

VOICE OF THE LEFT

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Dangerous Precedent: President Bush and the Overuse of Signing Statements

The new Democratic Congress needs to make a statement. Someone else has been making one.

On second thought, quite a few...

Since taking office six years ago, President Bush has attached formal notes to laws (known as "signing statements") some 800 times. The statements are drafted by either the Justice Department or White House counsel and explain why the president has the authority to disregard and/or refuse parts of bills. Throughout our history, the practice has never been used with regularity by the chief executive.

That is... until the current administration.

Alarming, Caesar Bush has used the tactic MORE THAN ALL U.S. PRESIDENTS COMBINED. And as numerous constitutional scholars have pointed out, there's not a single mention of presidential signing statements in the Constitution. Of course, this hasn't thwarted our current president, who always jumps at every opportunity to expand his own power.

The issue goes far beyond academic banter; the president's callous actions have undermined Congress's constitutional role to debate and craft the nation's laws. More importantly, the practice threatens the separation of powers – a foundational principle indispensable to the preservation of our liberty.

Criticism of the tactic has come from both sides of the aisle. In fact, Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) has introduced legislation giving Congress the right to sue the president over his signing-statement frenzy. Specter's challenge comes after the American Bar Association issued a report last July that explicitly stated how extreme the situation has become...and why new protections against this abuse of presidential power must be enacted.

What are some examples of bills to which Bush has attached his infamous disclaimers? Thought you'd never ask.

- A bill banning torture, cruel or inhumane treatment of prisoners while in the custody of the United States military.
- An anti-terrorism law giving Congress additional oversight of Patriot Act powers to conduct secret searches of homes and seize personal papers.
- A 2004 intelligence bill requiring reports to Congress on federal wiretaps.

- The Homeland Security Act mandating reports to Congress about visas, airport screening, and chemical plants vulnerable to terrorism.

The matter is not restricted to areas affecting national security. President Bush has also placed his own restrictions on a bill requiring government scientists to provide findings to Congress uncensored by the White House. In another instance, the president attached his “comments” to a bill designed to gather independent assessments of student performance without the supervision of the secretary of education.

So, here’s the down and dirty.

Bush’s use of signing statements amounts to a blatantly unconstitutional line-item veto. It paralyzes checks and balances on the executive branch by permitting the president to pick and choose the laws he’ll enforce – a practice incompatible with constitutional government.

In conclusion, suing the president as proposed by Senator Specter may appear to be a drastic course of action. Unfortunately, the option has been made necessary by yet another Republican president who has deluded himself into believing he’s above the law.