

# Daily Mail

## Explosive new book sets out case for impeaching Barack Obama over Benghazi, health care reform, immigration and spying scandals

By David Martosko – August 15<sup>th</sup>, 2013

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- Book from best-selling conservative authors lays out 'a blueprint for drafting articles of impeachment'
- They claim the Benghazi outpost was involved in illegal arms transfers to Syrian rebels, akin to the Iran-Contra scandal
- Obamacare may be constitutional, they say, but the president's men have steamrolled Congress by rewriting portions on their own
- 'Executive amnesties' of illegal immigrants, write Aaron Klein and Brenda Elliott, may be impeachable end-runs around legislators
- The Florida-based National Black Republican Association released a list of proposed Articles of Impeachment on Tuesday

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In a lengthy indictment of President Barack Obama, two best-selling authors argue in a forthcoming book that the current occupant of the White House has committed numerous 'high crimes and misdemeanors' that could justify his impeachment and removal from office.

'Consider this book to be ... a blueprint for drafting articles of impeachment,' author Aaron Klein told MailOnline, which exclusively reviewed a copy of his 'Impeachable Offenses,' a book co-authored with Brenda Elliott and due out August 27.

'It is up to the public and ultimately up to their elected representatives,' he said, 'to decide what to do next.'

Obama's actions, the authors write, include sanctioning an alleged 'arms-to-jihadist-rebels scheme' in Benghazi, Libya that 'aided an Islamist revolution and armed our most dangerous al-Qaeda enemies,'

Those terror groups include al-Qaeda militants fighting alongside Syrian rebels trying to topple dictator Bashar al-Assad.

The now-infamous 'Operation Fast and Furious' gun-walking program, as described in the book, was a stealth effort to generate new rationales for limiting U.S. citizens' purchases of rifles and other long guns. And massive government purchases of handgun ammunition, the authors argue, was an attempt to limit the exercise of Second Amendment rights by 'dry[ing] up the ammo supply.'

Klein and Elliott – like a growing proportion of Americans, polls show – are dismissive of the Obama administration's international drone campaign, and question 'the legality of leading a US-NATO military campaign against Muammar Gaddafi's regime without congressional approval.'

They are most critical of the Affordable Care Act – Obamacare – a position that repeated polling indicates most Americans share.

President Obama's signature legislative achievement, they write, 'not only is unconstitutional but also illegally bypasses Congress, infringes on states' rights, and marks an unprecedented and unauthorized expansion of Internal Revenue Service (IRS) power, constituting a clear case of 'taxation without representation' – one of the primary reasons for the American Revolution.'

They also slam the president for green-lighting an 'unconstitutional war' in Libya, for funneling billions of 'clean energy' dollars to 'cronies,' and for instituting the Transportation Security Administration – now familiar to airline travelers everywhere – as an 'alternative federal police force' that operates 'in violation of the Constitution.'

'Impeachable Offenses' consists largely of a laundry list of well-worn conservative complaints about the White House and its current occupant. But unlike quick-hit blogs and short investigative series that have dominated right-wing grievances against President Obama, it defends its collected beef with more than 60 pages of footnotes and a systematic connect-the-dots exercise that the president's defenders will find troublesome.

'President Obama has clearly violated the limits of his office and the powers granted to him by the United States Constitution,' said Klein, who, along with Elliott, has already penned two New York Times best-sellers.

Klein also hosts a highly rated weekend program WABC in New York City, 'Aaron Klein Investigative Radio.'

'He has done serious and sustained damage to American society,' Klein said of Obama. 'Impeachment is a serious charge, not something to be used for factional gain or partisan politics. I believe impeachment is warranted.'

Not so, an administration official told MailOnline on Wednesday, speaking on background.

'Impeachable Offenses' outlines a case for removing the president from office, and will hit bookstores on August 27

'If the Republicans in the House want to try something that foolhardy, it will probably be run by the same group of lawmakers who have voted more than 40 times to repeal the Affordable Care Act,' the official said.

