tut-tut” and middle of the road pundits such as “What’s-is-name” and “You-know-who” (but the task of filling up the blanks I’d rather leave to you) ... think of them as rich men who, having invested in a clever swindle, are now realizing they’ve been had, yet still keep coming up with more money rather than admit their losses and their stupidity.

Yet there are other establishment politicians and thinkers – smarter and

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more honest ones – including many who never fell for the Bush line, whose silence on the question of impeachment is puzzling. Economics professor and New York Times columnist Paul Krugman (from whom I stole the image of cheated investors sticking by the defrauder who has conned them) is one. In a recent column, Krugman compared Bush's decision to send more troops to Iraq to a pattern that savings-and-loan bunco artist Charles Keating fell into, that of making ever-wilder bets on "crooked or flaky real estate developers" in the hops of recouping all he had lost up to that point – or at least of keeping the game going (and avoiding come-uppance) for a while longer. "It's still the Texas strategy," Professor Krugman wrote; "the war's architects are trying to keep their failed venture going as long as possible."

After comparing the president to a felonious scoundrel, how is it possible he does not simply conclude with, "Enough!"?

Here's another example of the dog not barking, again from the Times. Frank Rich, who also never bought into Bush's pipe dreams, wrote a scathing column the day before Krugman's, titled, "He's in the Bunker Now."

Wait a sec. "The bunker"? Isn't that a not-particularly-veiled reference to Hitler? And, if so, isn't Rich is telling us, "This guy is insane and really dangerous?" And wouldn't you therefore suppose he'd be trying to figure out a way to get such a guy out of office as fast as possible? Well, no. So, what does he propose we use as a bunker-buster? Brace yourself. "Some Republican heavyweight," opined Rich, should go to the White House, and let Mr. Bush know that for the sake of the Republican party he ought to stop doing all the horribly unpopular things he's been doing recently.

Am I missing something?

No, it's Frank Rich who's missing something. Rich took his idea (as he admits) from Barry Goldwater's having persuaded President Nixon to leave office back in '74 by telling him he was going to lose his impeachment trial in the Senate anyway, so for the sake of the party and the country he ought to do the decent thing and resign. Yet somehow Rich failed to notice that it was the threat of impeachment (like hanging, it concentrates the mind wonderfully) that rendered Nixon cooperative.

Seriously, does anyone but Frank Rich believe that "John Warner or some

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patriot like him,” unarmed but for the truth, could ask George Bush to clean up his act and expect to get results? Wasn’t the advice of James Baker and the Iraq Study Group “heavyweights” supposed to push the president toward backing down gracefully? Look how much good that did. Some dogs don’t bark; this one don’t hunt.

We could go on and on. Each day brings stronger and scarier media criticism of Bush and his vice-president. Maureen Dowd says Dick Cheney is beyond delusional. Establishmentarian blogger Joshua Micah Marshall, calling the president “a weak and essentially cowardly man with great pretensions of power,” states that “the interests of the White House are radical disjoined from those of the country. It’s a very dangerous situation.” Keith Olbermann, who alone among television commentators has consistently spoken truth to power, practically invites Bush out into the proverbial alley, yet (so far) will not throw the impeachment punch.

The strange, undeniable, fact is that somehow, while most of us were out getting snacks or something, the word has come down from the centrist establishment to its individual outposts: there will be no talk of impeachment. Liberal politicians and lefty mainstream commentators are willing to savage the president, to make him out to be a charlatan, a madman or a fool. They question his words, policies and motives. And they suspect that nothing is going to change, that George Bush had his chance after the election to get more cooperative and chose a different road, whatever his PR-people say. But they won’t wonder out loud whether it might make good sense to try to prevent him from being president for the next two years. They never get up on their hind legs and shout, “Impeachment now!”

(On the Sunday after the recent anti-war rallies, in its lead story the Washington Post reported in paragraphs 28-30 that when Tim Robbins suggested, "Let's get him out of office before he's ruling from a bunker," the crowd began to chant "Impeach Bush!" The Associated Press and New York Times stories never mentioned any of those I-words, while the L.A. Times threw in that there were “dozens” of “Impeach Bush” signs.)

If all you knew came from the mainstream media, you would imagine that Americans were completely unwilling to consider Mr. Bush’s removal from office. How can this be? I have a theory that, if pressed, the media mavens would

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propose that Americans have developed an impeachment phobia. The roughing-up that the Republicans gave Bill Clinton in 1998 and '99, they'd explain, added greatly to this feeling, but (the more historically-minded among these deep thinkers would add) we have been scared of messing around with the president since the Andrew Johnson impeachment debacle of 1867 and '68 (the Nixon hearings having been just an unavoidable blip).

