

"I"
The Impeachment Trial of George W. Bush and Richard B. Cheney

by
Richard A. Lasser
Bruce Fein
and
The Pen

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Cast of Characters

<u>Defense Counsel</u>	President and Vice President's Defense counsel.
<u>House Prosecutor</u>	House Prosecutor of President and Vice President.
<u>George W. Bush</u>	Defense witness. President of the United States.
<u>Dick Cheney</u>	Prosecution witness. Vice President.
<u>Donald Rumsfeld</u>	Prosecution witness. Former Secretary of Defense.
<u>Khaled el-Masri</u>	Prosecution witness. Tortured by CIA. Emotional.
<u>Bruce Fein</u>	Prosecution witness. Passionate renaissance man.
<u>Valerie Plame</u>	Prosecution Witness. Former CIA Agent
<u>George Tenet</u>	Prosecution Witness. Former CIA Director. A loose cannon
<u>John Yoo</u>	Defense witness. Baby-faced, overconfident.
<u>Theodore Olson</u>	Defense witness. Athletic. Strong personality.
<u>Nancy Pelosi</u>	Defense Witness. Speaker of the House. Running scared
<u>Sally Collins</u>	Aide to Pelosi.
<u>John Roberts</u>	Chief Justice, Supreme Court.

Setting

The United States Senate.

Time

The present day.

WHILE THE AUDIENCE TAKES THEIR SEATS:

Downstage, centered in front of the curtain, NANCY PELOSI, standing at her desk, talking on the phone, is in the middle of a maelstrom. PHONES RING madly. AIDES come in with stacks of faxes, mail bags.

NANCY PELOSI

Well, what am I supposed to do, John? They forced our hand...You'll have to talk to the DNC about that. They've got the war chest for the primaries...No, I've never heard of him. You're not alone. Everybody's running scared. Hell, we have members who've never been challenged before, facing serious primary challenges...We may have to move on this thing unless I can figure something out...Yeah, what are...yes, 80-90%...All right. I'm dancing as fast as I can.

(SALLY COLLINS, a 20-something aide comes in with a huge stack of mail.)

SALLY COLLINS

Um, Madame Chairman.

NANCY PELOSI

Not now, Sally.

SALLY COLLINS

We're out of fax paper again. I read all these. 91.6% for impeachment. Where do I put them?

NANCY PELOSI

I don't know. Take care of it.

SALLY COLLINS

Um. Madame Chairman.

NANCY PELOSI

What.

SALLY COLLINS

These, uh, these are from the people. The American people.

NANCY PELOSI

I know that, Sally. Now would you please --

SALLY COLLINS

Oh, and we've had 50,000 emails in the last 24 hours -- 98.4% for impeachment. Crashed the server.

NANCY PELOSI

I'm sorry, but --

SALLY COLLINS

They elected you.

(Nancy takes a deep breath. She's trying to hold it together.)

NANCY PELOSI

Sally, you're a good kid. Run along now.

SALLY COLLINS

If you aren't their voice, then we have no representative form of government. We have no Constitution.

NANCY PELOSI

Now listen, dear --

SALLY COLLINS

Don't call me that.

NANCY PELOSI

I...I'm sorry. I know you mean well, but things are a bit more complicated than the way they teach them in high school civics class.

SALLY COLLINS

I have a Ph.D. in Poli Sci from Yale.

NANCY PELOSI

All right. Look, it's just that I'm trying to stop this tidal wave.

SALLY COLLINS

Why? It's the voice of the people. They demand Bush's and Cheney's impeachment. Who are you, who am I, who is anyone to defy that?

(THE PHONE ON HER DESK RINGS AGAIN. AT FIRST SHE IGNORES IT.)

SALLY COLLINS

You better get that. On the other end is the voice of the American people.

The house goes dark as the phone continues to ring.

ACT I

SCENE 1

ON RISE:

A spotlight illuminates CHIEF JUSTICE JOHN ROBERTS, upstage center, sitting behind a raised podium. Behind him is the American flag.

In front of him at stage level, lights illuminate the witness table and a chair.

Lights illuminate the prosecution table and 3 chairs, stage right and the defense table and 2 chairs, stage left.

(The HOUSE PROSECUTOR enters stage right. She sits behind the prosecution table.)

(The DEFENSE COUNSEL enters stage left and sits behind the defense table.)

JOHN ROBERTS

Resolved, that George W. Bush, President of the United States, and Richard B. Cheney, Vice President of the United States are impeached for high crimes and misdemeanors, by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States.

(He shuffles some papers, buying some time to compose himself. This is very difficult for him.)

JOHN ROBERTS

This trial will proceed as follows. After the opening statements, the Prosecution and Defense will each call their witnesses and both will have an opportunity to cross-examine. Then the closing arguments. Then...

(He looks out into the audience)

JOHN ROBERTS

Then, ladies and gentlemen of the Senate, you will cast your votes, whether to convict or exonerate the impeached. If either defendant receives two-thirds of the votes to convict, he shall be removed from office immediately. The Prosecution will now give its opening statement.

(The Prosecutor rises, addresses the audience as Senators.)

HOUSE PROSECUTOR

This trial is about President Bush's relentless efforts to cripple Constitutional checks, balances and protections against government abuses.

(She moves downstage, walks left and right,
making eye contact with each audience member.)

HOUSE PROSECUTOR

Franklin said the Constitutional Convention produced a republic -- if we can keep it. That's what's at stake here. The President took us into a disastrous war with Iraq on false pretenses. He has threatened our freedom of speech under the 4th Amendment. He has claimed the right to arrest an American citizen anywhere in the world, throw him in a secret prison, deny him legal counsel and freeze his assets -- all because he is suspected of being a terrorist. This President claims monarchical power. These are what Hamilton described as political crimes -- high crimes worthy of impeachment. We will prove that this President has repeatedly broken the law and therefore must be removed from office to preserve our democracy.

(The Prosecutor takes her seat behind the
prosecution table.)

JOHN ROBERTS

And now the Defense's opening statement.

DEFENSE COUNSEL

Our country faces its greatest, gravest threat since the Civil War. Not since that terrible time has an enemy killed Americans on our own soil. Not since that terrible time has our very survival been at stake. But unlike the Confederate Army which wore grey and massed along its border with the Union, our enemy today lives among us, hides among us. It uses our technology to destroy us from within. It seeks to acquire horrible weapons and kills indiscriminately. Article 2 of the Constitution makes the President the commander-in-chief. He alone must make the difficult decisions that might mean our precious way of life survives or disappears. Like Lincoln, President Bush didn't want to suspend habeas corpus, but if he hadn't, terrorist attacks would have multiplied in this country killing tens of thousands of Americans. The defense will show that President Bush has preserved our democracy and kept the terrorists from striking our country again. While in democracies like Spain, Bali, the Philippines, England and Scotland, terrorists have struck repeatedly, killing hundreds, if not thousands of innocent people. Why hasn't it happened here? Because this President, this commander-in-chief, has taken the necessary steps, Constitutional steps, to keep us safe and preserve our democracy so that we can still have a Constitution. The evidence will show that this President is not guilty of high crimes and misdemeanors.

JOHN ROBERTS

The Prosecution will present its case.

HOUSE PROSECUTOR

I call to the stand Dick Cheney.

(DICK CHENEY enters stage left and takes a seat at the witness table just downstage from Roberts.)

HOUSE PROSECUTOR

(in a friendly tone of voice)

Mr. Cheney, thank you for your testimony today. I'd like to remind you that you are under oath.

DICK CHENEY

I know that.

HOUSE PROSECUTOR

So tell us then, on August 26, 2002, at the VFW Convention did you state, "Many of us are convinced that Saddam will acquire nuclear weapons fairly soon?"

DICK CHENEY

Our intelligence at the time indicated Saddam was poised to strike.

HOUSE PROSECUTOR

Is that a yes?

DICK CHENEY

I made the statement.

HOUSE PROSECUTOR

And in that same speech you stated, "Deliverable weapons of mass destruction in the hands of a terror network, or a murderous dictator, or the two working together, constitute as grave a threat as can be imagined." Was that a reference to al-Qaeda and Saddam Hussein working together?

DICK CHENEY

Well, wouldn't that have been a grave threat?

HOUSE PROSECUTOR

Was that what you meant?

DICK CHENEY

I would think so.

HOUSE PROSECUTOR

And you also said there, "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us?"

DICK CHENEY

Yes, as I said, the intelligence at the time --

HOUSE PROSECUTOR

Moving ahead, on September 8, 2002, on NBC's "Meet the Press," did you state, "We do know, with absolute certainty, that Saddam Hussein is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon?"

DICK CHENEY

That's what I said.

HOUSE PROSECUTOR

You were referring to the aluminum tubes needed to help make nuclear materials and fissile uranium, is that right?

DICK CHENEY

Yes. Our intelligence at the time was that Iraq was purchasing both the aluminum tubes as well as five hundred tons of uranium ore to make nuclear weapons. Saddam was in the process of obtaining those materials.

HOUSE PROSECUTOR

Didn't our government intercept those tubes on their way to Iraq and didn't the Department of Energy, the State Department, the International Atomic Energy Agency, British intelligence and the Defense Department all tell you these tubes could only be used for conventional -- not nuclear weapons?

DICK CHENEY

We couldn't take any chances with the safety of the American people at stake.

HOUSE PROSECUTOR

And as far as the uranium was concerned, wasn't the document supporting your claim that Saddam was trying to get fissile material from Africa shown to be a worthless forgery by the CIA, State Department and the IAEA?

DICK CHENEY

We did not know at the time. Maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery. Of course it was information that was mistaken.

HOUSE PROSECUTOR

Do you stand by your assessments at the time that there was "no doubt" about these accusations, and that there was "absolute certainty" based on the intelligence available to you?

DICK CHENEY

Of course, I do. Have you ever heard me say anything different?

HOUSE PROSECUTOR

Well, this is all very interesting, because at that time there was no National Intelligence Estimate, the so-called NIE, that had been prepared on any of this, was there?

DICK CHENEY

What do you mean?

HOUSE PROSECUTOR

Well, the 2002 National Intelligence Estimate was not even started until about the second week of September that year and wasn't completed until about October 1. In fact it was rushed out in just three weeks. Isn't that right?

DICK CHENEY

Yes, but we had other intelligence. And anyway, when the NIE was completed, its conclusions confirmed that Saddam DID have weapons of mass destruction.

HOUSE PROSECUTOR

Chemical and biological?

DICK CHENEY

That's right.

HOUSE PROSECUTOR

But referring to the late August and early September time frame, when you made those statements, George Tenet was later quoted as saying: quote: "Cheney went well beyond what our own analysis could support." Unquote. So if the head of your own CIA could not vouch for such certainty, where was that intelligence coming from?

DICK CHENEY

That's classified.

HOUSE PROSECUTOR

It would have to be extremely classified...for you to have a source of information that the CIA themselves did not know about, that NONE of the agencies that contributed to the NIE, knew about: The Defense Intelligence Agency, The National Security Agency, The Department of Energy, the directors of intelligence for all branches of the military. It was a veritable who's who of anybody who was anybody in the intelligence community, wasn't it?

DICK CHENEY

I suppose it was.

HOUSE PROSECUTOR

And when you saw the 2002 NIE in very early October, there were many dissents in it from the various agencies, weren't there?

DICK CHENEY

Not on chemical and biological.

HOUSE PROSECUTOR

It was a ninety-odd page report with maybe ten to fifteen pages of dissents, wasn't it?

DICK CHENEY

I couldn't say.

HOUSE PROSECUTOR

That's what John McLaughlin said, the deputy CIA director at the time: about ten to fifteen pages of dissents. Does that sound about right?

DICK CHENEY

Something like that.

HOUSE PROSECUTOR

And in particular, weren't there were dissents about the conclusions regarding the prospects for Iraq to put together a nuclear weapon? That it might take as long as five to seven years, according to the few pages declassified in 2004?

DICK CHENEY

Yes, if they had to do it the hard way, but the NIE also concluded that if Baghdad got enough fissile material from abroad it could happen much faster.

HOUSE PROSECUTOR

Well, that really is the hard part, isn't it? Any country could have a nuclear weapon if someone just handed them the enriched uranium. But the language you used was "fairly soon". Is that the same as five to seven years?

DICK CHENEY

I had no doubt it could happen relatively quickly.

HOUSE PROSECUTOR

And of course the nuclear threat was the one that scared us the most. Do you think the American people would have been rushed off so fast to invading Iraq if they had been told that these were not likely scenarios in the near term?

DICK CHENEY

If there's a one percent chance of something happening we have to act on it.

HOUSE PROSECUTOR

And so too with the aluminum tubes that were supposed to be for making gas centrifuges. The Department of Energy had a very strong dissent about that, didn't they?

DICK CHENEY

The NIE concluded he had the intent.

HOUSE PROSECUTOR

But he didn't have the tubes, though, did he?

DICK CHENEY

He was determined to acquire them, according to our intercepts.

HOUSE PROSECUTOR

You mean the ones we heard about over and over and over from your administration. Wasn't the consensus of your own intelligence analysts that were not suitable at all for that purpose?

DICK CHENEY

Like, I said they all agreed he had the intent.

HOUSE PROSECUTOR

And so too with that the scare tactic of telling the American people that Saddam would give WMDs to terrorists to use against us. Didn't the now-declassified portion of the NIE predict that Hussein would give such weapons to terrorists only if Iraq were invaded and he faced annihilation?

DICK CHENEY

I disagreed.

HOUSE PROSECUTOR

But isn't that exactly what you did? You did invade, and you did threaten him with annihilation. But he didn't give WMDs to anyone because he didn't have any, did he?

DICK CHENEY

We don't know that.

HOUSE PROSECUTOR

And so too with your warnings about his getting uranium ore from Africa. That was largely debunked in the NIE as well, wasn't it? The dissent from the State Department's own intelligence arm called such claims quote "highly dubious" unquote.

DICK CHENEY

I might have seen that, but you can't cherry-pick one dissent.

HOUSE PROSECUTOR

Oh, but it's all right for you to cherry-pick bits and pieces you want to use to frighten the American people?

DICK CHENEY

That's not what we did.

HOUSE PROSECUTOR

According to a top White House official, weren't you and the President briefed on countless occasions about the contents of the NIE?

(MORE)

HOUSE PROSECUTOR (CONT'D)

In fact, didn't George Tenet personally call the President in October 2002 to make sure that in an upcoming speech he didn't say that Iraq was obtaining uranium?

DICK CHENEY

We took it out of that speech.

HOUSE PROSECUTOR

But then you put it right back into State of the Union address in January of 2003, by having George Bush say, "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa?"

DICK CHENEY

He may not have been able to obtain uranium from Niger, but he was still looking to develop or had nuclear weapons.

HOUSE PROSECUTOR

How does "highly dubious" jibe with "we have NO doubt"?

DICK CHENEY

Hindsight is twenty-twenty. The President acted on the chance, however dubious, that Saddam would acquire nuclear weapons and give them to terrorists who sought to explode dirty bombs in our cities.

HOUSE PROSECUTOR

And yet over and over, in the lead up to the invasion of Iraq, in spite of the fact that the NIE called your claims "highly dubious," both you and George Bush continue to paint Iraq as an imminent threat.

DICK CHENEY

Fact is, about two weeks before the President decided to invade Iraq, George Tenet told him there was a "slam dunk" case.

HOUSE PROSECUTOR

Did YOU leak those words to Bob Woodward?

DICK CHENEY

I...I did not.

HOUSE PROSECUTOR

A slam dunk case for what?

DICK CHENEY

George Tenet told Woodward there was a "slam dunk case" that dictator Saddam Hussein had unconventional weapons.

HOUSE PROSECUTOR

Not according to Woodward. In his book "Plan of Attack", he said at that meeting President Bush himself thought the evidence was not impressive.

(MORE)

HOUSE PROSECUTOR (CONT'D)

He quoted Bush asking, quote, "Is that the best we've got?" Endquote. So Tenet never said it was a slam dunk that Saddam had nukes, did he? Didn't he say it was a slam dunk that a better case could be made to the public for going to war? Isn't that what really happened?

