



## Can We Talk About Impeachment?

By J.T. Hatter

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The United States of America was once a land of laws and not of men. Obama and the Democratic Party have changed all that, possibly forever. Millions of [people](#), along with a few brave [politicians](#), are now openly speaking of impeachment. Why? Because the Obama administration's wanton and destructive disregard for the laws of the land have become so egregious that it can no longer be tolerated.

### A LAND OF LAWS NO MORE

The Attorneys General of Arizona, Florida, Georgia, Michigan, Oklahoma, South Dakota, South Carolina, Texas, and Virginia have [issued](#) *A Report on Obama Administration Violations of Law*, which says in part,

While the Patient Protection and Affordable Care Act (PPACA) has received the most attention, it serves as a representation of a much larger picture that demonstrates the continued disdain for the Constitution and laws shown by the Obama Administration.

Ilya Shapiro of the Cato Institute wrote an [article](#) in 2011 titled "President Obama's Top 10 Constitutional Violations." Shapiro's list is serious business and includes the Obamacare individual mandate, Medicaid coercion, Dodd-Frank, the deep-water drilling ban, and health care waivers for labor unions and other regime political supporters.

Robert Knight's list of [constitutional violations](#) includes the illegal war on Libya (a violation of the War Powers Act); violation of religious freedom by requiring faith-based institutions to provide insurance for abortifacients, sterilizations, and contraceptives; appointing agency czars without Senate approval; illegal recess appointments; refusing to enforce laws the administration doesn't like; refusing to cooperate with congressional investigations (notably Fast and Furious); violating equal protection and voting rights; and using federal agencies and boards to effect the administration's political agenda.

It's now the end of 2013 and the ever-growing list of Obama administration violation of laws and constitutional restrictions runs into the hundreds of cases. This no longer a matter of opinion: this president has behaved lawlessly -- and has encouraged lawless behavior in his administration since he first set foot into the Oval Office in January 2009.

### WHO'S MINDING THE STORE?

On December 3, 2013, the House Judiciary Committee held a [hearing](#) titled, "The President's Constitutional Duty to Faithfully Execute the Laws." *BizPac Review* has a good [article and video collage](#) of the hearing, and other examples of the Obama administration selectively enforcing, ignoring and violating federal and state laws.

During the hearing, Representative Trey Gowdy (R-SC) presented the testifying experts with electrifying questions, among which was this one to Simon Lazarus, senior counsel to the Constitutional Accountability Center,

"If you can dispense with immigration laws or marijuana laws or mandatory minimums, can you also dispense with election laws?"

Lazarus eventually answered "no," but Gowdy wasn't satisfied with that response. Lazarus, former Associate Director of President Jimmy Carter's White House Domestic Policy Staff, seemed reluctant to imply that Obama wasn't in compliance with the law. The vigorous exchange, as reported by [cnsnews.com](#), [continued](#),

"Why not? If he can suspend mandatory minimum and immigration laws, why not election laws?"

"Because we live in a government of laws, and the president is bound to obey them and apply them," Lazarus answered.

"Well he's not applying the ACA, and he's not applying immigration laws, and he's not applying marijuana laws, and he's not applying mandatory minimums. What's the difference with election laws?" Gowdy said.

"We have a disagreement as to whether in fact he is applying those laws. My view is that he is applying those laws," Lazarus replied.

Lazarus's defensive, dissembling response does not deter the issue -- and the implications of Gowdy's brilliant question are staggering and cannot be deflected.

The central issue is this: If the president can elect to ignore or enforce laws, rules and regulations as he chooses, or if he can simply revise the laws as he sees fit, then has he "faithfully executed" the laws, as required under Article Two of the Constitution? Some congressmen don't believe so and [want to bring](#) the president to trial on the matter.

The *Christian Science Monitor* [cited](#) George Washington University professor Johnathan Turley in his testimony before the House committee,

"The president is required to faithfully execute the laws. He's not required to enforce all laws equally or commit the same resources to them," he said. "But I believe the president has crossed the constitutional line."

President Obama hasn't merely crossed the line. He has ordered government agencies and departments, including the Justice Department, to do his political bidding with the specific aim of circumventing Congress. These actions have put the entire American experiment in jeopardy.

Professor Turley is a social liberal and outspoken champion of progressive causes. But he is also known as an ardent defender of the rule of law. He spoke of his fear of the executive office subverting the constitutional balance of power between the three branches of government, and the further imbalance created by the dangerous "fourth branch" of government, the bloated imperious bureaucracy,

"We have this rising fourth branch in a system that's tripartite," he said. "The center of gravity is shifting, and that makes it unstable. And within that system you have the rise of an uber-presidency."

Turley continued: "There could be no greater danger for individual liberty, and I really think that the framers would be horrified by that shift because everything they've dedicated themselves to was creating this orbital balance, and we've lost it."

At the conclusion of the hearing, Committee Chairman Bob Goodlatte issued a [summary statement](#), which includes the following selected remarks,

The President's far-reaching claims of executive power, if left unchecked, will vest the President with broad domestic policy authority that the Constitution does not grant him.

We must resist the President's deliberate pattern of circumventing the legislative branch in favor of administrative decision making.

We cannot allow the separation of powers enshrined in our Constitution to be abandoned in favor of an undue concentration of power in the executive branch. As James Madison warned centuries ago in Federalist 47, "the accumulation of all powers legislative, executive and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny."

## **A CONSTITUTIONAL REMEDY**

Georgetown law professor Nicholas Rosenkranz, who spoke directly to the committee on a potential remedy to the toxic situation in the White House, was blunt in his assessment of the situation, "...As I said before, I think the ultimate check is elections but I don't think you should be hesitant to speak the word in this room," he told our congressmen. "A check on executive lawlessness is impeachment."

How much executive lawlessness should a nation of free people be expected to tolerate? Does it depend on which political party has a president in the White House? Are Obama's lawlessness and constitutional violations not excellent reasons to bring him to trial on these matters and seek his impeachment? Indeed, isn't Congress in violation of its duties and responsibilities if it does not vigorously seek impeachment?

Impeachment is not a complete remedy. The corrupt and partisan Senate would never vote to try or convict the president. But if the House -- on its own -- had the courage to hold a vote of no confidence, followed by issuing articles of impeachment, House prosecution of corrupt government officials, coupled with defunding of the administration's political agenda, then these measures would collectively check the administration's assault on our freedoms and liberties.

When I was growing up, my teachers, family, and friends always expressed a confident, even buoyant, optimism about the security of liberty, freedom, and prosperity in our great nation. Nobody would have

believed our own government would one day work so hard and diligently to take all that away from us. This is the United States of America, they said, the Land of the Free and the Home of the Brave.

They said it couldn't happen here.

Abraham Lincoln [said](#), "America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves."

It's time to stop talking and do something. Impeaching Barack Hussein Obama is a good start.