

IMPEACHMENT NOW!

BY DR. ALAN L. KEYES



THE CASE FOR THE CONSTITUTIONAL REMEDY

Edited by Stephen Stone

Impeachment Now!, by Dr. Alan L. Keyes

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First edition: September 2013

Published by Politechs, Inc.

ISBN-13: 978-0-9898996-1-1

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Foreword

This compilation of timely essays by Alan Keyes on the subject of impeachment is the second in a series of selected writings and commentaries by Dr. Keyes.

In this latest booklet, Dr. Keyes makes a persuasive case *for initiating impeachment proceedings* against a man who has far exceeded the constitutional and lawful parameters of the office of President of the United States, Barack Hussein Obama.

Unlike those who calculate the wisdom of a course of action entirely by its probable outcome, Dr. Keyes argues that impeachment was not meant by our Founders to ensure a desired result, but rather enable an otherwise unattainable process: *it's a way for the representatives of the American people to expose serious dereliction by high public officials* who would otherwise be protected from all accountability by the pardoning power granted the Chief Executive under the Constitution.

If after unimpeded investigation, public figures guilty of serious crimes against the republic were to escape conviction during the impeachment process, Dr. Keyes emphasizes they, or their collaborators, must still face the ultimate arbiters of justice—the American people.

That would include corrupt members of Congress who fail to convict if that outcome is warranted.

The Framers deliberately intended impeachment to be a “NATIONAL INQUEST” that subjects criminals in government to open scrutiny and gives the electorate the final say if justice is not served.

The case Dr. Keyes presents is compelling, but you be the judge as a member of the electorate. Impeachment arms *the people* with the knowledge and information they need to sift as sand those they can't wisely trust to lead them.

Thoughtfully consider Dr. Keyes' arguments—then do your part, if you agree, to lobby your elected representatives in the U.S. House to initiate Mr. Obama's impeachment.

The essays were originally published at WND.com, LoyalToLiberty.com, and RenewAmerica.com. I encourage readers to give these masterfully-written arguments the careful attention they deserve.

Cordially,

Stephen Stone
President, RenewAmerica
August 2013

About Alan Keyes

Dr. Alan Keyes holds the distinction of being the only person ever to run against Barack Obama in a truly contested election—one featuring authentic moral conservatism vs. progressive liberalism—when they challenged each other for the open U.S. Senate seat from Illinois in 2004.

During the Reagan years, Dr. Keyes was the highest-ranking black appointee in the Reagan Administration, serving as Assistant Secretary of State for International Organization Affairs and as Ambassador to the United Nations Economic and Social Council.

He ran for president in 1996, 2000, and 2008, and was a Republican nominee for the U.S. Senate from Maryland in 1988 and 1992, in addition to his 2004 candidacy in Illinois.

He holds a Ph.D. in government affairs from Harvard and wrote his dissertation on constitutional theory.

His basic philosophy can best be described as "Declarationism"—since he relies on the self-evident truths of the Declaration of Independence to define the premises on which our country was founded, and to which it must return if it is to survive. To Dr. Keyes, the Constitution itself cannot be faithfully interpreted, understood, or applied apart from the divinely-premised principles of the Declaration.

When Dr. Keyes ran for president in 2000, the media generally considered him the winner of the Republican primary debates, due to the persuasive eloquence of his defense of the unborn, opposition to unfair taxation, advocacy of school choice, promotion of family values, and focus on what he called "America's moral crisis." As a result, he became the host of MSNBC-TV's "Alan Keyes Is Making Sense" in 2002.

He is best known for thrusting the evil of abortion—which he considers our nation's "greatest moral challenge"—into the national spotlight.

Dr. Keyes is also a strong supporter of Israel, and in 2002 he was flown by the Israeli government to the Holy Land to receive an award for his staunch defense of Israel in the media. He is the only American ever to receive such an honor from the State of Israel.

When he ran against Obama for the Senate in 2004, Dr. Keyes did so because he was incensed the Democrat "community organizer" refused to support the Born Alive Infant Protection Act in Illinois on several occasions—a measure approved not long afterward by the U.S. Senate, 100 to 0.

Dr. Keyes blogs at LoyaltyLiberty.com, and writes commentary for WND.

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IMPEACHMENT NOW! GOP House has chance to prevent 'a perpetual tyranny'

Every day, we see another headline focused on this or that figure associated with the GOP wing of the elitist faction who is supposedly demanding the truth on the multiplying “scandals” of Obama’s occupation of the White House. Steve Forbes demands a special prosecutor¹ on the IRS abuses. Rand Paul is looking at suing Obama over the NSA’s totalitarian project to monitor communications of untold millions without judicial warrant or even a suspicion of wrongdoing. Rick Santorum contends that “America demands truth on Benghazi.”² Apparently, none of them has much use for the U.S. Constitution.

In this regard, the roaring silence of House Speaker John Boehner and the other Obama collaborators in the GOP leadership of the House ought to drown out these peripheral demands. Boehner and his colleagues control the agenda of the GOP House majority. Obama and other civil officers acting on his behalf are now openly engaged in systematic abuses aimed at overthrowing the U.S. Constitution, the privileges and immunities of U.S. citizens, and the fundamental God-endowed unalienable rights of every human being subject to the jurisdiction of the U.S. government. Across the board, it is undoubtedly the boldest, most extensive assault on the U.S. Constitution in the history of the United States.

On the whole, their abuses constitute a systematic, lawless breach of the fundamental covenant from which the just authority of government is derived.

America's founders counted on the House of Representatives³ to become the focal point for the people's systematic, constitutionally-lawful resistance against such a breach. In the form of the power of impeachment,⁴ the Constitution charges the U.S. House of Representatives with the duty of gathering intelligence on this assault and rousing the nation to action against it.

The fact is, the GOP House leadership has been shamelessly derelict in their constitutional duty⁵ to begin impeachment proceedings against Obama and the others who are speciously acting as if offices that derive their whole authority from the Constitution can lawfully be abused to perpetrate an assault against it. The House Republicans have shirked their constitutional duty even though the assault targets the very provisions intended to safeguard the people's capacity to inform themselves, recognize the threat, and defend their sovereign will—as expressed in the Constitution—against it. This dereliction of the GOP leadership is the ominously unspoken truth that now haunts America's prospects for survival as a constitutional government, of, by, and for the people.

The enormous power of the U.S. government is in the hands of people whose intentions can no longer escape the imputation of high crimes and misdemeanors tantamount to treason. Unless checked, these people can and will blithely continue to employ that power in order to secure the success of their criminal enterprise. Already, thinking Americans are forced to consider the possibility that the military, security, and foreign policy apparatus of the U.S. government is being abused to further that enterprise⁶ in collusion with America's most powerful potential enemies.

It was no coincidence⁷ when the revelations of IRS abuses distracted from the burgeoning scandal focused on the assassination of America's envoy to Libya. So was it just a coincidence that the revelation of the NSA project to dissolve the constitutional shield, intended to safeguard the people's ability to communicate and organize amongst themselves, coincided with Obama's consultation with the head of the Chinese Communist state?⁸ Was it just a coincidence that the self-identified whistleblower responsible for revealing this liberty-chilling project sought refuge in Hong Kong, a place subject to the jurisdiction of Communist China, a country that might be strongly interested in the success of the Obama faction's highly criminal agenda, if such there is?

In its impact on both our international and our domestic security and welfare, Obama's abusive occupation of the White House casts a grim shadow over the prospects for the survival of America's constitutional liberty. In what has been dubbed the system of checks and balances established by the U.S. Constitution, *impeachment is the ultimate check*, intended to impede or stop dangerous abuses before they have gathered such force, in terms of inimical foreign and domestic powers, that they can be resisted by no means short of civil war. By failing to carry out their responsibility to deploy this constitutionally strategic resource, the GOP is allowing an ever-deepening cloud of distrust, suspicion, anger, and fear to spread throughout the body politic. To be sure, every new revelation of abuse rouses the people's concern and anger. But the other edge of the sword is the chilling effect it may have on people more inclined to fear than to resist what they perceive as a growing and unchallenged reality of power.

Right now, the morale of the American people hangs in the balance. There is no doubt that principled, clear-headed leadership, articulately advocating the use of the constitutional means provided to deal with just such a time as this, will galvanize the will of all Americans dedicated to the proposition that, whatever our differences, we have the right, indeed the duty and obligation, to deal with them as a free people, not as the terrorized subjects of people who, by freeing themselves from the Constitution's constraints, are positioning themselves to erect and maintain a perpetual tyranny over us.

Every American who hates the thought of such tyranny should unite now⁹ in demanding that the GOP leaders do their duty. The cry should be **"IMPEACHMENT NOW! Do your duty and leave the rest to God and the American people."** If the GOP leaders are too cowardly to act on their own, in light of the threat to the nation's good, then we should give them reason to understand that their failure to act is the last chance for the GOP to come to the aid of their country. But because we must now suspect that some or all of them care more for their own transient power than for the perpetuation of their country's heritage of freedom, we must also make clear, to them and to ourselves, that their action or inaction is *not* the last chance for America. Because there's a God in heaven, and life in the hearts of Americans who trust in Him, there is a lasting chance for us to restore the liberty that is the special interest of all those reborn in the only liberty that will never perish, wherewith Christ has made us free.¹⁰

¹ “Steve Forbes: Special Prosecutor Needed in IRS Scandal,” Greg Richter, NewsMax, June 9, 2013

<http://www.newsmax.com/Newsfront/forbes-irs-special-prosecutor/2013/06/09/id/508866>

² “America demands truth on Benghazi,” Rick Santorum, WND, June 9, 2013

<http://www.wnd.com/2013/06/america-demands-truth-on-benghazi/>

³ “Obama’s abuse of power demands a ‘national inquest’—the Constitutional way,” Alan Keyes, Loyal to Liberty, June 19, 2012

<http://loyaltoliberty.com/?p=1164>

⁴ “Will House GOP do what's right?,” Alan Keyes, WND, June 6, 2013

<http://www.wnd.com/2013/06/will-house-gop-do-whats-right/>

⁵ “Benghazi lies: High Crimes and misdemeanors?,” Alan Keyes, Loyal to Liberty, May 16, 2013

<http://loyaltoliberty.com/?p=2378>

⁶ “Leak This!”, WND, June 9, 2013

<http://www.wnd.com/2013/06/leak-this/>

⁷ “IRS planted question at ABA mtg disclosing targeting of conservatives,” William A. Jacobson, Legal Insurrection, May 17, 2013

<http://legalinsurrection.com/2013/05/irs-planted-question-at-aba-mtg-disclosing-targeting-of-conservatives/>

⁸ “Barack Obama and Xi Jinping meet as cyber-scandals swirl,” Rory Carroll, The Guardian, June 8, 2013

<http://www.guardian.co.uk/world/2013/jun/08/obama-xi-jinping-meet-cyberscandals>

⁹ “Petition urging Congress to impeach President Barack Obama,” WND, February 8, 2013

http://www.wnd.com/wnd_petition/petition-urging-congress-to-impeach-president-barack-obama/

¹⁰ “Wherewith Christ has made us free,” Alan Keyes, Loyal to Liberty, December 24, 2012

<http://loyaltoliberty.com/?p=2127>



ProgressMissouri/Flickr

Impeachment: Rush is wrong this time

Among politicians and pundits who identify with the GOP, there are many who pay lip-service to the U.S. Constitution. Yet when push comes to shove, they seem disposed by all means to avoid implementing its provisions. But left unused, the constitutional provisions intended to enable exercise of the just powers of the body politic waste away. In this respect, they are like the muscles of the human body, but even more so. They must be flexed to keep their fitness. If, in practice, their vitality and purpose are not conveyed to each new generation, they will soon be lost to memory and so, quite literally, cease to matter.