DICK CHENEY

I don't remember it that way.

HOUSE PROSECUTOR

That's the way Bob Woodward reported it.

DICK CHENEY

He wasn't there, I was.

HOUSE PROSECUTOR

Oh, so the words "slam dunk" he got right, but the rest he didn't?

DICK CHENEY

(half grunts, half huffs)

That's not how I read it.

HOUSE PROSECUTOR

Let's return to the uranium that Saddam did not get from Africa. When your Ambassador Joe Wilson published the truth -- that there had been no deal between Niger and Iraq, that was a direct repudiation to YOUR case for war, wasn't it?

DICK CHENEY

That was just a junket his wife sent him on.

HOUSE PROSECUTOR

Well, we have seen your copy of Joe Wilson's original article, with your own handwritten notes that was introduced at the "Scooter" Libby trial, and that accusation certainly was one of those notes. In fact, isn't it a coincidence that those notes included all the accusations that were initially hurled at Wilson to try to discredit him, including that it was some kind of wifey thing?

DICK CHENEY

I did not disclose her name.

HOUSE PROSECUTOR

Oh? But isn't it interesting that all the people who DID compromise her status seem to emanate from your office, including your right hand chief of staff, I. Lewis Libby, who was convicted because of his obstruction of justice and perjury about this?

DICK CHENEY

(sneering slightly)

It that a question?

HOUSE PROSECUTOR

And at least a month before her status was leaked, didn't you tell Libby that she was a deep undercover CIA operative in a sensitive weapons counter-proliferation position?

DICK CHENEY

I don't recall.

HOUSE PROSECUTOR

Would you like to see the same copy of his handwritten notes that was in evidence at Libby's trial?

DICK CHENEY

I might have told him she worked for CIA counter-proliferation.

HOUSE PROSECUTOR

Do you have any idea how much real damage was done by the leaking of Valerie Plame's name?

DICK CHENEY

The people who volunteer for this work know the risks involved. They are committed to their cause, to doing what needs to be done to defend the nation.

HOUSE PROSECUTOR

But the one risk they do not count on is to be betrayed by their own government, isn't that right? Isn't it clear from your testimony that you and the President deliberately deceived Congress and the American people in taking us into war against Iraq? And isn't it equally clear that you then you retaliated against those who called you out on those lies, which harmed our real national security even more?

DICK CHENEY

Nobody asked for your opinion.

(The Prosecutor now walks to the front of the stage and addresses the audience/Senators.)

HOUSE PROSECUTOR

If you want to know what happens when a President and Vice President take unconstitutional control of the government, you only have to look at the disaster in Iraq. President Bush and Dick Cheney figured it was better to presume forgiveness than to ask for permission. Well in this case, they figured wrong.

(The Prosecutor sits down at the prosecution table. The House Counsel rises from the defense table to cross-examine.)

DEFENSE COUNSEL

Mr. Vice President, can you think of anything this Congress has done for the nation that is good?

DICK CHENEY

Very little.

DEFENSE COUNSEL

When you served in Congress did you encounter any Congressman that was a statesman? Weren't they all about getting earmarks for their states so they could get reelected?

DICK CHENEY

To a large extent, yes. That's why I left the Congress.

DEFENSE COUNSEL

You've been President of the Senate since 2000. Have members made speeches about checks and balances and clamored to get back powers the President supposedly had taken?

DICK CHENEY

Never.

DEFENSE COUNSEL

Look at the poll ratings. Who do the American people trust more, President Bush or Congress?

DICK CHENEY

The President's polling numbers are 10-15 points higher than Congress'.

DEFENSE COUNSEL

How often has Congress screwed up in national security affairs?

DICK CHENEY

They balked at US participation in the League of Nations. They enacted neutrality laws that emboldened Hitler. They passed the extension of the draft by just one vote prior to Pearl Harbor. What about the crazy Boland Amendments that kept the President from supporting the Nicaraguan resistance when they were up against the Sandinistas?

DEFENSE COUNSEL

Only President Reagan's cleverness allowed the resistance to survive and go on to win in a free and fair election.

DICK CHENEY

Exactly. The reason President Bush has been so successful in the War on Terror is that Congress finally realized they need a strong leader and went along with him. And look at the result. No attacks since 9/11.

DEFENSE COUNSEL

How do you view this impeachment?

(Cheney looks at the audience.)

DICK CHENEY

You who sit in judgment on the President and myself overwhelmingly confirmed Attorney General Mukasey. So you endorsed every single theory of executive power you now impugn and assail. In his confirmation testimony, he didn't distance himself a millimeter from all the theories of executive power the President has championed since 2000. And you endorsed them again. So I don't understand why we're even here. This is just a political show trial to keep a lunatic fringe in your districts from voting you out of office.

DEFENSE COUNSEL

Thank you, Mr. Vice President.
(House Prosecutor stands up again.)

HOUSE PROSECUTOR

Mr. Vice President. You're own popularity numbers are lower than them all, aren't they?

DICK CHENEY

I don't pay attention to my own poll numbers.

HOUSE PROSECUTOR

Less than ten percent?

DICK CHENEY

So? Like, I said, I don't watch the polls.

HOUSE PROSECUTOR

Oh, but the numbers for Congress you know.

(She pauses as if waiting for a response that does not come.)

HOUSE PROSECUTOR

Nothing further. I now call Donald Rumsfeld.

(Cheney exits stage left and smiles warmly at DONALD RUMSFELD who enters stage left and comes to the witness table)

HOUSE PROSECUTOR

On ABC's "This Week with George Stephanopoulos", March 30, 2003 didn't you state: "We know where the weapons of mass destruction are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat?"

DONALD RUMSFELD

Yes.

HOUSE PROSECUTOR

But you never found any WMD's, did you?

DONALD RUMSFELD

It's a country the size of California. It is not as though we could look every place. My guess --

HOUSE PROSECUTOR

-- Your guess? You took us to war over a guess? You got 4000 Americans killed over a guess? That's more than died on 9/11 -- and counting.

DONALD RUMSFELD

My *estimate* at the time was that the kinds of things that the intelligence community provided Secretary Powell, and Secretary Powell provided the United Nations, would in fact be turned up, to the extent that they were still there.

HOUSE PROSECUTOR

Why did you lie about WMD's to get us into a war that was not necessary?

DONALD RUMSFELD

I'm not in the intelligence business. Our analysts gave the world their honest opinion. It appears that there were not weapons of mass destruction.

HOUSE PROSECUTOR

Didn't you say you knew where they were?

DONALD RUMSFELD

I did not. I said I knew where suspect sites were.

HOUSE PROSECUTOR

I'll read your March 30 quote on Stephanopoulos again: "We know where the weapons of mass destruction are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat." Where's the word "suspect" in your statement?

DONALD RUMSFELD

Well, golly, as I said, in a country as big as California, with as much time as they had to hide --

HOUSE PROSECUTOR

Time? The President has had 5 years to find WMD's. Where are they? In an interview on Polish television in May, 2003, the President said, "We've found the weapons of mass destruction. We found biological laboratories. We've so far discovered two. And we'll find more weapons as time goes on." But you never found any, because you knew there weren't any there to begin with, didn't you?

DONALD RUMSFELD

Again, we relied on the best estimates of our intelligence at the time.

HOUSE PROSECUTOR

Now, when you admitted your lies about there being no WMD's, you and the President shifted your rationale for attacking Iraq, didn't you?

DONALD RUMSFELD

No.

HOUSE PROSECUTOR

You both claimed a link between the 9/11 terrorists and Saddam Hussein, didn't you? But that was a lie too, wasn't it?

DONALD RUMSFELD

The President and I relied upon an intelligence assessment provided to us by George Tenet. He told us there was solid evidence of the presence in Iraq of al-Qaeda members, including some that had been in Baghdad.

HOUSE PROSECUTOR

I'm sure he'll have a chance to dispute that a little later. But, on October 5, 2004 in a speech at the Council on Foreign Relations, didn't YOU state, "To my knowledge, I have not seen any strong, hard evidence that links the two," when speaking about Saddam Hussein and the al-Qaeda terror network?

DONALD RUMSFELD

I believe so.

HOUSE PROSECUTOR

Yet several hours after your appearance, didn't you say your comment "regrettably was misunderstood" by some and that ever since September 2002 there were ties between Osama bin Laden's terror group and Iraq? Which of your two contradictory statements was true?

DONALD RUMSFELD

Goodness gracious...I've given you my answers.

HOUSE PROSECUTOR

In December 2002, you approved interrogation methods that included the use of dogs, hooding, stress positions, isolation for up to 30 days, 20-hour interrogations, deprivation of light and sound, and waterboarding, didn't you?

DONALD RUMSFELD

Yes. If some terrorist thinks he's drowning and gives us the information we need, we could stop another terrorist attack.

HOUSE PROSECUTOR

How do you know you've got the right man?

DONALD RUMSFELD

We get it right most of the time.

HOUSE PROSECUTOR
What about the ones you don't get right?

DONALD RUMSFELD
Collateral damage.

HOUSE PROSECUTOR
Don't the Al Jazeera reports of our torture and mistreatment of prisoners create more terrorists?

DONALD RUMSFELD
I don't watch Al Jazeera

HOUSE PROSECUTOR
Don't captured terrorists our torture methods are the best recruiting tool al-Qaeda could pray for?

DONALD RUMSFELD
We don't torture, and I don't know. I haven't seen any evidence of that. If you have, why don't you present it?

HOUSE PROSECUTOR
Just as beheadings and hangings of Americans infuriates us and increases our resolve to defeat the terrorists?

DONALD RUMSFELD
This is a time of war for us. The President said every square inch of the world is a battlefield so every terrorist suspect we pick up is on a battlefield. When you are standing on a battlefield, you are exposing yourself to the risk. If you don't want to take the risk, get off the battlefield.
(The Prosecutor walks to the front of the stage.)

HOUSE PROSECUTOR
Well, if every square inch of the world is a battlefield, that means you and I and everyone in the Senate out there is on an active battlefield -- right now. How do we get off? Jump up off the ground? It seems like that might be the only place on earth where we wouldn't be on an active battlefield.
(She turns back to Rumsfeld.)
Could the President or Vice President kidnap me? And what if they get it wrong?

DONALD RUMSFELD
That rarely happens.

HOUSE PROSECUTOR
Khaled el-Masri, who we're going to hear from shortly, was a German citizen of Lebanese descent who was mistaken for an alleged terrorist with a similar name, picked up by CIA operatives, detained, flown to Afghanistan, and tortured by the CIA for several months and then released without charge.
(MORE)

HOUSE PROSECUTOR (CONT'D)

Because of cases like this, a British parliamentary committee says MI6 won't cooperate with us because Bush won't assure them he won't torture anyone they round up for us. By following the orders of this President, aren't you are drying up the cooperation we need to fight the war on terror?

DONALD RUMSFELD

Like I said, occasionally we get one wrong. But what if we'd been right? What if this el-Masri was planning the next 9/11? What if he'd carried it out?

HOUSE PROSECUTOR

The *Washington Post* reported on April 27, 2005 that "the number of serious international terrorist incidents more than tripled last year, according to U.S. government figures, a fourfold increase in terrorist incidents." So are this administration's actions actually making us less safe?

DONALD RUMSFELD

Those figures are misleading. Without our aggressive tactics, the terrorist incidents would be even higher.

HOUSE PROSECUTOR

"Information obtained from torture is not something I'd look upon as valid, especially when you're dealing with people like these al-Qaeda militants. They'll tell you anything that advances their cause, no matter what you do to them. They never stop fighting jihad." Did you know who made that statement?

DONALD RUMSFELD

No.

HOUSE PROSECUTOR

Michael Scheuer, former head of the CIA's bin Laden unit. So what's the point of torturing them?

DONALD RUMSFELD

I said we never tortured.

HOUSE PROSECUTOR

Mr. el-Masri would dispute that claim, wouldn't he? And he will in a few minutes. And his account will make freedom-loving Americans sick to their stomachs. Why don't you stick around after your testimony and can apologize to him?

DONALD RUMSFELD

Heavens to Betsy, I don't know what you want me to say.

(A beat.)

DONALD RUMSFELD

Am I done?

HOUSE PROSECUTOR

No, you're not done till the Chief Justice says you're done. Now, on September 12, 2001 did you not state, "the people who committed these acts are clearly determined to try to force the United States of America and our values to withdraw from the world or to respond by curtailing our freedoms. If we do that, the terrorists will have won?"

DONALD RUMSFELD

I believe so.

HOUSE PROSECUTOR

Well, thanks to you, the President and the Vice President, Mr. Rumsfeld, by descending to their level, the terrorists just might win. I have no more questions.

(The Prosecutor moves toward the prosecution table. The House Counsel rises, but then Rumsfeld lashes out at The Prosecutor who turns to face him. The House Counsel sits back down.)

DONALD RUMSFELD

You accuse the President, the Vice President and me of lying. John F. Kennedy said the government has the right to lie if it's in the national security interest. Another Democrat, Roosevelt sped our entry in to World War II by lying about Nazi submarine attacks on the US Navy. No one griped about those lies. This show trial is just a response to polling numbers because the war hasn't been won yet. You wouldn't have the audacity to ask these questions if Iraq was at peace. All you care about is results, just like us. You're not a whit different.

(THE PROSECUTOR lashes back.)

HOUSE PROSECUTOR

I'll tell you what's different. You're a two-time Secretary of Defense, you should know this. How many people died in World War II?

DONALD RUMSFELD

Many millions.

HOUSE PROSECUTOR

72 million. 416,000 of those were Americans. Would you say al-Qaeda's threat today is equivalent to the danger that confronted us during World War II?

DONALD RUMSFELD

It's much worse.

HOUSE PROSECUTOR

And in light of that danger, how have you changed your behavior or your family's knowing we are at war?

(MORE)

HOUSE PROSECUTOR (CONT'D)

Are you rationing sugar, butter or gasoline like all Americans did during the Second World War? Any meatless Fridays?

DONALD RUMSFELD

Because of our success at stopping the terrorists we haven't had to do that.

HOUSE PROSECUTOR

Are you actually telling me with a straight face that the risk of a disorganized band of extremists, led by a guy on dialysis, holed up in some cave in the mountains of Afghanistan who made one attack on this country seven years ago is worse than what our country faced during World War II when half a million died? Is that the danger we are confronting?

DONALD RUMSFELD

The danger is real. Don't just look at 9/11, look at Madrid, Bali, London, Germany.

HOUSE PROSECUTOR

So if there is one terrorist anywhere in the Milky Way, does that put us at war, endowing the President with war powers? Powers that actually belong to Congress.

DONALD RUMSFELD

Of course. That one terrorist could be infectious and could multiply to tens of thousands in a short time. Even if the risk is minuscule we should reduce the risk to zero. If a doctor found one cancer cell in your body, wouldn't you want him to do anything to take it out before it spread and metastasized and destroyed you?

HOUSE PROSECUTOR

Not if that treatment killed my body. What if in trying to kill one terrorist you kill one hundred innocent people, does that lead to more or less terrorism?

DONALD RUMSFELD

Regrettably, in war there will always be collateral damage. The terrorists hide among the civilian population, using them as human shields.

HOUSE PROSECUTOR

And what if killing innocent civilians and bombing their homes, the collateral damage as you call it, is itself the infectious agent, is ITSELF the thing causing terrorism to spread and multiply?

(pause.)

You're done.

(The Prosecutor sits. The House Counsel rises.)

DEFENSE COUNSEL

Mr. Secretary, please explain how the other side fights. Do they use harsh, but legal, interrogation techniques?

DONALD RUMSFELD

No. They kill. By sawing your head off slowly, excruciatingly painfully in front of your children. You bleed to death, gasping for air...or mercy.

DEFENSE COUNSEL

What about military commissions? Do the terrorists offer trials to coalition soldiers or contractors or innocent Americans they capture?

DONALD RUMSFELD

No. They just behead them in the manner I described.

DEFENSE COUNSEL

Do they treat those they capture as enemy combatants?

DONALD RUMSFELD

No. They just kill them.

