

THE CRIMES OF GEORGE W. BUSH

International law establishes standards for national self defense and the treatment of POWs, who are accorded certain rights, but the Bush administration seems to be ignoring the law for political reasons. In the name of national security, is the United States becoming an outlaw state?

In the closing days of World War II, the nations of the world gathered together and established the United Nations to protect international peace and to avoid a repeat of the war that had just engaged practically every country on earth and cost millions of lives. In its Charter, the United Nations defined the duties of a nation to peacefully settle international disputes and provided only a very limited right for a country to wage war against another without drawing the condemnation of its peers. When the United States ratified the Charter of the United Nations, it became the supreme law of the land, binding on all those who thereafter occupied the Oval Office.

Illegal Use of Force

When the United States adopted "regime change" as an objective and when Bush threatened that he would use military force against Iraq unless Saddam and his two sons left the country, the United States violated sections three and four of Article 2 of the United Nations Charter which provides, "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered [and shall] refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."⁵⁸⁷

Article 51 of the Charter provides that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." This legitimate right of self-defense has been defined

as allowing anticipatory self-defense in response to an *imminent* attack; but it is justified only when the necessity for action is “instant, overwhelming, and leaving no choice of means, and no moment for deliberation.” However, there is no legal basis in international law for Bush’s new theory of preemptive war against the *potential* “threat” of danger.⁵⁸⁸

One reason that such preemptive wars are prohibited is demonstrated by what happened in Bush’s War. He was determined to exact a “regime change” in Iraq, and although he tried to justify his aggression through a massive campaign of propaganda and deception, the invasion proved that there was no imminent threat in the first place. No weapons of mass destruction were found. Had the United States found ICBMs armed with atomic, biological or chemical weapons, targeted at America, the case might have been different. However, one should keep in mind that in America today there are thousands of ICBMs so armed and aimed at other countries. Does that give all of the targeted countries the right to conduct a preemptive strike against us?

We have to ask ourselves, assuming our invasion was something like the service of a search warrant, what if any evidence was found that might justify a prosecution of Saddam in a court in the United States for a crime against the United States, or its people? The answer is none. Without question, Saddam has committed monstrous crimes against his own people, and for that he should be prosecuted, convicted and sentenced, by the people of Iraq.

The terrorist attack on September 11, 2001, provides no justification for an invasion of Iraq. On January 31, 2003, before he launched his war, a reporter specifically asked Bush if there was any evidence of a direct link “between Saddam Hussein and the men who attacked on September the 11th?” Bush answered, “I can’t make that claim.”⁵⁸⁹ Following the invasion, and after a poll found approximately 70 percent of Americans to believe that Saddam was connected, the White House denied ever

linking Saddam to the 9/11 attacks.* On September 17, 2003, Bush's spokesman Scott McClellan stated, "We said that we don't have any evidence to suggest a connection."⁵⁹⁰

Moreover, in July 2003, the joint congressional inquiry into the 9/11 attacks reported that it had found no evidence that Saddam was in any way connected with the al Qaeda terrorists.⁵⁹¹

Therefore, what possible justification did we have to wage Bush's War? One possibility might be Security Council Resolution 687, adopted at the end of the Gulf War, which authorized the continued use of force if Saddam was found to be in noncompliance. However, that doesn't work either, because it is the Security Council, and not member states operating unilaterally, that has the right to use force.

The Security Council, in Resolution 1442, which ordered the last minute inspections, remained "seized of the matter." Therefore, the matter remained on the agenda, and it was up to the *Security Council* to determine if Saddam was in compliance with its Resolution, *not* up to the United States. It was the *Security Council* which had the legitimate power to impose "serious consequences" in the case of violations, *not* the United States.

Bush lied when he declared, "The United Nations Security Council has not lived up to its responsibilities," and he placed himself in legal jeopardy when he continued, "so we will rise to ours."⁵⁹² When on his "orders" American troops invaded Iraq, he and those associated with him who shared his guilty knowledge and malicious intent became war criminals under international law.

