

Obama's constitutional escape hatch

One way out of America's debt-ceiling stalemate is for President Obama to raise the deficit limit by himself by invoking an obscure provision in the 14th Amendment to the United States Constitution

We the People
insure domestic Tranquility, provide for the common defence, promote and our Prosperity, We ordain and establish this Constitution for the United States of America.
Article I
Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Fourteenth Amendment: Added in 1868, following American Civil War. **Section 4** ensured that U.S. would not default on its war debts, including Civil War veterans' pensions and social security payments

Law professors disagree on whether debt ceiling is unconstitutional under 14th

● **Supreme Court:**
Stated in 1935 that Section 4 only applies to Civil War debt

● **Bill Clinton:**
Former president says he would invoke 14th ***without hesitation***

● **Lenders:** Unilateral action by Obama could prompt nation's creditors to stop lending

● **Presidential prerogative:**
President may do what he wants in an emergency

● **Impeachment:** If Obama moves alone, Congress could move to impeach him. Republican-controlled House could impeach but Democrat-controlled Senate would not convict

● **Popular constitutionalism:**
Interpretation of Constitution is what public believes it to be. Obama can move unilaterally – American people will judge him at 2012 election