

## **Articles of Impeachment of Barack Hussein Obama**

RESOLVED, That Barack Hussein Obama, acting President of the United States, is impeached for high crimes and misdemeanors<sup>i</sup>, and that the following articles of impeachment to be exhibited to the Senate:

ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF ITSELF AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA, AGAINST BARACK HUSSEIN OBAMA, THE ACTING PRESIDENT OF THE UNITED STATES OF AMERICA, IN MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANOURS.

### **ARTICLE 1 – Usurpation of the Oval Office via criminal identity fraud**

Compelling prima facie evidence exists which demonstrates that Barack Hussein Obama has engaged in false personation<sup>ii</sup> and aggravated identity theft and in conspiracy to commit false personation and identity theft in the pursuit of high office and governmental power. No bona fide records of evidence presented by Barack Hussein Obama establishes his true identity, and voluminous evidence demonstrates that all of the documents presented by Barack Hussein Obama as proof of identity and eligibility for high office are forgeries, created for the sole purpose of deceiving the American people in his pursuit of political power. Additional prima facie evidence demonstrates that Barack Hussein Obama is using an alias, and has a different lawful identity, namely, Barack Hussein Obama, II, Barry Soetoro, or Barack Hussein Obama Soebarkah. Evidence exists that demonstrates Barack Hussein Obama is using Social Security numbers, none of which appear to have been issued in the state of Hawaii or that lawfully are attached to his legal identity; and that Barack Hussein Obama has concealed all of his bona fide birth, school, passport, residency, Selective Service and previous employment records in an effort to conceal his true identity.

In his conduct of the office of President of the United States, Barack Hussein Obama, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

1. On January 20, 2009, the person identifying himself as Barack Hussein Obama accepted the presidential oath of office on false and fraudulent pretenses;
2. Before, during and since his election in 2008, has made false and misleading statements under oath of perjury, to unlawfully accept the office of President of the United States;
3. He has withheld all determinative and material information concerning his true identity and evidence thereof from lawfully authorized investigative officers and employees of the United States, under obligation to assure the people of the United States that he is the person he presents himself as, and is constitutionally eligible to hold the office of President;

4. He has engaged in approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements and documents to lawfully authorized investigative officers and employees of the United States concerning his true identity;
5. He has interfered or endeavored to interfere with the conduct of investigations concerning his true identity by the Department of Justice of the United States, the Federal Bureau of Investigation, the Secret Service, The Democratic Party, the news media, and Congressional Committees;
6. He has approved, condoned, and/or acquiesced in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful activities;
7. He has endeavored to misuse the Central Intelligence Agency, an agency of the United States in the cover up of his identity fraud;
8. He has disseminated information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;
9. He has made or caused to be made false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of identity fraud and misconduct;
10. He has endeavored to cause prospective witnesses to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony;

In all of this, Barack Hussein Obama has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Barack Hussein Obama, by such conduct, warrants impeachment and trial, and removal from office.

## **ARTICLE 2 - Malfesance<sup>iii</sup>, misconduct and abuse of the Oval Office**

Using the powers of the office of President of the United States, Barack Hussein Obama, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposed of these agencies.

This conduct has included one or more of the following:

1. He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax records for purposes not authorized by law, and to target Republican and conservative political action organizations, withholding I.R.S. tax exempt status for opposition political organizations, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner;
2. He has misused the Federal Bureau of Investigation, the Secret Service, the National Security Agency, the Department of Homeland Security, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he directed, authorized, or permitted the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance;
3. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Department of Justice, the Department of Homeland Security, The National Security Agency and the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional rights of accused citizens to a fair trial in both the civil and military courts;
4. He has failed to take care that the laws are faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate lawful efforts to enforce and duly execute the laws of the United States regarding illegal immigration, the lawful detention and deportation of illegal aliens, his unlawful release from detention of illegal aliens accused of violent crimes, as well as his efforts to manipulate the election systems for political gain, failure to execute the laws of the United States equally without regard to political affiliation;
5. He has abused the power of the Oval Office to circumvent and subvert the constitutional rule of law which vests all law-making authority with congress alone, by abusing Executive Powers in an overt effort to eliminate the constitutional authority of the legislative and judicial branches of the Federal government;
6. He is misusing military force without congressional authorization and oversight in violation of the War Powers Act<sup>iv</sup> and other constitutional provisions in multiple military incursions into numerous sovereign nations with the clear intent to unlawfully topple foreign governments and install governments favorable to a personal agenda, directly at odds with the best interests of the United States;

