



Cloward-Piven Justice; Holder provoking Constitutional crisis

By **DC Independent Examiner**, James Simpson
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Current law prohibits the community organization ACORN and its associated groups from receiving any federal funds from **any federal law** currently on the books, (P.L 111-68 Sec. 163). However, the **Eric Holder Justice Department has interpreted** the law's phraseology in such a way that permits federal agencies to pay ACORN for "binding contractual obligations" the government made before the current prohibition was enacted. This interpretation may go a long way toward effectively neutralizing ACORN's funding prohibition, and it is a questionable interpretation at best.

The actual ban reads as follows: "None of the funds made available from this joint resolution or any other prior Act may be **provided to** the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries or allied organizations." (Emphasis added.)

The Justice Department has decided that the

phrase "provided to" is unclear and "has no established meaning in appropriations law." They cite terms more frequently used, such as "obligate" and "expend," that have widely accepted meaning in spending legislation. They go on to arduously defend their point by exhaustively listing the many definitions of "provide" given in Websters, Oxford and American Heritage dictionaries and even Roget's Thesaurus. Like Bill Clinton, they probably could have found as many definitions for the word "is..."

It would be interesting to learn who provided the legislative language for this amendment. Someone on Speaker Pelosi's staff, perhaps? It would also be interesting to know whether or not that person(s) had input from the Justice Department. Either way, it is reasonable to suspect that whoever wrote this legislation knew what they were doing, and that the key phrase "provided to" would cause problems in execution. The question is, why didn't the Republicans foresee that it might cause problems? **Outmaneuvered again?**

On the other hand, the Holder Justice Department could simply be flat wrong in its legal reasoning. Not too much of a stretch, considering that Holder decided to **drop charges of voter intimidation** against the clearly guilty Black Panthers, overruling his own legal staff in the process. It is amazing

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what this administration will do to protect its supporters.

The Justice Department also raised the ugly specter of opening the government up to liability for breaking "binding contracts," adding that the decision put them on much firmer Constitutional grounds by ensuring that this prohibition would not amount to a "[bill of attainder](#)." [ACORN is already suing the government](#) citing the Constitutional clause (Art. 1, Sec. 9, Para. 3), which prevents the legislature from singling out an individual or group for punishment without first ascertaining guilt by trial.

At first blush, this seems to be a valid concern. If ACORN engages in **legitimate** activity for which it is paid directly by the government, and has already made financial commitments in anticipation of reimbursement, then perhaps those obligations already made should be honored by the government. Also, it may be bad precedent to use the legislative process to "punish" ACORN for its misdeeds, if that is in fact what Congress is doing.

However, this begs the question. If ACORN has been engaging in massive, [nationwide vote registration fraud](#), as it has; if it has been encouraging a shopping list of illegal activity through its "housing counseling," as every one of the [O'Keefe and Giles tapes](#) demonstrated

it has, why hasn't the Holder Justice Department launched an investigation into the group? Why don't they settle the matter once and for all by ensuring ACORN's Constitutional right to a fair and speedy trial, thereby firmly establishing its guilt or innocence?

There is no legitimate reason for the Obama Justice Department not to investigate this clearly corrupt organization. But so far, they have refused to. The result is the unprecedented spectacle of a private citizen, Andrew Breitbart, [demanding the Justice Department investigate ACORN](#), and threatening to expose even more damaging revelations about the group if they don't!

Furthermore, what **legitimate** business is ACORN conducting that requires binding prior commitments the government need reimburse? Is ACORN in the aircraft carrier building business or something?

Who knows? With this group and its 360 odd **identified** affiliates, it seems like almost anything is possible. Perhaps ACORN has been selected to manufacture the [2012 Pelosi GTxi SS/RT](#) hybrid vehicle. (Okay, so we need a little comic relief.)

[According to the Cato Institute](#), from 2003 to 2007 ACORN received almost \$16 million from the government. This was broken down as

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follows:

- Housing counseling assistance - 62%
- Self-Help Homeownership - 7%
- Rural Housing and Economic Development - 2%
- Fair Housing Initiatives - 4%
- Community Development Block Grants - 26%

Sixty-two percent of payments go to "housing counseling assistance," while block grants provided 26 percent. "Housing counseling assistance" would come under the heading of continuing operations, requiring no commitments other than for normal operating costs. Block grants are awarded based on applications that grantees make for **future plans**, or for ongoing operations that may or may not be reimbursed depending upon whether or not they get the grant. I don't even know what "fair housing initiatives" and "self-help homeownership" are. And if by "economic development," they mean commitments to actual building projects, perhaps reimbursement could be justified, if this referred to a tangible fixed asset already under construction. But even if it does, this only represents two percent of government payments to ACORN. I suspect Justice was hoping to let them keep a lot more.