DEFENSE COUNSEL

You've taken a lot of heat over your statements regarding harsh interrogation techniques. Have those techniques gotten us any actionable intelligence?

DONALD RUMSFELD

Golly, the 14 high value targets we had in custody in Europe gave us useful information that enabled us to thwart terrorist attacks. They wouldn't have given us that information willingly. We had to use some friendly persuasion.

DEFENSE COUNSEL

Isn't it true that even if we fail in Iraq, the fact we fought there was absolutely essential?

DONALD RUMSFELD

Yes, fighting to the end, even in a lost cause, shows the enemy that we mean business. Look at Vietnam. Even though we lost, at least Thailand and Singapore didn't go Communist, because we hung in there as long as we did. Staying and fighting in Iraq shows the terrorists that we will fight to the end and discourages them.

DEFENSE COUNSEL

Haven't the detainees in the war against terror been treated better than any previous prisoners of war?

DONALD RUMSFELD

Absolutely. The Nazis didn't get combatant status from the Nuremberg tribunals.

(MORE)

DONALD RUMSFELD (CONT'D)

And in World War II we locked up thousands of our own Japanese-American citizens without hearings. So the unlawful enemy combatant detainees in our prisons have little or nothing to complain about.

DEFENSE COUNSEL

Thank you, Mr. Secretary.

(Rumsfeld glowers at the audience, slinks off, stage left. The House Counsel takes his seat at the defense table. The Prosecutor rises from the prosecution table.)

HOUSE PROSECUTOR

I'm now going to call as a witness someone who suffered because, as Rumsfeld put it, "a mistake or two was made." I call to the stand Khaled el-Masri.

(KHALED EL-MASRI enters stage right and goes to the witness table.)

HOUSE PROSECUTOR

Mr. el-Masri, please tell us your story.

KHALED EL-MASRI

I'm a German citizen, born in Lebanon. I had traveled from my home in Ulm, Germany to go on vacation in Skopje, Macedonia at the end of 2003. I was detained by Macedonian border officials on December 31, 2003, because my name was identical -- except for variations in English spelling -- to that of Khaled al-Masri, an alleged mentor to the al-Qaeda Hamburg cell who has not been apprehended, and because of suspicion that my German passport was a forgery. I was held in a motel in Macedonia for over three weeks and questioned about my activities, associates, and the mosque I attended in Germany.

HOUSE PROSECUTOR

The authorities also contacted the local CIA station, who in turn contacted the agency's headquarters. An argument arose over whether they should remove you from Macedonia in an extraordinary rendition. The decision to do so was made by CIA Director Michael Hayden on a hunch that you were involved in terrorism.

KHALED EL-MASRI

The local authorities released me on January 23, 2004 and American security officials, a "black snatch team", came to Skopje, and captured me. They beat me, stripped me naked, drugged me, and gave me an enema. I was then dressed in a diaper and a jumpsuit, and flown to Afghanistan where I was taken to "the salt pit", a covert CIA interrogation center which contained prisoners from Pakistan, Tanzania, Yemen and Saudi Arabia.

HOUSE PROSECUTOR

What happened to you in Afghanistan?

KHALED EL-MASRI

For the next 3 months, I was regularly beaten and repeatedly interrogated. I was kept in a bare, squalid cell, given only meager rations to eat and putrid water to drink. I was also raped.

HOUSE PROSECUTOR

By another inmate?

KHALED EL-MASRI

No.

HOUSE PROSECUTOR

Jesus. Um, all right. In February, CIA officers in Kabul began to suspect your passport was genuine. The passport was sent to CIA headquarters where in March the Office of Technical Services concluded it was indeed genuine. They informed the German government, without apologizing, and were able to persuade the Germans to remain silent.

KHALED EL-MASRI

Yes, but I had no knowledge of any of that. I fought back the only way I could.

HOUSE PROSECUTOR

With a hunger strike.

KHALED EL-MASRI

Yes. In March 2004 I took part in a hunger strike, demanding that my captors afford me due process or watch me die. After 27 days without eating, I forced a meeting with the prison director and a CIA officer known as "The Boss". They conceded I should not be imprisoned but refused to release me.

HOUSE PROSECUTOR

What did you do then?

KHALED EL-MASRI

I continued my hunger strike for 10 more days until they force-fed me and gave me medical attention.

HOUSE PROSECUTOR

How much weight did you lose?

KHALED EL-MASRI

Sixty pounds.

HOUSE PROSECUTOR

What evidence is there you aren't making this up?

KHALED EL-MASRI

While imprisoned in Afghanistan, I befriended several other detainees, and we all memorized each other's telephone numbers so that if one was released we could contact the others' families.

HOUSE PROSECUTOR

One of these detainees, an Algerian named Laid Saidi, was recently released and his description of his capture and detention closely matches yours. Further, even though The C.I.A. has never acknowledged any role in your detention, investigations in Europe have corroborated your version of events.

KHALED EL-MASRI

Do you really think German prosecutors would have issued arrest warrants for the 13 C.I.A. agents who kidnapped me if there wasn't hard evidence?

HOUSE PROSECUTOR

Any physical evidence?

KHALED EL-MASRI

No. These guys were pros. They didn't leave marks. But after I was released, German doctors did some sort of test on my hair and found I had been severely malnourished -- consistent with what they might see in cases of starvation.

HOUSE PROSECUTOR

But how did you gain your freedom?

KHALED EL-MASRI

In April 2004, CIA Director George Tenet learned I was being wrongfully detained. National Security Advisor Condoleezza Rice learned the same thing in early May and ordered my release.

HOUSE PROSECUTOR

But it took almost a month more in that squalid hole for you to be released on May 28.

KHALED EL-MASRI

Yes, following a second order from Rice. American authorities met with me and agreed to release me if I said I'd never tell the story of my ordeal to anyone.

HOUSE PROSECUTOR

Did you agree?

KHALED EL-MASRI

Of course. I'm not stupid. They flew me out of Afghanistan and dumped me at night on a desolate road in Albania, without apology, or funds to return home. At the time I thought my release was a trick and I would be executed.

HOUSE PROSECUTOR

But you were eventually intercepted by Albanian guards, who believed you to be a terrorist due to your haggard and unkempt appearance.

KHALED EL-MASRI

Yes, but I was somehow able to convince them who I was and I was finally reunited with my wife, who had returned with our children to her family in Lebanon. She thought I had abandoned them.

HOUSE PROSECUTOR

Is it true that you sued the US government and your case was thrown out because the defense said they would have to reveal state secrets to plead their case?

KHALED EL-MASRI

Yes. In order to win my case I would have to prove who kidnapped me and the court said I couldn't because that would disclose state secrets. Then the Appeals Court, that Judge Roberts here was on, denied my appeal.

(He looks up at Roberts, who, stone-faced,
stares out into space.)

KHALED EL-MASRI

Then I appealed to the US Supreme Court, thinking there I would find some honest men, but they refused to hear my case.

HOUSE PROSECUTOR

The government said you can't force us to corroborate your allegations or we would blow the cover of the CIA men who kidnapped and tortured you.

KHALED EL-MASRI

Yes, even though U.S. officials now admit that my detention was a case of mistaken identity.

HOUSE PROSECUTOR

How do you feel about all this now?

KHALED EL-MASRI

I can't believe, no one can believe, that the United States of America, the beacon of freedom and human rights for the world, would ever engage in such practices. It lowers my esteem of your country. And I am not alone. But I am so proud of the US Congress today. They became ashamed of the man who hijacked their government, who destroyed the reputation America carefully nurtured for hundreds of years. You acted and now, you will right the wrongs, won't you? You will force Bush from office, won't you? Please? So that what happened to me will never happen to anyone else.

HOUSE PROSECUTOR

I have no more questions.

(The Prosecutor sits.)

(The House Counsel rises from the defense table,
goes to al-Masri)

DEFENSE COUNSEL

Mr. al-Masri --

KHALED EL-MASRI

El-Masri.

DEFENSE COUNSEL

On May 17, 2007, isn't it a fact that you were arrested on suspicion of arson?

KHALED EL-MASRI

What does that have to do with --

DEFENSE COUNSEL

According to Die Welt Online, a problem arose regarding a dispute over an iPod you purchased at a METRO warehouse club store in April in Neu-Ulm.

KHALED EL-MASRI

That was a misunderstanding --

DEFENSE COUNSEL

-- You claimed the iPod malfunctioned right after you bought it.

KHALED EL-MASRI

Yes and when I tried to return it, the store refused.

DEFENSE COUNSEL

And the situation escalated into a shouting match. You spit in the face of a female employee, and were barred from the store. Later that day, isn't it true that you kicked in a door of the Metro store and used gasoline to start a fire?

KHALED EL-MASRI

I don't deny it, but I wasn't thinking. No one could think straight after what the CIA did to me.

DEFENSE COUNSEL

The fire caused over \$678,000 in damages.

(El-Masri tries to respond, but can't.)

DEFENSE COUNSEL

Weren't you arrested near the scene of the crime?

KHALED EL-MASRI

Yes, but...

DEFENSE COUNSEL

And after your arrest, didn't a judge order you held in a psychiatric hospital?

KHALED EL-MASRI

I, I don't know what got into me. It's, it's...the terrible things they did to me. It all comes back. I was not a terrorist...I am not a terrorist...I was never a terrorist...and yet, there I was, setting a fire.

(He breaks down.)

(The Prosecutor jumps to her feet.)

HOUSE PROSECUTOR

Mr. Chief Justice, this is not a criminal trial in which the defense tries to discredit a witness. What does this line of questioning have to do with the impeachment of George W. Bush and Dick Cheney? The witness should be excused.

JOHN ROBERTS

Mr. al-Masri. Your testimony is concluded.

(El-Masri, shaken, shambles off, stage right.)

(The House Counsel sits.)

(House Prosecutor rises.)

HOUSE PROSECUTOR

I call to the witness stand Bruce Fein.

(BRUCE FEIN, a thin, animated figure enters stage right, strides purposefully to the witness table.)

HOUSE PROSECUTOR

Did you write the first article of impeachment against President Bill Clinton?

BRUCE FEIN

I did.

HOUSE PROSECUTOR

Are you a professional impeachment article writer? What do you do for a day job?

BRUCE FEIN

Actually my first involvement in impeachment was with President Nixon. In the Office of Legal Counsel, after Archibald Cox was fired by President Nixon, I was asked by Acting Attorney General Bork to write a 100-page monograph on the definition of an impeachable offense. The first time it had been done since the impeachment of Andrew Johnson.

HOUSE PROSECUTOR

Well, I'm sorry that business has been so good for you. Sorry for what it says about our country. Why did you write the article of impeachment against President Bush?

BRUCE FEIN

The President and Vice President knowingly exaggerated the threat of so-called Weapons of Mass Destruction to defraud the American people into an attack and long term military occupation of Iraq. Vice President Cheney, in particular, was deeply involved in blowing the cover of an entire CIA secret undercover operation managed by Valerie Plame, as indirect retaliation against her husband who was exposing those falsehoods.

HOUSE PROSECUTOR

Of course the Vice President was never charged in that case.

BRUCE FEIN

You mean to tell me he didn't know what Lewis Libby was doing. Libby did his bidding, not the other way around.

HOUSE PROSECUTOR

Go on.

BRUCE FEIN

They spied on American citizens in contravention of FISA and claimed power to break and enter homes, open mail, and torture for the purpose of collecting foreign intelligence.

HOUSE PROSECUTOR

Which the President admitted.

BRUCE FEIN

And he frustrated congressional oversight with unprecedented secrecy and outlandish claims of executive privilege. He directed or permitted Alberto Gonzales to bring the Department of Justice into disrepute with endless lies and defenses of secret government and manipulation of law enforcement to advance his partisan agenda. He kidnapped, imprisoned, and tortured suspected terrorists abroad outside the law, detaining alleged enemy combatants indefinitely based on secret evidence and without trial. He signed bills passed by Congress while ignoring those provisions he claimed were unconstitutional.

HOUSE PROSECUTOR

Of course President Clinton did that too.

BRUCE FEIN

This President makes him look like a piker.

HOUSE PROSECUTOR

Go on.

BRUCE FEIN

President Bush and Vice President Cheney both knowingly inflated the danger of international terrorism to insist that every Constitutional restraint on executive power is subordinate to the Commander-in-Chief clause. In sum, they should be convicted for reducing the American people and their representatives in Congress to serfs in their executive kingdom.

HOUSE PROSECUTOR

That's it? For this you want to have him removed from office?

BRUCE FEIN

Want me to go on?

HOUSE PROSECUTOR

There's more?

BRUCE FEIN

Much more. Indeed, we have to go back the days of the Stuart monarchs three and a half centuries ago, to the Divine Right of Kings who thought themselves above trial by any court, to find an executive power so bloated. They have tossed aside legal precepts settled since the Magna Carta, eight centuries ago. When we discuss what has been happening under this administration, and have evoked in our mind images of the Soviet Union or the Spanish Inquisition, we should be very alarmed.

HOUSE PROSECUTOR

How would you rank these offenses in relation to what Nixon was impeached for?

BRUCE FEIN

There's enough evidence here to convict ten Presidents and Vice Presidents.

HOUSE PROSECUTOR

How would you respond to critics who say there aren't enough votes in the Senate to convict?

BRUCE FEIN

William Lloyd Garrison published "The Liberator" in 1833. He was beaten, stigmatized, ridiculed, denounced all over the country. 32 years later, he handed Lincoln the pen when he signed the 13th Amendment ending slavery. What if he'd said, "Why bother? We don't have the votes?" Susan B. Anthony called for women's suffrage in 1848. It took seventy-two years before women got the vote. What if she'd never started because she didn't have the numbers?

HOUSE PROSECUTOR

But he's gone in a few months. We're in the middle of an election. Why not just let them run out the clock?

BRUCE FEIN

We have to act now, before it's too late. The most frightening element here, is the president's claim that because Osama wants to kill us anywhere, that therefore military jurisdiction, military law can be imposed by this President anytime he says he wants to do it. Now, when we have a President who says he can impose military jurisdiction on us at any time, it is time to throw him out of office. He cannot be trusted with the reins of power another minute. But we've gotten so used to the President and Vice President breaking the law that we're like the frogs in a pot of water.

HOUSE PROSECUTOR

Frogs?

BRUCE FEIN

You raise the temperature one degree a day. By the time the frogs realize they're being cooked, they're too weak to do anything about it.

HOUSE PROSECUTOR

But some say this is just a partisan issue.

BRUCE FEIN

To the contrary, I would suggest if we do not enforce the Constitution against President Bush and Vice President Cheney our entire country as envisioned by the Declaration of Independence is in jeopardy.

TAMMY BALDWIN

That's quite an extraordinary statement.

BRUCE FEIN

Indeed, what was the revolutionary idea in that Declaration? All of us are endowed with inalienable rights to life, liberty and the pursuit of happiness, and that the purpose of government, is to secure those rights. The purpose is not to build an empire, it's not to aggrandize government power, and to exert power for the sake of power's sake. You cannot ensure those rights without the rule of law, and this President has violated, shattered every check and balance that was conceived by the founding fathers. It is an utterly NON-partisan issue.

HOUSE PROSECUTOR

Thank you, Mr. Fein.

(The Prosecutor sits at the Prosecution table
and Defense Counsel approaches Fein.)

DEFENSE COUNSEL

I'd like to go back to learned counsel's facetious question as to whether you had a day job and whether you're a professional impeachment article writer.

(MORE)

DEFENSE COUNSEL (CONT'D)

In many civil and criminal cases, expert witnesses are often impugned by the opposition for similar reasons. But I know you're a principled man, Mr. Fein. And a student of history. When President Lincoln was ordered by Supreme Court Chief Justice Taney to release Lieutenant John Merryman under the Constitutional right of habeas corpus in the case *ex parte Merryman*, did he do so?

BRUCE FEIN

No, he did not.

DEFENSE COUNSEL

He knew that to release Merryman would encourage the secessionists in Maryland just north of the capital, who, with the Confederate Army just to south in Virginia, would destroy Washington. He had to make a choice between protecting the Constitution vs. one element of it. He realized that you have to cut off a limb if it is the only means to save a life.