* However, there is no stopping Cheney from lying about the connection and continuing to mislead the American people. On January 22, 2004, he stated, "There's overwhelming evidence there was a connection between al Qaeda and the Iraqi government. I am very confident that there was an established relationship there." (Miller, Greg, "Cheney Is Adamant on Iraq 'Evidence,'" *Los Angeles Times*, January 23, 2004, p. A1.)

It is becoming increasingly accepted that Bush and his administration lied to provide justification for his war, even by Bush's staunchest allies. Poland's President Aleksander Kwasniewski, recently remarked that Iraq "without Saddam Hussein is truly better than Iraq with Saddam Hussein," but went on to say, "naturally, I also feel uncomfortable, due to the fact that we were misled with the information on weapons of mass destruction."⁵⁹³

Upon his election following the train bombings that killed at least 200, Spain's new Prime Minister Jose Luis Rodriguez Zapatero said he would withdraw Spanish troops in Iraq by June 30 unless the United Nations issued a new mandate. Zapatero said that Bush and Blair needed "to engage in some self-criticism" over their war. "You can't bombard a people just in case they pose a perceived threat. You can't organize a war on the basis of lies." He said that such wars "only allow hatred, violence and terror to proliferate."⁵⁹⁴

Do you agree that the United States has the right to invade any country our president deems to be a threat, just because we have the military power to do so? You're not stupid! Get the truth.

Illegal Detention of Prisoners of War

On November 13, 2001, as the "Commander in Chief of the Armed Forces of the United States," Bush issued an executive order creating military tribunals for the detention and trial of non-American citizens taken into custody during the war against terrorism. Individuals subject to the order are defined as those who (1) are members of al Qaeda; (2) have engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause injury or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or (3) have knowingly harbored one or more such individuals."⁵⁹⁵ The order is so broadly written that it could be applied to anyone, anywhere in the world, who displays an intent to cause an adverse effect on citizens or the economy of

the United States and to anyone who harbored them—which could be just about anyone.

The order empowers Secretary of Defense Rumsfeld to detain any subject individuals whenever and wherever he chooses and to appoint military commissions to try them “for any and all offenses triable by military commission that such individual is alleged to have committed, and may be punished in accordance with the penalties provided under applicable law, including life imprisonment or death.” There is no right to access the civil courts of the United States, nor is there a right to appeal.⁵⁹⁶

Pursuant to the order, Rumsfeld established an outdoor camp at Guantanamo Bay in Cuba, where he has locked up approximately 650 “enemy combatants” in six-by-eight-foot chain-link cages open to the elements on three sides. Their only protection from the sun and rain is a low sheet metal roof and orange jumpsuits. They sleep on mats on the floor under floodlighted conditions. Rumsfeld stated that the detainees are not prisoners of war and have no rights under the Geneva Conventions. Bush later said that “official Taliban” troops would be considered as POWs; however, it is not clear if any of the detainees have been so designated.⁵⁹⁷

Many of the detainees have now been held in the cages for two years, without access to counsel, trials or visitors.* The military is considering constructing a death row and execution chambers where selected detainees can be tried, convicted and

* The United States is prepared to hold some of these prisoners for many years, perhaps indefinitely. Defense Department officials say that a military panel will review the long-term prisoners’ cases annually to determine if they continue to be a threat to the United States. Even if an individual is convicted by a military tribunal and serves a long prison term, he would not be released if he were judged to remain a danger. The military is building a hard-walled traditional prison alongside the corrugated metal units which will house about 100 prisoners, although it denies that the prison will contain an execution chamber. (Lewis, Neil A. and Eric Schmitt, “Cuba Detentions May Last Years,” *The New York Times*, February 13, 2004, <http://www.nytimes.com/2004/02/13/politics/13GITM.html?th>.)

executed by military tribunals without leaving the camp, all without a jury or right to appeal.

Although POWs are only required to provide their name, date of birth, rank and serial number, the prisoners are repeatedly subjected to intense interrogations and at least 18 have attempted suicide.⁵⁹⁸ How would we feel if American citizens were being held under these conditions at any other location in the world? We would be outraged!