In this respect, Barack Obama's rise to, and abuse of, political power has proven to be a litmus test. It has exposed the GOP's protestations of allegiance to the Constitution for what they are: a hollow ploy, used to get votes from gullible conservatives loyal to the Constitution and its principles. Meanwhile, by action or inaction, many of the people they vote into office end up helping the would-be tyrants of the Obama faction cultivate the seeds of its destruction.

Now evidence is mounting on several fronts which suggests that elements of Obama's administration have seriously, even criminally, abused the executive power of the U.S. government. According to the U.S. Constitution, that power, as a whole, is vested in the individual who holds the office of president of the United States. In

constitutional terms, the president is personally and solely responsible for the use and abuse of the executive power of the U.S. government.

So when Rush Limbaugh says that "efforts to try to have Obama impeached or held personally responsible for these scandals is a bunch of wasted effort," he is saying that, on account of the politics of our times, this fundamental aspect of the U.S. Constitution no longer matters. With all due respect to Rush Limbaugh (and my respect for him is sizable and sincere), I beg to differ. The judgment about "wasted effort" depends on what we're trying to achieve. If politics is just a partisan game, with no goal but to score points for one side or the other, it may be reasonable to conclude that impeachment is a wasted effort. After all, the Democrats who control the U.S. Senate will never allow Obama to be removed from office. Doesn't this make impeachment impossible?

Mr. Limbaugh is right to assume that impeachment is inherently political. In this respect, his view accords with that of Alexander Hamilton, who wrote (in *Federalist* No. 65) that "...the subjects of its jurisdiction are those offenses which proceed...from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself."

Insofar as they wish to preserve their constitutional self-government, can the American people have a greater common interest than to react against abuses of power that may threaten it? Before they can do so, however, mustn't the facts be examined in order to be sure that the abuses in question are so extraordinarily malicious that they warrant the removal from office of the person or persons responsible? As Hamilton says of the impeachment process, "Is it not designed as a method of NATIONAL INQUEST into the conduct of public men?"

The difference between Limbaugh and Hamilton, however, is that when Mr. Limbaugh speaks of politics, he is referring to the competition of partisan factions. But for Hamilton, politics means the business of citizens—i.e., individuals characterized by their concern for the common good of their society as a whole, not just their own personal, factional, partisan interests. From Hamilton's perspective, the way elected representatives handle such offenses is therefore a test of their concern for the common good. If they act, or refuse to act, based solely on whether by doing so they advance their personal or factional agenda, they show their

contempt for the well-being of the nation as a whole. They thereby prove themselves unfit for the offices (duties) they hold, whether or not they are ever called to account for their dereliction.

But the challenge of holding them accountable has political implications that we have to think through before we rush to agree with Mr. Limbaugh's conclusion that, in our present circumstances, impeachment is a waste of effort. The Constitution divides the authority for impeachment from the authority to convict and remove for good reason. It makes the majority needed to approve a bill of impeachment in the House no greater than that required for ordinary legislation. It thus provides an *ordinary* way of calling civil officers to account for what appears to be *extraordinary* misbehavior.

If those officers, at the behest of the president, cooperate with the NATIONAL INQUEST, and let the facts speak for themselves, they at least do nothing to confirm their contempt for constitutional constraints. But if, with the open support of the president, they defy the constitutional authority of the U.S. House, both they and the president confess by this defiance their disposition to do what they are suspected of doing: defy and disregard the provisions of the Constitution. By itself, this confession warrants a bill of impeachment. If, despite such open and palpable proof of their contempt for the Constitution, a factional partisan majority in the U.S. Senate protects them from the consequences, their action, too, is a palpable dereliction. For this, it is up to the people to convict and punish them, at the next election.

In Federalist No. 65, Hamilton reports that the impeachment process in the U.S. Constitution is, in important respect, modeled after the procedures of the British government. This appears to be true of its political implications as well. Properly used, it provides an opportunity for the people, through their representatives in the House, to approve and publicly register a vote of no confidence in the president and all those willing to uphold his abuses in the U.S. Senate. Given the periodic elections provided for in the Constitution, an opportunity is never far off for the people to change the composition of either or both chambers of the national legislature. By what they do, they can signify their agreement or disagreement with the results of the no-confidence vote (or votes). Seen in this light, the purpose of impeachment is to inform and mobilize the citizens for their duty as the arbiters of constitutional integrity. They are the ones ultimately responsible for defending constitutional self-government, or letting it perish.

But the leadership of both wings (Democrat and Republican) of the elitist faction are working to overturn constitutional self-government in the United States. As I discuss in a recent post on my blog,¹ they have no use for the constitutional provisions that engage people in the exercise of their constitutional responsibility, thereby strengthening the responsible sovereignty of the people in every generation. Neither of these parties cares to practice government of, by, and for the people. That's why Americans who believe in it need urgently to construct a political vehicle that will.

¹ "Totalitarian Subversion—Can we Awaken from the Nightmare?", Alan Keyes, Loyal to Liberty, May 18, 2013
<http://loyaltoliberty.com/?p=2383>



Why impeachment is the only way

Mark Levin recently published a note on his Facebook page¹ in which he rightly points out that Obama's recent invocation of executive privilege with regard to the congressional investigation of Eric Holder's conduct "flouts the law and the Constitution." He goes on to say, again with good reason, that "executive privilege is a very important implied executive power." Whenever you see a reference to "implied powers," it's a good idea to ask yourself, implied by what authority? In the usual fashion of lawyers trained in the shibboleths of legal positivism, Holder cites Supreme Court opinions. But the Supreme Court has no power but what is explicitly delegated to the U.S. government in the Constitution. What gives the Court, the president, or the Congress for that matter the authority to imply powers and privileges the words of the Constitution nowhere enunciate?

The best the legal positivists can do is to cite Article I, Section 8, of the U.S. Constitution, which gives Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other power vested by this Constitution in the government of the United States, or in any department or officer thereof." At best, this gives Congress the power to recognize by law the actions it considers "necessary and proper" for carrying out the provisions of the laws it has made. But how does this give Obama or any other president the power to shield civil officers accused of breaking the law from investigation by the branch of government charged with making the laws?

Though people fond of pretending that "strict construction" of the words of the Constitution is an adequate summary of the discipline required to interpret and implement it, the people who devised and defended the document in the first place were in a situation that did not afford the luxury of this pretense. Having not yet consented to the Constitution's words, people were of course not yet bound to respect them. But isn't this very like the situation every generation must face when dealing with the supposed implications of the powers referred to in the Constitution? Where there was, as yet, no ratified agreement on the words, people in the founding generation debated ratification by appealing to the natural authority of reason and common sense. Where there is no ratified agreement on assertions about the unstated implications of those words, doesn't it make sense to appeal, in our discussions, to that same authority?

For example, in introducing the general topic of the powers needed for the common defense of the nation, Hamilton wrote:

"The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances.... This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the means ought to be proportioned to the end; the persons, from whose agency the attainment of any end is expected, ought to possess the means by which it is to be attained."

The care of the nation's safety is above all the business of the U.S. government, and in particular of the Executive Branch. If the corresponding power must be coextensive with all circumstances, and the possible circumstances are infinite, Hamilton's appeal to the authority of common sense (which, by his reliance upon logic, also involves an appeal to reason) logically implies an unlimited grant of power, or at least a grant not limited by any prior constraints that would prevent the Executive power from taking any action deemed necessary to defend the nation. Because of the purposely superficial understanding of the Constitution prevalent in our public discourse these days, a conclusion Hamilton sees as self-evident will startle many contemporary readers. This is especially likely for those who are used

to the studiously incompetent articulation of the principle of limited government characteristic of many so-called conservatives in the GOP leadership.

However that may be, Hamilton's view appears to have prevailed in devising the Constitution. It is the logic that leads to the rarely noticed, but critically important fact that, except in cases of impeachment, the president of the United States has the power to reprieve or pardon *all* offenses against the United States. (At this point, I think it would be helpful to most readers to read and ponder the article I posted this week at Loyal to Liberty² defending the proposition that Obama's abuse of power regarding immigration law demands a "national inquest," i.e., impeachment.) Whether it's Eric Holder's contempt of Congress or someone else's breach of law or judicial order, the president can shield those he sees fit from the consequences of their conduct, even when by doing so he "flouts the law and the Constitution."

What is usually called "executive privilege" is just one aspect of this power, which is not so much "implied" as intrinsic to the nature of government itself. The pandering politicians of our day may be foolish enough to pretend that government is a benign and non-threatening reality. America's founders thought through and acted upon a more starkly realistic understanding of its implications. They did not shrink from the fearsome truth that government power feeds on the ever-present substance of implacable necessity, and therefore never lacks excuses for enlarging its dominion. It is the tragic irony of the human condition that in using government to defend themselves against destruction, societies must build into their government powers capable of destroying them.

In this respect, the dangers of unlimited government power, like "the latent causes of faction," are "sown in the nature of man...." In Federalist No. 10, Madison observes that liberty cannot survive efforts, by prior restraint, to suppress the causes of faction. Apparently, he and the other framers who supported the Constitution shared a similarly realistic assessment of the unlimited power implied by the infinite variety of dangers that threaten the survival of nations. However, since reason and common sense forbid prior restraint, they made it necessary for the representatives of the people to be actively vigilant in reacting against abuses of power. They understood that any exercise of the prerogatives that ought to be reserved for extreme necessity will, by gradually inuring people to abuses, help designing despots to establish an absolute tyranny over society. Only a fool (or the

one who's fooling him) holds back the use of his fire extinguisher until a small fire has grown into a general conflagration.

So (as I point out in the above-mentioned article on my blog), we come to impeachment. Only by *impeachment* can the Congress remove the underlying power of pardon and reprieve which is, by the authority of natural reason and common sense, recognizable as the source of executive privilege. The Constitution explicitly removes that shield in cases of impeachment. Any president who invoked it to shield a subordinate or himself from impeachment would, by that act alone, convict him/herself of a high crime, tantamount to treason. Others who join to defend such a president would, in effect, join in open and self-evident rebellion against the Constitution of the United States.

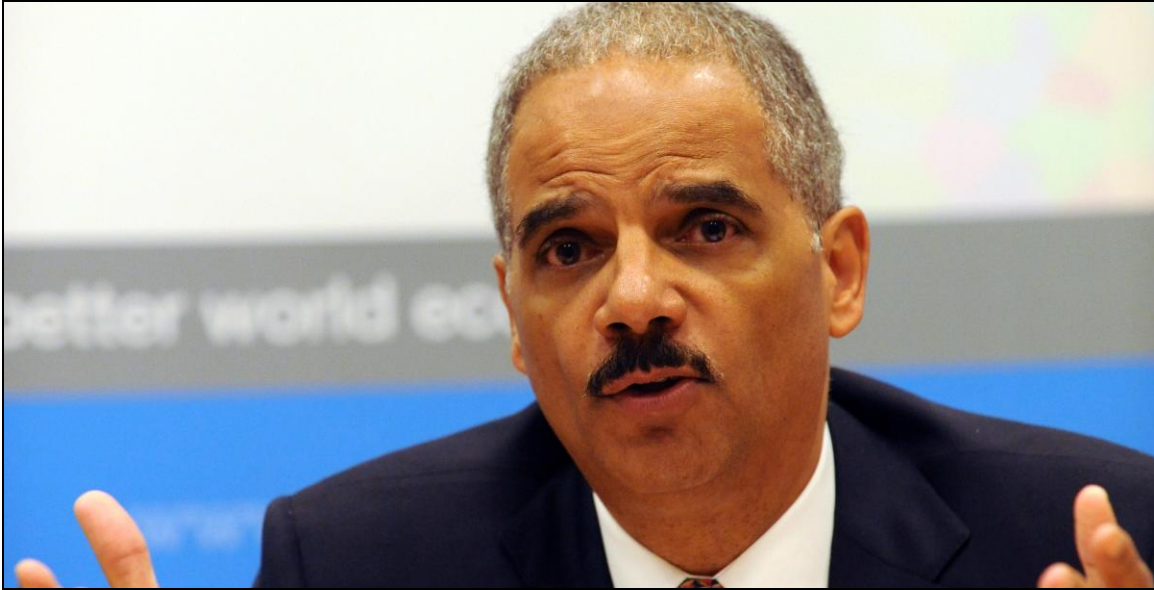
As I say in my blog article, around this turn of events there lurks the fearful specter of civil war. Eric Holder began his tenure as attorney general by declaring that Americans are "a nation of cowards." He and the man he serves are now testing that proposition. They are probing with bayonets, testing whether anything remains of the hardy mentality, the clear-eyed determination, the faithful heart and courage that impelled the American people to greatness. Will the GOP leaders in Congress rise to the level of active vigilance the Constitution requires? Will they begin by impeaching Eric Holder? (Contrary to a popular misconception, the congressional power of impeachment applies to all civil officers of the United States.³) Will they go forward, if need be, to impeach the breach of faith with America's Revolutionary principles that Obama himself represents? Or will they succumb to the moral disease of supine and self-interested calculation whereby the cynical politics of elite domination works to enlarge that breach, until it has spread the fatal disease of cowardice and despair throughout what was, and still should be, this home of the brave and the free? (I address the subject of the GOP's likely response in my most recent blog post.⁴)

