

Obama Is Risking World War III; We Need a ‘Slam-Dunk’ Impeachment

Francis Boyle is a professor of international law at the University of Illinois College of Law. He was interviewed by host Harley Schlanger on The LaRouche Show, a weekly Internet radio program, on Saturday, June 28, 2014. Joining the discussion was EIR Counterintelligence Director Jeffrey Steinberg. This is an edited transcript.

Harley Schlanger: On June 24, Lyndon LaRouche issued a [statement](#) under the heading “Hillary Clinton’s Benghazi Revelations Mean Obama Must Be Impeached Immediately.” It starts with Mr. LaRouche demanding that the House of Representatives launch immediate impeachment proceedings against Barack Obama, based on the account of the President’s lying cover-up of the terrorist attack in Benghazi, Libya.

We have with us one of the most significant legal experts on this question on the planet, Prof. Francis Boyle from the University of Illinois Law School. Professor Boyle is a renowned fighter for human rights. He’s written many books and articles, and he’s been involved in attempting to protect the Constitution, and protect the country, which includes the right to impeach Presidents who violate the Constitution.

So, Professor Boyle, welcome to our program.

I’d like to start with the obvious question, which is, for you to delineate the basis for an impeachment of President Obama right now.

Boyle: Well, it would be the same as any other President. I worked with the late, great Congressman Henry B. Gonzalez [D-Texas] on his bill of impeachment against President Bush Sr. for his war against Iraq, and I

was counsel to him, and did the first draft on that. And basically, it is for conduct that subverts the Constitution. So, it’s just not enough for there to be mal-administration, or incompetence, although, legally and constitutionally—now, I guess technically, the House can impeach a President for whatever they want. In the case of President Clinton, he was impeached for fellatio and lying about fellatio, as opposed to many of the bombing campaigns he engaged in.

In any event, technically, it should be for conduct that subverts the Constitution.

Now, under the current dire circumstances, I don’t think we have time to deal with *all* the conduct that President Obama has engaged in that subverts the Constitution. We are in a very serious, dangerous, near-cataclysmic situation, both with respect to Russia over Ukraine, and then the disintegration of Iraq and Syria as states, setting off a general Middle East war that also could pull in Russia, and has already pulled in Iran.

So, I would recommend for any member of the House of Representatives considering a bill of impeachment—and I am willing to serve as counsel free of charge to any member of the House, as I did to Congressman Gonzalez—to consider a “silver bullet” approach to impeachment, namely, I don’t believe we have time here for hearings, as happened with Nixon. World War III could break out very soon, at any time here, if Obama keeps moving the way he is.

So, what I think we need are articles of impeachment that are clear-cut, slam-dunk, with no need for hearings. Indeed, there is a special procedure under the rules of the House of Representatives, that any member



Prof. Francis Boyle told a LaRouche Show audience that there is no time to waste in impeaching Obama; all that is needed is one Member of Congress to introduce Articles of Impeachment.

of the House can get up and simply impeach the President verbally on the floor of the House.

A Single Congressman Can Impeach

Schlanger: Francis, you're saying that just one Congressman could initiate this?

Boyle: Or Congresswoman, that's correct. One member of the House of Representatives can do that. You can check the rules of the House of Representatives. They can get up, they can orally impeach right there on the floor of the House, and then, since the Republicans control the House, they could move to an immediate vote without hearings. All that can be done under the House Rules, assuming the Speaker of the House, [John] Boehner, is willing to allow it. That would be my recommendation now, given the severity of the situation.

I also wanted to point out, of course, that Obama is threatening war against China too, which is a very serious issue, and is urging Japan—

But let me go through then, two articles of impeachment in a bill, or oral impeachment, that are undeniable and a slam-dunk.

First, clearly, Obama's unconstitutional war against Libya, that violated the War Powers clause of the Constitution, and the War Powers Resolution of 1973. And Obama even sent up his lawyer Harold Koh, now back teaching at the Yale Law School with the other war criminals on that faculty, to justify it. And his justification, even Speaker Boehner said, did not pass the straight-face test. And that's correct. Koh is so bad he wrote the legal justification for Reagan's invasion of Grenada, back when he worked for Reagan—that's what a bad lawyer, and how instrumentalist and opportunist he is.

