

By Cynthia L. Cooper

From [The Huffington Post](#) | Original Article

Nine years ago, I encountered a man from Ohio on a flight from LaGuardia to the Akron-Canton Airport just as the Iraq War was starting. I wish I could talk to him again.

While sharing armrests but diverging on political leanings, we had a rather heated tête-à-tête about war in Iraq. He was firmly in favor of the war, and, in fact, wanted all the shock and awe the U.S. could deliver. He reasoned that Iraq was linked to al Qaeda and 9/11, and we couldn't let them get away with it.

I was fresh from the massive anti-war marches in New York and questioned the truth of any connection between Iraq and al Qaeda, although President Bush and Vice President Cheney had drawn the association with regularity. My seatmate's whole body leaned over to the right -- literally. "I feel so sorry for you," he said. "How cynical you must be to think that the president would lie."

Now, nine years later, I feel sorry for all of us. If only, like the Beatles' Revolution 9, played backwards by disc jockeys of the day, we could rewind this tune. The false statements and lies that were used by President Bush and his team to drive the nation to war and occupation in Iraq have caused immeasurable heartbreak with thousands upon thousands of lost and damaged lives -- U.S. and allies' personnel, Iraqi civilians and military, international journalists and bystanders. The financial costs to the U.S. have reached [\\$800 billion](#), according to the American Progress Center's Iraq War Ledger, and the ticker is still going.

Now we know that President Bush and his team lied repeatedly -- investigative researchers at the Center for Public Integrity documented [935 false statements](#) about Iraq in the two years after 9/11 (memorialized [in a song](#)

by Harry Shearer). More than mere harmless "pants on fire" posturing, these statements violate the federal criminal law.

In [\*Cheating Justice: How Bush and Cheney Attacked the Rule of Law, Plotted to Avoid Prosecution - and What We Can Do About It\*](#), I and co-author Elizabeth Holtzman describe a prima facie case for prosecuting President Bush and Vice President Cheney for conspiracy to deceive Congress under Sections 371 and 1001 of the federal criminal code.

Now that Bush and Cheney are now longer in office, the law can reckon with them on this and other outrageous incursions, such as wiretapping without warrants and torture. And prosecuting is a mighty good idea if we are to have a robust democracy down the road.

President Bush deceived Congress in two direct ways -- one was a speech; the other was a letter sent to Congress, stipulating that he had met the prerequisites set by Congress in order to launch a war into Iraq.

The speech came on January 28, 2003 : the State of the Union message personally delivered to both houses of Congress. Two-thirds of the speech was devoted to Iraq, and much of what the president said was simply false. It was here that President Bush asserted that Iraq was buying the uranium needed to build a nuclear weapon from a country in Africa. The "sixteen words," later retracted, were known to be untrue. Their deceptiveness was unmasked when former Ambassador [Joseph Wilson](#) wrote that he had traveled to Africa before the war at the behest of the Bush administration and had reported back that Iraq was not buying uranium. (As told in [Fair Game](#), Wilson's statements spurred a vicious White House reaction targeting his wife, CIA agent Valerie Plame.)

President Bush also said that Iraq was procuring aluminum tubes for nuclear weapons, but that matter [had already been dashed as wrong](#) by the International Atomic Energy Agency, noted Joby Warrick in the *Washington Post*. Finally, President Bush said, as my Ohio seatmate parroted, that "Saddam Hussein aids and protects terrorists, including members of al Qaeda," but those connections [that had been debunked](#) immediately after 9/11 by counterterrorism expert Richard Clarke.

Things only got worse in the weeks after the State of the Union. Congress, as the branch of government charged with declaring war, had set stipulations in October 2002 that President Bush had to satisfy before a war could be launched in Iraq. Rather than meet them, the

president flouted them. That is, he lied. On March 18, 2003, the president literally signed, sealed and delivered on [letters stating that a war in Iraq](#) was a "necessary" action against those who "planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001." Not only was war not necessary, Iraq had not aided in the attacks of 9/11.

The president's letter also certified that Iraq posed a "continuing" threat to the U.S. As the president knew, it did not -- it had no weapons of mass destruction (WMD) and none were in development. The president admitted this to Prime Minister Tony Blair before the war, according to [leaked British memos](#) obtained by international lawyer and author Philippe Sands.

Piling on the false statements, the president stated in the letters, untruthfully, that "peaceful means" would not protect the U.S. But weapons inspectors were peacefully in Iraq and, while they had found no WMD, they were willing to continue to look. In addition, the president blew off the UN Security Council and [refused to fulfill](#) the requirement for a critical second resolution before going to war (it would have been vetoed). International lawyers objected vehemently to the rejection of this diplomatic process, and this has become an ongoing scandal in Britain, where [the Iraq Inquiry](#) has been taking testimony, much of it damning, on the start of the Iraq war.

Lying to the U.S. Congress is a federal crime under Section 1001 of the federal code, and working in concert with others to lie to Congress is prohibited by conspiracy laws under Section 371. These are not mothballed laws, but ones that are being used regularly to charge others with crimes. Former Yankees pitcher Roger Clemens was criminally charged for making a false statement to Congress in denying any use of steroids. The American League's 2002 Most Valuable Player Miguel Tejada pleaded guilty in 2009 to making a false statement to Congress about his knowledge of other players' use of banned substances. Of Tejada, Assistant U.S. Attorney [Steve Durham said](#), "People have to know that when Congress asks questions, it's serious business. And if you don't tell the truth -- and we can prove you haven't told the truth -- then there will be accountability." Tejada was placed on probation, ordered to do 100 hours of community service and required to pay a fine of \$5,000.

Not even that modest level of accountability has been applied to President Bush. Lying about knowledge of steroids is obviously a blip on the scale compared to lying about 9/11, WMD and the need for war. We still have had no clear explanation of why President Bush and his team drove the nation to war and occupation in Iraq; in fact, in his book, *Decision Points*, the former president said that he had no apologies even though no WMD were found, and he thought the world was better off for the war. He was completely oblivious to the suffering of so many who

lost loved ones or were injured, displaced, tortured and permanently harmed.

We need to put any future president on notice -- now -- that lying to Congress about the need for war is serious business. Prosecution under the criminal laws of the United States is the best way to hold President Bush accountable. I'd like to find that man from Ohio; I think he'll agree -- we can't let him "get away with it."