

UNDOING THE BUSH-CHENEY LEGACY

A TOOL KIT
FOR CONGRESS & ACTIVISTS



EDITED BY ANN FAGAN GINGER



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INTRODUCTION TO THE TOOL KIT

The new Congress has the power -- and the duty -- to repeal or amend all laws adopted and all “laws” stated or enforced during the Bush-Cheney Administration that violate basic U.S. law.

These “laws” run from A to W -- from Agriculture to Wars in Afghanistan and Iraq, and ... There are so many of these “laws” that each one must be described briefly so this booklet will be handy to use -- in making presentations to Congress, the public, and the media.

Many of these laws are statutes proposed by Bush-Cheney, passed by the House and Senate, signed by Bush, funded in the next Bush budget passed by Congress.¹ Other “laws” are signing statements.

These Bush “laws” ignore basic laws found in the U.S. Constitution, particularly the “promote the general welfare” clause, the Ninth Amendment protection of “other[...] rights retained by the people,” the Bill of Rights, and the Reconstruction Amendments 13 and 14. “Bush laws” also violate international human rights standards and peace law in treaties that are part of the “supreme law of the land” under the U.S. Constitution (Art. VI, cl. 2). These treaties were signed by the President and ratified by the U.S. Senate: the United Nations Charter (1945), the International Covenant on Civil and Political Rights (ICCPR) (1992); the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT) (1994); and the International Convention on Elimination of all forms of Racial Discrimination (ICERD) (1994).

To start enforcing the law again, not “the law” stated by Bush-Cheney, the House and Senate can immediately cut funding for projects established by Bush Executive Orders, and funding for Blackwater and all other mercenary military forces.

Some of Bush “laws” are Executive Orders or Signing Statements by the President that the new President can immediately invalidate. The House and Senate can also pass Sen. Specter’s Presidential Signing Statement Act² that instructs federal courts to ignore signing

statements and decide based on the Rules of Construction in the Acts as passed by Congress.

The House and Senate can also pass budgets that specifically do not fund certain department and commission actions initiated under Bush-Cheney that are against the law, including projects of NAFTA and NATO.³ And they can resolve that the new President should not renew any of the Status of Forces Agreements that Bush and previous Presidents have made with leaders of other nations.

The House and Senate can also pass resolutions stating that unlawful Signing Statements by Pres. Bush should be immediately rescinded by the new president because the Constitution established three equal branches of government, not a unitary Presidency; Executive privilege has limits.

This short book seeks to describe every statute, agreement, signing statement, recent status of forces agreement, and department or commission regulation that violates basic U.S. law and can be immediately repealed, amended, or unfunded. It also cites “laws” upheld by the U.S. Supreme Court that can now be repealed or amended by the new Congress.

Each “law” is described as follows:

- Name of Bush-Cheney “law.”⁴
- Citation.
- Who is hurt by this “law” in the U.S. or anywhere in the world.
- Brief description of what the “law” provides.
- List of provisions of the U.S. Constitution and ratified treaties that this Bush-Cheney “law” ignores or violates.⁵
- Citation to any bill proposed in the House or Senate to amend or repeal this “law” as of August 1, 2008.
- Steps Congress can take immediately.

The Bush-Cheney “laws” to include were found in the voting records of leading members of the House and Senate, in the charges against Bush and Cheney in the impeachment resolutions submitted to the House Judiciary Committee by Rep. Dennis Kucinich, in headline news on the radio and TV, in newspapers and magazines, and in newsletters of many NonGovernmental Organizations.

Call for Help

While we worked very hard to make this list complete and accurate as of the end of the 110th Congressional session and the close of the 2007-2008 Supreme Court term, please send us any corrections needed, and any “laws” that should be added.

We thank all of the people who sent articles and websites for this tool kit. We have listed everyone who sent write-ups. Liz Troutman, 3L at U. of North Carolina School of Law, our Haywood Burns National Lawyers Guild intern; Twila Flores, '08 graduate of New College School of Law, our MCLI Summer Intern; John Tomasek, our pre-law intern, all worked all summer on this Tool Kit. Corrie Willis and Jennifer Smith, MCLI staff, worked on corrections and organizing the book. J. Richard Challacombe did a masterful job of formatting. Evan Waldinger, Illustrator and friend of MCLI, designed the cover. All of their contributions were invaluable. Board member Abbot Foote played his role as community steward. I did the editing and outlining and tried to catch all errors.

-- Ann Fagan Ginger, Editor

NOTE (September 22, 2008): In view of events on and concerning Wall Street—failures of investment banks such as Lehman Sachs and bailouts of Fanny Mae, Freddy Mac and American Insurance Organization—which became ongoing after our deadline for completion, the Bush-Cheney “laws” that ensue from these shocks will be addressed in the next edition. We welcome your input on these issues.

¹ Since the Bush-Cheney folks tied together hundreds of statutes and regulations they wanted to repeal or amend and put them into the so-called USA PATRIOT Act, some folks have suggested that now, eight years later, the Progressive Caucus could introduce one bill in the new Congress repealing ALL of the bad statutes, regulations, signing statements and executive orders passed or issued during the Bush-Cheney era, including the so-called USA PATRIOT Act. The 2009 Act could be called the RESTORE DEMOCRACY ACT OF 2009, and a Congressional Aide could organize the statutes and regulations to be repealed to form the acronym: R E S T O R E D E M O C R A C Y.

² S. 3731, 109th Congress.

³ These are Agreements, not treaties, never approved by Congress.

⁴ A few of the headings do not follow this style because they describe good laws that are being badly enforced, or not being enforced at all.

⁵ Brief quotations from these laws are on the following pages. The full text of relevant provisions of each law mentioned is in the Appendix.