¹ "Executive Privilege and how the House should move forward legally," Mark Levin, Facebook, June 20, 2012
<https://www.facebook.com/notes/mark-levin/executive-privilege-and-how-the-house-should-move-forward-legally/10150866576635946>

² “Obama’s abuse of power demands a ‘national inquest’—the Constitutional way,” Alan Keyes, Loyal to Liberty, June 19, 2012
<http://loyaltoliberty.com/?p=1164>

³ U.S. Constitution, Article II, Section 4
<http://www.law.cornell.edu/constitution/articleii>

⁴ “Obama’s abuse of power—Why the GOP won’t do what the Constitutional requires,” Alan Keyes, Loyal to Liberty, June 21, 2012
<http://loyaltoliberty.com/?p=1177>



Organisation for Economic Co-operation and Development

Re Obama/Holder's contempt for the Constitution—why 'going to court' is not enough

This morning, I received an email from a concerned citizen that included a link to an article with the headline "House Could Send Holder to Jail without Approval of Senate or U.S. Attorney."¹ The article cited as precedent a 1935 case in which a U.S. Senate action for "inherent contempt" against an individual named William MacCracken resulted in his arrest by the Sergeant-at-Arms of the U.S. Senate.

The article prompted a train of thought which I shared with my correspondent. I thought that it would also interest readers here at Loyal to Liberty because it illustrates the need to consider all the ramifications of the Obama faction's assault on the Constitution, which is a far graver crisis for the nation than most people yet realize. It will not be resolved by "going to court," especially since the Judicial Branch must deal with an inability to appeal to constitutionally warranted Executive power more complete than that of the legislature. At best, the opinion of the Judicial Branch may influence the contest for public opinion among the people in their respective states.

We are in a crisis that demands a degree of intrepid statesmanship the present sham party system doesn't tolerate, much less produce. That's because the elite faction leadership in both the so-called major political parties want to burst apart the bonds the Constitution imposes on their abuse of government power, and cast away its cords. (To understand the root of this desire, read and ponder Psalm 2 in the Bible's Book of Psalms.) Here is the reply I sent.

MacCracken was a private citizen. The present situation is a contest between constitutionally co-equal branches of the government. The House must use the means the Constitution provides for dealing with civil officials of the U.S. government who are guilty of violating one of the prerogatives of the legislative power which the Constitution vests in the Congress.

There is no constitutionally warranted executive power in the nation higher than the president. By formally invoking "executive privilege," Obama extends the cloak of the executive power of the United States (rooted in the president's reprieve and pardoning power) over the Attorney General. If the Sergeant-at-Arms of the House attempts to arrest Holder, he would be engaging in an act of force against the United States, which the Commander-in-Chief of the armed forces of the United States has the duty to resist by force if need be.

Impeachment is the only remedy available to the House which constitutionally nullifies this use of executive power, since the president has no constitutional authority to use the executive power of the United States to protect himself or any other civil official of the U.S. government from the impeachment process. Since the Constitution grants Congress the impeachment power, common sense and reason (as well as the necessary and proper clause of the Constitution) supply all the powers necessary to implement the process of impeachment, including gathering all documents, testimony, etc., the House deems necessary to pursue the process. Any president who invokes executive privilege against the impeachment process does what the Constitution says he cannot do. He attempts to exercise the protective cloak of the executive power in the one case the Constitution withholds from its purview. Simply by thus unconstitutionally invoking the power, such a president breaches the most fundamental provision the Constitution makes against abuses of executive power. His act corresponds to the very definition of a high crime—i.e., an immediate attack on the whole society (literally represented in this case by the constitutionally empowered House of Representatives engaged in the performance

of its duty). But this is not true until and unless Congress moves to use the power of impeachment, whether against Holder or Obama.

As I say in my WND article this week,² impeachment is the only way. If you follow the link in the article to my blog post regarding impeachment of Obama for his abusive executive order on immigration, the discussion in that post explores the ramifications of dealing with an abusive occupant of the White House, including the role the states might be called upon to play. If you fully appreciate those ramifications, you realize that this is the gravest crisis our country has faced since the Revolution. If the Constitution is to survive, it will require more understanding and courage than the GOP leaders have ever shown, or seem likely to show. I look at the reasons for that in another recent post on my blog.³

¹ "House Could Send Holder to Jail Without Approval of Senate or U.S. Attorney," Godfather Politics, June 22, 2012
<http://godfatherpolitics.com/5798/house-could-send-holder-jail-without-approval-senate-us-attorney/>

² "Why impeachment is the only way," Alan Keyes, Loyal to Liberty, June 21, 2012
<http://www.wnd.com/2012/06/why-impeachment-is-the-only-way/>

³ "Obama's abuse of power—Why the GOP won't do what the Constitutional requires," Alan Keyes, Loyal to Liberty, June 21, 2012
<http://loyaltoliberty.com/?p=1177>



Obama's abuse of power demands a 'national inquest' the constitutional way: *impeachment*

We most conscientiously commemorate epoch-making events in human history by fully recalling their signal importance to the welfare or suffering of humanity. This year, as we approach the anniversary of America's Declaration of Independence, Americans still disposed to do so should have no problem commemorating its anniversary in this conscientious way. The purpose of the Declaration was not only to proclaim the decision by the people of the United States of America to separate themselves politically from the people of Great Britain. It was also to "declare the causes which impel them to the separation." As we appreciate the justice of those causes, we appreciate the justice of their cause. By so doing, we better understand the sacrifices of life and property, of honor and human affection, which they made in the service of that cause.

For better or worse, the same causes which impelled the people of the United States to separate themselves from the people of Great Britain are now every day in evidence in the politics and governance of the United States. Consider, for example, the first of the facts the American patriots "submitted to a candid world":

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

This past Friday, Barack Obama suspended enforcement of current immigration law in order to grant a certain class of illegal immigrants the privilege of residing in the United States unlawfully. His critics say that he has acted unconstitutionally. But the U.S. Constitution clearly grants the President of the United States the "power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Reprieves and pardons precisely involve postponing or entirely forbearing to execute what would otherwise be the consequences of law (in this case, deportation proceedings), even when, after proper trial and conviction, a person has been unequivocally sentenced for a crime.

Laws, including the Constitution itself, are rules, but they are rules with the special status that comes from the fact that they express a sovereign will and purpose backed by the united force of the community subject to the sovereign's jurisdiction. Without such enforcement, there may be rules, but there is no law. Thus, though it can be said that the Constitution authorizes no anticipatory or *de jure* suspension of the operation of the laws of the United States, yet by granting the president the option of suspending action against offenses in every case except that of impeachment, it makes possible a *de facto* suspension of law enforcement (including with respect to its own provisions) in exigent circumstances (this by way of a presidential promise to potential offenders that he will act to forestall the legal consequences of actions taken at his behest).

Yet the U.S. Constitution also directs that the president "shall take care that the laws be faithfully executed." Since the conditional or unconditional suspension of law enforcement is allowed by the Constitution, ***mere reference to the Constitution is insufficient to supply the rubric or standard of a president's faithfulness.*** Does this mean that the president may with impunity suspend the execution of the laws? Not necessarily; but it does mean that **impeachment is the only sure way to call him to account** when the people are challenged by an instance in which, by suspending law enforcement, he appears self-evidently to have abjured the oath by which he swears faithfully to execute his duty. By that oath, the president swears to "preserve, protect, and defend the Constitution of the United States." Obviously, there may be exigent circumstances in which the preservation and defense of the Constitution require actions that supersede, in some extraordinary situation, one or another of its provisions. If a president authorizes the actions he deems necessary

and proper to deal with the situation, has he broken or kept faith with his constitutional oath?

The standard for judging his faithfulness in this regard cannot be simply what the Constitution does or does not allow, since the Constitution, which is the Supreme Law of the land, makes provision for the president to suspend action against offenders in any case but that of impeachment. This provision may be intrinsically necessary to assure that, in every possible circumstance, the Chief Executive and Commander-in-Chief can, without damaging delay, do and order whatever action is necessary to preserve and defend the nation's Constitution. But any and all abuses of this extraordinary power must be intrinsically dangerous to constitutional self-government. As Hamilton argues elsewhere (Federalist #25), "every breach of the fundamental laws, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers towards the constitution of a country...."

A president's decision to suspend law enforcement is therefore not simply a matter of semantics, or of legal or even constitutional interpretation. It is in and of itself a threat to the integral authority of the Constitution, one that must in every instance be carefully and scrupulously investigated to ascertain whether it is justified. Thus, even as it entrusts this power to the Chief Executive, the Constitution leaves no doubt that any suspected abuse of it must be examined by way of impeachment, the only provision of U.S. law in respect to which the president has no authority to reprieve or pardon offenses.

Hamilton suggests in Federalist 65 that by its very nature, impeachment calls for a political decision of the highest order. He says that the *subjects of impeachment*—

are those offences which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries ***done immediately to the society itself***. (bold italics mine)

It is no coincidence that the language Hamilton uses here to describe the subjects of impeachment is almost identical to the language he later uses (Federalist #74) when he describes ***treason*** as "a crime leveled at the immediate being of the society." What the Constitution calls "high crimes and misdemeanors" are infractions by

officials at such a high level of authority that, on the face of it, their abuses are tantamount to treasonous crimes.

The subjects of impeachment therefore demand a prudential judgment—based on careful consideration of the circumstances and guided not only by the letter but the spirit of the Constitution—which demands respect for the true origin and aim of just government. This must be especially true for the impeachment of a sitting president, since the Constitution itself places the power to take exception to the enforcement of the laws of the United States almost entirely in his hands. (This power is, by the way, reminiscent of the power of the Roman "tribunes of the people [plebeians]," whose role in the ancient Roman Republic was probably as familiar to the founders as the Roman office of Dictator.)

It is vitally important to remember, at this point, that the president's power to suspend enforcement of U.S. law in any given case does not extend to *state* laws, duly enacted by means of the sovereign powers which the Constitution reserves to the people in their respective states. If we think, as the framers of the Constitution certainly did (read Federalist #10), about the practical implications of this fact, we realize that America's founders expected that, if necessary, the armed forces of the states respectively and of the people would back up the Constitution's impeachment provisions until, by the constitutional removal of the Chief Executive, command of the armed forces of the nation has been removed from the person occupying the presidency. Thus each and every occasion on which the president unconstitutionally abuses his extraordinary power raises the somber specter of civil war. Neglecting such infractions, however large or small they at first may appear, is like failing to clean and dress a wound. At length, by leaving an infection to multiply, even a small breach may develop enough noxious power to threaten life itself.