7. He has issued and enforced military Rules of Engagement that have unnecessarily placed members of our military in harm's way without the ability to defend themselves on the front lines, resulting in an unnecessary and unacceptable rise in U.S. casualties;
8. He has unlawfully incarcerated members of the U.S. military for carrying out orders on the battlefield, without congressional authority or oversight, creating increasing morale issues within the ranks and raising doubts in the minds of American soldiers asked to risk life and limb under his command;
9. He has been derelict in his command of national security agencies resulting in the unnecessary death of American civilians in Benghazi and American soldiers on Extortion 17 in Afghanistan, among others and has intentionally and with malice of forethought engaged in overt misrepresentation to the families and the American people concerning the facts and circumstances of these events;
10. He has directed and overseen the intentional false reporting of events surrounding numerous national security failures, foreign policy failures, foreign intelligence failures, the misreporting of the true nature of our involvements overseas and the issuance of false information concerning the death of numerous military personnel and military contractors in an effort to conceal the level of invasion into our own national security forces and military command by foreign agents;
11. He has directed the single largest increase in national debt in U.S. history without any congressional authority or oversight, without a single congressionally authorized Federal budget since 2009;
12. He has unilaterally authorized the killing of American Citizens deemed by political affiliation alone to be "potential domestic terrorists," without due process of law or a right to a defense in direct violation of constitutional rights;
13. He has engaged in massive campaign finance fraud involving illegal overseas funding from known enemies of the United States and worked with the Democratic Party to manipulate election results in multiple states and districts;
14. In refusing to produce papers and records, Barack Hussein Obama, substituting his sole judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoena power of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives;
15. He has directed and overseen the intentional destruction of governmental records necessary to the investigations of multiple agency scandals, with the unlawful intent to conceal all evidence that would be damaging to his administration;
16. He has ordered the Department of Justice to provide unlawful special treatment and protections for the unlawful acts of political friends, while unlawfully using the Department of Justice to wrongfully investigate, threaten, intimidate, charge and incarcerate political foes;
17. He has misused the authority of the Department of Justice to obstruct and impair the investigation, prosecution and justice of known unlawful activities carried out by administration appointees in numerous Federal agencies;
18. He has used unlawful methods to appoint cabinet members, subverting the rule of law and authority of congress, as just confirmed by the U.S. Supreme Court;

19. He has abused executive powers or caused appointed agency personnel to unlawfully threaten, intimidate and cause removal from employment, numerous members of the news media in an overt violation of First Amendment rights.

In all of this, Barack Hussein Obama has acted in a manner contrary to his trust as President and has acted to subvert the constitutional government of the United States, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Barack Hussein Obama, by such conduct, warrants impeachment and trial, and removal from office.

### **ARTICLE 3 - Aiding and Abetting known enemies of the United States**

In his conduct of the office of President of the United States, Barack Hussein Obama, contrary to his oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has directly engaged in the covert aiding and abetting of foreign entities via the funding, arming, training and intelligence assistance to the Muslim Brotherhood, ISIS, Al Qaeda, Hamas, the Taliban, the Palestinian Authority, Hezbollah, the Libyan Islamic Fighting Group, the Free Syrian Army and others. He has directly or indirectly through the agencies under his direct command, used American tax dollars and assets to aid and abet known enemies of the United States, including known terror organizations and organizations identified on a Terrorist List established by the United States as enemies to the United States, in Egypt, Libya, Lebanon, Syria, Pakistan, Yemen, Tunisia, Iraq, Afghanistan, Kenya, Iran, Ukraine and North, Central and South America.

