

# NEWT'S SINGEING STATEMENT

Newt Gingrich, in a role that was probably cast years ago, now [calls](#) on Obama to be impeached because he refuses to defend the Defense of Marriage Act in court.

Former House Speaker Newt Gingrich, who plans within two weeks to announce if he will run for president, said today that if President Obama doesn't change his mind and order his Justice Department to enforce the Defense of Marriage Act, Republicans in Congress should strike back and even consider impeachment proceedings.

"I believe the House Republicans next week should pass a resolution instructing the president to enforce the law and to obey his own constitutional oath, and they should say if he fails to do so that they will zero out [defund] the office of attorney general and take other steps as necessary until the president agrees to do his job," said Gingrich. "His job is to enforce the rule of law and for us to start replacing the rule of law with the rule of Obama is a very dangerous precedent."

Mind you, Newt seems to misunderstand what's going on. After all, Obama will continue to enforce DOMA. What he won't do is defend a law he believes to be unconstitutional; but he'll let a court decide whether he's right or not.

Which makes what Obama did far far less abusive (in all senses of the word) than what George W Bush did with his long catalog of signing statements. Perhaps Bush's most famous was his [signing statement](#) to the Detainee Treatment Act.

The executive branch shall construe Title X in Division A of the Act,

relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks. Further, in light of the principles enunciated by the Supreme Court of the United States in 2001 in *Alexander v. Sandoval*, and noting that the text and structure of Title X do not create a private right of action to enforce Title X, the executive branch shall construe Title X not to create a private right of action. Finally, given the decision of the Congress reflected in subsections 1005(e) and 1005(h) that the amendments made to section 2241 of title 28, United States Code, shall apply to past, present, and future actions, including applications for writs of habeas corpus, described in that section, and noting that section 1005 does not confer any constitutional right upon an alien detained abroad as an enemy combatant, the executive branch shall construe section 1005 to preclude the Federal courts from exercising subject matter jurisdiction over any existing or future action, including applications for writs of habeas corpus, described in section 1005. [my emphasis]

Not long after the DTA went into effect, Stephen Bradbury wrote [his ridiculous Appendix M opinion](#) allowing DOD to use any techniques they wanted to claim were included in that Appendix and later [refused to share it](#) with Congress.

But my personal favorite is the [one he signed](#) on the Defense Appropriation Bill in 2003, after

Congress defunded data mining programs directed at Americans.

Sections 8082, 8091, 8117, and 8131 of the Act make clear that the classified annex accompanies but is not incorporated as a part of the Act, and therefore the classified annex does not meet the bicameralism and presentment requirements specified by the Constitution for the making of a law. Accordingly, the executive branch shall construe the classified annex references in sections 8082, 8091, 8117, and 8131 as advisory in effect. My Administration continues to discourage any efforts to enact secret law as part of defense funding legislation and encourages instead appropriate use of classified annexes to committee reports and joint statements of managers that accompany the final legislation.

As [this timeline makes clear](#), it appears to have been an attempt to avoid having the data mining prohibition apply to the illegal wiretap program that was used, among other things, to wiretap protected conversations between defendants and their lawyers. Even after Jim Comey et al refused to reauthorize the program with its next approval (leading up to the hospital confrontation), Bush authorized it to continue anyway.

Of course, Newt didn't make a peep when Bush issued signing statements followed by executive branch assertions of authority (his March 10, 2004 reauthorization of the illegal wiretap program and Bradbury's memo) designed to thwart Congressional efforts to shut down specific programs.

But now that Obama has stepped back to allow the courts to decide whether a legally married gay man can extend his federal benefits to his spouse—even while continuing to enforce DOMA—Newt considers such executive branch

tactics an impeachable offense.

Once again, torture and domestic surveillance are acceptable abuses of executive authority for Republicans. But a blowjob or a loving marriage requires impeachment.