BRUCE FEIN

There are several key differences between Lincoln's actions and those of President Bush. On July 4, 1861 Lincoln came before Congress and asked them to retroactively approve his suspension of habeas corpus. President Bush never did that. He just defied the law. In that address, Lincoln went on to say: "are all the laws but one to go unexecuted and the Government itself go to pieces lest that one be violated?" He wrestled with his actions in asking Congress: "Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?"

DEFENSE COUNSEL

And President Bush has wrestled with this same dilemma in fighting the terrorists.

BRUCE FEIN

Not unless you are willing to identify an elephant as a mouse with a glandular condition. Perhaps that's the biggest lie of all, that any of this protects us in any way from terrorism. By making it clear that we believe in double standards, we have one rule that applies to our actions: waterboarding, kidnapping, putting people in prison in secret, torturing them abroad without any accountability. But another rule if someone else does it, which is creating a seething resentment of the United States around the world. We have created more terrorists with this duplicitous attitude about the rule of law, than all of our soldiers, heroic and courageous as they are, have killed. And we are therefore more insecure than we were before this exercise began.

DEFENSE COUNSEL

But Mr. Fein, wouldn't you characterize this impeachment proceeding as election-year grandstanding?

BRUCE FEIN

No, I wouldn't.

DEFENSE COUNSEL

Don't news reports show that challenges to incumbents in many Democrat-held districts are the only thing that prompted the Democrat leadership to act, only months before the President and Vice President leave office?

BRUCE FEIN

I'll concede that point.

DEFENSE COUNSEL

And doesn't that leadership privately admit they don't have the votes to convict the President and Vice President? So this is just a political exercise, isn't it?

BRUCE FEIN

Getting a conviction isn't the only point.

DEFENSE COUNSEL

It isn't? Then why are we here? Why don't the Democrats just declare victory and go home?

BRUCE FEIN

Nixon's impeachment, even though there was no trial and thus no conviction, had a real impact on the Reagan Cabinet.

DEFENSE COUNSEL

I don't think that --

BRUCE FEIN

Please. Let me finish. I served in Reagan's Office of Legal Counsel. During deliberations over whether to secretly sell weapons to Iran to illegally fund the Contras, George Schultz questioned time and again whether President Reagan could be impeached for doing some of the things Nixon did. And it most definitely constrained the President from acting unconstitutionally.

DEFENSE COUNSEL

That's hearsay.

(Bruce rifles through some papers, finds the one he needs.)

BRUCE FEIN

The following is reported in the minutes for President Reagan's National Security Planning Group meeting of June 25, 1984: Secretary of State George Schultz warned the President that White House adviser James Baker has said that "if we go out and try to get money from third countries [to support the Nicaraguan Contras] it is an impeachable offense."

DEFENSE COUNSEL

All right. Thank you for the history lesson, but --

BRUCE FEIN

So getting a conviction in this trial, even if there's five minutes left in Bush's term would have profound impact. Even at this late hour, the trial must go forward to warn future Presidents that they may not trample on the Constitution.

DEFENSE COUNSEL

So you want to try future Presidents now? What's the charge?

BRUCE FEIN

I'm talking about this President, who recently issued yet another signing statement on January 28, 2008, a day that I say should live in infamy. Congress had enacted the National Defense Authorization Act of 2008, stating that there shall be no monies employed for the purpose of establishing permanent military bases in Iraq. But the signing statement, denuded of all its legalisms, essentially says I don't have to follow that particular limitation, because it would impair MY ability to execute my powers as commander in chief.

DEFENSE COUNSEL

Well, I thank you for your testimony, but --

BRUCE FEIN

-- Now this assertion is rather astonishing. The Congress since the inception of the Constitution, limits, regulates, confines the President in national security or foreign policy affairs. Then on January 28, 2008, the President says all this history is null and void by one stroke of the pen. What's the remedy?

(beat)

Impeachment, which we have done, and now

(beat)

Conviction. Do you have any more questions?

DEFENSE COUNSEL

Thank you. No.

(Fein exits stage right. The House Counsel sits at the defense table. The Prosecutor rises from the prosecution table.)

HOUSE PROSECUTOR

I now call Valerie Plame.

(VALERIE PLAME enters stage right, goes to the witness table.)

HOUSE PROSECUTOR

Ms. Plame, what was your occupation the day of July 14, 2003, when your name was published in a syndicated national news article by Robert Novak in the Washington Post.

VALERIE PLAME

I was a non-official cover, working as the chief of operations for the joint Iraq task force for the CIA's counter proliferation division there.

HOUSE PROSECUTOR

A non-official cover, is that what's known as an NOC? What exactly is that?

VALERIE PLAME

Yes, it means, of course, that my work was not acknowledged by the CIA. There was a line in an old TV show, "If you are caught or killed, the agency will disavow any knowledge of your existence." That was me.

HOUSE PROSECUTOR

And what were your responsibilities as chief of operations?

VALERIE PLAME

I was in charge of dozens of other officers and analysts, I recruited spies, and we were all looking for evidence of weapons of mass destruction in the Middle East theater, to prevent the spread of nuclear and non-conventional weapons. Our job was to make sure bad people did not get nukes.

HOUSE PROSECUTOR

Just how undercover were you?

VALERIE PLAME

Only a handful of people outside of the CIA knew who I was and what I was actually doing. I had spent my entire career building a network of sources, a network that was instantly jeopardized by the publication of my name, identified as a CIA operative.

HOUSE PROSECUTOR

And what was your reaction when that happened?

VALERIE PLAME

I was horrified, completely horrified. I simply could not believe that anyone in our government would betray our own national security to try to punish my husband for calling them out on their lies on Iraq.

HOUSE PROSECUTOR

Are you talking about the so-called 16 words in Bush's State of the Union Address?

VALERIE PLAME

Yes, and it was all very odd. Because it was my job to know what Iraq was up to, and we had already determined the Niger uranium thing was a forgery. And it became clear to me they were cherry-picking intelligence to get us to go to war.

HOUSE PROSECUTOR

Did you discuss with your husband whether to write the article he did?

VALERIE PLAME

No, I did not. I was living my cover, as we call it. I had knowledge. He had his own knowledge. What he did with what he knew was a matter of his own conscience.

HOUSE PROSECUTOR

Just how much damage was done by the leaking of your identity? Was it serious?

VALERIE PLAME

I know there was a damage report done by the CIA, though I never saw it. My personal assessment was that it would have been serious, but there was no way I could check on my former assets to see how they were doing. All I can tell you is that it was serious enough for the CIA to make a criminal referral to the Justice Department.

HOUSE PROSECUTOR

. . . that ultimately resulted in the trial of Scooter Libby, who was convicted on 4 counts of perjury and obstruction of justice?

VALERIE PLAME

Yes.

HOUSE PROSECUTOR

Thank you.

(Defense Counsel takes over the questioning.)

DEFENSE COUNSEL

Mrs. Plame, how long have you been pretending to be an undercover CIA agent?

VALERIE PLAME

That just an obvious trick question, like asking me if I'm still beating my husband.

DEFENSE COUNSEL

So...are you?

VALERIE PLAME

That's an insult. And what I had been doing for almost 20 years was pretending to NOT be a CIA operative.

DEFENSE COUNSEL

The insult, ma'am, is that we have soldiers in harm's way in Iraq right now, and people like you are just trying to demoralize our military so the terrorists can win. I mean, you were obviously just a low level, bureaucratic desk jockey, weren't you?

VALERIE PLAME

That's what everyone was supposed to think. That's what being an undercover spy is all about. How little you understand about real intelligence.

DEFENSE COUNSEL

You sure don't look like Jack Bauer.

VALERIE PLAME

That's the whole point. Jack Bauer would have outed himself in the first 5 minutes. I passed undetected for 18 years... until the White House jeopardized our whole network for political payback.

DEFENSE COUNSEL

OK, so even if you were a spy, the first thing you did when your name was mentioned in the press was vamp it up for Vanity Fair, posing for picture like a Mata Hari. Isn't it true you mostly outed yourself?

VALERIE PLAME

I was in sunglasses in that picture, I was not identifiable, and I was not interviewed for the article.

DEFENSE COUNSEL

Your boss at the CIA chewed you out for letting that picture get published, didn't he?

VALERIE PLAME

Your question concedes that in fact that I WAS an undercover agent, doesn't it? But by that time the real damage had already been done.

DEFENSE COUNSEL

Well, it seems all you've done since is appear at high profile Democrat fund raisers. Why should we believe that you aren't just a partisan POLITICAL operative?

VALERIE PLAME

Both my parents were Republicans, but not at all like those in the White House today. I served my country, did my job at the agency and was loyal to the President. But once he revealed my identity as an undercover CIA agent. It didn't matter what I did in public. So what party would you expect me to support, after what they did to me and my husband?

DEFENSE COUNSEL

(with some sarcasm)

Well, you couldn't have been much of a spy. There wasn't much in your book, the one you profited from, about your so-called spy career.

VALERIE PLAME

The CIA heavily censored my book, as you well know, even though there was nothing sensitive to national security in it, and I was forbidden to even discuss my relationship with the agency prior to 2002. I LOVED my CIA career. There is no book royalty I would have traded for that, ever. I was doing vital and critical work to protect the American people from the very real, very real threats out there, and they destroyed my life's work, and put us all at greater risk, for cheap political retribution. And the reason I told my story was because it is a story that had to be told, even if only in outline, of the consequences of speaking truth to power, and holding those in our government to account. What they did to me was a treasonous act!

DEFENSE COUNSEL

Well, I think you're just a publicity-hungry woman out to make a buck as an celebrity author who...

HOUSE PROSECUTOR

Mr. Chief Justice, I object. Counsel is completely out of line. We've already had testimony from Donald Rumsfeld that Ms. Plame was indeed a CIA undercover operative.

JOHN ROBERTS

Counsel?

DEFENSE COUNSEL

Sorry, your honor. I'm sure the Senate can determine who's out of line here.

HOUSE PROSECUTOR

I now call George Tenet.

(GEORGE TENET enters stage right, goes to the witness table.)

HOUSE PROSECUTOR

Mr. Tenet, what years did you head the Central Intelligence Agency?

GEORGE TENET

Including my time as acting director, from December 1996 until the beginning of June 2004, it was my agency.

HOUSE PROSECUTOR

If you would, I'd like to focus your attention on August and September of 2002. And in that time frame, were you hearing statements coming from the Vice President flatly asserting that Iraq had weapons of mass destruction?

GEORGE TENET

Give me an example.

HOUSE PROSECUTOR

OK, well here's one. A speech on August 26, 2002, Cheney stated, and I quote, "There is no doubt that Saddam Hussein now has weapons of mass destruction." End quote. Do you remember that one?

GEORGE TENET

Yeah.

HOUSE PROSECUTOR

So what did you make of this speech at that time?

GEORGE TENET

I didn't know what to make of it. I'm looking at my people, and we're looking at each other. And we're going...this is not our product. This was way beyond anything we had. And my people are asking ME, where is this stuff coming from?

HOUSE PROSECUTOR

And at the same time, and all the way through until we actually invade Iraq, the Vice President and President are giving speeches about imminent nuclear weapon development in Iraq. Did that match up with anything you could determine?

GEORGE TENET

No. The judgment of the intelligence community was that a nuclear weapon was maybe feasible for him by 2007 to 2009. That's what we concluded in the NIE we rushed to deliver in October 2002. Now, I want to say we did get one thing wrong. We thought he still had chemical and biological weapon capability, and he didn't. But nuclear. We were very clear about that. We knew he didn't have nukes and wouldn't for many years.

HOUSE PROSECUTOR

You just said the NIE rushed. Why was that?

GEORGE TENET

Look, I'm not gonna lie to ya. I'm not going to make any excuses. There was all this pressure. Cheney is out there making these speeches. And Congress is asking, "What's going on here." And we pulled the whole NIE together in 3 weeks. But no excuses. We still should have gotten it right. My bad. You do your job, and you do the best you can do.

HOUSE PROSECUTOR

But at the same time, Cheney and Bush are still out there beating these nuclear drums as if it were happening tomorrow. What's going on here?

GEORGE TENET

(perfunctory)

I can't explain it.

HOUSE PROSECUTOR

Well, are you trying to correct them when they say these things? Are you sitting them down and telling them, "Hey, guys, this stuff you're saying, it's wrong?"

GEORGE TENET

(with passion)

Of course! Of course, I am...You think I don't care? We told them to take the Niger yellowcake thing out of more than one speech.

HOUSE PROSECUTOR

OK, but then it still turns up in the State of the Union speech on January 28, 2003.

GEORGE TENET

Hey, we missed vetting it. I didn't read it myself, I passed it off to one of my assistants. What can I tell you? I dropped the ball. I can't remember if I was tied up with a gorilla that day, or maybe it was two alligators, it was a bunch of something.

HOUSE PROSECUTOR

So they are giving speeches, saying all these things about Iraq where the facts are clearly wrong, as you knew them. What about connections between Iraq and 9/11, Iraq and al-Qaeda, anything like that turn up by your intelligence analysts or -- ?

GEORGE TENET

-- Spooks? No. We found nothing. And we knew there were no operational connections. And that's the weird thing.

HOUSE PROSECUTOR

How so?

GEORGE TENET

I thought we were going after Bin Laden after 9/11. But all they wanted to talk about was Iraq. And there was no thinking going into whether we should do it or not. There was never even a serious debate. It was all about HOW we could do it.

HOUSE PROSECUTOR

How long had this been going on?

GEORGE TENET

Try September 12th. I mean the next day. Look, we got caught with our pants down on 9/11. All the way down, around our ankles. And I'd been pushing to do something about Afghanistan for months, because all the signs were that something big was coming. Alarms were going off everywhere. I was worried about multiple spectacular attacks, and I couldn't get anyone to pay attention.

HOUSE PROSECUTOR

Wait a minute, you're the head the CIA. You're meeting with the president in person every morning. You can't get his attention? Isn't he the one in charge?

GEORGE TENET

Hey, all I know is it's September 12, and finally we're going to do something. But at the same time, they're still just talking about Iraq, and it never stopped. And it made no sense. Iraq had nothing to do with any of this.

HOUSE PROSECUTOR

All right, we jump off into Iraq and we come up empty on the WMDs that the President and Vice President told us were there. So Joe Wilson writes an article charging that they cooked up the whole thing. What happened then?

GEORGE TENET

They did the unthinkable, the undoable, the unconscionable.

HOUSE PROSECUTOR

And what was that?

GEORGE TENET

You know what they did. Everybody in this room knows what they did. Cheney's people retaliated by outing his wife, Valerie Plame. You don't flip your own people. There's no politics in what we do.

HOUSE PROSECUTOR

And she was undercover wasn't she?

GEORGE TENET

Hey, she was one of MY people. That's all I'm going to say.

HOUSE PROSECUTOR

It's been widely reported that she a critical, long term intelligence manager in the Middle East, and that outing her destroyed her whole network of operations, working in counter-proliferation.

GEORGE TENET

Look, we made a criminal referral to the Justice Department. What does that tell you?

HOUSE PROSECUTOR

And what was "slam dunk" all about?

GEORGE TENET

This really burns me....I held my tongue for three years. And all time they're using me for a punching bag and a bumper sticker. Because I said "slam dunk". And all I meant was we could make a better presentation.

(MORE)

GEORGE TENET (CONT'D)

But they want to twist it all around, like I'm the reason we were wrong about Saddam having nukes. I never said he had them. No. I got...some stuff...wrong. I have to live with that. But not all of it. Not all of it.

HOUSE PROSECUTOR

This was not a public meeting. What, were there five people there, six? Who set you up?

GEORGE TENET

I don't know.

HOUSE PROSECUTOR

In any case, as you tell it, Bush did not think that the evidence you presented made a strong case. Bush said that, right?

GEORGE TENET

Right.

HOUSE PROSECUTOR

And the thrust of the meeting was not whether it was a strong case for war, just whether a strong case could be made to the PUBLIC. Was that how it was?

GEORGE TENET

Yeah, exactly like that.