But even Speaker of the House Boehner said that that argument did not pass the straight-face test.

Obama's Murder of U.S. Citizens

Schlanger: What was that argument that they put forward?

Boyle: I'm not going to waste my time here—it's a joke. Speaker Boehner said it did not pass the straight-face test, and I agree with him. And there were already extensive hearings on this matter, so we don't need more hearings on that now.

Second, is the murder of United States citizens. Right now, Obama has ordered the murder of four United States citizens, whom we know of, and there is a fifth U.S. citizen on his murder list now—Obama has

already ordered him to be murdered, and they are trying to track him down now somewhere between Pakistan and Afghanistan.

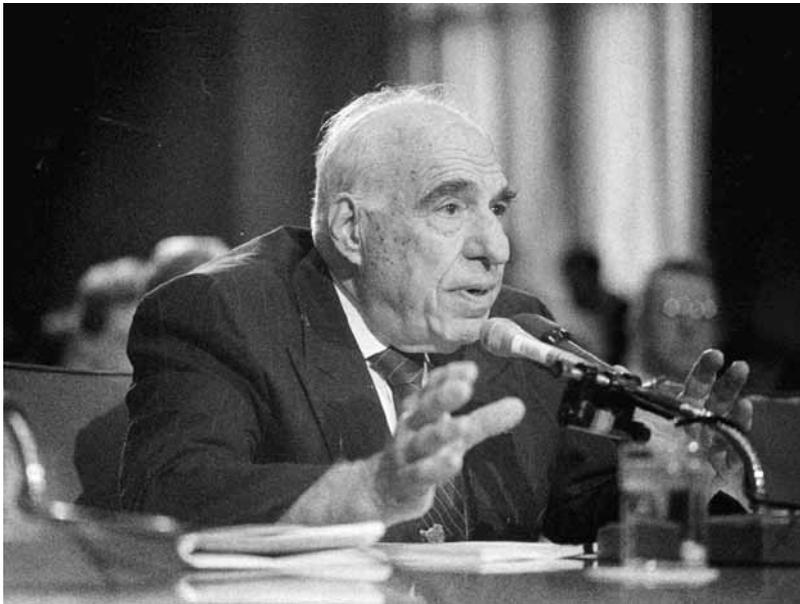
The murder of U.S. citizens clearly violates—this is summary murder—the Fifth Amendment to the United States Constitution, and the Sixth Amendment to the United States Constitution; the first guaranteeing due process of law, that no one shall be deprived of life, liberty, or property without due process of law, and the Sixth Amendment dealing with criminal prosecutions.

Now, in both cases, both of those Articles of Impeachment, there is ample, official documentation in the public record. The U.S. Court in New York just re-

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leased the memorandum justifying the murders of U.S. citizens, by David Barron, working for Obama, who at that time was on the faculty of Harvard Law School—my dis-Alma Mater—along with other war criminals there. It just came out; there are 100 pages, I haven't read it all. But I did read the White Paper that had been previously released, that summarized the arguments.

It is clear if you read the White Paper, which is based on the bigger memorandum, that this memo by Barron—and it was co-authored by Marty Lederman, who's now returned to Georgetown Law School, and they have some war criminals on that faculty too—but, in any event, this memorandum was clearly never drafted in good faith. Rather it was drafted by Barron and Lederman to give Obama so-called legal cover, that basically Obama could say, well, my lawyers told me I could do it, so I did it, and that means it isn't criminal, it isn't a felony. In fact, there's a special U.S. statute, putting aside the murder statute, on murdering U.S. citizens abroad, that was enacted by Congress after Leon Klinghoffer was murdered, and it turned out there was



EIRNS/Stuart Lewis

Boyle served as counsel to “the late, great Congressman Henry B. Gonzalez [D-Texas] on his bill of impeachment against President Bush Sr. for his war against Iraq.” Gonzales is pictured here at Congressional hearings in October 1992.

no statute to deal with that issue.¹ So, it’s clear, at a minimum, that that statute was violated.