There may be a little truth to these ideas. I won't claim that impeachment is the majority's desire today. But I know two things: one, that many more people than the media are willing to report are thinking about impeachment; and two, that it is needed. I'm certain the Founders would have been amazed at our failure to impeach a single president in our 220 years as a republic. (It's not as though we haven't had any presidents worthy of the honor; in my lifetime alone, every president except Ford and Carter has been guilty of committing at least one memorably impeachable offense.) The Founders certainly did not take the idea of removing a president lightly, but neither did they have any of the sense of horror it is said to evoke in many Americans – especially those in the political chattering class.

Alexander Hamilton, for whom an impeachment trial was “a method of national inquest into the conduct of public men,” admitted that for such a trial to be fair was “an object not more to be desired than difficult to be obtained in a government wholly elective.” Yet in the Federalist Paper No. 69 he shows undisguised pride in the convention's creation of both a presidency capable of acting and the means of removing a president if it proved necessary. Comparing the powers of the presidency with the powers of both the British monarch and the governor of New York, Hamilton finds in almost every instance that those two executives have more clout than the president of the U.S. is intended to have. When he gets to remedies for abuses, he notes that “there is no constitutional tribunal to which (the king of England) is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution.” (He spoke, you remember, from vivid experience.) Whereas the new U.S. Constitution, he says, will allow the legislative branch to review anyone's acts, and “(i)n this delicate and important circumstance of personal responsibility, the President ... would stand upon no better ground than a governor of New York” – and upon much weaker grounds than the governors of several other states.

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It seems to me that the question of removing a president from office can be thought of as resting on three legs: constitutional, moral, and political. It is not necessary for all three legs to hold a great deal of weight to be able to make an argument for impeachment, but if all three are sturdy the case for impeachment should become irresistible.

The Founders gave to the popular but volatile House of Representatives the job of indicting (“impeaching”) officeholders who are accused of “treason, bribery, or other high crimes and misdemeanors.” To the more stable and supposedly wiser Senate was given the job of judging the guilt or innocence of the accused. The Founders knew that impeachment would be a difficult process (especially when a president was concerned), and that it would often be mean-spirited and faction-driven (as we ourselves recently saw). But they understood that without such a process, there could be no recourse against executive misbehavior or criminality.

The constitutional question is: “Have George Bush and Dick Cheney committed acts in their official capacities that have involved generally prohibited behaviors (such as conspiring to deceive the people and the Congress) that could constitute high crimes or misdemeanors?” There is clearly enough evidence to indict.

With the Clinton debacle in mind, many people will shrink from discussing the “moral dimension” of the Executive actions being criticized (or of the Legislative actions being contemplated); but we avoid thinking explicitly about the moral dimension of actions at our peril. Moral considerations color (as they should) how we perceive both the constitutional question and the political question.

If we perceive Executive decisions as being responsible for the abuses of Guantánamo and Abu Ghraib; if we find morally repugnant an atmosphere in which a few large corporations, friends and allies of the administration, make unconscionable profits from “rebuilding” an Iraq that clearly has not been rebuilt; if we are appalled at the contemptuous cronyism that permitted the destruction of New Orleans; if we recoil in disgust from leaders who took the fear of attack by terrorists we inevitably felt after 9/11 and, instead of helping us revive our courage, strove to make us even more frightened as a means of advancing their faction’s political fortunes . . . then we are engaged in moral assessment, and it is an entirely appropriate part of our deliberations.

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The moral question may be summed up as: “Have the president and the vice president behaved in a manner consistent with our ideal of what constitutes moral behavior, or does a pattern of immoral behavior often emerge when administration actions are scrutinized?”

Finally we come to the political question, which we might compare to a parliamentary vote of “no confidence.” If George Bush were our prime minister, he would have lost his job when the new Congress came into office recently. He is held in such low esteem that in a secret vote he would probably have lost a large number of his fellow Republicans.

Of course we don’t have a parliamentary system; under our Constitution, Bush will remain as president till January of 2009 if nothing changes during the next two years. There’s no denying the fact that is a very long time to have to put up with a stubborn, immature, careless leader whom we have long since come not to trust.

