

Obama Unconstitutionally Claims Unconstitutional War Powers in a Signing Statement

By [David Swanson](#)

Region: [USA](#)

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As you know if you've been awake the past several years, Bush began the unconstitutional practice of rewriting laws with signing statements, there was a little scandal when people found out, candidate Obama promised not to do it, Obama did it, Obama declared it OK in an executive order, and now it's all perfectly fine.

As you know if you give a damn about the future of this country, it isn't really perfectly fine. Here's Obama's latest. This is from a [signing statement on a spending bill](#), not the "Defense" Authorization Act which is yet to come (perhaps on Christmas just to rub it in):

"Section 113 of Division H requires the Secretary of Defense to notify the Appropriations Committees of both Houses of Congress 30 days in advance of "any proposed military exercise involving United States personnel" that is anticipated to involve expenditures of more than \$100,000 on construction. Language in Division I, title I, under the headings International Organizations, Contributions for International Peacekeeping Activities, disallows the expenditure of funds "for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national," unless my military advisers have advised that such an involvement is in the national interest, and unless I have made the same recommendation to the Congress. In approving this bill, I reiterate the understanding, which I have communicated to the Congress, that I will apply these provisions in a manner consistent with my constitutional authority as Commander in Chief.

"Certain provisions in Division I, including sections 7013, 7025, 7029, 7033, 7043, 7046, 7049, 7059, 7062, and 7071, restrict or require particular diplomatic communications, negotiations, or interactions with foreign governments or international organizations. Others, including sections 7031, 7037, and 7086, hinder my ability to receive diplomatic representatives of foreign governments. Finally, section 7041 requires the disclosure to the Congress of information regarding ongoing diplomatic negotiations. I have advised the Congress that I will not treat these provisions as limiting my constitutional authorities in the area of foreign relations.

"Moreover, several provisions in this bill, including section 627 of Division C and section 512 of Division D, could prevent me from fulfilling my constitutional responsibilities, by denying me the assistance of senior advisers and by obstructing my supervision of executive branch officials in the execution of their statutory responsibilities. I have informed the Congress that I will interpret these provisions consistent with my constitutional duty to take care that the laws be faithfully executed.

"Additional provisions in this bill, including section 8013 of Division A and section 218 of Division F, purport to restrict the use of funds to advance certain

legislative positions. I have advised the Congress that I will not construe these provisions as preventing me from fulfilling my constitutional responsibility to recommend to the Congress's consideration such measures as I shall judge necessary and expedient.

"Numerous provisions of this bill purport to condition the authority of executive branch officials to spend or reallocate funds on the approval of congressional committees. These are constitutionally impermissible forms of congressional aggrandizement in the execution of the laws. Although my Administration will notify the relevant committees before taking the specified actions, and will accord the recommendations of such committees appropriate and serious consideration, our spending decisions shall not be treated as dependent on the approval of congressional committees. In particular, section 1302 of Division G conditions the authority of the Librarian of Congress to transfer funds between sections of the Library upon the approval of the Committees on Appropriations of the House of Representatives and the Senate. I have advised the Congress of my understanding that this provision does not apply to funds for the Copyright Office, which performs an executive function in administering the copyright laws.

"BARACK OBAMA"

I have bolded the Bush-speak lines that mean "Here are the parts of this law that I am signing into law rather than vetoing but fully intend not to comply with."

I have both bolded and colored red a bit wherein our Constitutional scholar in chief dictates to the First Branch of our government how spending decisions will be made.

Please don't ask me what a signing statement is or claim that Presidents Ray Gun and Clinton issued the same sort of thing that Bush and Obama have. I can't take it anymore. Instead, please [catch up here](#) or here:

[Self-Impeachment by Signing Statement](#)

[How a Bill Becomes a Signing Statement](#)

[Signing Statement prediction](#)

[DailyKoser Asks Obama to Use a Signing Statement](#)

[Obama Issues Another Signing Statement on Same Day He Speaks in Front of Constitution](#)

[The Emperor's Seven Signing Statements](#)

[Bring Back the Signing Statement](#)

[Don't Rely on Bush's Signing Statements, Obama Orders](#)

[Signing Statements More Dangerous Than Guantanamo](#)

[Is That Even Legal?](#)

[Obama Memo on Signing Statements](#)

[Another Signing Statement, Another Law Smashed, Another Smudge on the Constitution.](#)

[Another Yawn From Partisanized Americans](#)

[Obama Unconstitutionally Guts Another Law With a Signing Statement](#)

[Obama Issues Signing Statement On \\$106B War Bill](#)

[Ho-Hum: Obama Churns Out Yet Another Signing Statement Promising to Violate a Law](#)

[Obama's Fifth Signing Statement: Anyone Noticing a Pattern Yet?](#)

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