This conduct has included one or more of the following:

1. He has refused to faithfully execute the laws of the United States concerning organized immigration and naturalization as prescribed by the 1986 Immigration Reform Act<sup>v</sup>;
2. He has unlawfully used taxpayer funds to aid and abet the illegal invasion of the United States;<sup>vi</sup>
3. He has used unlawful and unreasonable threats and intimidation tactics to force well-intended Federal agents to stand down on enforcement in direct violation of the laws of the United States;
4. He has unlawfully used national security agencies under his direct command to threaten and intimidate American Citizens, in violation of their constitutional rights, and in violation of Posse Comitatus<sup>vii</sup>, in an effort to silence their opposition to the ongoing invasion of the United States by unlawful intruders;
5. Without any congressional authority or oversight and in direct violation of his duties as Commander-in-Chief, he has directly engaged in the covert aiding and abetting of foreign entities via the funding, arming, training and intelligence assistance to known enemies of the United States, the Muslim Brotherhood, ISIS, Al Qaeda, Hamas, the Taliban, the Palestinian Authority, Hezbollah, the Libyan Islamic Fighting Group and others;

6. He has engaged or caused his subordinates to engage in weapons trafficking to known enemies of the United States, specifically the Mexican Cartels at our southern border and Islamic terror networks throughout the Middle East;
7. He has worked to undermine relationships with U.S. Citizens and numerous U.S. allies around the world by engaging in unlawful surveillance unrelated to national security;
8. He has directly threatened internal national security, he and his subordinates have worked to cause socio-economic upheaval and racial tensions in the United States, for the sole purpose of political gain;
9. He has worked to hamstring U.S. service members and private contractors on foreign battlefields via Rules of Engagement which have given our enemies an upper hand on the front lines;
10. He is engaging in an unlawful overt effort to disarm legal American Citizens and remove public access to ammunition in direct violation of the U.S. Second Amendment, aiming to prevent a free people from providing for the personal protection of life, liberty and property, protect against illegal invasion, or a government body which has become abusive to the citizens in violation of constitutional protections;
11. He has knowingly appointed cabinet level personnel with known direct ties to international terrorist organizations and has given them top security level clearances;
12. He has unlawfully used groups with known ties to terrorist organizations as Oval Office policy advisors and altered numerous national security and law enforcement policies on the basis of advice from known enemies of the United States;
13. He has circumvented congressional authority to unlawfully use taxpayer funds to finance known terror organizations and isolate some of our closest allies now under direct military attack;
14. He has unlawfully and purposefully dismantled the balance of power between the three branches of the Federal government, operating as a unilateral unchecked dictatorship;
15. He has worked to unlawfully fund, protect and defend known anti-American organizations in direct violation of 50 U.S. Code § 843;
16. He has unilaterally defunded, demoralized, undermined and dismantled the U.S. Military and Military Command, leaving our country increasingly vulnerable to attack and unable to respond;
17. He has sought to remove qualified military leadership from command due solely to their opposition to his destruction of the Military and military readiness, while advancing the careers of those within the ranks who have openly agreed to “fire on American Citizens” if so ordered;
18. He has worked with labor unions to threaten, intimidate and extort money from U.S. employers and employees, and unlawfully used labor union funds to advance an anti-American agenda without the voluntary consent of union members;
19. He knew or should have known that he was placing Americans in harm’s way in Benghazi, Afghanistan, Iraq and Pakistan without adequate force protection, in direct violation of his oath and duties as Commander-in-Chief;

In all of this, Barack Hussein Obama has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, Barack Hussein Obama, by such conduct, warrants impeachment and trial, and removal from office.

---

Property of NALC

<sup>ii</sup> **U.S. Const., Article II, Section. 4.**

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

---

<sup>ii</sup> **18 U.S. Code § 911** - Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both. **18 U.S. Code § 912** - Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both. **18 U.S. Code § 1002** - Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.