The United States has ratified the four Geneva Conventions of 1949, which establish the standards for protecting captured combatants and civilians during armed conflicts. The Third Geneva Convention defines prisoners of war (POWs) and lists the protection to be accorded them. "Unlawful combatants," who are not accorded POW status, are still entitled to the protections enumerated under the Fourth Convention, as they relate to the Protection of Civilian Persons in Time of War.

Under international humanitarian law, according to the Commentary of the Geneva Conventions of the International Committee of the Red Cross: "Every person in enemy hands must have some status under international law: he is either a prisoner of war and, as such, covered by the Third Convention, a civilian covered by the Fourth convention, [or] a member of the medical personnel of the armed forces who is covered by the First Convention. There is no intermediate status; nobody in enemy hands can fall outside the law."⁵⁹⁹ Therefore, Bush and Rumsfeld violate international law each and every day they continue to deny basic rights to their prisoners.

The Third Geneva Convention establishes a presumption that any doubt as to whether a detainee belongs to the category of POW be resolved in favor of the individual. They are entitled to the protection of the Convention until a competent tribunal determines their status.

In 1997, the U.S. Military established detailed procedures for tribunals to resolve any doubts as to status. These regulations provide that detainees have the right to be advised of their rights, to attend all sessions, to call and question witnesses, to refuse to testify, and to address the tribunal. The standard of

proof is a preponderance of the evidence, and the tribunal is required to issue a written decision in every case.⁶⁰⁰

POWs cannot be tried simply for having carried arms in combat, and if “unlawful combatants” are prosecuted for war crimes, they must be afforded the same rights provided to members of the trying military forces. The Pentagon has announced that the prisoners might not be released even if they were tried and acquitted.

One thing that has characterized Bush and Rumsfeld’s detention of the prisoners is an information blackout. Visitors are not allowed, nor is any information provided regarding the prisoners. Although a few prisoners have been released, it does not appear that the vast majority has had any status tribunals, nor have there been any war crime trials.⁶⁰¹

The information blackout has led to the arrest of at least four individuals who have attempted to get word out about the identity of prisoners and the conditions under which they are being caged. Colonel Jackie Farr was arrested as he attempted to leave Guantanamo Bay with “classified” material in his luggage, and Captain James (Yousef) Yee, a Muslim Chaplain, was arrested for espionage and treason after being found to have drawings of the camp and a list of prisoners in his luggage.

The charges against Yee were subsequently dropped in March 2004 after he was held in solitary confinement in a naval brig for nearly three months. Two Arabic translators, Senior Airman Ahmed Halabi and civilian linguist Ahmed Mehalba, were arrested for similar “offenses.”⁶⁰² What are Bush and Rumsfeld trying to hide?

In a case filed by the brother of one of the individuals detained at Guantanamo Bay, the San Francisco-based 9th U.S. Circuit Court of Appeals ruled on December 19, 2003, that the prisoners of the war on terrorism should have access to legal counsel and the American court system. Judge Stephen Reinhardt wrote, “Even in times of national emergency—indeed, particularly in such times—it is the obligation of the Judicial Branch to ensure the preservation of our constitutional values and to prevent the Executive Branch from running roughshod

over the rights of citizens and aliens alike. ... We simply cannot accept the government's position that the executive branch possesses the unchecked authority to imprison indefinitely any persons, foreign citizens included ... without permitting such prisoners recourse of any kind to any judicial forum."

