THE LAW THAT CAN PUT OBAMA IN JAIL

On May 12, the Washington Times revealed the latest impeachable outrage by President Barack Hussein Obama. In 2013, ICE (Immigration & Customs Enforcement) released 36,000 criminal illegal aliens from custody, putting them back on American streets instead of deporting them.

The 36,000 illegals had more than 87,000 criminal convictions between them, many for murder, assault, drunk driving and the like. Rep. Lamar Smith (R-TX) calls this "the worst jailbreak in American history," and obviously impeachable as it was "sanctioned by the president."

Yet it is merely the latest in what would have been in pre-Obama America an unimaginably long list of impeachable "high crimes and misdemeanors" by the current Oval Office occupant. They are the focus of Andy McCarthy's book, to be released next month, Faithless Execution: Building the Political Case for Obama's Impeachment.

The case can be made, of course, but there is a much faster and easier way to eject Obama - whom I call "Zero" by the way, because O=Zero - from office. It is the law that can put him in jail.

There are many barriers to impeachment. First is, you need Congress to do it. The invertebrates who run the GOP don't have the spine for it. Second, impeachment is merely the indictment, issued by a House majority. That's a many month-long arduous process. The actual trial is held by the Senate. Even if the GOP gains majority this November, it will be nowhere near the 67 votes to convict required by the Constitution.

So Impeachment is a dead end. We need a law - a Federal law on the books that bypasses Congress and for which you do not need the Justice Department to prosecute. It turns out there is just such a law. Here's the law's background.

Article I, Section 9, Clause 7 of the United States Constitution states:

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

This is the "Power of the Purse" clause, which Article I, Section 7, Clause 1 makes clear is exclusively held by the House:

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

Actually, there are *two* "powers of the purse" - to spend money or to deny its being spent. For the US Federal Government to *spend* any money, one single dime on anything, *three* things need to

happen in this order: 1) an Appropriation must be authorized and passed by the House, 2) such Appropriation must then be passed by the Senate (any differences in the House and Senate versions must be reconciled via joint agreement and passage), and finally 3) be signed into Law by the President.

To *deny* the federal government the authority to spend any money, one single dime on any program or activity, *only one* thing needs to happen: the House does not pass an Appropriation for it. Period.

Neither the Senate, nor the President, nor the Supreme Court, nor any federal agency secretary or bureaucrat, has the constitutional authority to spend one single dime by themselves, without a majority of the House giving it to them. *That* is the power of the purse.

But how do you *enforce* this power? Here is what may well be the single most important question to ask in America today:

Given that the current President of the United States is determined to bypass the House's appropriation authority and spend gigantic sums on whatever programs he wants or enforcing whatever Executive Orders he issues, is there an enforcement mechanism for his violating the power of the purse clauses in the Constitution?

The answer is yes. There is a federal law that specifically codifies the power of the purse clauses, and provides specific punishment for their violation by any "officer or employee of the United States government."

This punishment is "suspension from duty without pay or removal from office," and up to two years in federal prison.

This Federal law is: *The Antideficiency Act*. The original version was enacted into law in 1884. Although revised occasionally since to make its meaning clear in terms of "modern" language, its purpose remains: to be the enforcement mechanism implementing Article I, Sections 7 & 9. It was last revised during the Reagan presidency, and is codified as Title 31 of the United States Code (31 U.S.C. §§ 1341, 1342, 1349, and 1350).

§1341 states:

1) An officer or employee of the United States Government or of the District of Columbia government may not-

(A) make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation;

(B) involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law;

§1342 specifies that the "unless authorized by law" exception in 1341 (1)(B) applies only to "emergencies involving the safety of human life or the protection of property," which does "not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property."

§1349 states:

"An officer or employee of the United States Government or of the District of Columbia government violating section 1341(a) or 1342 of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office."

§1350 states:

"An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1341(a) or 1342 of this title shall be fined not more than $5,000, imprisoned for not more than 2 years, or both."

Sen. Ted Cruz (R-TX) has provided 76 examples of Zero's lawlessness. In each instance, it cost federal government money to implement them. Were any of these implementations authorized by a Congressional appropriation? For every one that wasn't, that's one count of violating the Antideficiency Act. Every count of which the defendant is found guilty can mean two years in jail.

Mr. Obama needs to be prosecuted in violation of the Antideficiency Act. He can be *criminally* prosecuted, per §1350, for *knowingly and willfully* violating it.

Note, however, that §1349 only requires violation of the act (without the knowing/willful qualifier) for the perpetrator to be suspended and removed from office.

How is the prosecution of the president to be initiated?

Eric Holder, as the most corrupt and dishonest Attorney General in US history, will of course not prosecute Zero - he will act as his defense attorney. The House as a whole, individual senators and congressfolk, conservative legal foundations et al, may initiate law suits against the president.

But there is a better, quicker way.

The Original Jurisdiction clause of the Constitution -- Article III, Section 2, Clause 2 -- states: "In all Cases... in which a State shall be Party, the supreme Court shall have original Jurisdiction."

If a State, at the direction of its governor and attorney general, initiated criminal proceedings against the president as an officer and employee of the United States government for willfully violating the Antideficiency Act, the case per the Original Jurisdiction clause, must bypass all lower courts and go directly to the Supremes.

The opportunity is there on a platinum platter for Texas Gov. Rick Perry. Or Wisconsin Gov. Scott Walker. Or any GOP governor wanting to fire up his 2016 presidential ambitions with rocket fuel.

Granted, since Chief Justice Roberts has become Obama's poodle, the SCOTUS may not find the president guilty. Nonetheless, prosecution of the president under the Antideficiency Act is a far easier way to remove him from office than impeachment.

Further, such violations can put him in jail.

In sum:

*The Constitution explicitly states that the President and the Executive Branch can only spend money first appropriated by the House.

*The enforcement mechanism for violation of this Constitutional provision is the Antideficiency Act, under which the president may be personally prosecuted as an officer of the United States government, and if found guilty, may be removed from office and imprisoned for up to two years on each count.

*Our current president has repeatedly, blatantly, knowingly and willfully violated the Antideficiency Act.

*A Republican Governor may initiate criminal prosecution of any officer or employee of the Federal Government for violations of the Antideficiency Act. The case must go directly to the Supreme Court.

We have the Constitution and the specific federal law to put an end to the Tyranny of Zero. It's time to go on offense. All patriots now have the opportunity to actively encourage Republican governors to have their state prosecute the president, and to help conservative law firms build their case.

The Antideficiency Act is the means by which Mr. Obama can be thrown out of office and go to jail. Let's use it.

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