Where Barack Obama is concerned, this is especially true. During his public career, he has repeatedly expressed the view that the Constitution is outdated; that the ideas and concepts from which it is derived interfere with achieving the goals of his socialist ideology. When someone with these convictions abuses the power of the office he occupies in a way that plainly contravenes the Constitution's provisions, it is both wise and prudentially necessary to assume that his motives are suspect, and that he acts with hostile intention derived from his ideology to circumvent or destroy the Constitution, not to preserve or defend it. This is especially true when, as in the immigration matter we are discussing, there is no evidence of any urgent

or immediate threat requiring suspension of the Constitution's prescribed legislative prerogatives and procedures.

With this in mind, Obama's suspension of law enforcement with respect to certain provisions of U.S. law regarding immigration ought immediately to produce a vote in favor of impeachment in the House of Representatives. Though his action amounts to granting a reprieve to individuals otherwise subject to deportation under the law, he applies that reprieve, as it were, out of the clear blue sky, in the entire absence of exigent circumstances that might justify urgent action in defense of the Constitution. This does not appear to be a necessary exercise of extraordinary Executive discretion justified by exculpatory circumstances. To all appearances, it is clearly a usurpatory exercise of legislative power, by which he purports to repeal an existing provision of law and substitutes for it another one of his own making.

According to the Constitution's provisions, the legislative initiative of the U.S. government is vested in the Congress of the United States. Therefore, Obama's action patently violates the provision by which the authority of law derives from the consent of the people, expressed through their duly elected representatives. This may be in practice the most fundamental provision of constitutional self-government, the one which distinguishes lawful government from gangsterism. Read the whole bill of particulars contained in the Declaration of Independence. King George's cavalier violation of this very principle was what chiefly caused the first American patriots to reject his rule.

Obama may wish to plead that, on account of exigent circumstances, his self-evident violation of the Constitution is somehow necessary; that he undertakes it in order to preserve or defend the Supreme Law he thus refuses to uphold. But unless he is impeached by the House of Representatives, and tried by the U.S. Senate, he will have no proper opportunity to offer a defense against a charge that is otherwise self-evidently true. He will have no opportunity to substantiate with facts and reasoning the threats and dangers he acted upon, and the damaging consequences that must follow from neglecting them. He will have no chance to make clear how his assault against the people's fundamental right of self-government is somehow necessary in order to preserve the unalienable rights their government otherwise exists to secure.

In his discussion of the impeachment power in Federalist #65, Hamilton asks "What...is the true spirit of the institution itself? Is it not designed as a method of NATIONAL INQUEST into the conduct of public men?" On the face of it, Obama's action involves the most dangerous possible abuse of the very great discretionary power entrusted to the office he occupies. Such an abuse, in and of itself, is sufficient to warrant withdrawing that trust. It involves the consolidation of the legislative and executive powers of government in a tyrannical exercise that entirely eviscerates the practice of constitutional government. Moreover, in the particular case in point, it does so in order to facilitate a policy that could allow the Executive lawlessly to import new inhabitants into the country to transform the sovereign body of the people against their interest and without their consent.

Faced with such a grave charge of tyrannical disloyalty and treasonous dereliction, Obama has the right to be openly accused and fairly tried. Faced with the possibility of a tyrannical threat potentially fatal to their self-government, the people of the United States have the right to hear the facts and reasoning that prove or disprove the charge. Indeed it is their duty, and the duty of their representatives in Congress, to follow the Constitution's provisions in this regard. If they do not, they leave unanswered an internal threat to the U.S. Constitution, one that is more grave than the aggravating dangers which the neglected security of our borders must already have allowed into our midst.

Unhappily for the American people, despite the present GOP majority in the House of Representatives, the elite faction's corruption of the political process makes it unlikely that Obama's self-evident assault on the lynchpin of constitutional self-government will be fairly and scrupulously examined via the impeachment process. In my next posting, I will examine the facts and reasoning that substantiate this expectation.



Gage Skidmore

Obama's abuse of power—why the GOP won't do what the Constitution requires

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. (U.S. Declaration of Independence)

Tragically, many well-intentioned people fail to see to the heart of the present constitutional crisis because they continue preoccupied with a façade of political activity intended to hide the design for despotism until, “by a long train of abuses,” it seems entrenched beyond recall. They bridle at Obama’s “unconstitutional” actions, then beguile themselves with the patently obvious delusion that people who, before their very eyes, are conniving at those actions intend to reverse America’s fall under elitist tyranny. The case in point: Mitt Romney’s thrice repeated refusal¹ to say that, if elected president in November, he will reverse the suspension of the immigration laws Obama has put in place. He says that instead he will pursue what the GOP’s basic constituency adamantly rejects—a comprehensive scheme for amnesty (by

some other name, of course) that will supposedly render Obama's action OBE ("overcome by events").

Of course, people gullible or simply stupid enough to fall for this line won't stop to consider the events likely to follow from Romney's intended course of action: Romney's comprehensive scheme meets with strong opposition from those determined to restore America's sovereignty. An impasse develops which the elite faction's media (including, by the way, Fox News) will obligingly blame on diehard, bigoted "Tea Party" conservatives. Romney, with help from other soft-on-sovereignty GOP leaders, overcomes this opposition by strong-arming susceptible GOP legislators into a coalition with the Democrats that basically fulfills the DREAM Act agenda. While all this is going on, the Executive Order immigration policy put in place by Obama's abuse of constitutional power will continue. Indeed, I would be surprised if it isn't stealthily expanded by Romney's crypto-socialist appointees.

This is not only a recipe for pursuing the elite faction's treacherous surrender of American sovereignty with respect to immigration, border security, and the like. It is also a strategy for the marginalization and ultimate extinction of representation for Americans still loyal to the sovereignty of the American people, in both the geographic and constitutional sense. But given the proven socialistic predilections in evidence throughout Romney's political career, you're beyond credulous if you think it will be limited to the immigration issue.

Using the same strategy, the Romney faction will seek to impose Obomneycare on the nation, complete with tax-funded abortions, coercion of conscience, and mandated insurance purchases, like Romneycare in Massachusetts. The same strategy will also prove useful for imposing outcomes in the international arena that include: a comprehensive revision of the UN's finances, including a global corporate tax; a comprehensive Middle East settlement in which Israel's sovereign existence suffers the same de facto oblivion as the sovereignty of the American people; and a comprehensive consensus on basic rights in which the 2nd Amendment, the true guarantor the people's liberty, suffers the same fate as America's border security. If his past is prologue, the more Romney denies his allegiance to this anti-nationalist elite agenda, the more certain we can be that he will look for a way to get the devil to make him do it (as he claims was the case when he ordered Massachusetts Justices of the Peace to perform gay marriages).

If, in the assault on the walls of our sovereignty, Obama is the head of the elite faction's battering ram, Romney is slated to be the leader of their forces of occupation, charged with negotiating the terms of final surrender. But because, on account of the Republican logo, he will falsely claim to brandish the name "conservative," those terms will include the extinction of all that once gave it meaning. In a Romney era, the word "conservative" can and will mean nothing but the careful preservation of all the gains made by socialism in America since its long march toward dominance began under FDR.

A Romney era will also mean the extinction of all that once gave meaning to the term American. In the perspective of true American statesmanship, that word has to do with the conservation of America's allegiance to the Revolutionary principles of self-government epitomized in the Declaration of Independence. In contrast with the spectrum that defines European politics, this allegiance gave a profoundly revolutionary meaning to the conservative cause in America. In Europe it meant to conserve for the few the prerogatives of rank, privilege, and power. In America, the only prerogative it means to conserve is the equal dignity of all humanity, along with the God-endowed rights and responsible dignity which therefore belong to all people of goodwill. In this respect, the cause is not conservative so much as it is simply American. The crushing defeat of this cause will be confirmed whether the socialist Obama continues to batter, or the crypto-socialist Romney commences to occupy, what was once the acropolis of the American republic. The temple of liberty is falling, though not yet fallen into ruin. Unless Americans of goodwill rally against the self-serving elitist politics both parties now represent, that ruin will soon be upon them.

Tragically, we seem to have forgotten that America's temple of liberty was not erected to worship liberty. Rather, it marks the bedrock out of which America's founders hewed the foundation for America's identity, and from which they fashioned its foundation stone. Etched deeply into it, as in the heart of all humanity, is the nation's acknowledgment of liberty as a right, but only insofar as it is part of the Creator's endowment of right for all mankind. Etched also is the nation's recognition that its institutions of government are intended to secure the rights thus endowed. Whenever the use of government power threatens such rights, it surpasses the limit beyond which the people have no appeal but to their own

prudent judgment of the circumstances, and the standard of faithfulness to their Creator, God.

It is by this standard of faithfulness that we must, above all, judge the fidelity of civil officers to the oath the Constitution requires all of them to swear. But by this standard of faithfulness, is it only Barack Obama's unwillingness to enforce the immigration laws that represents insufferable evil, or his refusal to respect the endowment by which God bestows the unalienable right of life upon every child murdered by abortion? By this standard, is it Mitt Romney's declared intention to continue Obama's suspension of the immigration laws that represents insufferable evil, or the abuse of his executive power as Governor of Massachusetts, when he trampled upon the unalienable right of conscience by forcing the state's Catholic hospitals to distribute abortifacient drugs? By this standard of faithfulness, which is the insufferable evil: when Barack Obama signs into law a bill that allows people routinely to be placed under military arrest without due process; or when Mitt Romney makes clear that he would also have signed it, and will therefore leave it in place?

In my previous post, we saw clearly the Constitution's demand that Barack Obama be called to account for attacking its exclusive grant of legislative initiative to the Congress of the United States. For what appears to be a blatant attempt to usurp that constitutional prerogative, Obama should be impeached. But even though the GOP holds the majority in the chamber charged with the responsibility for impeachment, how can we expect them to act on their responsibility when the person in prospect as their party's likely nominee for president has made it repeatedly clear that, if elected, he will not denounce and renunciate Obama's destructive precedent? The GOP's representatives in Congress have a choice: Follow the Constitution or follow their allegiance to the elite-dictated agenda of their party. I predict that they will put partisan allegiance above their sworn duty to the Constitution, as they have repeatedly in the past; as they will time and again in the future.

Both parties are hopelessly enmeshed in the toils of a factional politics that has no allegiance to any cause but that of power and elitist self-aggrandizement. This is the reason the economy is failing. This is the reason the Constitution is failing. This is the reason the nation's heritage of self-government of, by, and for the people is being thrown on the ash heap of human events. "It's the politics, stupid": the

socialist politics of government control and domination; the elitist politics of manipulated choices and sham elections; the God-is-dead politics that banishes the justice of God-endowed right, and with it the citizen statesmanship that cares for the common good more than just its own.

The ills from which we suffer will not be ended until the people stop sheepishly accepting the elite faction's insufferable, sham, partisan leadership and find the courage themselves to take the lead, in order to throw off the false politics our elites design for despotism, and restore the God-revering truth that was, and still remains, their liberty's only lasting hope.

¹ "Romney continues to push for long-term plan for young immigrants," Associated Press, June 17, 2012
http://www.nypost.com/p/news/national/romney_won_say_he_ll_overturn_obama_583srGeBS9hogwh1vQD7ZK



A truly conservative Congress is key to saving America's liberty

From time to time I read a comment in the discussions of something I've written that sparks thinking that might be of general interest to my readers. I often share the results with the readers of my blog. This is one I thought might be of interest.

The reader's comment:

Obama has shown that he cares nothing about Congress. He has bypassed Congress on many issues. Conservatives would only be able to gain a very narrow majority at best and would not be able to override a presidential veto.