The memorandum is simply designed to enable Obama to murder U.S. citizens, not only abroad, but even here in the United States. Attorney General [Eric] Holder, in a letter to Senator [Ron] Paul, and also [John] Brennan, the CIA Director, have both taken the position that President Obama can, likewise, pursuant to the Barron memorandum, murder United States citizens even here in the United States.

And this memorandum by Barron—there are others that have not yet been released—is similar in purpose to the legal opinion done by Jay Bybee when he headed the same office in the Department of Justice, for President [George W.] Bush, and wrote an opinion letter, that basically enabled the entire torture scandal. The whole purpose there, was basically to give Bush and the rest of them a “Get Out of Jail Free Card,” being able to say, well, the government’s official branch said that I could do it, so I did it, and therefore it was not illegal.

The differences, of course, between Bush and Obama are twofold. One, Bush (not to excuse him) never arrogated to himself, openly and publicly, the al-

1. Leon Klinghoffer was an American who was murdered by Palestinian terrorists in 1985.

leged right to murder U.S. citizens, as Obama has done. And number two, Obama, unlike Bush, is a lawyer! He was behind me at Harvard Law School. He was taught Constitutional law by Larry Tribe, and the late great Paul Freund taught Constitutional Law both to Tribe and me. So, that’s the pedigree there.

Obama knows that this is clearly illegal and criminal, and unconstitutional activity.

Boehner: Kicking the Can Down the Road

I think those two articles in a bill of impeachment, even orally, are incontestable. They do not require hearings to stall and delay everything.

Basically that’s what Speaker of the House Boehner’s announced lawsuit is all about. On a positive side, it indicates that massive pressure has been applied upon Boehner by House Republicans to impeach the President. But Boehner said, well, I’m

doing this lawsuit—I’m not going to impeach him. And really, Boehner is really just kicking the can down the road. He said, well, sometime in July, I’m going to introduce legislation that will authorize the lawsuit. Well, he could certainly introduce legislation, a bill of impeachment, and get the whole thing taken care of immediately, if he wanted to.

But second, all Constitutional lawyers know, that at the end of the day, this lawsuit is going to be knocked out of court. I’m not going to go through all the grounds, here, but it will be knocked out on standing—the *Raines* decision by the U.S. Supreme Court—and also the political question doctrine. So, everyone knows this.

Now, Speaker of the House Boehner is not a lawyer, but he has some very sharp lawyers there advising him, and he knows full well that nothing is going to come of this lawsuit. So, he’s just trying to postpone and stall and delay, and stave off the demand for immediate impeachment of President Obama.

Violation of the War Powers Resolution

Schlanger: I’d like to ask you about the urgency, given that we’re about to see, at least the President has indicated, that he’s not going to go to the Congress before he acts in Iraq. There’s evidence from the Defense Intelligence Agency and others, that this situa-

tion, that seems to have happened suddenly, has been unfolding for a long period of time, with the full knowledge of the President and key people on his staff.

Is there something that can be done to preempt? Would you say that the oral presentation is the best way to preempt the President from getting us into another war?

Boyle: I think you are certainly correct that Obama knew full well what was going to happen in Iraq, and also Syria. Indeed, the gameplan has always been to basically disintegrate Iraq as a state, and that's really what's going on here, and Obama knows all about it.

Technically, constitutionally, he is already in violation of the War Powers Resolution. He sent 300 Special Forces over there, which he admitted are equipped for combat, and the War Powers Resolution gets triggered whenever U.S. forces are sent "into the territory, airspace, or waters of a foreign nation while equipped for combat." And he is currently positioning them for combat.

The Administration officials have already said they are going to start bombing in Syria and in Iraq, and it appears that at least half of these Special Forces are slated to become forward air controllers for any bombing campaign. They already have armed Predator drones over there now, in the skies over Baghdad. So, Obama is already in violation of the War Powers Resolution, now, as we speak.