HOUSE PROSECUTOR

So really, it's the same thing you were talking about before. They were never interested in whether or not to do it, just how to make it happen.

GEORGE TENET

(thinks for a second.)

Yeah, you got it.

HOUSE PROSECUTOR

Your witness.

(Defense Counsel takes over the questioning.)

DEFENSE COUNSEL

Mr. Tenet, you're not saying the Vice President and President deliberately LIED to the American people to start a war with Iraq, are you?

GEORGE TENET

I'm NOT saying anything. That's not my department. Look, everybody expects us to get involved in politics. You think we're just political animals, like everybody else in Washington? That's not what you want in your intelligence community. We get up everyday and go to work.

(MORE)

GEORGE TENET (CONT'D)

And we've got to figure all this stuff out. Where the next threat is coming from, and how to stop it. And when we get it wrong it hurts. It hurts bad. 9/11 was the worst day of my life. Because I knew something was coming, I knew it, I could feel it. And it just slipped through our fingers. And everybody lies to us, EVERYBODY, and somehow people think we can just snap our fingers and give them the truth. And it's not like that. For all I know, the President was the one who gave "slam dunk" to Woodward. But leave me out of the politics, OK?

DEFENSE COUNSEL

Well you certainly didn't mind accepting the Medal of Freedom from President Bush for helping to win the war in Iraq.

GEORGE TENET

Well, I did have a problem with that. And the only reason I accepted it was it said it was to honor the whole department for helping to fight terror in Afghanistan, not Iraq, Afghanistan. Iraq was a national tragedy. It made us look stupid, all of us. What, are you thinking you can buy me off with a medal?

DEFENSE COUNSEL

It's just that some people look at you collecting a four million dollar book advance and...

GEORGE TENET

Hey, what is this? Are you impugning MY integrity?!

DEFENSE COUNSEL

I just...

GEORGE TENET

No. No. You listen to me. You know what, I just figured this out. All the rush, rush, hurry, hurry to do that National Intelligence Estimate, they were never interested in the truth. They just wanted the answer they wanted. And then all they cared about was whether they could sell it. And that's what they asked me, could a better case could be made for SELLING the war, and that's what I said would be slam dunk, not the case for the war itself, but whether it could be sold to Joe Public. And I was RIGHT about that, Joe Public DID get slam dunked. But I didn't sell the war, THEY did. Like they needed me to say "slam dunk". And they claim I was jumping up from the couch, throwing my hands in the air saying it was a slam dunk Saddam had nukes. It wasn't like that.

DEFENSE COUNSEL

(tries to interrupt)

That's all I...

GEORGE TENET

Hey, I'm not finished. And all the time Cheney is popping in, and all his aides are popping in, and it's like a parade. And it's all pressure, pressure, pressure. For all I know, his guys infiltrated my agency, MY agency, my people, with his own covert political operatives. Yeah, that's what he did. The President can pin a medal on me, but he can't pin the war on me and then hang me out to dry! Just like he hung Valerie Plame out to dry.

(the entire Senate chamber is totally stunned.)

JOHN ROBERTS

Thank you, Mr Tenet. I'm going to call a recess here.

END OF ACT I

Intermission

AFTER INTERMISSION, WHILE THE AUDIENCE TAKES THEIR SEATS:

Downstage, centered in front of the curtain on a recliner, PRESIDENT GEORGE W. BUSH watches a football game on a TV sitting on a low table.

(The House Counsel enters.)

DEFENSE COUNSEL

Mr. President.

(Bush does not look up.)

PRESIDENT BUSH

Hold on. Go. Go. Go. Go. Go. Go!

DEFENSE COUNSEL

Mr. President. The trial.

(Bush continues to watch the game.)

PRESIDENT BUSH

Yeh. How's it going?

DEFENSE COUNSEL

Have you...uh...have you been watching?

PRESIDENT BUSH

I flip back and forth. Sit down.

(He offers him a beer. The House Counsel shakes his head, remains standing.)

PRESIDENT BUSH

Cowboys got a real shot here. Romo's somethin', isn't he? 95.6% rating, 62.8% completions, only 9 interceptions all year.

DEFENSE COUNSEL

I'm concerned.

PRESIDENT BUSH

(eyes still glued to the game.)

Hell, we can beat the Patriots. We're going all the way.

DEFENSE COUNSEL

No, I mean --

PRESIDENT BUSH

-- I know what you mean. And you know what I mean.

(Bush rises.)

PRESIDENT BUSH

You go back there and take care of this. They got nothin' on me. And you're smarter'n any of 'em. I want you to nail her. Well, what're you waiting for?

DEFENSE COUNSEL

Yes, sir.

(Bush sits, goes back to his game. The House Counsel exits, stage left.)

ACT II

SCENE 1

ON RISE:

JOHN ROBERTS

The defense will now present its case.

(The House Counsel rises.)

DEFENSE COUNSEL

I call Theodore Olson to the stand.

(THEODORE OLSON enters stage left and goes to the witness table.)

DEFENSE COUNSEL

Mr. Solicitor General, please share with us how the terrorist attacks of 9/11 changed your life.

THEODORE OLSON

My wife, Barbara Olson, was traveling from Dulles to Los Angeles on American Airlines Flight 77. She'd originally been booked on a flight the day before, but delayed her departure because September 11th was my birthday and she wanted to be with me that morning.

DEFENSE COUNSEL

And then she took the flight.

THEODORE OLSON

Yes, and I got a call from her, around 9:15 or 9:30, which I found strange. Someone would have to reconstruct the time for me. I mean, she was on the flight.

DEFENSE COUNSEL

And what did she say?

THEODORE OLSON

She was scared. She said that all the passengers and flight personnel, including the pilots, were herded to the back of the plane by armed hijackers. She said they had knives and box cutters.

DEFENSE COUNSEL

Had the plane started its descent -- toward the Pentagon?

THEODORE OLSON

I don't know. She told me nobody was in charge and asked me to tell the pilot what to do.

DEFENSE COUNSEL

And did you?

THEODORE OLSON

I notified the Justice Department command center immediately. And then she called back, desperate. "What shall I tell the pilot? What can I tell the pilot to do." And then the line went dead.

DEFENSE COUNSEL

Let the record reflect that Flight 77 crashed into the western side of the Pentagon at 9:37 Eastern Daylight Time, killing Barbara Olson, 52 other passengers, 5 hijackers, and 6 crew. 125 people in the Pentagon died from the attack. Mr. Solicitor General, how did the events of 9/11 change you?

THEODORE OLSON

From that moment on, I knew the President would need sweeping powers if he was to protect the nation from another terrorist attack.

DEFENSE COUNSEL

An attack that has not come since President Bush has put in place measures that have protected Americans from the kinds of attacks that have befallen the citizens of Europe, the Middle East and Asia. How did the terrorist attacks affect you?

THEODORE OLSON

I was eager to have the President do whatever was necessary to prevent anyone else from suffering as much as I did. Because of the programs he has put in place, not a single American has died. Frankly, it astonishes me why we're even here today. Can you imagine the Congress impeaching Roosevelt in the middle of World War II or Kennedy or Johnson or Reagan during the Cold War when thousands of Soviet ICBMs were aimed at our cities? George Bush is an American hero. I support every measure the President has taken since he said "no more 911s."

DEFENSE COUNSEL

Words reminiscent of those that Jews make about the Holocaust.

THEODORE OLSON

Never again. Exactly. The government of Israel is a perfect example. They say never again. I say never again. The President says never again. A President should do anything that minimizes that risk. Anything. Israel will stop at nothing to make certain there's never another holocaust. We should take that same attitude. The Israeli Secret Service --

DEFENSE COUNSEL

-- The Mossad.

THEODORE OLSON

Right.

(MORE)

THEODORE OLSON (CONT'D)

They're free to go abroad, kidnap, assassinate, do anything to inflict fatal measures on the terrorists who threaten their survival. The Rescue at Entebbe. When the Israelis determine they have a terrorist, they kill him, and destroy his home. We should be superior in our determination to destroy terrorists.

DEFENSE COUNSEL

Isn't it true that the Supreme Court has said the Constitution is not a suicide pact?

THEODORE OLSON

Yes. And Chief Justice Charles Evans Hughes wrote during the First World War that we have a fighting Constitution. That's how the president is interpreting the Constitution after 9/11.

DEFENSE COUNSEL

Thank you, Mr. Solicitor General.

(The House Counsel sits.)

(The Prosecutor rises to cross-examine.)

HOUSE PROSECUTOR

Did President Kennedy suspend the writ of habeas corpus, declare US citizens enemy combatants, begin spying on Americans, or do any of the things Bush has done post-9/11?

THEODORE OLSON

No.

HOUSE PROSECUTOR

Sir, do you think it should be official U.S. policy to kidnap and assassinate people?

THEODORE OLSON

I don't want to second guess those charged with protecting us from the terrorists.

HOUSE PROSECUTOR

So then, are you saying it's all right to overreact?

THEODORE OLSON

Our response to worldwide terrorism has been measured.

HOUSE PROSECUTOR

But are you aware that many innocent people have been mistakenly kidnapped and tortured under the authority of Dick Cheney and George Bush?

THEODORE OLSON

I have seen no evidence of that.

HOUSE PROSECUTOR

Did you not hear that evidence from Khaled el-Masri?

THEODORE OLSON

I heard it.

HOUSE PROSECUTOR

Do you believe he was an innocent man who was kidnapped, taken to Afghanistan, thrown in a CIA prison and tortured?

THEODORE OLSON

I don't know.

HOUSE PROSECUTOR

So you think he was a terrorist?

THEODORE OLSON

I honestly don't know.

HOUSE PROSECUTOR

Then why did Condoleezza Rice demand his release if he was a terrorist?

THEODORE OLSON

You'd have to ask her that.

HOUSE PROSECUTOR

How does it make us safer if we torture and kill innocent people around the world?

THEODORE OLSON

Again, I don't know that we do that.

HOUSE PROSECUTOR

What actual evidence do you have that anything this president and vice president have done has stopped even one terrorist attack?

THEODORE OLSON

Has this country been attacked since 2001?

HOUSE PROSECUTOR

You mean when over 3000 Americans died on President Bush and Vice President Cheney's watch?

THEODORE OLSON

None have.

HOUSE PROSECUTOR

Sir, terrorists torture and kill innocent people do they not, isn't that what terrorists do?

THEODORE OLSON

Yes.

HOUSE PROSECUTOR

And if this President and Vice President order the torture and killing of innocent people, how does that make us different from the terrorists?

THEODORE OLSON

It is not our policy to terrorize and murder. We can make honest mistakes.

HOUSE PROSECUTOR

Yes, we can. But isn't there a difference between making a mistake as opposed to having a Presidential policy that encourages terrorist-like activity?

THEODORE OLSON

That is not the policy of our President and Vice President.

HOUSE PROSECUTOR

The defense can call its next witness.

(The Prosecutor sits.)

(Olson exits stage left.)

(After the emotional testimony of prosecution witnesses and after The Prosecutor's surgical discrediting of Olson, there is an unmistakable feeling in the room that the case is going incredibly bad for the President. The House Counsel looks concerned as he rises from the prosecution table.)

DEFENSE COUNSEL

I call Professor John Yoo of the University of California at Berkeley Law School.

(JOHN YOO enters stage left and goes to the witness table.)

DEFENSE COUNSEL

Professor Yoo, you have been accused as one of the principal authors of the so-called "torture" memo when you served in the Office of Legal Counsel.

JOHN YOO

I can't confirm or deny that accusation, but no one ever authorized illegal actions when dealing with prisoners captured during the execution of the war on terror. And I was very pleased to serve a President who saw to it that the really bad apples who operated outside the law were found and stopped.

DEFENSE COUNSEL

Lots of people concluded that what you wrote gave the administration a green light to conduct extreme interrogation tactics including torture.

JOHN YOO

No one in the leadership ever said we were going to engage in physical abuse. What was always said is be aggressive, but be within the law; be forward leaning but stay with what the law permits.

DEFENSE COUNSEL

Do you believe that you, or anyone who ordered you to write that memo, did anything to compromise the ethics of our democracy?

JOHN YOO

No. The president had every right to treat al-Qaeda outside the bounds of the Geneva Convention. After all, they were not a nation, didn't honor any agreed upon treaties and showed that they were outside the agreed upon rules of war. Besides, the president can abrogate any treaty he wants unilaterally, just like he broke the ARMS control treaty that had stopped our weaponizing outer space. Bear in mind this distinction: our country is fighting two wars, one, the War On Terror, that has different rules regarding the interrogation of those captured; and the other, the War in Iraq where things like the Geneva Convention still apply. These two wars are not the same and do require different tactics.

DEFENSE COUNSEL

Didn't the Founding Fathers intend that the President in wartime enjoy unfettered power to, in his discretion, do whatever was necessary to prevail?

JOHN YOO

Yes. Roosevelt sent 120,000 Japanese-Americans to internment camps in World War II. He was not impeached and didn't lose a single vote in the subsequent 1944 Presidential election. Lyndon Johnson lied about attacks on US vessels to get the Gulf of Tonkin Resolution authorizing unlimited war on Vietnam. He was not impeached.

DEFENSE COUNSEL

What's the difference between President Bush and these two presidents?

JOHN YOO

The problem is, we have a Democrat-controlled Congress trying to impeach a Republican President. Johnson and Roosevelt were Democrats with Democrat-controlled Congresses who were not about to impeach one of their own. So this impeachment is all about party politics. And a September 10th mentality.

DEFENSE COUNSEL

So is it your testimony that this whole proceeding deprives Congress from its constitutionally-mandated job of passing laws to help the American people?

JOHN YOO

Yes.

DEFENSE COUNSEL

And is it your testimony that this ill-considered impeachment has taken energy and priceless time away from the president in fighting the war on terror? That in fact it has all been a political stunt?

JOHN YOO

Yes. It has.

DEFENSE COUNSEL

Thank you, Professor Yoo.

(The House Counsel sits, looks nervously offstage, checks his watch.)

(House Prosecutor rises, cross-examines.)

HOUSE PROSECUTOR

Talk of partisanship, didn't the Republican-controlled Congress decline to issue a single subpoena to a single official in the Bush administration -- a staggering dormancy in exercising its oversight power?

JOHN YOO

There was no need for the Republican-controlled Congress to subpoena anyone.

HOUSE PROSECUTOR

The Founding Fathers described the commander-in-chief power as that of a governor calling out the national guard, subject to congressional regulation and restraints. But hasn't this President crowned himself and instituted a unitary form of government with powers even beyond those of King George III, who the founding fathers overthrew in the revolutionary war?

JOHN YOO

The Founding Fathers did not anticipate scourges like international terrorists. They didn't anticipate the United States would grow from a tiny Atlantic coastal nation into a superpower with global responsibilities everywhere.

HOUSE PROSECUTOR

Mr. Yoo, is there a clause in the Constitution that states that Congress has the power to write the laws and that the president's a duty "to take care that the laws be faithfully executed?"

JOHN YOO

Yes. So? The President doesn't have to "execute" a law he feels is unconstitutional.

HOUSE PROSECUTOR

But specifically where in the Constitution is it stipulated that the President can issue signing statements that contradict the intent of the bill passed by both Houses of Congress?

JOHN YOO

Just because the President, through a signing statement, reserves the right to disobey a law doesn't mean he's not enforcing it. Often he's just exercising his right to maintain that an aspect of that law might infringe on constitutionally-mandated presidential power.

HOUSE PROSECUTOR

And roughly how many times has President Bush issued such a signing statement?

JOHN YOO

I'm not in the administration any more.

HOUSE PROSECUTOR

Well, sir, while you were in the Administration, Bush issued over 750 such signing statements. That's about one every three days.

JOHN YOO

I don't know how you want me to respond to that.

HOUSE PROSECUTOR

Mr. Yoo, did you draft the torture memo?

JOHN YOO

I drafted an August 1, 2002 memorandum called "Standards of Conduct for Interrogation", which some have sensationalized with that pejorative rubric.

HOUSE PROSECUTOR

And that was during your tenure in the Justice Department's Office of Legal Counsel for Alberto R. Gonzales, counsel to President Bush, right?