Here is the political question: “Is the risk we run in continuing to allow George Bush and Dick Cheney to serve as president and vice-president greater than or less than the risk we would run in removing them from office?”

We have George Bush and Dick Cheney in our sights on all three counts – what in the world is holding us up?

Nancy Pelosi is dead set against talking about impeachment, we hear, and since she’s the new queen bee of Capitol Hill (and would herself become president if Bush and Cheney departed together), none of the Democrats seem willing to get out of line. And without mainstream politicians raising the issue of removing Bush and Cheney, the mousy mainstream media keep their mouths shut as well.

Gotta make nice with the president, these timid men and women keep saying. Forget that other stuff. That’s just “revenge.” That’s so “then” – think “now.” The American people want politicians who get along, politicians who are, y’know, civil.

“Civil,” I feel like asking – you mean as opposed to “criminal”?

At least in places like Guatemala and South Africa, the Truth and Reconciliation Commissions take over only after some sort of acknowledgement

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by almost the entire society that great evils have in fact been done by the faction that has been in power. Here in the U.S., we're asked to do the reconciliation part but skip the acknowledging-the-truth part.

It was ironic that Gerald Ford died while George W. Bush's Second Iraq War – which Ford had the good sense to despise, though he lacked the moxie to condemn it – was in the process of being escalated by a president whose approval ratings are now threatening to fall permanently below 30 per cent.

In the wake of Mr. Ford's death, media-watchers could only look on with awe as the media displayed their daunting ability to shape the conventional wisdom. Day after day, ceremony after ceremony, speech after speech, we heard of Mr. Ford's common sense, his ordinary decency, his honor. Any criticism of his pardon of Nixon was quickly glided over, and made to seem not only sour grapes but, somehow, beside the point. Copious face-time on television and the plaudits of fellow deep thinkers were awarded to those who had had second thoughts about the pardon, men like Bob Woodward who had opposed the pardon thirty-two years ago but now had come to see how it really had been better not to kick poor old Dick Nixon around any more – by golly he'd suffered enough, after all, hadn't he? – and to spend that time instead healing the wounded nation.

As though any such thing as healing was accomplished by sweeping Nixon's crimes under the rug! We would have been a thousand times better off if we'd put that man under oath on the witness stand and had really discovered what the U.S. had let the Presidency and the whole Executive branch become while we were bumbling about trying to protect ourselves from godless Communism. When Gerald Ford cut short our examination of what had crawled out from under the presidential rock, he paid for his decision by losing his presidency. ("Oh, but what a brave decision!" the media gushed.) The rest of us have paid for the Nixon pardon by being forced ever since to take vicarious parts in presidential usurpations like the Iran-contra affair and Mr. Bush's hideous war. And what is to come?

For a brief season we mocked Nixon for his loony remark that "when the president does it, that means it is not illegal." What a weirdo he was! What a stiff! But what did Watergate prove, really? That the president can't order obvious wackos to commit blatant crimes when the opposition party holds a solid

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majority in Congress? That even when the president really commits serious crimes, grunts like E. Howard Hunt will pay the full price, while Mister Big himself gets to skedaddle? Some lesson!

“Let us not talk falsely now, the hour is getting late” – Bob Dylan

Most Americans now see our war in Iraq as having been a tragic mistake and want to extricate our troops as quickly and as carefully as we can. At the same time, the president is escalating it. As long as he is commander-in-chief of the nation’s armed forces, Bush gets to be “the decider.” That’s how our system works.

And there may be worse news, too: it’s now apparent that Bush is contemplating widening the war to include Iran or Syria, which would compound the disaster. (Texas strategy: quadruple or nothing, anyone?) He is making his intentions plain, and don’t imagine he can’t or won’t follow through. Do you need a refresher course in American history to remind you how often presidents have lied and maneuvered the nation into unnecessary wars?

Now Congress is threatening to pass resolutions expressing various sorts of disapproval or lack of confidence, or warning they might withhold funds needed to prosecute a bigger war. Yeah? So? Congress may like to check continued assertion of overwhelming presidential power with resolutions, but I have to believe that these resolutions have about as much chance of succeeding as Frank Rich’s “Republican heavyweights.” Our stubborn, cocksure, I-gotta-be-right-cuz-I’m-with-My-Heavenly-Father president will simply ignore any non-binding resolutions. As for the threat of cutting off funds for troops in wartime, if you believe the Democrats are going to do that, come see me about a nice interborough bridge I could get you a great deal on.

Which leaves ... what?