And indeed, that's why the War Powers Resolution was put in there, to deal with another Vietnam, that started out with President Kennedy sending in Special Forces, Green Berets—and then it gradually escalated from there. So, Obama is already in violation of the War Powers Resolution on Iraq.

The problem here, Harley, as I see it, is that these issues that I'm raising now, have not been addressed by Congress, or in the public record. There would probably be a demand for hearings on them, like on Libya, and that would postpone everything. So, in my opinion, to stop Obama bombing Iraq, bombing Syria, and provoking Russia to invade Ukraine—which could happen soon: As you know. President Putin just ordered all his troops to stand down, withdraw—he rescinded the resolution giving him authority to invade Ukraine by the Russia Duma—he's recognizing [Petro] Poroshenko as the President [of Ukraine]. And now, as we speak today, the Obama Administration just issued an ultimatum that if he [Putin] doesn't cease and desist, and basically convince the insurrectionists there to surrender, comprehensive economic sanctions will be adopted against

Russia on Monday. Obama has the EU on board for comprehensive sector economic sanctions against Russia on Monday [June 30], with a fixed deadline.

So, it is clear again. Likewise, in Ukraine, where Obama and [Victoria] Nuland, the neocon who used to work for [Dick] Cheney, orchestrated a neo-Nazi coup d'état against a democratically elected government in Ukraine. And we now have Obama, and Nuland, and the U.S. government working with neo-Nazis in Ukraine, and literally threatening Russia. And we now have skirmishes over the Russian-Ukraine border, which has never been legally demarcated since the collapse of the Soviet Union.

Fast Track to Impeachment

Schlanger: So what you just described just adds to the necessity for some immediate action in the House. Jeff, I think you wanted to ask a question, or say something?

Jeffrey Steinberg: Yes, Francis, I'd like you to just take our audience through the fastest possible steps. You've mentioned either a written or an oral bill of impeachment on two, basically slam-dunk issues. Are you suggesting that, for example, when Congress comes back after the Fourth of July recess, that the full House could go into immediate grand jury proceedings? How would that work, precisely?

Boyle: As you know, Congress has recessed for the Fourth of July holiday weekend period. I think, when they go home—not the Senators, but the Members of the House—they have to be *personally buttonholed* by their constituents. It's not enough to send an e-mail. They'll be out there in their districts, and the constituents—they have to respond to their constituents—must go up and demand the immediate impeachment of President Obama.

Now, I'm standing by here to help draft Articles of Impeachment, if I get instructions from a Member of the House. We could draft these Articles of Impeachment, and have them read when the House reconvenes. And when the House reconvenes, the bill should be put in, the bill of impeachment on these two articles. There should be a debate and a vote. I believe the counts are already there to impeach the President—you had a Republican member of Congress say this openly—and then, ship it off to the Senate for trial.

Of course, the Senate is controlled by the Democrats. You need a two-thirds vote for conviction; I can't predict what will happen there in the Senate. But I think



CSPAN

House Speaker John Boehner has threatened a lawsuit against President Obama, but, “he knows full well that nothing is going to come of this lawsuit,” said Boyle. “So, he’s just trying to postpone and stall and delay, and stave off the demand for immediate impeachment of President Obama.”

even a lot of the Democratic Senators are completely disillusioned with Obama. Many don’t want to see another war. Others might decide that Joe Biden would be a more responsible figure as President than Obama. I can’t say.

But the other thing we know from previous impeachment efforts, especially the first President [Andrew] Johnson, is that when things go to the Senate, anything can happen. The whole thing becomes completely volatile. And I think that what this would do, is force Obama to back down. That he would be realizing that if he continues on with attacking Iraq and Syria, provoking a war, confrontation, a Cuban Missile Crisis with Russia, that he very well could be convicted in the Senate right away.

