

OBAMA'S SIGNING STATEMENT DISAPPEARS WHISTLEBLOWERS

When I suggested the other day that Obama's memo on signing statements was actually very troublesome—in that there's no transparency for which of Bush's signing statements Obama plans to keep and in that we never learn which of those Bush relied on to break the law—a few people suggested I was being cynical. Really, the most common interpretation of the memo went, the memo was a sign of change we can believe in, a new willingness to be bound by law.

As it turns out, the memo appears to have been released (almost two months into Obama's term, after all) to lay the groundwork for Obama's first signing statement.

Charlie Savage (who wrote the book on this stuff) lays out the contents—mostly statements saying Obama refuses to spend money with the oversight from Congress they've demanded.

One of the budget bill's provisions that Mr. Obama said he could circumvent concerns United Nations peacekeeping missions. It says money may not be spent on any such mission if it entails putting United States troops under a foreign commander, unless Mr. Obama's military advisers so recommend.

"This provision," Mr. Obama wrote, "raises constitutional concerns by constraining my choice of particular persons to perform specific command functions in military missions, by conditioning the exercise of my authority as commander in chief on the recommendations of subordinates within the military chain of command, and by constraining my diplomatic negotiating

authority.”

[snip]

But a majority of the challenged provisions are those allowing money to be reallocated to a different program only with the approval of a Congressional committee. Mr. Obama called the provisions “impermissible forms of legislative aggrandizement” and declared that while executive-branch officials would notify lawmakers of any reallocation, “spending decisions shall not be treated as dependent on the approval of Congressional committees.”

So much for power of the purse.

The provision I’m most worried about, however, is one on whistleblowers. You see, the President who has promised transparency, apparently doesn’t want transparency to Congress when an executive agency fucks up.

He also raised concerns about a section that establishes whistle-blower protections for federal employees who give information to Congress.

“I do not interpret this provision,” he wrote, “to detract from my authority to direct the heads of executive departments to supervise, control and correct employees’ communications with the Congress in cases where such communications would be unlawful or would reveal information that is properly privileged or otherwise confidential.”

This strikes at the heart of efforts to fix some of our intelligence failures and abuses by making it possible for Congress to learn about them before it’s too late.

I guess all that transparency Obama talked about was only for the things he wanted us to learn

about.