**18 U.S. Code § 1015** - (a) Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens; or (c) Whoever uses or attempts to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship or other documentary evidence of naturalization or of citizenship, or any duplicate or copy thereof, knowing the same to have been procured by fraud or false evidence or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained; or (d) Whoever knowingly makes any false certificate, acknowledgment or statement concerning the appearance before him or the taking of an oath or affirmation or the signature, attestation or execution by any person with respect to any application, declaration, petition, affidavit, deposition, certificate of naturalization, certificate of citizenship or other paper or writing required or authorized by the laws relating to immigration, naturalization, citizenship, or registry of aliens; or (e) Whoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States, with the intent to obtain on behalf of himself, or any other person, any Federal or State benefit or service, or to engage unlawfully in employment in the United States; or (f) Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)— Shall be fined under this title or imprisoned not more than five years, or both. Subsection (f) does not apply to an alien if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making the false statement or claim that he or she was a citizen of the United States.

**18 U.S. Code § 1017** - Whoever fraudulently or wrongfully affixes or impresses the seal of any department or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge of its fraudulent character, with wrongful or fraudulent intent, uses, buys, procures, sells, or transfers to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined under this title or imprisoned not more than five years, or both.

**18 U.S. Code § 1018** - Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, knowingly makes and delivers as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined under this title or imprisoned not more than one year, or both.

**18 U.S. Code § 1028** - (a) Whoever, in a circumstance described in subsection (c) of this section—

- (1) knowingly and without lawful authority produces an identification document, authentication feature, or a false identification document;
- (2) knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority;
- (3) knowingly possesses with intent to use unlawfully or transfer unlawfully five or more identification documents (other than those issued lawfully for the use of the possessor), authentication features, or false identification documents;
- (4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor), authentication feature, or a false identification document, with the intent such document or feature be used to defraud the United States;



---

(5) knowingly produces, transfers, or possesses a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document or another document-making implement or authentication feature which will be so used;

(6) knowingly possesses an identification document or authentication feature that is or appears to be an identification document or authentication feature of the United States or a sponsoring entity of an event designated as a special event of national significance which is stolen or produced without lawful authority knowing that such document or feature was stolen or produced without such authority;

(7) knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; or

(8) knowingly traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification; shall be punished as provided in subsection (b) of this section.

(b) The punishment for an offense under subsection (a) of this section is—

(1) except as provided in paragraphs (3) and (4), **a fine under this title or imprisonment for not more than 15 years, or both, if the offense is—**

(A) **the production or transfer of an identification document**, authentication feature, or false identification document that is or appears to be—

(i) an identification document or authentication feature issued by or under the authority of the United States; or

(ii) **a birth certificate**, or a driver's license or personal identification card;

(B) the production or transfer of more than five identification documents, authentication features, or false identification documents;

(C) an offense under paragraph (5) of such subsection; or

(D) an offense under paragraph (7) of such subsection that involves the transfer, possession, or use of 1 or more means of identification if, as a result of the offense, any individual committing the offense obtains anything of value aggregating \$1,000 or more during any 1-year period;

(2) except as provided in paragraphs (3) and (4), a fine under this title or imprisonment for not more than 5 years, or both, if the offense is—

(A) any other production, transfer, or use of a means of identification, an identification document, <sup>[1]</sup> authentication feature, or a false identification document; or

(B) an offense under paragraph (3) or (7) of such subsection;

(3) a fine under this title or imprisonment for not more than 20 years, or both, if the offense is committed—

(A) to facilitate a drug trafficking crime (as defined in section [929 \(a\)\(2\)](#));

(B) in connection with a crime of violence (as defined in section [924 \(c\)\(3\)](#)); or

(C) after a prior conviction under this section becomes final;

(4) **a fine under this title or imprisonment for not more than 30 years, or both, if the offense is committed to facilitate an act of domestic terrorism** (as defined under section [2331 \(5\)](#) of this title) **or an act of international terrorism** (as defined in section [2331 \(1\)](#) of this title);

(5) in the case of any offense under subsection (a), forfeiture to the United States of any personal property used or intended to be used to commit the offense; and

(6) a fine under this title or imprisonment for not more than one year, or both, in any other case.

(c) The circumstance referred to in subsection (a) of this section is that—

(1) the identification document, authentication feature, or false identification document is or appears to be issued by or under the authority of the United States or a sponsoring entity of an event designated as a special event of national significance or the document-making implement is designed or suited for making such an identification document, authentication feature, or false identification document;

(2) the offense is an offense under subsection (a)(4) of this section; or

(3) either—

(A) the production, transfer, possession, or use prohibited by this section is in or affects interstate or foreign commerce, including the transfer of a document by electronic means; or

(B) the means of identification, identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, possession, or use prohibited by this section.

