

Taking the President to Court: Proposed file suit in federal district court in Detroit against President Bush

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As some of you may be aware, according to the President and Congressional Republicans, a bill does not have to pass both the Senate and the House to become a law. Forget your sixth grade civics lesson, forget the book they give you when you visit Congress - "How Our Laws Are Made," and forget Schoolhouse Rock. These are checks and balances, Republican-style.

As the Washington Post [reported](#) last month, as the Republican budget bill struggled to make its way through Congress at the end of last year and beginning of this year (the bill cuts critical programs such as student loans and Medicaid funding), the House and Senate passed different versions of it. House Republicans did not want to make Republicans in marginal districts vote on the bill again, so they simply certified that the Senate bill was the same as the House bill and sent it to the President. The President, despite warnings that the bill did not represent the consensus of the House and Senate, simply shrugged and signed the bill anyway. Now, the Administration is implementing it as though it was the law of the land.

Several public interest groups have sought to stop some parts of the bill from being implemented, under the theory that the bill is unconstitutional. However, getting into the weeds a bit, they have lacked the ability to stop the entire bill. To seek this recourse, the person bringing the suit must have what is called "standing," that is they must show they were injured or deprived of some right. Because the budget bill covers so many areas of the law, it is difficult for one person to show they were harmed by the entire bill. Thus, many of these groups have only sought to stop part of it.

After consulting with some of the foremost constitutional experts in the nation, I determined that one group of people are injured by the entire bill: Members of the House. We were deprived of our right to vote on a bill that is now being treated as the law of the land.

So, I am going to court. With many of my Democratic Colleagues (list appended at the bottom of this diary), I plan to file suit tomorrow in federal district court in Detroit against the President, members of the Cabinet and other federal officers seeking to have a simple truth confirmed: a bill not passed by the House and Senate is not a law, even if the President signs it. As such, the Budget bill cannot be treated as the law of the land.

As many of you know, I have become increasingly alarmed at the erosion of our constitutional form of government. Whether through the Patriot Act, the President's Secret

Domestic

Spying program, or election irregularities and disenfranchisement, our fundamental freedoms are being taken away. Nothing to me is more stark than this, however. If a President does not need one House of Congress to pass a law, what's next?

The following is a list of co-plaintiffs on this lawsuit. I would note that I did not invite every Member of the House to join in the suit, and I am certain many, many more Members would have joined if asked. However, this was not possible for various arcane legal reasons.

The other plaintiffs include Rep. John Dingell, Ranking Member on the Energy and Commerce Committee; Rep. Charles B. Rangel, Ranking Member on the Ways and Means Committee; Rep. George Miller, Ranking Member on the Education and Workforce Committee; Rep. James L. Oberstar, Ranking Member on the Transportation and Infrastructure Committee; Rep. Barney Frank, Ranking Member on the Financial Services Committee; Rep. Collin C. Peterson, Ranking Member on the Agriculture Committee; Rep. Bennie Thompson, Ranking Member on the Homeland Security Committee; Rep. Louise M. Slaughter, Ranking Member on the Rules Committee; Rep. Fortney "Pete" Stark, Ranking Member on the Ways and Means Health Subcommittee; Rep. Sherrod Brown, Representing Ohio's 13th District.

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