My reply:

Obama hasn't bypassed the Congress. The elitist faction's GOP leaders in the Congress have handed Obama a pass. They have refused to use the power of impeachment to call him or his minions to account. They have voluntarily surrendered to him congressional prerogatives the Constitution explicitly reserves to the Congress. Under the specious rubric of security, they have handed him unchecked powers of arrest and detention fit only for tyranny.

By their actions they make it undeniably clear that Obama is only one arm of the immediate mortal threat to America's liberty.

On account of this evidence, we should think of the 2012 election in this way: It's as if the American people are in a billiards match, facing the pro-socialist, anti-self-government elitist faction's Tag Team of Romney/Obama.¹ We're about to take our shot, but the situation on the table leaves us no good options. No matter what we do, the elitist faction team is going to be up after us, with either Romney or Obama calling the shots.

It's obvious that if we want to stay in the game, we have to make sure neither of them can run the table from the position that results from the shot we're about to make. A strong conservative majority in Congress formally committed to the principles of the American republic (which the GOP platform language generally represents) gives liberty a fighting chance no matter which of the elitist faction players (Romney or Obama) calls their shots.

But in Romney's case this is only true if the message sent by the conservative electorate leaves him with no basis for claiming that he has a mandate from the conservative grass roots. If the result leaves him with credibility as a conservative, I am morally certain he will use that credibility to confuse and/or discredit real conservatives as they try to mobilize against his implementation of socialism. (This is what he did in Massachusetts after his supposed conversion from the liberal/leftist/socialist camp.)

Conservative credentials will put Romney in position to move the ball toward the socialist goal line without facing the staunch opposition we've mounted against Obama (despite the feckless unwillingness to co-operate, and even sabotage, by the GOP wing of the elitist faction). The result will be a possibly decisive institutionalization of socialism and the corresponding destruction of constitutional self-government in the U.S.

The Platform Republican approach I am presenting at my blog² is the only approach to voting in 2012 that can be implemented everywhere in the country at this stage of the election cycle, and that accomplishes objectives that will give principled conservatives a fighting chance to save our country from the elitist faction's imposition of a socialist future.

Anyone who has given up on the Congress has given up on constitutional self-government. If the Congress no longer represents people committed to preserving the Constitution, it's precisely because such people haven't energetically asserted

their independent will and judgment. They've allowed party politics to control them, rather than building a political vehicle through which they can control politics.

The aim of the Platform Republican approach³ is not to trust or rely on the GOP, but to demonstrate the power of principled conservatives. Up to now they have refused let go of the belief that to be politically effective they must have permission from the elitist forces in control of the twin-party sham. They have refused to believe in their own strength, independent of the dictates of the elitist GOP leadership.

The GOP wing of the elitist faction has failed the GOP's essential constituency. But they've succeeded in being exactly what they really intend to be: tools of the elitist, socialist consensus aimed at destroying the republic.

To restore the republic we must first display the strength and restore the confidence of the principled conservatives who hold allegiance to the republic. There's only one generally accessible means left to make that display—the 2012 ballot. By following the Platform Republican strategy we can use the vote to send the message⁴ we ourselves need to see and understand.

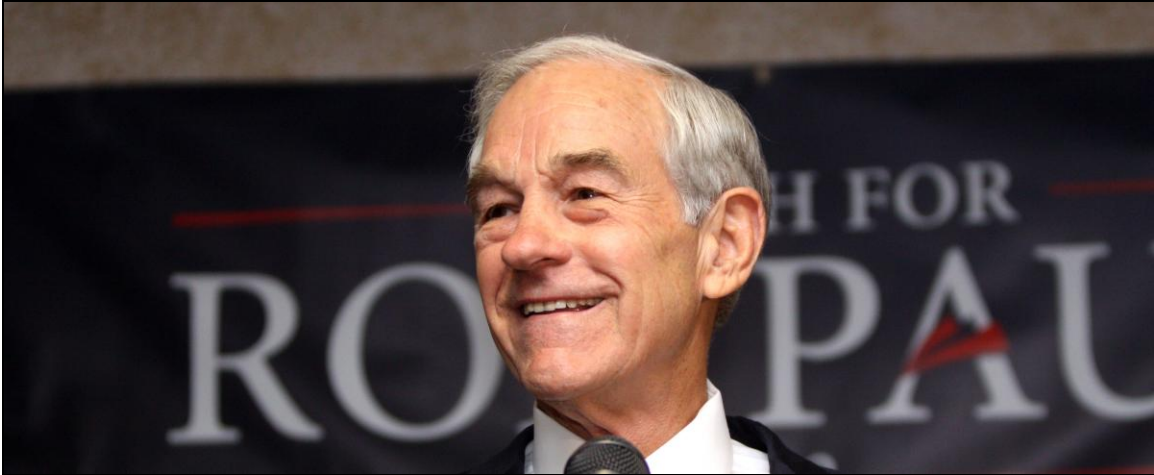
I realize that, even with a majority in both Houses, the GOP's current leadership in the Congress will, in all likelihood, betray their principled conservative constituency again. (Of course, if the 2012 vote sends enough conservatives into its ranks, there could be a leadership change. But I'm not holding my breath.) Faced once more with the kind of betrayal we saw after the 2010 election, having demonstrated the capacity to think and act independently of the manipulative brainwashing of the elitist faction, principled conservatives will be positioned to withdraw their confidence from the GOP and move energetically to construct a political vehicle that will finally represent Americans who determined to preserve self-government.

¹ "2012: America's heads they win tails we lose election," Alan Keyes, Loyal to Liberty, August 14, 2012
<http://loyaltoliberty.com/?p=1230>

² "America is far from lost, but what about the GOP?", Alan Keyes, Loyal to Liberty, November 7, 2012
<http://loyaltoliberty.com/?cat=1384>

³ "The 'Platform Republican' aim—to restore confidence in the conservative voters' independent strength," Alan Keyes, Loyal to Liberty, September 11, 2012
<http://loyaltoliberty.com/?p=1404>

⁴ "With their votes Conservatives can issue a Declaration of Political Independence," Alan Keyes, Loyal to Liberty, September 3, 2012
<http://loyaltoliberty.com/?p=1339>



Gage Skidmore

Impeach Obama? Is Ron Paul Right?

For war consists not in battle only, or in the act of fighting, but in a tract of time wherein the will to contend by battle is sufficiently known; and therefore the notion of time is to be considered in the nature of war as it is in the nature of weather. For as the nature of foul weather lies not in a shower or two of rain but in an inclination thereto of many days together, so the nature of war consists not in actual fighting but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace. (Thomas Hobbes, Leviathan, Chapter 13)

I doubt that the United States has ever engaged in war without some U.S. citizens taking part with those making war against us. In his vociferous reaction against the recent killing of Anwar al-Awlaki, Ron Paul certainly reminds us of the serious and troubling issues involved in the decisions required to take effective action against such self-selected enemies of their country. Paul and those who applaud his advocacy of passivism in matters of national security claim constitutional grounds for their objection to deadly national security operations that target U.S. citizens, even when these citizens plan and direct warfare against the United States as al-Awlaki reportedly did. They accurately point out what the Fifth Amendment to the U.S. Constitution states: “nor shall any person be...deprived of life, liberty, or property, without due process of law....”

Ron Paul is well and favorably known for insisting that the U.S. Constitution be strictly adhered to and applied. But in this case, does he himself fail to take careful

account of what it actually says? The Fifth Amendment's words do not restrict the due process requirement to the government's dealings with citizens of the United States. They apply to "any person," with nothing said about that person's citizenship status. In order to act with due regard for the Constitution in this respect, we must therefore consider what the Fifth Amendment requires of the U.S. government in its conduct toward all persons, not just those who are U.S. citizens.

But considered in light of this more accurate observation of the constitutional context, Ron Paul's criticism implies restrictions on U.S. government action that are so broad as to preclude the possibility of any warlike actions in defense of our national security. It effectively erases the prudentially necessary distinction between warfare and law enforcement. Every military and national security operation would have to be regarded as an exercise in law enforcement, during which U.S. personnel would have to observe all the safeguards entailed by the due process presumption of innocence.

In time of war, this would endlessly complicate operations that depend on secrecy, surprise, and deadly swiftness. It would lead to absurdities likely to prove inexcusably fatal to our military and national security personnel. Apparently, the authors of the Fifth Amendment realized this. The first clause of the amendment applies to the procedures of law enforcement "except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger...." This prudent exception explicitly recognizes the special exigencies connected with the conduct of military and national security operations (i.e., operations that deal with ongoing public dangers).

This exception reminds us of a truth that the situation of America's founding generation did not permit them to forget: no written provisions of law can deal with every emergency, every situation and circumstance. Therefore, prudence and common sense will always be required by those determined to act with respect for the provisions of constitutional government. This does not mean that any action taken in the course of military and national security operations must be accepted without question. But it does mean that not every such question can be clearly answered by citing the words of the Constitution. The Executive should always act with due regard for the Constitution, but perforce that also involves due regard for circumstances that threaten the safety and existence of the people the Constitution

exists to serve. To paraphrase, with respect, what Christ said of the Sabbath: the Constitution exists for the people, not the people for the Constitution.

Ironically, this reasoning compels me to conclude that Ron Paul's demand for a bill of impeachment against Barack Obama should be given serious consideration. Unless the people, through their representatives, seriously scrutinize Executive actions that appear to contradict the Constitution's words, how can they be certain those actions were, in truth, justified by prudence and common sense? Sometimes (as, I think, in the case of the killing of al-Awlaki), such scrutiny will lead to overwhelming defeat of an impeachment bill. But at other times, a majority of the people's representatives, influenced no doubt by the common feelings of their constituents, will unite to demand a full Senate trial of the case. Both the legislative and executive branches of our government will benefit from the greater sense of responsibility and accountability this process encourages. So, in fact, will the security of every person's unalienable and/or constitutional rights. Prudence is essential to good government, but so is careful and habitual scrutiny of any extraordinary actions taken in its name.



Why de facto government (tyranny) is replacing the Constitution

In a recent WND column,¹ I apply the logic of America's founders to the constitutional issue raised by Obama's refusal to defend the Defense of Marriage Act (DOMA), signed into law during the Clinton era. Like the partial birth abortion ban from roughly the same period, the law may have been a political ploy, intended to provide cover for elitist faction politicians (Republicans and Democrats) who wanted to have a vote they could cite as proof of their support for "traditional" morality. It allowed them to do so without taking a forward position on the issue of gay marriage that would expose them to attack from the elitist forces pushing to eviscerate the God-endowed rights of the natural family.

Obama's pretended change of heart (actually, as Michael Gaynor points out,² a reversion to type) signaled the launch of what is intended to be the elitist faction's decisive offensive against the natural family's God-endowed rights. This offensive is the culmination of the decades-long effort to erode the nation's allegiance to the self-evident truths upheld in the Declaration of Independence, beginning with the truth that, as the Creator of human nature, God determines the natural rights of all humanity.

By acknowledging the Creator as the arbiter of justice in human affairs, the Declaration set aside the then-still prevalent claim that the de facto superiority of the powerful gave them the natural and unchallenged right to rule over all the rest.

It made clear that, in God's will, power alone is not the standard of right. It articulated, for purposes of human government, the understanding that allowed each and every human being to claim the sanction of God's authority for those actions, necessary for their good and that of all humanity, which the laws of nature and of nature's God entitled them to undertake.

With this understanding, the Declaration emboldens the relatively weak to stand firm against abuses perpetrated by those who are relatively stronger. When the latter disparage, thwart, usurp, or despoil activities entailed by God's endowment of justice, the Declaration reminds us of the rights to which all who bear the title of humanity have equal claim. Thus emboldened by their consciousness of right, the weak may be moved to stand together, and by their common stand of righteous conscience transform their relative weakness into superior strength, sufficient to repel the abuses perpetrated against them.