JOHN YOO

Yes.

HOUSE PROSECUTOR

And how did this memo come into being?

JOHN YOO

The memo was written at the request of the CIA. They wanted authority to conduct more aggressive interrogations than were permitted prior to the terrorist attacks of September 11, 2001.

HOUSE PROSECUTOR

And who was being interrogated?

JOHN YOO

The interrogations were of suspected al-Qaeda members whom the CIA had apprehended outside the United States. The CIA asked the White House for legal guidance. The White House asked the Justice Department's Office of Legal Counsel for its legal opinion on the standards of conduct under the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment.

HOUSE PROSECUTOR

Well, if the president deems that he's got to torture somebody, including by crushing the testicles of the person's child, is there is no law that can stop him?

JOHN YOO

There's no treaty, no law by Congress, if that's what you mean.

HOUSE PROSECUTOR

And that's what you wrote in the August 2002 memo that went to the president, right?

JOHN YOO

I think it depends on why the president thinks he needs to do that. But I'm not on trial here.

HOUSE PROSECUTOR

But you are on the stand because your legal opinions are the poisonous source of the atrocities at Abu Ghraib, which the President either knew or should have known about. The President either knew or should have known about all of our other interrogation centers and -- as revealed by prisoners no longer in the CIA's secret prisons -- of the waterboarding and other tortures in those black sites. Your classified memorandum states that U.S. law against torture "prohibits only the worst forms of cruel, inhuman and degrading treatment." But what are those "worst forms" of coercive interrogation that are prohibited? The President is still working on that. In your August 2002 memo, you exquisitely narrowed the definition of torture to mean only the infliction of punishment equivalent in intensity to the pain of organ failure or even death.

JOHN YOO

Yes, that's right.

HOUSE PROSECUTOR

So, if the prisoner is still breathing, and still has his organs, keep getting him to talk!

JOHN YOO

I have no comment.

HOUSE PROSECUTOR

Washington Post reporters Barton Gellman and Jo Becker revealed that, you "signed off on a second secret opinion that approved as lawful a long list of interrogation techniques proposed by the CIA -- including waterboarding, a technique that the U.S. government has prosecuted as a war crime since at least 1901."

JOHN YOO

What's your point?

HOUSE PROSECUTOR

What I hear you say in the torture memo is that the president can order torture of anyone at any time, without restraint from Congress. But I'm here to tell you that this contravenes absolutely everything this country is supposed to stand for.

JOHN YOO

A lot of the arguments you make about America's standing in the world are all fine arguments, but those are not constitutional arguments.

HOUSE PROSECUTOR

Those are arguments on how, as a society, we should exercise this constitutional power.

JOHN YOO

If you say so.

HOUSE PROSECUTOR

If I hear you correctly, you are telling me that you would tell your client, the President of the United States, you may order pulling out somebody's fingernails. You may order having somebody's family member killed in front of them to extract information. Are you really saying that our Constitution allows a president to do that?'

JOHN YOO

Is there any Constitutional provision that prevents him from it?

HOUSE PROSECUTOR

As Nat Hentoff pointed out in his July 3, 2007 Village Voice piece, "Lest you think Yoo and his superiors are entirely bereft of compassion, the opinion refused to sanction one technique requested by the CIA -- threatening to bury a prisoner alive."

JOHN YOO

I enjoy reading Mr. Hentoff on jazz.

HOUSE PROSECUTOR

Mr. Yoo, did the United States government torture its enemies, as a matter of legally-approved policy, prior to the administration of George W. Bush?

JOHN YOO

Probably.

HOUSE PROSECUTOR

Cite me one instance. Give me a declassified legal opinion from any other president's administration that indicates he signed off on torture. You can't, can you? Because none exists. And believe me, if one did, you'd be waving it all over this chamber to bolster your argument.

JOHN YOO

You have no idea what has gone on in times of war.

HOUSE PROSECUTOR

But didn't the administration's own expert, Michael Scheuer, testify before Congress that when you torture, you get garbage and you can't rely on it?

JOHN YOO

I can't comment on another person's opinion.

HOUSE PROSECUTOR

But sir, isn't it a new low of moral depravity -- even for this President -- to torture just to show he's tough on terror?

JOHN YOO

In time you will learn that many legally-obtained confessions saved our country from other terror attacks.

HOUSE PROSECUTOR

You've said the threat of international terror is equivalent to the threat of the U.S.S.R. during the Cold War. I'd like to march through some comparisons. How many nuclear warheads did the USSR deploy at the height of the Cold War?

JOHN YOO

I don't know. Probably thousands.

HOUSE PROSECUTOR

20,000. How many does al-Qaeda have?

JOHN YOO

None that we know of. Thanks to this President.

HOUSE PROSECUTOR

How many soldiers were in the Red Army?

JOHN YOO

I know you'll tell me.

HOUSE PROSECUTOR

If I said 3 million, would you dispute that figure?

JOHN YOO

No.

HOUSE PROSECUTOR

How many in al-Qaeda?

JOHN YOO

When I was working for the President, we determined the number was countless. And more every day.

HOUSE PROSECUTOR

The equivalent of the Red Army? Most government figures put worldwide al-Qaeda membership at 2000. Where does the President get his intelligence? The same place he got intelligence on the slam dunk on finding WMD's in Iraq?

JOHN YOO

That wasn't my statement.

HOUSE PROSECUTOR

How many nuclear, biological warfare and chemical warfare scientists does al-Qaeda have?

JOHN YOO

I don't know.

HOUSE PROSECUTOR

How many first rate scientists did the USSR have developing those weapons -- researchers so brilliant they could win Nobels for their scientific prowess like Andrei Sakharov? And by comparison, how many does al-Qaeda have?

JOHN YOO

None, but the madrasas are pouring out these suicidal maniacs by the score. Fanatics who'll strap bombs to their chests and blow up hundreds of Americans thinking that will take them to heaven. These terrorists are much more dangerous, because they want a caliphate. They are much more worrisome than Soviet scientists or the KGB.

HOUSE PROSECUTOR

Have you written that we need not fear the secrecy of the Bush administration like we feared that of the Nixon administration because the Nixon people were bad and Bush's people are good?

JOHN YOO

That's true. The Bush administration is filled with good people who have no intent to violate the civil liberties of the American people and are doing everything possible to make them safer.

HOUSE PROSECUTOR

Were Vice President Cheney and Scooter Libby some of those good people?

JOHN YOO

Yes.

HOUSE PROSECUTOR

Were they the face of the Bush administration's benevolence in destroying Valerie Plame's career as a secret CIA operative when her husband revealed that Bush lied about the alleged Iraqi uranium purchase in Niger?

JOHN YOO

Nobody was ever indicted for the so-called "outing".

HOUSE PROSECUTOR

Was Donald Rumsfeld, at the President and Vice President's behest, one of those good people who sent US soldiers into harm's way without proper body armor to protect them?

JOHN YOO

He acted to stop al-qaeda in Iraq, if that's what you mean.

HOUSE PROSECUTOR

Was Alberto Gonzales one of those good people, who under the President's authority fired career US Prosecutors and replaced them with political hacks?

JOHN YOO

I won't respond to that.

HOUSE PROSECUTOR

Or was John Yoo one of those good people? An ideologue who did the President's bidding, by sanctioning acts that this chamber may find unconstitutional? Now please leave the Senate chamber.

(The Prosecutor watches Yoo as he slinks out, stage left. As Yoo leaves the stage, The Prosecutor turns to the audience.)

HOUSE PROSECUTOR

When these secret torture memos came to light, President Bush said he expected U.S. authorities to abide by the law. He declined to say whether he believes U.S. law prohibits torture. Well, just to make it perfectly clear, this country is a signatory to the Geneva accords, which prohibit torture. But more importantly, the Eighth Amendment of the United States Constitution, which is part of the U.S. Bill of Rights, prohibits cruel and unusual punishment. And the Detainee Treatment Act of 2005 also prohibits torture. But the President, in one of his infamous and unconstitutional signing statements, insisted he could flout the prohibition against torture to gather foreign intelligence.

(The Prosecutor sits.)

DEFENSE COUNSEL

I now call Nancy Pelosi to the stand.

(Pelosi enters stage right, goes to the witness table.)

DEFENSE COUNSEL

Isn't it true, Madame Speaker, that you were against this impeachment proceeding from the beginning?

NANCY PELOSI

Yes, but there comes a time, when --

DEFENSE COUNSEL

-- political necessity makes one change her mind.

NANCY PELOSI

If you're going to answer your own questions, may I be excused?

DEFENSE COUNSEL

Didn't you take impeachment off the table when you assumed the office of Speaker?

NANCY PELOSI

Yes, I did. And that was a mistake.

DEFENSE COUNSEL

Isn't it true that high crimes and misdemeanors are political crimes against the nation, chief of which that the accused subordinated the Constitution to advance the agenda of his political party or personal ambitions?

NANCY PELOSI

Yes.

DEFENSE COUNSEL

And isn't it true that the impeachment articles that have been drafted in this case accuse the President of violating his oath to support and defend the Constitution above all other agendas?

NANCY PELOSI

Yes.

DEFENSE COUNSEL

Then aren't you guilty yourself of what you accuse President Bush of doing? All you need do is substitute Nancy Pelosi in the article of impeachment for President Bush, Vice President Cheney and the accusations would be identical, wouldn't they?

NANCY PELOSI

That's absurd. I haven't lied to the public and dragged them into a needless war. I haven't issued signing statements that steal powers from Congress. I haven't tortured or suspended habeas corpus or spied on Americans without a warrant.

DEFENSE COUNSEL

You've financed them, haven't you? Which of the impeachable crimes the President and Vice President are accused of did you not finance?

NANCY PELOSI

You're making a travesty of these proceedings.

DEFENSE COUNSEL

But, Madame Speaker, isn't Congress constitutionally mandated to control the power of the purse?

NANCY PELOSI

Yes, but --

DEFENSE COUNSEL

And doesn't the executive branch have to come to you if they want to buy anything from a nuclear weapon to a paper clip?

NANCY PELOSI

Yes, however --

DEFENSE COUNSEL

Then how could the President and Vice President have committed any impeachable offenses if you hadn't authorized the funds that allowed them to?

NANCY PELOSI

They circumvented the law.

DEFENSE COUNSEL

Isn't it true, Madame Speaker...

(Now he goes to face the audience)

DEFENSE COUNSEL

...that you only put impeachment on the table when that table was so full of letters from your constituents calling for your defeat that it was about to break?

NANCY PELOSI

Initially I didn't feel it was prudent to impeach the President because I was afraid we didn't have the votes to convict.

DEFENSE COUNSEL

But with your chances at re-election dimming, suddenly you had an epiphany. You wrapped yourself in the Constitution and called for the President and the Vice President's impeachment, didn't you?

NANCY PELOSI

My job is to represent the people of my district, and as the speaker of the House, the whole country. Do you think I was only hearing from Democrats?

(MORE)

NANCY PELOSI (CONT'D)

Republicans, Independents, people from all over the country. The people spoke out for impeachment, and I obeyed.

DEFENSE COUNSEL

Isn't it a fact that you put impeachment back on the table when you heard footsteps? You knew all these facts on January 2, 2006 when you assumed the role of Speaker. But you didn't act until now. So this impeachment is purely political.

NANCY PELOSI

No. It is pure democracy. Pure constitutional democracy.

DEFENSE COUNSEL

Isn't this impeachment really just about you getting re-elected and staying in power and the Democrats holding onto Congress?

NANCY PELOSI

No. If we wanted to play it safe, we wouldn't be here today.

DEFENSE COUNSEL

And meanwhile our country and our president are distracted from fighting the terrorists. You give al-Qaeda hope that our resolve is weak and encourage them to fight on to victory and kill more Americans.

NANCY PELOSI

No. American blood is on the President's hands.

DEFENSE COUNSEL

But I hear you saying, "out, out damned spot." Remember, you are under oath, Ms. Pelosi. Can you swear that you would have brought this resolution if we were on the brink of victory in Iraq?

NANCY PELOSI

What we're PAST the brink of...is a constitutional crisis. And yes, I would have, because the President and Vice President are guilty of high crimes and misdemeanors.

(almost lamenting)

That, and because of the two million emails I got.

DEFENSE COUNSEL

If anyone believes you, they believe in alchemy or a perpetual motion machine. In fact there is a perpetual motion machine. It's your mouth and it's perpetually lying. I have no more questions.

(The House Counsel sits at the defense table.
The Prosecutor rises from the prosecution
table.)

HOUSE PROSECUTOR

Ms. Speaker, were the political motivations of your decision to impeach any different from those of the Congressmen who impeached Andrew Johnson, Richard Nixon or William Jefferson Clinton?

NANCY PELOSI

Of course not.

HOUSE PROSECUTOR

(looking at the Defense Counsel)

You think Tom Delay had read the Constitution? Isn't the Defense Counsel the pot calling the kettle black? Look at the political motivations behind the impeachment of Nixon and Clinton.

NANCY PELOSI

Not only that, when Gerald Ford was in the House -- with the help of Nixon and John Mitchell -- he tried to impeach Supreme Court Justice William O. Douglas and cynically remarked: "an impeachable offense is whatever the majority of the House of Representatives considers it to be at a given moment in history." That's the way things work. Does that absolve President Bush from his egregious crimes? No. There are political calculations in an impeachment proceeding. If that's the only way this President can be brought to justice, then so be it.

HOUSE PROSECUTOR

Didn't the founders put impeachment in the Constitution because the President is more dangerous than any single member of Congress or Congress itself?

NANCY PELOSI

Exactly. Look at the destruction to our armed forces, our economy, our standing in the world the President has caused. All because he can act unilaterally with all the force of military power and secrecy. Even if our motivations were the same, the danger is vastly different with the executive than a member of Congress, even the Speaker.

HOUSE PROSECUTOR

Counsel is trying to create a new standard of political purity in the impeachment process that has never and will never exist. Thank you, Ms. Speaker.

(Nancy Pelosi leaves the witness table, exits stage right. The Prosecutor sits at the prosecution table. The Defense Counsel rises. It's game time.)

DEFENSE COUNSEL

In many trials, the defendant refuses to take the stand, because he's afraid of incriminating himself.

(MORE)

DEFENSE COUNSEL (CONT'D)

But our President has nothing to hide. Therefore, I call to the stand President George W. Bush.

(PRESIDENT BUSH strides confidently onto the stage from stage left, waves and smiles to the audience. He stands downstage center, ignoring the witness table.)

(Dick Cheney takes a seat on the front row, gazes intently at the President during his testimony.)

DEFENSE COUNSEL

Mr. President, how do you fight an enemy like al-Qaeda?

(Note: President Bush's speeches are -- as in real life -- peppered with malapropisms, less than perfect grammar and mispronunciations.)

PRESIDENT BUSH

Osama bin Laden says holy war, jihad, is everywhere. So you have to take big steps to stop a monster like this. Why have there been no terrorist attacks on American soil since 9/11? Why have the terrorists not acquired nuclear weapons and used them on us? Because we've gone on offense, taken the fight to the terrorists in Afghanistan, Iraq, the Philippines -- any place in the world, including inside our own borders, to keep us free. Make no mistake, if I hadn't taken some of the actions I'm on trial for today, this very body might not be sitting here today. Less anyone forget, United Flight 93 was headed for Washington, DC targeting the United States Congress.

DEFENSE COUNSEL

Your alleged abuses of power have been compared to those of Richard Nixon, which ultimately led to his impeachment by the House Judiciary Committee and his resignation. How would you respond?

PRESIDENT BUSH

Nixon allowed his aides to testify and it brought him down. Now during my administration, I've told my men to not even go before Congress, much less testify. What was Congress' response? Did they cut off the appropriations I asked for? No. Did they hold up confirmation hearings? No.

DEFENSE COUNSEL

In fact, Congress desisted from any of its checking power -- including naming a special prosecutor -- that it could have employed to retaliate against your refusal to permit your current or former employees from testifying. Because such testimony would have endangered our national security.

PRESIDENT BUSH

Right. By their actions, it was clear Congress wanted me to be as aggressive as I've been in the War on Terror.