So, I think sending this off to the Senate immediately would mean Obama is dead in the water. He would have to spend full time preparing his defense in the Senate, and that would give us—whatever the results were—would give us time for the de-escalation of these crises. And even if Obama is not convicted in the Senate—and I’m not saying he would be—it would chasten him, and force him to cool his jets, certainly, on threatening Russia in Ukraine, promoting the collapse of Iraq and Syria, as he did to Libya—the disintegration of both of them, as he’s done to Afghanistan, and also threatening

China, which is very serious, with the so-called pivot to Asia.

The statement that the United States is prepared to go to war with China over a few rocks that Japan stole from China in the 1895 War of Aggression, which Japan waged against a weakened China. That’s just outrageous, that Obama and [Secretary of Defense Chuck] Hagel would threaten war with China over these little pieces of rock.

And in the meantime, Obama is enabling the militaristic Prime Minister [Shinzo] Abe in Japan. Abe is a direct descendant of a war criminal. The problem with Japan, after World War II, unlike in Germany, is we never de-nazified Japan. General MacArthur decided to keep them all in power, and they’re still there today, and Abe is their leading representative, and we are enabling Abe in this confrontation with China.

So, we have three major geopolitical hotspots, right now, as we speak. Three separate tinderboxes that Obama has deliberately moved us into. And a spark, like what happened 100 years ago today in Sarajevo, could set off any one of them.

The Nixon Template

Steinberg: I’d like to ask you to buttress the points that you made over the last 30 minutes: In the case of Richard Nixon, at a certain point, leading figures within his own party concluded that he had to go. In some cases, it was for partisan reasons; in other cases, it was putting the issue of the survival of the country over the party. I’m sure you’re familiar with the fact that a delegation of leading—in that case, Republicans—Barry Goldwater, Hugh Scott, and I think that Howard Baker was somehow involved—went to Nixon and gave him the option of resigning, or facing a virtual certainty of conviction in the trial in the Senate.

And it strikes me, that there is a nascent Democratic revolt against Obama and what he’s done to the country and the party, and as you emphasized, the uncertainty of what would happen in a Senate trial. Do you see the possibility of a Nixon option for Obama, namely, resign as an alternative to being actually convicted in a Senate trial, after a virtually certain bill of impeachment coming out of the House?

Boyle: I think you’re right, Jeff. That’s an important

precedent for you to bring out—what happened with Nixon—that the powerbrokers in the Democratic Party could tell Obama he should leave, and resign, rather than face conviction in the Senate. But we’re never going to get there, unless we have a bill of impeachment in the House.

Steinberg: Absolutely, right.

Boyle: And the Republicans control the House. They could have impeached Obama already, if they had wanted to, and long ago, if they had wanted to. And they haven’t. So we need to build a fire under their feet. And especially when they go back into their districts now, over the Fourth of July weekend. They need to be buttonholed, and talked to.

Schlanger: And Francis, all of our listeners should take what you said, and use this, to take to their Congressional offices. You don’t have to set up an appointment, just go into the office. Find out where they’re going to be, a lot of them are going to be campaigning. And I think the point you’re making, is that if they get a sense that the population has had it, with war, with violations of the Constitution, with illegality, if they get a sense that there’s that burning sentiment in the population, we may

have the conditions where your proposal will be taken up, hopefully within the next couple of weeks, because the situation is dire, indeed, as you’ve delineated it.

Boyle: Again, I simply cannot underestimate the severity of the situation, especially in Ukraine, especially China, and now the Middle East. A hundred years ago today, one assassination led to the deaths of 10 million human beings. Well, anything could happen in either one of those three locales because of Obama, that could lead to the deaths of hundreds of millions of human beings, because Russia is nuclear-armed, and China is nuclear-armed.

So, the stakes here are far higher than anything we have confronted before. And I think people have to understand that.

Schlanger: Okay. Well, thank you very much. This has been very useful for our listeners, and I think we’ll make sure that your offer, I know that your offer to provide counsel is generally known in Congress—we’ll make sure that everyone knows it.

Boyle: All right, great. Yes, I’ll be standing by, and especially if I hear from a Member of Congress between now and over the Fourth of July break, I’d be happy to work with him or her.

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