The larger question is this: should the government be obligated to spend money it

has good reason to believe will be used for illegal purposes? If, for example, the U.S. Marshall's Service discovered that it was providing [Witness Protection Program](#) funds for "informant relocation" to a private contractor secretly working for the Mafia, wouldn't it stop immediately and move to shut down the entire organization? Wouldn't Congress demand funds be cut off immediately, instead of paying out "existing contracts" and worrying about "bills of attainder?" Of course it would.

The Congress is not "punishing" ACORN here. Instead it is exercising rare good judgement in its oversight role by ensuring that it is not inadvertently spending taxpayer dollars in support of criminal activities.

ACORN, as has been discussed many times before, is a key player in the [Cloward-Piven Strategy](#) of Manufactured Crisis. As such its legitimate activities -- to the extent that it even engages in legitimate activities -- are used to facilitate and/or mask its destructive ones. In this regard it is similar to a Mafia organization.

The Mafia runs legitimate businesses to mask illegal ones and launder money. The fact that it owns legitimate businesses that have made "prior financial commitments" doesn't stop the FBI from shutting them down. Federal law

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enforcement regularly seizes Mafia business assets, legitimate and otherwise, under the Racketeer Influenced and Corrupt Organizations (RICO) statutes. The same should be true for ACORN.

The U.S. House of Representatives Committee on Government Reform [published a paper](#) last summer that both documented ACORN's widespread criminal activities, and determined that appropriate legal remedies for this criminal organization include applying the RICO statutes to seize their assets. Some of the illegal activities uncovered and listed in this report include:

- ACORN has evaded taxes, obstructed justice, engaged in self dealing, and aided and abetted a cover-up of the \$948,607.50 embezzlement by Dale Rathke, the brother of ACORN founder Wade Rathke. (Editor's note: [Louisiana's Attorney General says](#) the actual figure may be closer to \$5 million.)
- ACORN has committed investment fraud, deprived the public of its right to honest services, and engaged in a racketeering enterprise affecting interstate commerce.
- ACORN has committed a conspiracy to defraud the United States by using taxpayer funds for partisan political activities.

- ACORN has submitted false filings to the Internal Revenue Service (IRS) and the Department of Labor, in addition to violating the Fair Labor Standards Act (FLSA).
- ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act of 1974 (ERISA).

Meanwhile, the person who commissioned that ACORN report, Congressman Darrell Issa (R-CA), has [blasted the administration](#) for ruling that ACORN could continue to receive funding. He said that Congress's intent was clear, calling Holder's decision "old-fashioned cronyism."

So why should the government be paying ACORN at all? It is an organization devoted to the systematic destruction of America. If anything, ACORN needs to be permanently dissolved, its principals arrested and sentenced to long jail terms. Its assets need to be seized and surrendered to the Asset Forfeiture Fund. This organization needs to be unmercifully trounced into the dirt.

So what the Holder Justice Department has essentially done is present us with a Constitutional crisis. If the Constitution demands that an individual or organization be adjudicated guilty or innocent in a court of law

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before Congress can strip it of funding, then it is incumbent upon the Justice Department to investigate said organization and resolve the question. Yet Obama's Justice Department, under the incompetent, if not criminal, leadership of Eric Holder refuses to do so.

This is all consistent with the [Manufactured Crisis Strategy](#), from giving foreign terrorists the legal protections of U.S. citizens, and trying them in a city where they are almost certain to get a mistrial, to demanding criminal investigations of CIA officers who believed they were operating under the force of law. From exonerating Black Panther thugs who engaged in voter intimidation, to protecting an organization devoted to the corruption of our voting system.

Congress must demand the FBI investigate the continuing criminal enterprise we all know by the acronym ACORN. While they are at it, they might request an investigation of political corruption within the Holder Justice Department. If Holder wants a Constitutional showdown to protect Obama's diseased, corrupt political allies, have at it.

Meanwhile, there is no legitimate reason for ACORN to continue receiving federal funds.



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