DEFENSE COUNSEL

Of course that's when Congress was controlled by your own party right?

PRESIDENT BUSH

No. It's been true since '06 when the Democrats took over control of both houses. That's why I can't understand why they impeached me. They approved and funded everything I did. Like when I issued a presidential signing statement declaring we have the right to aggressively question suspected terrorists if we think it necessary to gather foreign intelligence, the chief sponsor of the legislation opposing it, John McCain, said nothing.

DEFENSE COUNSEL

Why do you think you're being tried, Mr. President?

PRESIDENT BUSH

Pure politics. My poll numbers are so low that the Democrats in Congress think they can get re-elected by kicking me when I'm down.

(Bush starts to get excited, moves back and forth on the stage, speaking to the audience)

PRESIDENT BUSH

And do you see any candidates for President repudiating the powers I've claimed? They'll use 'em if they take over.

DEFENSE COUNSEL

Mr. Fein, who authored these impeachment articles, testified earlier. He sent the American Freedom Agenda's pledge to all the candidates -- seeking their repudiation of the things the President has done and claimed. The pledge states that whoever signs it agrees to end the use of military commissions to prosecute enemy combatants, restore habeas corpus, end torture of captives, end domestic wiretapping without a warrant, and end presidential signing statements. None of the candidates, including Ms. Clinton, have signed it.

PRESIDENT BUSH

That's right. Ask her right now if she'll put her John Hancock on it. She won't. She knows, as did her husband, as do I, the necessity of the President doing what he needs to do in times of war.

JOHN ROBERTS

Mr. President.

(But Bush ignores him, moves right to the front of the stage, looks directly to where Senator Clinton would be sitting in the audience.)

PRESIDENT BUSH

You can't vote against me unless you condemn President Clinton for military action in Kosovo and Bosnia without Congressional approval. Did they pose a danger to the US? He fired rockets into Khartoum and Afghanistan without Congressional approval. You accuse me of adding signing statements to laws. Clinton did too.

JOHN ROBERTS

Uh, Mr. President.

(He looks at The Defense Counsel, who shrugs, "what do you want me to do?")

PRESIDENT BUSH

Why didn't Congress impeach him for that instead of the Lewinsky thing? And if you think I'm so bad, why did ya'll stop Senator Feingold's efforts to censure me?

JOHN ROBERTS

Really, Mr. President. I must --

(Bush walks along the edge of the stage, calling out to the audience.)

PRESIDENT BUSH

-- Who are you to accuse me? You went along with me. You funded every single aspect of the war on terror. If you thought something was unconstitutional, why didn't you just stop giving me the money to fund it?

JOHN ROBERTS

Counsel?

DEFENSE COUNSEL

Sorry, your honor.

(The Defense Counsel crosses from his defense table to the President.)

DEFENSE COUNSEL

Mr. President, your point is that Congress recognized its subordinate role in wartime and cooperated with you.

PRESIDENT BUSH

Exactly. I worked with Congress. If they would have objected to what I was doing, they shoulda' said somethin' five, six years ago. You all to want to take me out now? That's like disownin' your kids for buyin' expensive clothes at the mall when you gave 'em the credit card.

DEFENSE COUNSEL

Thank you, Mr. President.

(The Defense Counsel guides Bush back to the witness table whispers something to him. Bush nods and sits. The Defense Counsel sits at the defense table.)

(House Prosecutor rises from the prosecution table.)

HOUSE PROSECUTOR

Mr. President, how long have we been fighting the Iraq War?

PRESIDENT BUSH

Uh, about 5 years now.

HOUSE PROSECUTOR

Isn't that longer than we fought World War II?

PRESIDENT BUSH

I think it's pretty close. '39 to '45. That was about six years.

HOUSE PROSECUTOR

Actually, our involvement started on December 7, 1941 with the bombing of Pearl Harbor.

PRESIDENT BUSH

That's what I meant, of course.

HOUSE PROSECUTOR

How much do you suppose this war will cost this country?

PRESIDENT BUSH

Whatever the cost, if it saves American lives from the terrorists, it's worth it.

HOUSE PROSECUTOR

Some put the figure at two trillion dollars, don't they?

PRESIDENT BUSH

That's a wild estimate.

HOUSE PROSECUTOR

How many American solders have died in the Iraq War?

PRESIDENT BUSH

Ah, over four thousand, I believe.

HOUSE PROSECUTOR

Four thousand deaths...and counting.

(MORE)

HOUSE PROSECUTOR (CONT'D)

Two trillion dollars for an unnecessary and illegal war that was launched under false pretenses by you and Vice President Cheney telling the American people, repeatedly, that Iraq was an imminent threat, when it was not.

PRESIDENT BUSH

George Tenet said it was a "slam dunk". We put...er, didn't you read Woodward's book?

HOUSE PROSECUTOR

Actually Woodward reported that you yourself were not impressed by the intelligence. And all you cared about was how you were going to sell the American people on your war. Isn't that right.

PRESIDENT BUSH

No. He jumped off the couch, was waving his arms all in the air. It's a slam dunk Saddam has unconventional weapons, he said.

HOUSE PROSECUTOR

We heard sworn testimony from Mr. Tenet which disputes that account. But the most interesting thing we learned from him, backed up by what's now been declassified, were all the times you and the Vice President came before the public making statements that there was "no doubt" Saddam has WMDs. Statements that either were backed by no intelligence analysis whatsoever, or depicted suspicion as certainty. If I might paraphrase Mr. Cheney, there is "no doubt" you both lied the American people into this war.

PRESIDENT BUSH

Our brave armed forces know that we have to fight al-Qaeda over there to keep the terrorists from comin' here and killin' more Americans like they did on 9/11.

HOUSE PROSECUTOR (CONT'D)

That makes a nice bumper sticker, but really, Mr. President, can you present any evidence of terrorist activity in Iraq prior to your invasion? Any evidence that shows that Iraqis were planning a terrorist attack or harboring those that were?

PRESIDENT BUSH

Our intelligence at the time showed a clear link between Saddam and al-Qaeda.

HOUSE PROSECUTOR

That's not in the 2002 NIE, and you know it and now we know it. Isn't it a fact, Mr. President, that your illegal invasion of Iraq has caused the deaths of more Americans than were killed on 9/11?

PRESIDENT BUSH

No. The invasion kept the terrorists from coming over here and attacking again.

HOUSE PROSECUTOR

How many of the 911 terrorists were Iraqi, Mr. President?

PRESIDENT BUSH

Quite a few...some, I believe. I know some were from over there in that region.

HOUSE PROSECUTOR

Over there.

PRESIDENT BUSH

Yes. The Middle East.

HOUSE PROSECUTOR

What if I told you fifteen were from Saudi Arabia, two were from the United Arab Emirates, one was from Egypt and one was from Lebanon? Would that sound about right?

PRESIDENT BUSH

Yes. I believe so.

HOUSE PROSECUTOR

And how many from Iraq?

PRESIDENT BUSH

Like I said, Lebanon, Saudi Arabia. They're all close to Iraq. People filter in and out through those porous borders, you know. We're still trying to keep the Iranians from doing that today. Killing American soldiers. They bring those IED's. Very sophisticated weaponry.

(I want him to mispronounce sophisticated.)

HOUSE PROSECUTOR

I want to turn now to your invasion of privacy of Americans in violation of the 4th Amendment. Mr. President, can you give a single instance, if you had applied to FISA, that information you were seeking would have been lost because of the delay?

PRESIDENT BUSH

We've picked up some very important terrorist transmissions during our surveillance.

HOUSE PROSECUTOR

Really what you've done is just gone out and captured everyone's conversations. That is a violation of FISA and the 4th amendment, isn't it?

PRESIDENT BUSH

That's all in the past now. We've come to an agreement. Congress voted for it.

HOUSE PROSECUTOR

Some people try to learn from their mistakes and change. Now, Mr. Bush, under the old law or the revised version, when you pick up information on a US citizen, you have to destroy it after 72 hours, unless you can prove you need that information to prevent harm. But you want to keep everything in the database forever. Isn't that a violation of the 4th Amendment of the Constitution which you have sworn to uphold?

PRESIDENT BUSH

Like I said, we've come to an agreement.

HOUSE PROSECUTOR

No president -- not Carter, Reagan, your father, or Clinton -- ever said FISA wasn't enough in the 30 years since its inception. Up until your administration, all the crises that required going to FISA to get a warrant for surveillance: the Achille Lauro hijacking, the taking of American hostages in Teheran, the threat of nuclear annihilation by the Soviet Union, we managed to make it through by going through FISA and not breaking the law.

PRESIDENT BUSH

This threat is different. This war is forever.

HOUSE PROSECUTOR

Mr. President, did you take an oath to defend and protect the Constitution and to make sure the laws of the land are faithfully executed?

PRESIDENT BUSH

That's what I've been doing these eight years.

HOUSE PROSECUTOR

Following the letter of the FISA law -- the law of the land -- couldn't you get any legitimately needed wiretap approved? Why did you have to make yourself a wiretap criminal?

PRESIDENT BUSH

I am not a criminal.

(Here Bush looks remarkably like Nixon saying,
"I am not a crook.")

HOUSE PROSECUTOR

Then where are the interdictions? Where are the prosecutions?

PRESIDENT BUSH

There are cases we just can't discuss right now. But history will show that the steps we took in a variety of cases kept America safe from the terrorists.

HOUSE PROSECUTOR

What cases? Who has been tried? What were they accused of?

PRESIDENT BUSH

No. You're confusing things. We stopped 'em before they could act.

HOUSE PROSECUTOR

Then why can't you tell us about these cases? I'm sure if Congress was informed in secret of these interdictions they would be more inclined to back you.

PRESIDENT BUSH

We can't tell 'em because they might leak classified information.

HOUSE PROSECUTOR

Really? Didn't you and the Vice President declassify and leak information to get back at CIA Agent Valerie Plame and her husband Joseph Wilson for debunking your false claims of Weapons of Mass Destruction in Iraq to justify the war?

PRESIDENT BUSH

There was no conviction for leaking anything in that case.

HOUSE PROSECUTOR

But you commuted the sentence of Lewis Libby, who was convicted of lying and obstruction of justice.

PRESIDENT BUSH

Yes. His sentence was excessive. Hell, if I was ever convicted of anything and I thought the verdict was wrong, I might commute my own sentence. Or even pardon myself.

A hush falls over the Senate. It takes The Prosecutor a moment to recover.

HOUSE PROSECUTOR

Fortunately for our country, that is not an option in this trial. Now, Mr. President, how many warrantless interceptions of Americans' conversations and emails are going on?

PRESIDENT BUSH

This is a law I don't have to comply with when national security is at stake.

HOUSE PROSECUTOR

Is there ever a time when you would have to comply with it?

PRESIDENT BUSH

Every case of a suspected terrorist is given a very thorough going over before we decide the appropriate way to react.

HOUSE PROSECUTOR

How many such cases have there been? Millions and billions? Could you destroy somebody with this? What is preventing you? The law? You told us this is a law you don't have to comply with. So what is protecting Americans? How do you decide who to spy on? Are they your critics?

PRESIDENT BUSH

It's classified.

HOUSE PROSECUTOR

During your reelection campaign in 2004, you reassured the American people, and I DO quote, "Any time you hear the United States government talk about wiretap, it requires, a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so." End quote. How do you think the American people would have felt if they knew -- at that exact moment you were breaking the law and violating their privacy?

PRESIDENT BUSH

We can't let the terrorists know what we're doing, but those in Congress who needed to know were informed.

HOUSE PROSECUTOR

You haven't made this information available to Congress in closed session, have you?

PRESIDENT BUSH

Sure we have. Speaker Pelosi knew what we were doing all along. I think the reason she held off on impeachment so long was that she knew she was as guilty as I was.

HOUSE PROSECUTOR

So you're admitting you are guilty of high crimes and misdemeanors.

PRESIDENT BUSH

No, I, ah, misspoke all over myself just then. I meant something else.

HOUSE PROSECUTOR

What did you mean?

PRESIDENT BUSH

I meant that if I had been guilty, she woulda been guilty too. That's what I said and that's what I meant. Let the record show.

HOUSE PROSECUTOR

What are you even talking about?

PRESIDENT BUSH

Let the record show what I meant, not what I said, damn it.

JOHN ROBERTS

Uh, Mr. President.

PRESIDENT BUSH

I'm sorry, sir. I just meant that it was only political pressure that made the Speaker act. She's as guilty --

HOUSE PROSECUTOR

-- as you are. Yes sir, you've told us that.

PRESIDENT BUSH

No. Guilty of starting this political motivated exhibition three months before the election.

JOHN ROBERTS

Let's go back to your questioning.

HOUSE PROSECUTOR

Yes, sir.

(She turns to Bush.)

HOUSE PROSECUTOR

So let me understand this. Under your theory, anything that alerts the enemy to what our spying methods are shouldn't be revealed, right?

PRESIDENT BUSH

Right.

HOUSE PROSECUTOR

Doesn't the FISA statute reveal that we have a method of getting warrants?

PRESIDENT BUSH

Yes.

HOUSE PROSECUTOR

Then why was the most recent FISA amendment debated in public? What is the limiting principle?

PRESIDENT BUSH

We can't let them know where to strike.

HOUSE PROSECUTOR

They know. Even here today, haven't you tried to scare us into thinking this very building might have been destroyed if it weren't for your illegal and unconstitutional actions?

PRESIDENT BUSH

It might have.

(He looks around, as though expected a suicide bomber any minute.)

HOUSE PROSECUTOR

The scary thing is I can't tell if you actually believe your lies.

(Bush realizes he's been caught and faces front.)

HOUSE PROSECUTOR

But warrantless surveillance had nothing to do with 9/11, did it? You had no surveillance on September 11, warrantless or otherwise, or the attacks never would have happened. Despite the fact that FBI agents in your Justice Department were ignored when they tried desperately to report that people from Saudi Arabia were learning in US flight schools how to take off jets but not how to land them.

PRESIDENT BUSH

But since then, there've been no attacks. See? It's working. We're working together to save our country.

HOUSE PROSECUTOR

But aren't Americans being attacked every day now...in Iraq? They don't have to try to come here to attack us, because you've made it so much easier for them to attack us over there, haven't you?

PRESIDENT BUSH

No.

HOUSE PROSECUTOR

No passport needed. No worries about the Border Patrol or the INS. Just go to Iraq and kill Americans.

PRESIDENT BUSH

Mark my word, they will come here and destroy us if we don't destroy them over there.

HOUSE PROSECUTOR

Destroy? Do you have to destroy the country to save it? Do you have to destroy the Constitution and our democracy to save it? Does everything have to be secret?

PRESIDENT BUSH

The enemy's everywhere. We have to guard against it.

HOUSE PROSECUTOR

I suppose it is conceivable that al-Qaeda might find it harder to target us if we had a totally secret government. If we want to really protect every American, why not have a police state where political opponents are jailed for speaking out, where people are arrested for assembling or practicing their religion?

PRESIDENT BUSH

Look, you don't have any idea what we have to do to protect you.

HOUSE PROSECUTOR

Don't patronize me, Mr. President -- any more than you already have for the past seven years. You say in a signing statement that you should be able to kidnap and secretly torture our suspected enemies abroad, don't you?

PRESIDENT BUSH

When we capture our enemies abroad, we question them aggressively. That is saving lives, protecting us.

HOUSE PROSECUTOR

Is torturing and kidnapping and killing innocent people part of protecting us too?

PRESIDENT BUSH

We don't kidnap and we don't do torture. That's un-American.

HOUSE PROSECUTOR

I refer to the article in *The New York Times*, published on October 4, 2007 disclosing a previously-secret Justice Department opinion on what sorts of interrogation methods you instructed the CIA to use, and published reports that the CIA is indeed using these methods, don't they?

PRESIDENT BUSH

Lives have been saved by the aggressive questioning of suspects and any interrogations have been complied with the country's international obligations and have been fully told to appropriate members of Congress -- some of whom impeached me and sit in judgment on me in this very room.

HOUSE PROSECUTOR

Well maybe those of us who did not stop you sooner are ashamed of ourselves.