In practical terms, this common stand of righteous conscience is the origin and method of governments which derive their just powers from the consent of the governed. For it represents the common impulse to righteous action, rooted in the affirmation of God's authority. That affirmation creates circumstances which make it necessary for the powerful few to take account of the will of all the rest, rather than simply imposing their own will upon others, as they are disposed to do. It allows those who are governed by conscience (their consciousness of God-endowed right) to check and constrain those who are otherwise inclined to govern without regard to God or conscience.

Readers who are willing to ponder and meditate upon this observation will inevitably realize that the moral understanding expressed in the Declaration of Independence is the *sine qua non* of republican self-government. Destroy the moral understanding that emboldens the people, and you destroy the motive for united action that is persistent enough to allow the people who are relatively weak to maintain the community of strength required to keep a cabal of the relatively strong from simply imposing their rule. Government by the consent of the governed (i.e., those who are governed by their consciousness of God-endowed right) constrains the rule of gangsters who would otherwise govern with no consciousness but of their own powerful will.

As I point out in my WND article, because of its power to impeach and remove officials serving in the other branches of government, the U.S. Congress is the only branch to which the Constitution gives the power to force an alteration in the composition of the other branches. Thus, when constitutional disputes arise among the branches of the U.S. government, the legislative branch is the one especially empowered to arbitrate them, but only when the community of strength from which the government derives its powers is at its peak, so that a sufficiently large majority favoring impeachment and/or removal becomes feasible.

But in the absence of a due regard for good conscience (i.e., the will to follow the God-endowed inclinations the voice of conscience articulates), the community of strength that constitutes the just powers derived from the consent of the people falls prey to the manipulation of material passion and fear. The powerful obviously have greater resources with which to undertake such manipulation. A de facto government of powers without regard to justice replaces the government of just powers derived from the consent of the governed. This fulfills the expectation expressed in William Penn's famous dictum: "Those who will not be governed by God will be ruled by tyrants."³

It is no mere coincidence that with respect to all the most important issues of the nation's life right now, de facto government is replacing constitutional government as the order of the day. The root cause of this is exemplified by the fact that when the president refuses to enforce a law made pursuant to the Constitution, the members of Congress respond by appealing to the Supreme Court. What sense does it make if the branch to which the Constitution entrusts the power to discipline the president seeks such disciplinary action from the branch that has no power to act without the president's aid? The constitutional obligation to hold the president accountable for dereliction of duty clearly follows the responsibility for impeachment and removal. The U.S. Constitution gives that responsibility to Congress, not the Supreme Court.

It's disingenuous to object that there is, at present, not a sufficient majority in the U.S. Senate to remove Obama from office for his dereliction. The GOP has a sufficient majority to initiate and secure impeachment. The process of doing so would give the Republicans in the House repeated opportunities to convince voters of the gravity of his offense and its grave consequences for the survival of America's constitutional, republican form of government. The interim elections would then test the effect of

their efforts, giving the people the opportunity to rise in defense of the God-endowed rights of the natural family.

The GOP leadership refuses to mobilize the Constitution's provisions in this regard because they do not in fact believe that it is vital to defeat the elitist faction's assault on the natural family. More and more, the GOP elitists are joining in that assault, even though it involves openly abandoning the stand for God-endowed natural rights articulated in the Declaration of Independence. In coalition with Obama, the GOP leaders are in fact working to procure the formal, final, and complete abrogation of the Declaration's principles, and with it the de facto overthrow of America's constitutional self-government. Without a political vehicle to represent Americans determined to uphold the Declaration's God-acknowledging principles, this nefarious coalition will succeed. Such a vehicle would, like Noah's ark and the cross of Jesus Christ, signify our total reliance upon the justice, mercy, and providence of God. And in this time of its greatest spiritual peril, that reliance would be our de facto prayer, calling upon His aid on behalf of our faltering nation.

¹ "Supreme Judge or Supreme Court?", Alan Keyes, Loyal to Liberty, March 28, 2013
<http://www.wnd.com/2013/03/supreme-judge-or-supreme-court/>

² "Obama didn't 'evolve' on marriage, he reverted," Michael Gaynor, RenewAmerica, March 27, 2013
<http://www.renewamerica.com/columns/gaynor/130327>

³ Brief History of William Penn
<http://www.ushistory.org/penn/bio.htm>



afsart/Flickr

Supreme Judge or Supreme Court?

A constitution...must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred to the statute....

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought...to regulate their decisions by the fundamental laws..... (Federalist #78)¹

These days, the cacophony of opinionated drivel that passes for serious discussion of constitutional issues drives me again and again to recur in my thinking to the writings of the original advocates of the U.S. Constitution. A sturdy thread of reasoning runs through and clarifies their argumentation. Because of their careful reasoning, the writings of the original Federalists exemplify a logic that can be extended, through changing times, to take account of various circumstances.

For example, the reasoning in Federalist #78² that justifies what we now call "judicial review" may logically be applied to the other branches of government

because their powers are wielded by officials who are, like the justices of the Supreme Court, bound by their oath of office to abide by the Constitution. In their responsibility for separate and equal branches of government, these officials have a separate and equal obligation to act on a conscientious decision about whether their actions are consistent with their sworn duty.

Like the justices of the Supreme Court, therefore, the president of the United States must compare every act of Congress and every judicial judgment with what the Constitution requires. And, if he sees "an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred...." Logic forbids the notion that the view of the Constitution taken by one branch automatically commands obedience from the others. For if it did, they would not be separate and equal. Each has an independent obligation to make sure that the power for which it is chiefly responsible is used in a way that accords with the supreme law provided for in the Constitution.

Now, proponents of the Defense of Marriage law insist that the present occupant of the White House must simply "obey the law," even if he has reached the conclusion that it violates a constitutional right he is obliged by oath to respect. But their insistence violates the logic that substantiates the Constitution's constraining effect on the use of the U.S. government's powers. In the first instance, each branch has the duty to keep within the boundaries of the Constitution. The issue involved in Obama's refusal to defend DOMA is not, therefore, necessarily about his obligation to "obey the law." It is about whether or not, in this particular instance, his view that the law is unconstitutional is correct.

Contrary to the self-aggrandizing assertions of the lawyers' guild and its camp followers, the judicial branch cannot logically assert that it has the constitutional power simply to command the other branches. In any given case, the judges and justices are obliged to follow the Constitution in the exercise of *their own* power. But apart from the opinion they express in that particular case, "the judiciary...has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aide of the executive arm even for the efficacy of its judgments."³

Obviously, disputes will arise among the different branches as to the constitutionality of some judgment made, or action taken, by one or another of them. Of the three, however, only the legislative branch is provided with the power needed to initiate an attempt to alter the composition of the others. To be sure, that power is hedged about in various ways to assure against hasty and ill-conceived results that would fatally affect the stable operation of the government. Taken all in all, these hedges force constitutional issues down a path that may ultimately lead to an electoral scrutiny by the people, in whose voice and name the Constitution is written.

Because the elitist faction aims to overthrow constitutional government of, by, and for the people, they work to obscure or tacitly deny this fact. They want Americans to accept the notion that those who happen to wield the power of government at any given moment may decide, amongst themselves and without recourse to the people, what is constitutional and what is not. If and when the American people foolishly acquiesce in this oligarchic lie, they will thereby surrender their status as a free people.

But does this mean that a constitutionally sufficient majority of the people have the right to impose their will, however patently unjust, on some or all the rest of the society? As the careful wording of Federalist #78 quietly indicates (when discussing the judges who are supposed to act as agents of the people), the people have the superior power but "they ought to regulate their decision by the fundamental laws...."

Having referred to the Constitution itself as "a fundamental law," why does the argument at this point allude to "the fundamental laws"? Well, in the first place, the Constitution says, "This Constitution, and all the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land," thus conferring constitutional status on a plurality of laws and treaties. But beyond this, the Constitution refers, in the Ninth Amendment, to the fact that "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

As I recently pointed out,⁴ we learn the source and nature of these unenumerated rights from another "fundamental law" of the United States—the Declaration of

Independence, which ascribes them to the Creator's endowment of all humanity. Most self-evident among them are the rights of the God-endowed natural family⁵ "rooted in obligations antecedent to any and all humanly instituted law or government." From this endowment, the people of the United States derive the sovereign authority to establish and maintain their self-government. Unless they are willing to subvert their own sovereignty, they are obliged, in their actions and decisions, to respect the source of authority that validates it.

In the weeks to come, the U.S. Supreme Court may decide to promote specious rights intended to supplant "the laws of nature and of nature's God" invoked in the Declaration of Independence. They may decide, in contravention of the Ninth Amendment, to deny and disparage the natural rights of the God-endowed family. It will then be for us, the people, to decide how to respond to their assault on the very root and source of our claim to decent liberty. If we respect the logic that reasonably, morally, and constitutionally justifies what their decision seeks to destroy, we will be able confidently to appeal, as America's founders did in the Declaration, "to the Supreme Judge of the world for the rectitude of our intentions." Then, whatever we face, we will have the courage to defend the institution that God made to be the living archetype of all the rest of our belongings.

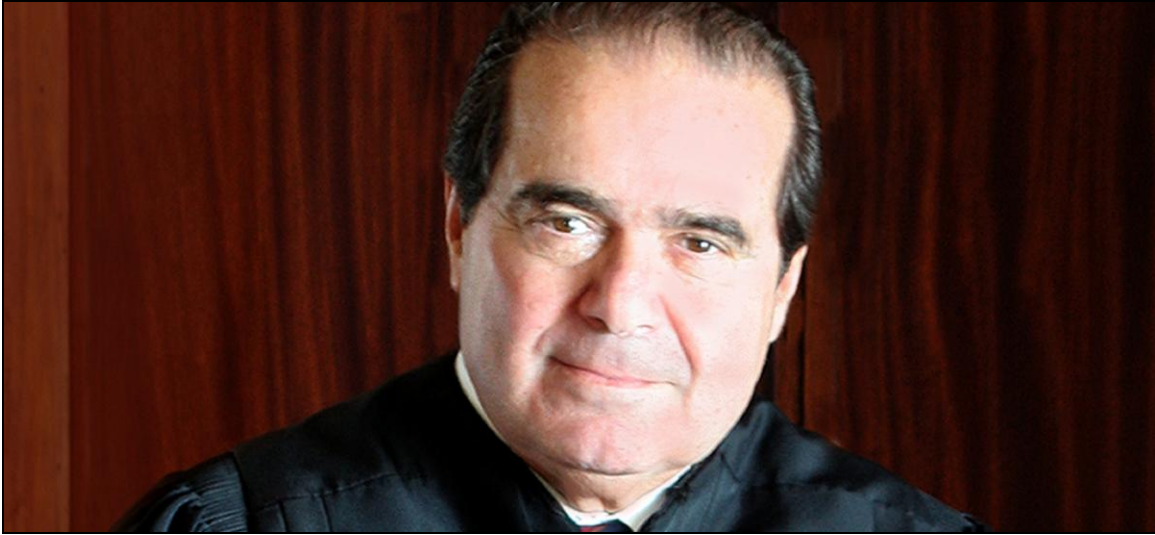
¹ Federalist #78
<http://www.constitution.org/fed/federa78.htm>

² *ibid.*

³ *ibid.*

⁴ "Ninth Amendment Rights-Breaking the Silence," Alan Keyes, Loyal to Liberty, March 20, 2013
<http://loyaltoliberty.com/?p=2283>

⁵ "Restoring America's principles: How 9th Amendment rights are key," Alan Keyes, Loyal to Liberty, March 25, 2013
<http://loyaltoliberty.com/?p=2294>



Scalia indicts Windsor decision's intentional bias

"It is enough to say that the Constitution neither requires nor forbids our society to approve of same-sex marriage, much as it neither requires nor forbids us to approve of no-fault divorce, polygamy, or the consumption of alcohol." (*United States v. Windsor*, Scalia, J. Dissenting, p.18)

If falsely allowed to stand in place of the U.S. Constitution, the opinion recently expressed by a majority of Supreme Court Justices in *United States v. Windsor*, marks the end of self-government, of, by, and for the people of the United States. Americans sincerely loyal to the U.S. Constitution, and the republican form of government it guarantees (Article IV.4), are right to react to their opinion with a deep sense of grief, anger, and resentment. Tragically, many of the people who feel this way are ill equipped to present the reasoning that justifies their feelings.