'Like most of the partisan actions coming out of the House, the Senate would never stoop to dignify it.'

Benghazi was a modern Iran-Contra bargain

Unnamed Middle Eastern security sources, Klein notes, have provided him 'with information indicating that both the U.S. mission and the nearby CIA annex in Benghazi served as an intelligence and planning center for U.S. aid to rebels in the Middle East,' particularly those fighting hammer-and-tong against Syria's murderous president.

The evasion of legal restrictions on arms deals with foreign governments, he and Elliott suggest, 'should result in the immediate impeachment of Obama, as well as the toppling of other administration officials.'

It's difficult to read without drawing parallels with the 1980s-era arms-for-hostages deal that brought charges against 13 Reagan administration officials, many of whom received pardons from President George H.W. Bush before they could be tried.

That case, although different in many crucial ways, put arms in the hands of Iranian rebels and was originally conceived as an unlikely scheme to use Israel as a middle-man to supply them. Later on, the plan was modified to use some of the proceeds from the sale to fund anti-communist rebels in Nicaragua.

The book's argument is that the Obama administration coordinated secret arms purchases for Syrian rebels through relationships with Turkey, Saudi Arabia and Qatar, using non-U.S. funds. This, the authors write, helped the administration 'skirt laws about the accountability of U.S. funding for CIA and other intelligence operations.'

Weapons delivered secretly to overseas agitators, as Iran-Contra later showed, can bring unintended consequences. A generation later, the Muslim sect marching Iran toward nuclear weapons are successors to the rebel group the U.S. armed in the 1980s.

And U.S. involvement with arming Libyan rebels prior to the ouster of Muammar Gaddafi, according to the United Nations, placed weapons in the hands of militants involved in conflicts in Mali, Syria and Gaza.

Klein and Elliott are careful to describe the main State Department facility in Benghazi as a 'mission,' not a consulate. It was never sanctioned as the home base of any diplomatic official, they write, freeing it to be used for other purposes. It was also, they allege, never officially reported to the Libyan government as a full-time U.S. base of operations.

This, as documented in a State Department Accountability Review Board report, would seem to violate the Vienna Convention on Diplomatic Relations, which the U.S. ratified in 1961. That agreement requires 'mutual consent' before any participating government can establish a 'permanent diplomatic mission.'

The Benghazi outpost was the site of the late U.S. Ambassador Chris Stevens' last official meeting, which the administration has described as a dinner with Turkish authorities. Stevens

was dead just hours later after more than 100 armed Islamists affiliated with the al-Qaeda-linked group Ansar al-Sharia opened fire and torched the building with diesel fuel.

Oddly, Ansar al-Sharia was also affiliated with the Libya-based February 17 Martyrs' Brigade, which provided the facility with its security guards until it refused to protect U.S. diplomats there three days before the September 11, 2012 attack.

Obamacare is equal to 'taxation without representation'

Although President Obama's most triumphant legislative moment was green-lighted by the Supreme Court in 2012, Klein and Elliott claim, the implementation of Obamacare 'illegally bypasses Congress, infringes on states' rights, and marks an unprecedented and unauthorized expansion of IRS power.'

'Obama's signature legislation,' Klein told MailOnline, 'may violate multiple sections of the Constitution and may within itself constitute probable cause for impeachment.'

Conservatives in Congress, where House Republicans have presided over more than 40 largely symbolic votes to repeal or defund Obamacare, have argued that the devil is in the details. The law's application, they say, presents constitutional problems, even if a plain reading of its text has won judicial approval at the highest levels.

The IRS's plan to implement health care subsidies in the Obamacare insurance exchanges, Klein and Elliott write, is 'an obvious attempt by the Obama administration to illegally bypass Congress and allow the IRS to make up its own rules.'