The fact is, if Congress is unwilling to start the impeachment process, then Bush has all of us who constitute his opposition stymied. He’ll be president for two more years. He could and probably will cause a great deal more damage to our nation and its interests. We know who he is by now, and what we know is anything but encouraging.

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There is only one remedy, the impeachment process. The Founders understood men are not angels, and that power tends to corrupt. They designed the impeachment process as a way of protecting society from the corruption of power. But since our society has so abjectly and for such a long time failed to act to correct its leaders' wrongs, these wrongs have compounded themselves.

Many Democrats remember the distasteful Clinton proceedings and shrink from any talk of impeachment. The charges against Clinton – that he had a squalid and one-sided series of sexual encounters with a 21-year-old, and lied about them to a grand jury – were reason enough (I believed then and believe now) to insist that he leave office. (President Al Gore would have stood for election in 2000 and handily defeated the governor of Texas. With an alert president, the U.S. might well have avoided 9/11 and certainly would have avoided war in Iraq.) But anyone can see this is a very different, far more serious case. Crimes even worse than getting blowjobs and lying about them – crimes such as conspiring to deceive Congress and the American people into starting a war of aggression – almost surely have been committed. (Most heartily recommended: *United States v. George W. Bush et al.* [Seven Stories Press, 2006], in which former federal prosecutor Elizabeth de la Vega presents a case of “conspiracy to defraud the United States” against Bush, Cheney, Rumsfeld, Rice and Powell to a fictional grand jury.)

If the Democratic leadership is afraid of “getting too far ahead” of public opinion, they’re scared for no reason. According to a recent Newsweek poll, “more than half the country (58 percent) say they wish the Bush presidency were simply over” (that includes 59 percent of independents). I believe a third of the country is already prepared for impeachment and that at least another third could be brought along with well-presented evidence, especially now that the president is stubbornly escalating a policy that two-thirds of the people see as beyond simply misguided.

I understand John Dean’s argument that while the House might be able to vote articles of impeachment, the Senate is full of Republicans (and at least one soi-disant Democrat) who have been active participants in Bush’s follies and would never point the finger at themselves by voting to convict. Dean may be correct. But we don’t demonstrate the strength of either our hearts or our minds by

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holding back from a much-needed action just because we fear it might not succeed. I may be naïve, but I think a well-drawn case using the evidence that is already out in the open would end up convincing such a large proportion of the American public of Bush and Cheney's guilt that senators would fear for their political futures if they ignored the evidence and voted to acquit.

Under the 22nd Amendment, if both the President of the United States and the vice-president vacate their offices for any reason, the presidency devolves upon the Speaker of the House of Representatives. That is, on Nancy Pelosi, the person who has been blocking any talk of impeaching Bush and Cheney. (This would be the normal succession unless something really crazy happened, like Cheney resigning and the president naming someone confirmable to be vice-president. The Democratic majority could block any Republican presidential possibility from being named; Bush wouldn't name a Democrat; so who would that confirmable someone be?)

As of now, the Democrats are scared of getting out ahead of the public and scared of being perceived as mean or "uncivil." But sadly, most of all they are scared of what they would have to do if somehow they assumed the presidency. This is hardly a commendable attitude, but it's a fact of life, and it won't change until Nancy Pelosi wakes up one day and thinks to herself, "I'm a patriotic American, I love my country, and I can't stand watching it destroyed by these self-righteous cowboys any longer. Mr. Bush and Mr. Cheney have got to go. We're ready." Some of her recent actions (like going to Iraq) have led me to believe she is getting herself ready.

It may take a few more rebukes from Mr. Bush, or an attack on as yet undisclosed nation, but it seems possible to me that the responsible Nancy Pelosi and her fellow Democrats will some day come to realize that the U.S. can't afford George Bush any more, and they will at last rev up the process of removing him from office.

And meanwhile, what are the rest of us supposed to do? First off, speak out, loudly and clearly, about the cowardice of "sensible" politicians and commentators who aren't talking about the "I-word." Use it again and again. Speak openly about the many ways in which George Bush has harmed the United States and thumbed his nose at the Constitution.

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Let's do ourselves a favor and learn again how to bark before it's too late. We have gigantic jobs at hand: the Democratic Congress has begun to undertake a few of them, but the hard ones are yet to be done. We need to rescue our government, retrieve our sense of honor, and reclaim our noble place among the nations of the world. It won't be easy, but we have no choice but to make a start.



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