Given his reputation as a "conservative" many of these people doubtless thought they could rely upon the expectation that Justice Antonin Scalia's dissent from the majority opinion in *Windsor* would do for them what they believe they are unable to do for themselves. It's a sign of the times, ominous for the recovery of America's liberty, that this expectation turned out to be mistaken. Justice Scalia argued with some cogency, on technical grounds, that the particular issue at stake in *Windsor* had already been resolved by lower court rulings. In his opinion, it was therefore unconstitutional for the Supreme Court to assert jurisdiction in the matter.

When it came to the supposed logic of the decision, Justice Scalia accurately ridiculed the majority's substitution of deployment of invective instead of reasoning logically rooted in the Constitution. But, after shrewdly demonstrating the way in which the Court's diatribe against opponents of homosexual so-called marriage is likely to be abused in future rulings from the Federal Judiciary, Scalia offered nothing in his dissent to forestall that abuse except the demonstrably false pretense of constitutional neutrality quoted at the outset of this essay.

In his criticism of the *Windsor* majority's questionable assertion of jurisdiction in the case, Justice Scalia shrewdly discerned the derogatory significance of the majority's careless zeal. It indicates that they were prejudiced, firmly determined to rule in a certain way without fairly considering arguments that ran against their predisposition. The result was not an exercise of judicial review, arising because they fairly considered the merits of the case in light of the Constitution's provisions. Rather, from the outset they aimed to usurp legislative authority. As a political tactic, they ornamented their intention with dishonorable mentions of this or that constitutional provision. They deployed this tactic without bothering to set out the logical reasoning (*ratio*) needed to substantiate a conflict between the Constitution and the law duly made by Congress in pursuance thereof, which must otherwise be honored as the Supreme Law of the land (Article VI.2). Absent a reasonably logical demonstration that such a conflict exists, the Court's exercise of superior jurisdiction in the case was just an excuse to substitute their will for that of the constitutionally-ordained legislative power. This usurpation of legislative power was especially egregious because the subject matter that underlies the case is so crucial to the orderly perpetuation of the social life, civil liberty, and real self-government of the American people.

By itself, the majority's obviously prejudiced approach to judgment warrants impeachment and removal of the Justices complicit in it. By destroying the Supreme Court's credibility as an unbiased tribunal, they directly undermine its vital contribution to the actual and perceived integrity of the U.S. Judiciary, the Constitution, and the whole government it establishes for the United States. At present, that government is already rife with scandals that have undermined the people's confidence in its conduct of their affairs. The *Windsor* majority's open display of biased judicial intent pushes the nation further toward the sort of irreconcilable breach that occasioned the only outbreak of civil war in the nation's

history. This is especially true in the Windsor case, because the Court's action affects the concrete integrity of the family, the institution most critical to the character and welfare of the individuals who make up the society. If the Windsor majority's willfully injudicious handling of this matter does not qualify as a high crime and misdemeanor of the gravest import, nothing ever will.

As it is, Justice Scalia's dissent could almost be taken for the opening statement of the prosecutor at the trial these Justices richly deserve for their misconduct. He masterfully traces the technical considerations that prove the majority's political motive for taking the case. Then he demonstrates that this prejudicial motive resulted in a tendentious, incoherent, and self-contradictory expression of opinion that left the majority's decision in the case as groundless, in constitutional terms, as its purloined jurisdiction over it. Having torn away any pretense of fairness and rationality from the majority's decision, he decries the majority's vicious verbal assault against the opponents of homosexual so-called marriage. He shrewdly discerns their prejudicial intent to bias future decisions of the Federal Judiciary so that arguments which justify government action in defense of marriage as a God-endowed unalienable right will never again receive a fair hearing in any U.S. Court. The Obama faction is now openly engaged in a campaign to use the power of the U.S. government to overthrow the U.S. Constitution. Because they have not or will not let themselves be tutored by America's founders, the GOP majority in the House of Representatives is showing itself to be incompetent to deal with it. Obama's disciples of Marx and Saul Alinsky every day parade abuses infuriating to a solid majority of the American people. But instead of a strategic response that rallies this aggrieved majority in defense of America's liberty, the so-called leaders of the party that claims to stand in opposition to Obama's push for totalitarian socialism offer a ragged, piecemeal response.

This reminds me of the set-piece battles between American militiamen and the disciplined troops of the British Army in the early days of the American Revolution. In those battles, the British regulars answered the similarly ragged volleys of the American patriots with such devastatingly unanimous replies that the American irregulars often took to their heels in short order. The irregulars fared much better when they harried the British troops as hit and run sharpshooters, skillfully using every shred of cover available. The lesson here is not just about the early example of modern guerrilla warfare Americans set before the world. It is rather a more

general and adaptable insight. *Those early American patriots fought best when they fought for America in the American way.*

At present, the fight for America's future is still taking place in the political rather than military sphere. There are powerful domestic enemies of America's unparalleled success in constitutional self-government. They have waged an effective campaign, now decades old, to teach the leading talents of successive generations of Americans to doubt and despise their nation's exceptional political heritage. As a result, all too many of these potential leaders never learned the defining principles, ideas, and ideals with and upon which previous generations built the strength and endurance of the American people. Others of them positively reject or carelessly abandon these premises.

When they came to lead, the children of the generation that fought World War II allowed the focus of American education to shift decisively away from a serious regard for the seminal documents that convey the logic of America's liberty. This is the key to the elitist apostasy from America's creed. On account of this apostasy, a more and more organized, self-consciously elitist faction has matured. It rejects the moral egalitarianism that undergirds America's creed of liberty. Therefore, it works to overthrow the form of constitutional self-government that respects the sovereignty of the people. Informed by socialist totalitarian ideologies, this elitist clique is endowed by the materialist, authoritarian corporatism of the money powers now largely in control of America's financial institutions, its so-called mainstream media, and *both* the Democrat and Republican parties.

In political terms, these elitist faction forces come against the U.S. Constitution from left and right. Whatever the rhetoric of their verbal professions, in their actions they unanimously reject the premise that there is one benevolent and superintendent Deity whose spirit, will, and judgment created human nature and ultimately rule over human affairs. This rejection of God's authority is the daily proven fact that belies the specious opposition that is supposed to divide one of the elitist faction's wings from the other. Whatever they say, the resultant charade of their supposedly adversarial interaction has for more than a lifetime consistently undermined this central pillar of American self-government, without which its other supports are like branches of a tree, forced to bear a weight they cannot stand.

This hostility to the primary moral premise of America's way of life resulted in a pervasive, diffuse but up to now largely undeclared, war against America's moral identity. Under the impetus of Obama's abusive administration, however, it has broken out into open warfare. On one front of that war, the Obama forces seek to compel the nation to ingest a demoralizing spiritual diet that includes the poison pills of abortion, homosexuality, and the systematic abrogation of the God-endowed obligations and rights of the natural family. On another front, they are making the threat of terrorism into an excuse for stripping the American people of their unalienable and civil rights, beginning with the strategically critical right to keep and bear arms.

To hobble Christian individuals and institutions with specious administrative and legal entanglements, they invidiously apply the false doctrine that requires separation of church and state. Meanwhile, they cover for Islamic entities, openly tied to the Islamic terrorist infrastructure, as they engage in activities and practices that are contrary to both our laws and the Supreme Law of the Land. They do so (as in regard to the assassination of America officials in Benghazi) even when these activities involve murderous attacks against American citizens and public servants.

Each of these battlefronts damages the prospects for the survival of America's liberty. If we respond to each in its own terms, here and there we may seem to win a victory. But we will be fighting on grounds the enemy has chosen, in engagements intended to contribute to their ultimate victory. However, *what if we identify and respond to all these threats as elements of the war against our constitutional self-government?* Then we will be fighting on grounds chosen by our founders and by every previous generation of Americans. They are grounds ordained by God's endowment of right. They have proven favorable to our united strength and courage as a people no matter what the seeming advantages of our foes.

If we rely on shallow, jerry-rigged expedients like special prosecutors and such, the cause of liberty must fail. Such expedients were invented to evade and ultimately discard the constitutional appeal to the people that respects their constitutional sovereignty. GOP leaders pretend to represent our anger and righteous opposition to the Obama faction's unconstitutional abuses. But in recent years, they have continually undermined and betrayed that opposition. Regardless of their lip-service, we must reject their shallow posturing.

We must demand, instead, that they mine the logic of our organic laws—the Declaration of Independence and the Constitution—for the precious practical wisdom that will guide us to victory, as it guided our forebears. If they do so with any degree of understanding, they will find and use the constitutional ordinance exactly suited for the battle we are in. They will hear and act upon our urgent battle cry: IMPEACHMENT NOW! Do your duty, and leave the rest to God and the American people.



Design for despotism

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism.... (American Declaration of Independence)

Probe with bayonets. If you encounter mush, proceed.... (Vladimir Lenin)

These days arrogant pundits have a tendency to sneer at the very thought of a “conspiracy theory.” This reminds me of Verbal’s pithy pronouncement from the movie *The Usual Suspects* (not for family viewing, by the way) that “The greatest trick the devil ever pulled was convincing the world he did not exist.” But when I’m tempted to let snide punditry influence my thinking, I more often call to mind the above-quoted words from America’s Declaration of Independence. They remind us that people who want to preserve their liberty must be willing to keep in mind the possibility that the actions of their government leaders may be part of a “design” (that is, a consciously contrived plan of concerted actions) aimed at establishing despotic rule over them. If the American founders left room for a little conspiracy theory, why shouldn’t we? Indeed, in the cyber age we should be more open to it than ever. After all, when it comes to human activities, “conspiracy” is just another word for systematic programming. The key question in that context: What is the goal?

I’ve been asking myself that question as I consider the Alleged Usurper’s recent power grab involving the Census Bureau. And I’m not just referring to the obviously

partisan purposes it may serve. What struck me more was the unnecessarily arrogant fashion in which the Obama faction declared control over an activity that the Constitution clearly states shall be determined by law. Existing law places the Census Bureau under the supervision of the Secretary of Commerce. A change must be made in the law before the White House can constitutionally alter that arrangement. Admittedly, with a Democrat majority in both Houses, Obama will have things his way. But at the very least, appearing to issue orders not authorized by law (as the Constitution requires) smacks of a hasty, if not dictatorial, temperament. However, my concern isn't about temperament either.

Years ago, I wrote my doctoral dissertation at Harvard. I focused on Alexander Hamilton's contribution to the U.S. Constitution. As I researched and ponder this subject, I was struck by the dangerous abuses of executive power that might arise, under certain circumstances, because of the assumptions the framers made with respect to the characteristics of the American people. The Constitution's famous system of checks and balance works only on the assumption that the different branches of government will jealously guard their own constitutional prerogatives and the prerogatives of the people they are supposed to represent, and will therefore adamantly resist encroachments upon them. If one branch or another takes unconstitutional initiatives, the judiciary has means to forestall the effects in some cases. In others, the legislature has the power to remove the offending officials. The executive can simply refuse to carry out unconstitutional actions. But, by the same token, only the executive has frequent opportunity to carry on an unconstitutional initiative until it produces a concrete result that can be challenged only after the fact. An individual might, for example, be unconstitutionally arrested, tortured, and killed under the auspices of executive authority long before either of the other branches even hears about the action, much less has any chance to intervene. The first safeguard against such abuse is the character of the one vested with executive power. But if that person has the disposition to move beyond the law until met with hard resistance (to probe with bayonets, as Lenin put it), great and perhaps fatal harm could be done before such resistance sufficed to stop him.