The U.S. Supreme Court has already agreed to review another ruling by the Washington, D.C. Circuit Court of Appeals, which rendered an opposite opinion, holding that "enemy combatants" have no rights to the American legal system. Given the domination of the Supreme Court by the Federalist Society, it is unlikely that the opinion of the 9th Circuit will prevail.⁶⁰³

In one of his last official acts, President Clinton signed the "Rome" treaty establishing The International Criminal Court in the Netherlands, based on the principles of the World War II war crime trials, to judge individuals accused of mass murders, war crimes, and other gross human rights violations. Clinton said, "In taking this action, we join more than 130 other countries that have signed ... the treaty. We do so to reaffirm our strong support for international accountability and for bringing to justice perpetrators of genocide, war crimes and crimes against humanity." The Pentagon had opposed the court because it could try U.S. military personnel who commit crimes outside the United States.⁶⁰⁴

The Rome treaty became effective on July 1, 2002, and the Court assumed jurisdiction over war crimes; however, Bush had already "unsigned" the treaty on behalf of the United States in May 2002. He announced that the United States would provide neither information nor cooperation. Bush also threatened to veto any United Nations peacekeeping missions unless the Security Council provided immunity to all Americans engaged in the mission. He also announced that we were no longer bound by the Vienna Convention on the Law of Treaties, which establishes our obligations to conform to treaties that have been signed, but not yet ratified. Accordingly, we are no longer bound by the 1989 Convention on Children's Rights, because we want to continue sending 17-year-old boys and girls into battle.⁶⁰⁵

Among the prisoners held at Guantanamo Bay were five British citizens who had been held since their capture in 2001 and 2002. They were finally released in March 2004 with the United States insisting that they be “managed” with “appropriate and specific steps.” However, the Blair government believes that “any evidence gathered under Guantanamo’s vague legal standings probably would be ruled inadmissible in British courts.”

Four British citizens remain in custody at Guantanamo, and the Blair government insists that “the right to a lawyer and the right to appeal were essential” in any U.S. trial. “Lord Justice Johan Steyn, a senior British judge, recently called the Guantanamo detentions ‘a monstrous failure of justice,’ and there is a sense in Britain that the Bush administration has abandoned some of the principles it claims to be fighting for in its campaign against terrorism.”⁶⁰⁶

As “Commander in Chief,” Bush is responsible for all acts committed under the authority of his orders, including the unlawful detention of prisoners under inhumane conditions at Guantanamo Bay in Cuba. Whether the International Criminal Court can or will assume jurisdiction is doubtful; however, Bush will be judged by the people of the world and by the voters of America when they go to the polls in November.

Are you proud of the fact that Bush and Rumsfeld are caging individuals who had nothing to do with the 9/11 attacks and who, by any reasonable measure, are entitled to protection under the Geneva Conventions? Under Bush’s leadership, we are increasingly going it alone. Is he right? Are we right to blindly follow him? You’re not stupid! Get the truth.

Impeachment

When Bush caused the United States to violate its duties under international law, he also subjected himself to impeachment. Article VI, Clause 2 of the United States Constitution makes international treaties such as the United Nations Charter, which was ratified by the Senate in 1945, the “supreme law of the land.”⁶⁰⁷

Not only did Bush cause the United States to violate the Charter, but he also operated extralegally beyond the authority granted him by Congress in its resolution of October 10, 2002. He was not acting to enforce "all relevant United Nations Security Council resolutions regarding Iraq," nor was he acting to "defend the national security of the United States against the continuing threat posed by Iraq."⁶⁰⁸

Article II, Section 4 of the U.S. Constitution provides, "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." By committing war crimes in violation of the supreme law of the land, Bush also committed a high crime or misdemeanor within the meaning of the Constitution.

Moreover, Bush is subject to impeachment for having lied to Congress, repeatedly, specifically during his State of the Union address on January 28, 2003, when he stated that the IAEA "confirmed in the 1990's that Saddam Hussein had an advanced nuclear weapons development program," and again when he stated, "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

Title 18 of the United States Code, Section 1001 prohibits anyone from "knowingly and willfully" making "any materially false, fictitious, or fraudulent statement or representation" in "any matter within the jurisdiction of the ... legislative ... branch of the Government." The U.S. Supreme Court upheld felony prosecution under the statute in 1955, and a violation of the statute is a crime.⁶⁰⁹

Bush again violated Section 1001 when he wrote to Congress on March 18, 2003, as required by the Congressional resolution authorizing the use of military force against Iraq. In the letter, Bush stated he had determined that:

- (1) reliance by the United States on further diplomatic and other peaceful means alone will neither (A) adequately protect the national security of the United States against the continuing threat posed by Iraq nor

(B) likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107-243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.⁶¹⁰

The letter is a complete lie and distortion. Iraq did not pose a threat to the United States, and further diplomatic and other peaceful means would have adequately protected our national security. The United States did not have to invade Iraq to enforce Security Council resolutions, as continued U.N. inspections would have likely succeeded. Most importantly, at the time Bush wrote the letter, he knew that there was no evidence that Iraq had “planned, authorized, committed, or aided” the 9/11 attack.”