(d) In this section and section [1028A](#)—

(1) the term “authentication feature” means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the

---

issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;

(2) the term “document-making implement” means any implement, impression, template, computer file, computer disc, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement;

(3) the term “identification document” means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a sponsoring entity of an event designated as a special event of national significance, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(4) the term “false identification document” means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

(A) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a sponsoring entity of an event designated by the President as a special event of national significance, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;

(5) the term “false authentication feature” means an authentication feature that—

(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

(C) appears to be genuine, but is not;

(6) the term “issuing authority”—

(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

(B) includes the United States Government, a State, a political subdivision of a State, a sponsoring entity of an event designated by the President as a special event of national significance, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;

(7) the term “means of identification” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number;

(B) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;

(C) unique electronic identification number, address, or routing code; or

(D) telecommunication identifying information or access device (as defined in section [1029 \(e\)](#));

(8) the term “personal identification card” means an identification document issued by a State or local government solely for the purpose of identification;

(9) the term “produce” includes alter, authenticate, or assemble;

(10) the term “transfer” includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others;

(11) the term “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States; and

(12) the term “traffic” means—

(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.

(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter [224](#) of this title.

---

(f) **Attempt and Conspiracy.**— Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(g) **Forfeiture Procedures.**— The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 ([21 U.S.C. 853](#)).

(h) **Forfeiture; Disposition.**— In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.

(i) **Rule of Construction.**— For purpose of subsection (a)(7), a single identification document or false identification document that contains 1 or more means of identification shall be construed to be 1 means of identification.

**18 U.S. Code § 1028A - (a) Offenses.**— (1) **In general.**— Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

(2) **Terrorism offense.**— Whoever, during and in relation to any felony violation enumerated in section [2332b \(g\)\(5\)\(B\)](#), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person or a false identification document shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

(b) **Consecutive Sentence.**— Notwithstanding any other provision of law—

(1) a court shall not place on probation any person convicted of a violation of this section;

(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section [994](#) of title [28](#).

(c) **Definition.**— For purposes of this section, the term “felony violation enumerated in subsection (c)” means any offense that is a felony violation of—

(1) section [641](#) (relating to theft of public money, property, or rewards <sup>(1)</sup>), section [656](#) (relating to theft, embezzlement, or misapplication by bank officer or employee), or section [664](#) (relating to theft from employee benefit plans);

(2) section [911](#) (relating to false personation of citizenship);

(3) section [922 \(a\)\(6\)](#) (relating to false statements in connection with the acquisition of a firearm);

(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section [1028 \(a\)\(7\)](#);

(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

(6) any provision contained in chapter 69 (relating to nationality and citizenship);

(7) any provision contained in chapter 75 (relating to passports and visas);

(8) section 523 of the Gramm-Leach-Bliley Act ([15 U.S.C. 6823](#)) (relating to obtaining customer information by false pretenses);

(9) section 243 or 266 of the Immigration and Nationality Act ([8 U.S.C. 1253](#) and [1306](#)) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act ([8 U.S.C. 1321](#) et seq.) (relating to various immigration offenses); or

(11) section 208, 811, 1107(b), 1128B(a), or 1632 of the Social Security Act ([42 U.S.C. 408](#), [1011](#), [1307 \(b\)](#), [1320a-7b \(a\)](#), and [1383a](#)) (relating to false statements relating to programs under the Act).

---

**18 U.S. Code § 1031** - (a) Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent—

(1) to defraud the United States; or

(2) to obtain money or property by means of false or fraudulent pretenses, representations, or promises, in any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in any procurement of property or services as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, if the value of such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, or any constituent part thereof, is \$1,000,000 or more shall, subject to the applicability of subsection (c) of this section, be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.

(b) The fine imposed for an offense under this section may exceed the maximum otherwise provided by law, if such fine does not exceed \$5,000,000 and—

(1) the gross loss to the Government or the gross gain to a defendant is \$500,000 or greater; or

(2) the offense involves a conscious or reckless risk of serious personal injury.