PRESIDENT BUSH

Look, when we find someone who may have information about a potential attack, you bet we're going to detain them and you bet we're going to question them. Because the American people expect us to find out information, so we can protect 'em. That's what they elected me to do. Twice. This government does not torture people. We stick to U.S. law and our international obligations.

HOUSE PROSECUTOR

How would you feel, Mr. Bush, if one of your daughters, if she were serving in Iraq, was captured by al-Qaeda and, in violation of the Geneva Conventions, was repeatedly hit on the face or hung by her arms for four hours, or was nearly drowned and then thrown in an ice-cold room and kept there for days?

PRESIDENT BUSH

Geneva Conventions?

(MORE)

PRESIDENT BUSH (CONT'D)

You think these terrorists abide by the Geneva Conventions. Hell, they decapitate our soldiers. Hang them, burn them.

HOUSE PROSECUTOR

So it's OK if we stoop to their level, in your view?

PRESIDENT BUSH

I've put this program in place for a reason, that is to better protect the American people. There are highly trained professionals questioning these extremists and terrorists and they're going to get the information to protect the American people.

HOUSE PROSECUTOR

And yet you repeatedly refused to turn over your secret internal opinions on the subject of torture. The excuse we keep getting, that they are executive work product, is disingenuous at best, and dishonest at worst.

PRESIDENT BUSH

I don't know how many times I have to say it.

HOUSE PROSECUTOR

Is that kind of what you meant when you said, and I quote, "In my line of work you have to repeat things over and over, to catapult the propaganda."?

PRESIDENT BUSH

The techniques that we used have been fully disclosed to appropriate members of this Congress. None of them, not one, questioned us on this. They went along with it. If you're going to impeach me for what you're calling unconstitutional acts then they ought to be impeached too.

HOUSE PROSECUTOR

Why do you continue to keep secret those you have, as you put it so euphemistically, "detained?"

PRESIDENT BUSH

If the enemy finds out who we've detained they might close down a cell and re-form it some place else and then strike us.

HOUSE PROSECUTOR

So to maximize the guessing game, we should never publicize any detainee at any time relevant to defeating international terrorism.

PRESIDENT BUSH

Right!

HOUSE PROSECUTOR

So shouldn't we shut down the whole court system? We can't have open trials, can we?

PRESIDENT BUSH

That's ridiculous.

HOUSE PROSECUTOR

We can't tell the American people who we have captured and who is being tried, can we?.

PRESIDENT BUSH

We have military tribunals for terror suspects. The rest of the country operates under the court system we have in place.

HOUSE PROSECUTOR

Are there any limits? Shouldn't ordinary policemen have the power to just break in anywhere and do anything in order to solve a crime?

PRESIDENT BUSH

'Course not.

HOUSE PROSECUTOR

What about organized crime? Why do we have open trials for them? If they know how they're going to be arrested and tried, they could change their operations too, couldn't they?

PRESIDENT BUSH

The Mafia aren't terrorists.

HOUSE PROSECUTOR

They aren't? Don't they terrorize people who don't play ball with them, make gangland hits?

PRESIDENT BUSH

Really now.

(He looks up at Roberts, who's keeping a poker face.)

HOUSE PROSECUTOR

The way you've run roughshod over the Constitution that you've sworn to protect, preserve and defend, all our rights are at the sufferance of the President, aren't they? In the Declaration of Independence, didn't Jefferson write that our rights are inalienable?

PRESIDENT BUSH

I want you to go back in time with me to another time when our country was under attack. To the Civil War.

(Now Bush walks downstage, to the very front of the stage, appeals to the audience.)

PRESIDENT BUSH

Congress wasn't in session when Lincoln ordered Union officers to arrest the secessionists and cut off their access to

(MORE)

PRESIDENT BUSH (CONT'D)

Confederate-sympathizing courts that would have just released them.

HOUSE PROSECUTOR

Congress was in session while you suspended habeas corpus.

PRESIDENT BUSH

Why didn't they object, then?

HOUSE PROSECUTOR

The differences between you and Lincoln are staggering, but after Congress returned to session, Lincoln reminded them that they had the power to impeach him, and he asked for a vote affirming his course of action.

PRESIDENT BUSH

And Congress gave 'im that approval. But I don't need that. You been approving everything I been doing all along.

HOUSE PROSECUTOR

Up till now. Lincoln's suspension of habeas corpus was to get us over a hump. He acted in a short-term, measured way because our country faced the imminent threat of the destruction of the Union. But you abolish Constitutional protections for seven years because of occasional, scratchy cassette tapes or home movies from Osama bin Laden, halfway around the world suggesting nebulous threats.

PRESIDENT BUSH

Lincoln kept his suspension of habeas corpus going till the courts reversed it five years later. But there's a bigger issue here. You can't compare the threat of some ragtag group of Rebs firing muskets to the Weapons of Mass Destruction these terrorists have.

HOUSE PROSECUTOR

You're joking, right? WMD's?

PRESIDENT BUSH

Whada you think the liquid bombs were that Scotland Yard found in Britain? What about the hydrogen bombs the Germans found -- with the help of the CIA?

(The Defense Counsel rises, interjects quietly.)

DEFENSE COUNSEL

Uh, hydrogen peroxide bombs.

HOUSE PROSECUTOR

No matter what you thought you were doing to protect this country, you broke the law. That is an impeachable offense. And that is why we are here today.

PRESIDENT BUSH

Yeah. Whatever. Point is, if they don't have 'em now, they'll get 'em. Bombings in England. Train bombs in Spain. Bali. Don't you see how serious these guys are? Guess not.

HOUSE PROSECUTOR

Mr. President, you continue to insist that no matter what law you ask Congress to enact you can still flout that law if it restricts your capability to gather foreign intelligence. And that you can keep your defiance secret forever. Don't you see those are impeachable offenses?

PRESIDENT BUSH

This is the greatest danger to Western civilization in the history of the world. We will have a Muslim Prince, ruling over an Islamic Fascist state if we don't act decisively on every threat. I'd rather die than have my liberties and the country destroyed. So I have to take risks. Risks are necessary for freedom. That's why we've had to take the actions we have, even if they're unpopular.

HOUSE PROSECUTOR

Or illegal. But haven't we stopped actual terrorists like Zacarias Moussawi, the 20th hijacker, Jose Padilla and John Walker Lindh by prosecuting them in ordinary courts, without resort to any extraordinary procedures and without the use of any evidence obtained by illegal wiretapping or torture?

PRESIDENT BUSH

Some of those cases are pending, so I can't comment on them.

HOUSE PROSECUTOR

Isn't even Osama bin Laden under indictment by a federal grand jury slated for trial in a civilian court, not a military commission?

PRESIDENT BUSH

When we catch him, we'll make the determination about where the best place to try him is.

HOUSE PROSECUTOR

So I put it to you, even if you stop one terrorist through kidnapping, torture and killing innocent people, don't you create ten more?

PRESIDENT BUSH

It doesn't work that way in the real world.

HOUSE PROSECUTOR

Isn't what you're doing like bombing cockroaches with garbage? And then you wonder why there are more and more cockroaches every day.

PRESIDENT BUSH

And we're going to get ever' one of those cockroaches. No matter what rock they try to hide under.

HOUSE PROSECUTOR

Mr. Bush, are you familiar with Article 3 of the Geneva Conventions?

PRESIDENT BUSH

I...yes. It's about war and what you do.

HOUSE PROSECUTOR

Do?

PRESIDENT BUSH

Yeah. In wartime. How you...

(He looks over at Cheney, The Defense Counsel -- anybody who might be able to throw him a life ring.)

HOUSE PROSECUTOR

Doesn't Article 3 prohibit murder, cruel, humiliating and degrading treatment and torture of military prisoners?

PRESIDENT BUSH

Yes. That's what I said.

HOUSE PROSECUTOR

Do you recall while still White House counsel, Alberto Gonzales wrote that Article 3 was, quote "quaint" end quote?

PRESIDENT BUSH

No, I can't say as I do.

HOUSE PROSECUTOR

You would never refer to the Constitution as an outdated document, would you, sir?

PRESIDENT BUSH

No way.

HOUSE PROSECUTOR

For you, the Constitution of the United States is, quote, "Just a God damned piece of paper," end quote, isn't it, sir?

PRESIDENT BUSH

(mad as hell. She has really struck a nerve.)

I don't know what the hell you're talking about.

HOUSE PROSECUTOR

Isn't that what you said? Three different Republican witnesses concur that those were your exact words.

PRESIDENT BUSH

(trapped. Now trying to make nice.)

Heh-heh. That was taken way out of context.

HOUSE PROSECUTOR

So you don't deny that in the Oval Office, in November, 2005 you told Congressional leaders, "Stop throwing the Constitution in my face. It's just a god damned piece of paper?"

PRESIDENT BUSH

(with a sheepish grin on his face)

I want to thank the Congresswoman for a really good prosecution. Spirited, lively, and just...good.

HOUSE PROSECUTOR

Mr. President,

(then looking at Cheney)

Mr. Vice President, I think it's time to turn the lights out on your administration.

(Bush heads toward the defense table, sits next to The Defense Counsel, pats his back, flashes a victorious smile at him. The Defense Counsel isn't so sure.)

JOHN ROBERTS

The Prosecution will now give its closing statement.

The stage lights dim. A single, tight spot illuminates The Prosecutor.

HOUSE PROSECUTOR

Who are we? Who ARE we, as the people of these United States? Are we NOT these pieces of paper, our Constitution?

(She holds up a copy for the audience)

HOUSE PROSECUTOR

This President and Vice President, were sworn to protect, preserve and defend these pieces of paper. And if they would not, if they committed high crimes and misdemeanors, then impeachment is the remedy provided here. The men who wrote these pieces of paper had an omnipotent king. To stand up to him, they sacrificed their fortunes and even their lives. When they wrote the words in our Constitution, they knew the greatest future threat was that there be another such concentration of power, on our own shores, and that like the king's, that it would not be accountable to the people. And how would such power arise? Would it not start by spreading and exploiting fear, to terrorize us into surrendering our precious freedoms, clause by clause, word by word, until there was nothing left of them but shreds? And THAT is what this President and Vice President have done.

(She moves across the front of the stage, looking directly into the eyes of each audience member.)

HOUSE PROSECUTOR

By their own sworn testimony, they admitted they illegally wiretapped us all, then lied about how extensive those wiretaps were. By their own sworn testimony, when they were found out, they admitted they tried to scare Congress into saying it was all right. By their own sworn testimony they admitted they violated the Geneva conventions in order to torture the guilty and innocent alike. By their own sworn testimony they tried to frighten us into saying that was all right too. When, for political purposes, they outed an undercover CIA agent, working to protect us from real dangers, that was an act of treason on the spot. By their own testimony and public pronouncements, the President and Vice President say that are bound by no laws, not even the ones they sign themselves, not even their own signing statements, which defy the laws Congress has passed. By their own sworn testimony, they tell us, because of who the terrorists are, that we must tear up these pieces of paper, this Constitution.

(Now she goes back and faces Bush.)

HOUSE PROSECUTOR

But this impeachment trial is not about who the terrorists are. This trial is about who we have become under this President and Vice President. We, the people of the United States, who set the moral standard for the world in times of peace and war, have, under their leadership, become an immoral nation. In World War 2, over 130,000 Americans gave their lives to free the innocent who were being tortured and stop the killing in concentration camps. And now we operate camps that torture, humiliate and kill the innocent. When an innocent person is tortured or kidnapped in our name, in that moment, have we not become the terrorists? When innocent people are killed in our name, because we are told they were "suspected" terrorists, how long will we let them call it collateral damage, before we understand that the most terrible damage is to our own soul as a nation. For despite what the President says, this is not just a damn piece of paper. This is our Constitution. This is what constitutes us as a nation. Our forefathers fought and died for these pieces of paper.

(She flips through them for Bush.)

HOUSE PROSECUTOR

These pieces of paper, and the precious words on them. These words...

(She chokes up. After a moment, she composes herself.)

HOUSE PROSECUTOR

4000 brave men and women, many barely out of childhood, who fought and died in Iraq these 5 long years, gave their lives because they trusted a President and Vice President who lied to them, and to us. But they did not die in vain! Because they died for...

(Passionate. She turns to face the audience and holds up the Constitution)

HOUSE PROSECUTOR

...These words. And these words call on us now, to convict the President and the Vice President for what they have admitted they have done.

(She looks at Bush and Cheney. Bush squirms in his seat. Cheney is tight-lipped, impassive.)

(She walks to the front of the stage, faces the audience.)

HOUSE PROSECUTOR

Ladies and gentlemen of the United States Senate, I put it to you. If George Bush and Dick Cheney are not guilty of high crimes and misdemeanors, then those terms, the impeachment clause, the constitution itself and even our nation, will no longer have any meaning.

(She sits down, spent.)

JOHN ROBERTS

The Defense's closing statement.

(The Defense Counsel rises, but Bush stops him and rises. He moves downstage and looks directly out into the audience.)

PRESIDENT BUSH

Let's say you do convict me. That's all right. But I don't think you will. My term's about over anyway. I'm sprinting for the county line.

DEFENSE COUNSEL

Uh, the finish line?

PRESIDENT BUSH

Yeah, that too. And you know what? I get emails too. Lots of emails. Lots and lots. How many?

(He turns to The Defense Counsel.)

DEFENSE COUNSEL

Thousands.

PRESIDENT BUSH

(now totally delusional)

And phone calls. Yeah, lots of phone calls, telling me I'm best president ever. Better than Lincoln, better than Washington, better than all of 'em. See, I'm the commander. In Chief. And when they write those history books, I'll be right up there, you'll see. So what are we doin' here -- 'specially when you approved of everything I did? Bottom line is, the people are behind me. They're on my side. They know that while they sleep, I'm protecting them from the terrorists and keeping America safe. They know that when they tuck their children in bed at night, that I'm awake. I'm on guard. I'm vigilant. And I'll be damned if I will let a terrorist harm a single hair on a single head of their children. That's why I'm still here, protecting you, keeping you safe. And that's why I'll finish out my term as your President. Thank you and God bless you. God bless America.

(Bush goes over to a stunned Prosecutor, and smiling like a campaigner, shakes her hand vigorously. Then he heads over to The Defense Counsel and claps him on the back. He turns, points up at Roberts, smiles. Then he turns back to the audience.)

PRESIDENT BUSH

See ya'll Monday.

JOHN ROBERTS

Thank you all for conducting such a decorous and respectful trial. Counsel, witnesses, spectators and the press will now leave the Senate to reach its verdict.

PRESIDENT BUSH

Come on, Dick.

(He motions for Cheney to leave the audience and join him onstage. Cheney does and Bush puts his arm around Cheney. They look like campaigners.)

(But Bush doesn't realize his mike is still on.)

PRESIDENT BUSH

(looking out on the audience.)

Look at 'em, Dick. None of 'em'll stand up to us.

There is silence in the theater. And then...we hear a single voice from the back of the audience, calling out loud and clear from the dark.

FIRST SENATOR

(He stands up.)

I. I will stand up. I will stand up for conviction.

There is still no light on the audience. But the whole audience turns their heads to see who this person is who has stood up to protect and defend the Constitution. And then we hear another voice from the other side of the audience, just as brave and courageous.

SECOND SENATOR

(She stands up.)

I. I too will stand up. Now there are two of us standing together. If that's all it takes to make it happen...to just stand up right now...will we do it? Will we stand up? Will we convict?

FIRST SENATOR

Stand up.

(They both start clapping, encouraging the audience to stand up and join them in a standing ovation.)

(BUSH gestures with hands as though he's trying to get them to sit down. And as he does, all lights go out on stage, signaling to the audience that the play is over.)

(But then another person stands up, and another, and their applause turns into a standing ovation with everyone clapping and cheering.)

AUDIENCE

Convict. Convict!!!

And the house lights come on, so people can see each other standing up together.

The entire cast comes out on stage. And everyone in the cast -- including Bush, Cheney, Rumsfeld, Yoo, Olson, the Defense Counsel, the Prosecutor, all the witnesses and Roberts -- joins in with the applause.

(CURTAIN)