In 2014 that plan is poised to award married couples just 14 per cent of the Obamacare law's tax benefits, and provide enough tax rebates to completely eliminate the income tax burden for 7 million Americans.

According to an October 2011 review of the law by Congress' bipartisan Joint Committee on Taxation, the result will 'penalize marriage and take millions of people off the tax rolls.'

Jonathan Adler of the Case Western Reserve University law school and Michael Cannon of the Cato Institute also claimed in a 2011 Wall Street Journal essay that the Obama administration was 'brazenly trying to rewrite the law without involving Congress.'

This, they wrote, was evident because of a key difference in how the Affordable Care Act treats health insurance exchanges created by the states and those created by the federal government.

The Kaiser Family Foundation has reported that as of May 28, just 17 of the 50 U.S. states had established their own exchanges. Seven more will partner with the federal government, while 27 will default to letting Washington, D.C. run exchanges exclusively for their taxpayers.

The law's text forbids the government from providing tax credits and subsidies to participants of those exchanges created and administered in Washington, D.C.

But the Obama administration has sidestepped that prohibition, Klein and Elliott write, by planning the payouts anyway even though Congress never allocated money to pay for them.

In its May 2012 regulations the IRS promised to pay, in what the authors call an unconstitutional 'bait and switch.'

They also argue that forcing the states to implement health care exchanges in the first place is a violation of the Tenth Amendment's limitations on the federal government's power.

Whether all of this adds up to Obama himself 'fundamentally abusing the powers of his presidency,' as Klein told MailOnline he has, will be up for debate.

Immigration reforms have 'usurped constitutional authority'

The framers of the U.S. Constitution, Klein told MailOnline, gave Congress the authority to regulate immigration. But President Obama 'has illegally, willfully, and deliberately been derelict of his duties as the chief executive while consistently usurping [that] constitutional authority.'

But with a series of 'executive amnesties,' Klein says, Obama may have committed a 'high crime or misdemeanor' – a category meant to include offenses that only public officials can commit.

Exhibit A, his book relates, is the administration's systematic release from federal detention facilities of thousands of criminals who were in the country illegally.

U.S. Immigration and Customs Enforcement has chalked the move up to 'fiscal uncertainty' hovering over the federal government as a result of sequester-related cutbacks, saying it was undertaken 'to ensure detention levels stay within ICE's current budget.'

ICE also said only low-level detainees were released.

Klein suggests neither statement is true, and points to this year's impeachment proceedings against outgoing Czech President Václav Klaus for treason as a blueprint for what could await President Obama.

Klaus faced impeachment, which was largely moot since he was leaving office, for granting a 'judicial amnesty' for more than six thousand inmates including what The Economist called 'several high-profile cases of embezzlement, bribery and fraud' that dated back to the Czech Republic's post-communist economic overhaul.

He is now a senior fellow at the libertarian Cato Institute in Washington.

Citing Pinal County, Arizona Sheriff Paul Babeu, Klein and Elliott report that some of the illegal immigrants released from federal lockups in Arizona had been convicted of child molestation, weapons and drug smuggling charges, for aggravated assaults against law enforcement officers, and in some cases for manslaughter.

Babeu, a one-time candidate for Congress, saw his campaign scuttled following unsubstantiated allegations that he had a gay lover who was himself an illegal immigrant. But his own allegations against the Obama administration pointed to a systematic release of criminal aliens that stretched back years before the president himself suggested the sequester cuts as a resolution to Washington, D.C. budget fights.

More than 8,000 criminal aliens were released between fiscal year 2009 and May 2011 alone, Klein and Elliott write. In 2009 alone, they document, federal detention facilities in Texas and California sprung 809 'recidivist Level 1 illegal immigrant criminals' who were 'eligible for deportation.'

Level 1, according to one 2011 inspector general report, describes the 'most egregious criminal aliens, who pose a significant public safety risk.' Their criminal convictions include 'homicide, kidnapping, sexual assault, robbery, aggravated assault, threats, extortion, sex offenses, cruelty toward family, resisting an officer, illegal weapon possession, hit and run, and drug offenses accompanied by sentences of more than a year.'

