

WE CAN'T AFFORD ANOTHER "COMPLICATED AND QUIRKY" PRESIDENCY

You've no doubt heard about the BoGlo piece that describes 9 different legal documents on which Mitt Romney was listed as CEO of Bain after the time—in 1999—when he now claims to have left the company.

Romney has said he left Bain in 1999 to lead the winter Olympics in Salt Lake City, ending his role in the company. But public Securities and Exchange Commission documents filed later by Bain Capital state he remained the firm's "sole stockholder, chairman of the board, chief executive officer, and president."

[snip]

Romney did not finalize a severance agreement with Bain until 2002, a 10-year deal with undisclosed terms that was retroactive to 1999. It expired in 2009.

[snip]

The Globe found nine SEC filings submitted by four different business entities after February 1999 that describe Romney as Bain Capital's boss; some show him with managerial control over five Bain Capital entities that were formed in January 2002, according to records in Delaware, where they were incorporated.

I'm envisioning Mitt Romney, in 2017, claiming the treaty he signed with China in 2014 doesn't really count because he wasn't really acting as President when he signed it, in spite of his

legal status as President.

But I'm most interested in the scant response the Mitt campaign gave.

A Romney campaign official, who requested anonymity to discuss the SEC filings, acknowledged that they "do not square with common sense." But SEC regulations are complicated and quirky, the official argued, and Romney's signature on some documents after his exit does not indicate active involvement in the firm.

"Complicated and quirky" says a guy (or gal) now spending his time trying to get Mitt elected to an even more complicated and quirky office, the Presidency.

Frankly, though, there's precedent for a President claiming "complicated and quirky" absolves him of responsibility for things that occurred under his presidency. After all, while Bush signed the paperwork in the first 6 years of his presidency, it wasn't until he fired Rummy that Bush actually took over responsibility for the big decisions from Dick Cheney.

And I can't help but harp on the "complicated and quirky" document—the "Gloves Come Off" Memorandum of Notification, effectively written by now Romney advisor Cofer Black—that has undermined the accountability Presidency more generally. Effectively, that MON pre-authorized the CIA (at least) to do whatever they wanted within certain general areas of organization. It served as Presidential authorization, but insulated the President from any provable involvement in torture and assassination and partnering with lethal regimes. When proof that the President had authorized all this torture threatened to come out via legal means, the current President went to the mat to prevent that from happening.

All the rest—the debates about what Congress

authorized the day after this complicated and quirky document, the OLC memos, the repeated investigations that always end up in immunity for all (or almost all)—are just the legal facade that hides the fact that in fact even our Constitution has become “complicated and quirky.” And while Obama at least admits his involvement in these issues—while still hiding them from legal liability—he has chosen to keep the structure in place and has relied on the plausible deniability it gives.

The thing is, as damning as this revelation may prove to be for Mitt, it is in fact quite unsurprising that a man can run for President on a resumé for which—his advisors say, behind the veil of anonymity—he can simultaneously claim credit but no responsibility.

That’s the way this country increasingly works. Even—perhaps especially—the Presidency.