(c) The maximum fine imposed upon a defendant for a prosecution including a prosecution with multiple counts under this section shall not exceed \$10,000,000.

(d) Nothing in this section shall preclude a court from imposing any other sentences available under this title, including without limitation a fine up to twice the amount of the gross loss or gross gain involved in the offense pursuant to [18 U.S.C. section 3571 \(d\)](#).

(e) In determining the amount of the fine, the court shall consider the factors set forth in 18 U.S.C. sections [3553](#) and [3572](#), and the factors set forth in the guidelines and policy statements of the United States Sentencing Commission, including—

(1) the need to reflect the seriousness of the offense, including the harm or loss to the victim and the gain to the defendant;

(2) whether the defendant previously has been fined for a similar offense; and

(3) any other pertinent equitable considerations.

(f) A prosecution of an offense under this section may be commenced any time not later than 7 years after the offense is committed, plus any additional time otherwise allowed by law.

(g)

(1) In special circumstances and in his or her sole discretion, the Attorney General is authorized to make payments from funds appropriated to the Department of Justice to persons who furnish information relating to a possible prosecution under this section. The amount of such payment shall not exceed \$250,000. Upon application by the Attorney General, the court may order that the Department shall be reimbursed for a payment from a criminal fine imposed under this section.

(2) An individual is not eligible for such a payment if—

(A) that individual is an officer or employee of a Government agency who furnishes information or renders service in the performance of official duties;

(B) that individual failed to furnish the information to the individual's employer prior to furnishing it to law enforcement authorities, unless the court determines the individual has justifiable reasons for that failure;

(C) the furnished information is based upon public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or GAO report, hearing, audit or investigation, or from the news media unless the person is the original source of the information. For the purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the Government; or

(D) that individual participated in the violation of this section with respect to which such payment would be made.

(3) The failure of the Attorney General to authorize a payment shall not be subject to judicial review.

(h) Any individual who—

(1) is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by an employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such prosecution), and

---

(2) was not a participant in the unlawful activity that is the subject of said prosecution, may, in a civil action, obtain all relief necessary to make such individual whole. Such relief shall include reinstatement with the same seniority status such individual would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees.

ii **Malfesance** – Evil doing; ill conduct. The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do. *See also, Mifesance* – The improper performance of some act which a man may lawfully do; the omission of an act which a person ought to do. *See also, Nonfesance* – Nonperformance of some act which ought to be performed, omission to perform a required duty; the total omission or failure of an agent to enter upon the performance of some distinct duty or undertaking which he has agreed with his principal to do. *See also, Misprision* – An offense which does not possess a specific name. *U.S. v. Peristein*, C.C.A.N.J. 126 F.2d 789, 798. A contempt against the sovereign, the government, or the courts of justice, including forms of seditious or disloyal conduct and leze-majesty; or the maladministration of public office; neglect or improper performance of official duty, including the peculation of public funds; and finally, the failure in the duty of a citizen to endeavor to prevent the commission of a crime, or, having knowledge of its commission, to fail to reveal it to the proper authorities.

ii **The War Powers Act of 1973** - 50 USC S.1541-1548, 1973.

ii **The Immigration Reform and Control Act (IRCA)**, [Pub.L. 99–603](#), 100 [Stat. 3445](#), enacted November 6, 1986, also known as the Simpson-Mazzoli Act.

ii U.S. Const., Article III, Section 3 - Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. *Also see*, 18 U.S. Code § 2381 – **Treason: Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.**

*Also see*, 18 U.S. Code § 2382 - **Misprision of treason - Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.**

*Also see*, 18 U.S. Code § 2383 - **Rebellion or insurrection - Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.**

*Also see*, 18 U.S. Code § 2384 - **Seditious conspiracy - If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.**

*Also see*, **18 U.S. Code § 2389 - Recruiting for service against United States** - Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States— Shall be fined under this title or imprisoned not more than five years, or both.

ii **Posse Comitatus Act** - [18 U.S.C. § 1385](#), original at 20 [Stat. 152](#), (June 18, 1878).

---

Property of NALC