And a December 2012 Boston Globe investigation found that 'over the past four years, immigration officials have largely without notice freed more than 8,500 detainees convicted of murder, rape, and other crimes, according to ICE's own statistics, mainly because their home countries would not take them back.'

'Obama needs to answer,' Klein writes, for releasing so many dangerous criminals instead of deporting them and blaming it on budget shortfalls, given the simultaneous hiring increase by U.S. Customs and Border Patrol.

Impeachment talk is already reaching GOP flame-throwers

Rep. Blake Farenthold, a Texas Republican, raised eyebrows and a few battle flags with his comments during an August 10 meeting with constituents in the town of Luling – an assessment that mirrors that of the Obama administration official who spoke with MailOnline.

'A question I get a lot,' Farenthold said, is "If everyone's so unhappy with the president's done, why don't you impeach him?"

'I'll give you a real frank answer about that,' he offered. 'If we were to impeach the president tomorrow, you could probably get the votes in the House of Representatives to do it. But it would go to the Senate and he wouldn't be convicted.'

Former Republican National Committee chair Michael Steele said Tuesday during a broadcast of MSNBC's 'Hardball' program that such 'arcane, asinine' talk only 'draws the party down' toward a defeat in the 2014 midterm elections.

'If you really want to give away the House, go ahead, start impeachment,' he mocked, 'because the fact of the matter is the republic, the public as a whole, would repel against that so much that it wouldn't even be funny.'

Farenthold, however, isn't the first Republican to breathe the 'I'-word out loud.

In March 2011, Arizona Rep. Trent Franks said he would 'absolutely' favor impeaching President Obama if his administration failed to defend the constitutionality of a critical section of the 1996 Defense of Marriage Act.

The Supreme Court has since declared that law unconstitutional under the Due Process Clause of the Constitution's Fifth Amendment.

Five months later, Texas Rep. Michael Burgess told a tea party gathering that impeachment 'needs to happen' as a maneuver to 'tie things up' so President Obama couldn't pursue his economic agenda.

Rep. Steve Stockman, another Texas Republican, said in January that he would support impeachment proceedings if the White House used Obama's executive authority to restrict the sale of firearms.

Rep. Walter Jones of North Carolina introduced a resolution in the House last year stating that if the Obama administration should engage in military action in Syria without seeking the approval of Congress, it would constitute 'an impeachable high crime and misdemeanor.'

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Last week a group calling itself 'Overpasses for Obama's Impeachment' held rallies in at least 14 states where tea party activists gathered on freeway overpasses with signs calling for the president's impeachment.

And on Tuesday the Sarasota, Florida-based National Black Republican Association published a list of proposed Articles of Impeachment, listing what it said were 10 violations of the Constitution.

They include alleged crimes related to NSA spying, the administration's prosecution of whistle-blowers, the Justice Department's wiretapping of journalists, the IRS's targeting of tea party organizations and pressure applied to CIA operatives to discourage them from talking to Congress about the Benghazi terror attack.

The group, led by retired Army Lt. Col. Frances Rice, also argued that the president violated federal law by confirming during an August 9 press conference that federal authorities had obtained a sealed indictment against a Benghazi suspect.

As president, Obama has immunity from prosecutions related to nondisclosure and confidentiality laws.

But a public clamor for impeachment, while not binding on anyone, could create momentum and embolden conservatives in the House – especially if an issue like health care or immigration boils over into the 2014 midterm elections and sweeps more Republicans into power.

As early as June 2010, Fox News Channel host Bill O'Reilly suggested that immigration could become the flashpoint.

'If President Obama were to sign an executive order giving illegal aliens amnesty,' O'Reilly said on his highly rated show, 'his career would be over and an impeachment movement would explode.'