

Signing off on a constitutional crisis



BARB GUY

After an especially eye-popping bill at the store, I hit upon an idea. While signing my name on the credit card receipt, I added a little statement: Signatory cancels the above debt; will not pay.

Then I did the same at the gas station. Later, when signing a contract for a freelance job, I put this: Signatory will not do the work detailed above but payment is due immediately.

Then, drunk with my newfound power, I flew to Italy and bought a lovely seaside place on Capri. I studied enough Italian on the plane so I could write *non che gonna pay you per questi bouse*. Can you believe they went for it?

Just kidding. Only a deceitful person or an idiot would try such underhanded stuff, right? Well let me tell you where I got the idea: our president. When

signing a bill into law, President Bush often writes in, "Just kidding."

These signing statements really contain numerous lengthy paragraphs of dense legalese but the bottom line often is: I'm signing this bill into law but I don't really mean it. I alone will decide whether to really carry out the intent of this bill.

So signing a bill into law, a fundamental part of the United States' operation, an event every American kid learns about in school, has gone from a clear-cut process to an ambiguous and corruptible (or downright corrupt) action.

Some will say, and rightly so, that President Bush is not the first president to do this. But with all the previous United States presidents combined over 225 years, this executive method of "just kidding" was used to question about 600 laws. So far, depending on who's counting and how they count, George Bush has employed this duplicitous tactic to undermine 500 to 800 laws since 2001.

The American Bar Association became so concerned they set up a task force to investigate. They'll present their report on Aug. 7 at the ABA's annual meeting, but the 34-page report was released July 24. The ABA's task force, composed of

conservatives, liberals, Democrats and Republicans, concluded that President Bush is doing some very creepy stuff with these statements.

The report is online at: http://www.abanet.org/op/signingstatements/aba_final_signing_statements_recommendation-report_7-24-06.pdf

Joyce A. Green, whom the ABA calls a "concerned and public-spirited Oklahoma lawyer" has built a Web site that meticulously provides the text of all President Bush's notoriously difficult-to-locate signing statements: [http://www.coherentbabble.com/signingstatements/about .htm](http://www.coherentbabble.com/signingstatements/about.htm).

This is the way it's supposed to work: A law makes its way through both houses of Congress and lands on the president's desk. He signs it and it's the law. Or he vetoes it and the veto can be overturned by a super-majority of Congress.

Those were the days. It's no longer that simple. President Bush doesn't even inform Congress when a signing statement precedes his signature. They just hear that he signed the bill. Members of both parties and both houses are learning they need to read the fine print, but they've learned too late. A lot of folks think the president is

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using these signing statements as a gutless way to veto legislation that he opposes. Many people believe he is bringing about a constitutional crisis.

When signing Arizona Republican Sen. John McCain's anti-torture law, the president inked in "just kidding." Many Americans feel this brought shame on the United States and shows how far-reaching and devastating these little statements can be.

Our country is special in no small part because our founders hit upon a clever three-branch system of government to keep any one branch from effecting a sinister takeover. To review, these are the legislative (Congress) and the executive (the president and his team) branches and the judiciary (our courts).

All three branches do work that can include interpreting the Constitution, but the final say on constitutional matters belongs with the judiciary. That's the deal our founders set up. But President Bush, by wielding the signing statement along with his pen (usually to enhance his ability to wield his sword), is trumping the judiciary and mangling the Constitution, deeming himself mightier than either one.

Sen. Arlen Specter, R-Pa., chair of the Senate Judiciary Committee, is deeply alarmed. He called President Bush's statements "a very blatant

encroachment" upon Congress's ability to enact laws.

The Decider is quietly taking apart the way America does things. In the past six years he has reinterpreted the environment, science, education, truth, national security, nation building, reasonable searches and patriotism; now he's altered what a signature means.

Those who signed the Declaration of Independence did not have "just kidding" in their hearts; they knew their signatures were solemn vows. I only wish George W. Bush would carry on that honorable tradition.

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