There will be a special danger in this regard if the executive in question has enough support in the Congress to make him confident that his abuses will not be challenged, or that challenges will never have sufficient support to achieve the only outcome that will definitely remove him from constitutional authority, which is to

say, impeachment and removal from office. Can we say with any confidence that we are not in this situation of special peril to our liberty?

The present occupant of the White House assumed residence while refusing to provide credible evidence that he is in fact constitutionally qualified to serve as president. Neither the judiciary nor the Congress, nor any other government officials, showed any disposition to defend the terms and authority of the Constitution. Unlike Arnold Schwarzenegger and others, Obama took the initiative to run for president despite whatever knowledge still impels him to withhold from public view the document that would rebut the substantial allegation that he is not a natural born U.S. citizen, and therefore unqualified to serve. Following Lenin's dictum, he probed. He met no resistance. He has so far gotten away with it.

Does his dictatorial presumption with respect to the administration of the census reflect the same tactical disposition? If he so casually crosses the line of respect for constitutional formalities with no shred of cover from the circumstances of his action, what will he do when some emergency actually seems to authorize extraordinary measures? He has already called for a domestic security force as large and well funded as the military. He has already begun to tout the economic crisis as something that can only be solved by centralizing more and more power under his control. His supporters have already begun an effort to replace allegiance to the Constitution with personal allegiance to him. Taken alone, such things might be meaningless. But altogether, like the threads of a tapestry, they begin to suggest a design.

Someone who plays the party dictator when nothing is at stake may just be practicing for the moment when everything hangs in the balance. And if Congress is willing to tolerate such infringements of the Constitution when there's nothing to fear, what must we expect if and when some catastrophe calls for armed forces in the streets, and the prerogatives of disaster arm executive whims with raw power to do things far more threatening than the partisan rearrangement of the bureaucracy?

Let's not pretend that we live in times when such events are at all unlikely to occur. On the contrary, the last terror attack hit upon our soil in a time of relative prosperity. If the next one wrenches us in the midst of an economic depression, will the twin demons of fear and economic misery leave people with much heart for liberty? Or will it seem a pointless distraction from the imperatives of survival. Such

times call for a leader whose heart will be the repository of America's love of freedom, keeping the flame alive in spite of all. But human history suggests that these times are more likely to spawn leaders who seize the opportunity to do what their ambition, their ideology, or their resentful disposition has inclined them to do all along: seize the day; seize the power; and use that power to snuff out the flame of liberty, and scatter its dying embers.

I know that there are some Americans so far gone that they look without concern upon the prospect of such despotism. For them, the so-called economic stimulus boondoggle is like the distribution of money a new Roman Caesar would make to woo the support and loyalty of the Praetorians and the Roman rabble. Like such Romans, they are doubtless the ones who will gladly serve as servile henchman of despotic ambition, as it works to cow, seduce, and subdue the rest of us. But are they so many that the little harbingers of tyranny, carried upon the winds of so-called change, have *no* audience capable of understanding and responding to their significance? Are there no Americans left willing to see with an eye jealous of our freedom, and stand, with hardy, God-struck spirits upon the rights He has designed for us?



Time for Congress to show courage¹

It will not be possible much longer to avoid deciding whether Bill Clinton must be removed from the presidency if the various charges against him are true. The Republican leaders in Congress seem content to put off this moment of decision. But the damage to the Republic from a continuation of their faintheartedness would be profound. They must do their duty.

If I were going to prioritize the charges against the president, I would not put at the top of the list those which have garnered the most attention in recent weeks. A very serious argument can indeed be made that the abuse of power by the president in his sexual relationships requires impeachment and removal from office. However, it is not the most compelling case that can be made.

The most compelling accusation against Bill Clinton is that as president of the United States he sold out the interests and national security of the United States to a potentially hostile foreign power to gain resources for his re-election. The founders of this country would have understood how serious this charge is. They thought that one of the greatest dangers to the Republic was subversion by the money of foreign powers—in those days it was France and Great Britain.

Some people want the lawyers to decide whether President Clinton should be removed from office. But lawyers have nothing to do with the question of impeachment. We should think like the founders, who understood that parchment divisions by themselves mean nothing. Impeachment is entirely a political judgment, and was meant to be so. It is in the hands of the legislature precisely because it is not

a matter of legal technicality, but of whether the people of the country will insist that the executive be their servant, not their master.

This is a responsibility that the people, and their representatives in Congress, cannot escape. Let's assume that Kenneth Starr indicts the president, and manages somehow to get a court to declare him guilty. Then the question arises: Who is going to put him in jail?

The problem with the long arm of the law is that, when you are the long arm of the law, which arm puts you in jail? The power in this country is not shared in that way. The executive is the executive and the legislature is the legislature, and the founders did not mix these two things.

If the United States marshals came to enforce a verdict against the president, he could quite legitimately tell his Secret Service men to shoot them, and they would have to do so.

A determined president can do pretty much whatever he pleases. The founders did that purposely, because they knew that an energetic, forceful executive is essential to the survival of any state. You cannot predict what emergencies are going to arise. Therefore, you must trust power. Confidence must be placed somewhere so that there is a necessary concentration of force available to meet emergencies.

That concentration of force is in the hands of the executive. As long as he remains the executive, under the Constitution, he can command the forces of law and they are required by their oaths to obey him—even if it seems to them that the executive is abusing his power. If they disobey him, they declare civil war, because that is what is implied when you move against the executive. Abuses of executive power ultimately must be determined and remedied by the sovereign people acting through the legislature. Any other remedy is as unconstitutional as the action of the executive itself.

We should stop fooling ourselves into thinking that we will wedge President Clinton out with legal technicalities. It will take political will—lots of it—to remove him. And it will take the Congress.

President Clinton has stated publicly that he will never resign. So this crisis will not end in his resignation. We are either going to let him get away with it, or we are going to call him to account. The only people who can do so are sitting in the

Congress, showing a gutlessness that makes me ashamed. Right now, all the betting is that they will not have the will to act, but instead are setting things up to ride his corrupt coattails to re-election in the fall.

This would taint the Republican party with a lasting stain. And how long will decent people continue to support a party that lets the Clinton spinmeisters kill the conscience of America in order to preserve their power? As always, the path to true political success is also the path of principle. The Republican leadership should summon their courage and face down the petty tyranny they have allowed to take root in the White House.

¹ Published April 24, 1998, WND
<http://www.wnd.com/1998/04/5232/>



Defending America the *American* way

The Obama faction is now openly engaged in a campaign to use the power of the U.S. government to overthrow the U.S. Constitution. Because they have not or will not let themselves be tutored by America's founders, the GOP majority in the House of Representatives is showing itself to be incompetent to deal with it. Obama's disciples of Marx and Saul Alinsky every day parade abuses infuriating to a solid majority of the American people. But instead of a strategic response that rallies this aggrieved majority in defense of America's liberty, the so-called leaders of the party that claims to stand in opposition to Obama's push for totalitarian socialism offer a ragged, piecemeal response.

This reminds me of the set-piece battles between American militiamen and the disciplined troops of the British Army in the early days of the American Revolution. In those battles, the British regulars answered the similarly ragged volleys of the American patriots with such devastatingly unanimous replies that the American irregulars often took to their heels in short order. The irregulars fared much better when they harried the British troops as hit and run sharpshooters, skillfully using every shred of cover available. The lesson here is not just about the early example of modern guerrilla warfare Americans set before the world. It is rather a more general and adaptable insight. *Those early American patriots fought best when they fought for America in the American way.*

At present, the fight for America's future is still taking place in the political rather than military sphere. There are powerful domestic enemies of America's unparalleled success in constitutional self-government. They have waged an

effective campaign, now decades old, to teach the leading talents of successive generations of Americans to doubt and despise their nation's exceptional political heritage. As a result, all too many of these potential leaders never learned the defining principles, ideas, and ideals with and upon which previous generations built the strength and endurance of the American people. Others of them positively reject or carelessly abandon these premises.

When they came to lead, the children of the generation that fought World War II allowed the focus of American education to shift decisively away from a serious regard for the seminal documents that convey the logic of America's liberty. This is the key to the elitist apostasy from America's creed. On account of this apostasy, a more and more organized, self-consciously elitist faction has matured. It rejects the moral egalitarianism that undergirds America's creed of liberty. Therefore, it works to overthrow the form of constitutional self-government that respects the sovereignty of the people. Informed by socialist totalitarian ideologies, this elitist clique is endowed by the materialist, authoritarian corporatism of the money powers now largely in control of America's financial institutions, its so-called mainstream media, and *both* the Democrat and Republican parties.

In political terms, these elitist faction forces come against the U.S. Constitution from left and right. Whatever the rhetoric of their verbal professions, in their actions they unanimously reject the premise that there is one benevolent and superintendent Deity whose spirit, will, and judgment created human nature and ultimately rule over human affairs. This rejection of God's authority is the daily proven fact that belies the specious opposition that is supposed to divide one of the elitist faction's wings from the other. Whatever they say, the resultant charade of their supposedly adversarial interaction has for more than a lifetime consistently undermined this central pillar of American self-government, without which its other supports are like branches of a tree, forced to bear a weight they cannot stand.

This hostility to the primary moral premise of America's way of life resulted in a pervasive, diffuse but up to now largely undeclared, war against America's moral identity. Under the impetus of Obama's abusive administration, however, it has broken out into open warfare. On one front of that war, the Obama forces seek to compel the nation to ingest a demoralizing spiritual diet that includes the poison pills of abortion, homosexuality, and the systematic abrogation of the God-endowed obligations and rights of the natural family. On another front, they are making the

threat of terrorism into an excuse for stripping the American people of their unalienable and civil rights, beginning with the strategically critical right to keep and bear arms.

To hobble Christian individuals and institutions with specious administrative and legal entanglements, they invidiously apply the false doctrine that requires separation of church and state. Meanwhile, they cover for Islamic entities, openly tied to the Islamic terrorist infrastructure, as they engage in activities and practices that are contrary to both our laws and the Supreme Law of the Land. They do so (as in regard to the assassination of America officials in Benghazi) even when these activities involve murderous attacks against American citizens and public servants.

Each of these battlefronts damages the prospects for the survival of America's liberty. If we respond to each in its own terms, here and there we may seem to win a victory. But we will be fighting on grounds the enemy has chosen, in engagements intended to contribute to their ultimate victory. However, *what if we identify and respond to all these threats as elements of the war against our constitutional self-government?* Then we will be fighting on grounds chosen by our founders and by every previous generation of Americans. They are grounds ordained by God's endowment of right. They have proven favorable to our united strength and courage as a people no matter what the seeming advantages of our foes.

If we rely on shallow, jerry-rigged expedients like special prosecutors and such, the cause of liberty must fail. Such expedients were invented to evade and ultimately discard the constitutional appeal to the people that respects their constitutional sovereignty. GOP leaders pretend to represent our anger and righteous opposition to the Obama faction's unconstitutional abuses. But in recent years, they have continually undermined and betrayed that opposition. Regardless of their lip-service, we must reject their shallow posturing.

We must demand, instead, that they mine the logic of our organic laws—the Declaration of Independence and the Constitution—for the precious practical wisdom that will guide us to victory, as it guided our forebears. If they do so with any degree of understanding, they will find and use the constitutional ordinance exactly suited for the battle we are in. They will hear and act upon our urgent battle cry: IMPEACHMENT NOW! Do your duty, and leave the rest to God and the American people.¹

¹ “Petition urging Congress to impeach President Barack Obama,” WND, February 8, 2013
http://www.wnd.com/wnd_petition/petition-urging-congress-to-impeach-president-barack-obama/