

## **Report on 032814 Conversation With Congressman Goodlatte (Part One of Three)**

This is the first of a 3-part report on a conversation with Congressman Goodlatte. A number of topics were covered which included (1) Obama's Failure to Execute the Laws and his Overreach, (2) Immigration, and (3) Amendments to the U. S. Constitution. This first report covers item (1).

### **Obama's Failure to Execute the Laws**

**As background:** The House Committee of the Judiciary, for which Congressman Goodlatte is the Chair, has held two hearings, one on 120314 (click [HERE](#)) and another on 022614 (click [HERE](#)), on "The President's Constitutional Duty to Faithfully Execute the Laws" Then on 030514 the Judiciary Committee marked up and passed three bills, H.R. [4138](#), [H.R. 3732](#), and [H.R. 3973](#), the first one having the title "Enforce the Law Act."

**Our conversation;** Our discussion focused on "Enforce the Law Act" because its purpose is to enable either the Senate or the House, or both, to bring suit to court against the President of the United States for failure to enforce laws, that is to have "Standing" in the Court. These suits would be initiated in District Court and any appeals, if necessary, would be expedited for hearing by the SCOTUS

I asked the Congressman if he thought, now that the Act has been passed by the House, that the bill would die in the Senate. He said he believed that it would never pass the Senate, and certainly not Obama. But he thinks it is important to keep such matters in front of the People in order to remind the People that the House believes Obama's actions are illegal. He thinks that this effort is necessary because without it there is no possibility of convincing a sufficient portion of the People that Obama must be held accountable, and at the present there is not a sufficient portion of the People in order to force him to be held accountable.

We discussed in some detail the method one of the Witnesses at the 022614 Hearing recommended as a path for which the House would have Standing to take the President to Court. Dr. Foley's was that witness. Her recommendations centered around a "Subpoena" approach, the full testimony for which is extremely interesting and may be found by clicking [HERE](#). Congressman Goodlatte said they were looking at Dr. Foley's "Subpoena" approach and noted that it requires meeting four standards. The drawback to this approach is that, though viable, the process would take so long that Obama would be long out of office by the time a suit would be heard. He added that prior court decisions would affect successfully entering a suit.

I encouraged him to look at the results of the several suits that are now in the Courts (1 - Obama making the claim that the Senate was in recess, when it was not, and using the claim to bypass Congress in making appointments AND 2 - Operation fast and Furious) and build upon those for a suit, whether consequential of a subpoena or other, for which

there would be Standing and the Court has to rule in favor of the House. We agreed that this is a possibility and that it will take a lot of time and effort. We also agreed that this precedent should be established irrespective of the Party of future Presidents if Congress is to be able to protect its Constitutional Role. So it remains to be seen what, if anything, in the way of progress will be made. I, and I hope you, will continue to encourage Congressman Goodlatte to keep on this course.

At the end of the discussion on this subject Goodlatte stated he wants to find a way to “encourage” the Justices to take a different attitude to that they seem to now have, namely to not make an effort to resolve issues between the other two branches of the Federal Government. Not too distant in the future he will serve on a Committee with Justices Alito and Breyers. He wants to use that committee to have the two Justices discuss and commit to a role for the Court with respect to Constitutional disagreements between the other two Branches of government.

Folks, this is a long and tedious process. There is a rational and necessary justification for pursuing this matter. If this is not resolved then, like so much else that is happening, our Constitution will continue to crumble. You and I will have to continue to pump up and encourage Goodlatte and other members of Congress to solve this matter. Without your support and encouragement they will fall by the wayside – not because they are incompetent or not motivated, but because they are human and like us need daily positive encouragement to stay the course. We all have a responsibility to stay the course and be pro-active with a constructive voice. Such citizens are needed if there is to be a Shining City on a Hill.