

The Constitutional Pardon Of Joe Arpaio

Article 2, Section 2, of the United States Constitution defines one of a handful of powers the President has: "He shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

The reason for the exclusion in cases of impeachment is because during the time of our founders, the English king had frustrated Parliament's impeachment power by pardoning impeached officers and restoring them to their positions.

Due to so few limitations the rule of such pardons is that the pardon may be given before, during, or after indictment or conviction.

Founding Father Alexander Hamilton concluded, "Humanity and good policy conspire to dictate, that the benign prerogative of pardoning should be as little as possible fettered or embarrassed."

Chief Justice John Marshall, appointee of second President John Adams, concurred with Hamilton by stating, "A pardon is an act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individual, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed."

Similar to the amazing grace extended by our Creator at the cross of His Son Jesus Christ, our founders understood the power of forgiveness and redemption and they codified it into our Law.

However, above all this is a situation where a pardon is demanded to ensure the rule of law.

You see, one of the main functions of an executive or presidential pardon is to act as a constitutional check against an unrestrained federal judiciary.

Such is the case involving former Sheriff Joe Arpaio of Maricopa County, Arizona, who was convicted of criminal contempt for disobeying a federal judge's order to halt an initiative he designed to fulfill his duty in stopping illegal immigration into his jurisdiction.

A federal judge claimed Sheriff Arpaio's policies violated the civil rights of American citizens who had been targeted for their Hispanic appearance.

Facing a maximum of six months in jail for his so called "crimes," Arpaio continued his law enforcement program for more than a year after the judge's order to end it.

This led to the conviction of criminal contempt for allowing his department to continue detaining illegal aliens despite a court order telling him to halt the practice.

Simply put, Joe Arpaio was prosecuted for obeying federal immigration laws instead of a judge's unconstitutional edict.

That's right, the federal judge charged him for obeying the federal law!

To further exacerbate the innocence of this American hero, every witness brought to the stand at the trial, friend and foe, said they did not believe he was violating the law.

Now because lethargic and negligent congressmen and women refuse to do their job by impeaching federal judges like these, there was only one constitutional means to make sure that liberty remained upheld and tyranny was choked.

The President of these United States must uphold his oath of office and check the corrupted judicial branch by issuing a pardon to an elected official innocent of breaking any laws,

or being complicit to any crime; hence the existence of a constitutional pardon and absolute need for its exercise by President Donald Trump.

Schedule an event or learn more about your Constitution with Jake MacAulay and the Institute on the Constitution and receive your [free gift](#).

© 2017 Jake MacAulay – All Rights Reserved

E-Mail Jake MacAulay: Jake@TheAmericanView.com