Increasingly, there is no doubt that Bush has, in fact, repeatedly lied to us. On January 8, 2004, the Carnegie Endowment for International Peace issued a comprehensive report, “WMD in Iraq: Evidence and Implications.” The authors charge that the Bush administration “systematically misrepresented” the threat posed by Saddam’s WMDs and called for the creation of an independent commission to fully investigate what the U.S. intelligence community knew about the true state of Iraq’s WMD program. One of the authors, Joseph Cirincione said, “It is very likely that intelligence officials were pressured by senior administration officials to conform their threat assessments to pre-existing policies.”

The report finds “no solid evidence” of cooperation between Saddam and al Qaeda. “The notion that any government would give its principal security assets to people it could not control in order to achieve its own political aims is highly dubious.” Finally, the report concludes that the United Nations inspection

process, which was terminated by Bush's War, "appears to have been much more successful than recognized before the war."⁶¹¹

Congressman Henry A. Waxman, the senior Democratic member of the House Government Reform Committee asked its Special Investigations Division to examine the public statements of Bush, Cheney, Rumsfeld, Powell, and Rice to identify the extent that the five made false and misleading statements regarding Bush's War.

On March 16, 2004, the committee staff submitted its report, "Iraq on the Record: The Bush Administration's Public Statements on Iraq," to the Committee. The investigators found that the five made misleading statements about the threat posed by Iraq in 125 public appearances and identified 237 specific misleading statements. The deceptive statements were divided into four categories. "There were 11 statements that claimed Iraq posed an urgent threat; 81 statements that exaggerated Iraq's nuclear activities; 84 statements that overstated Iraq's chemical and biological weapons capabilities; and 61 statements that misrepresented Iraq's ties to al Qaeda."⁶¹²

The false statements commenced on March 17, 2002 when Cheney stated "We know they have biological and chemical weapons," and continued through January 22, 2004 when he claimed that "there's overwhelming evidence that there was a connection between al-Qaeda and the Iraqi government."⁶¹³

The investigation found that most of the misleading statements—161—were made prior to the war, but 76 misleading statements were made after its commencement to justify the decision. During the 30-day period leading up to the congressional vote on the war resolution Bush and the other four engaged in a blistering pace of deception. They made a total of 64 misleading statements in 16 public appearances.⁶¹⁴

The report found that Bush individually made 55 misleading statements about the threat posed by Iraq in 27 separate public statements or appearances. Of these, "4 claimed that Iraq posed an urgent threat; 14 exaggerated Iraq's efforts to develop nuclear weapons; 18 overstated Iraq's chemical or biological weapons capacity; and 19 misrepresented Iraq's links to al Qaeda."⁶¹⁵

In just one speech, in Cincinnati, Ohio on October 7, 2002, Bush made a total of 11 misleading statements, “the highest number of misleading statements in any single appearance by any of the five officials.”⁶¹⁶

Some of the biggest whoppers told by Bush include:

- “On its present course, the Iraqi regime is a threat of unique urgency.... It has developed weapons of mass death.”
- “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”
- “The liberation of Iraq...removed an ally of al Qaeda.”
- “We found the weapons of mass destruction.... [F]or those who say we haven’t found the banned manufacturing devices of banned weapons, they’re wrong, we found them.”⁶¹⁷

How many of his crimes will the American public tolerate before we insist that Bush be impeached? In fact, under the doctrine of preemptive strike, shouldn’t the House of Representatives take action now before he brings down the fury of the rest of the world upon the United States? You’re not stupid! Get the truth.

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