

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 28, 2006

President George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Bush:

This week a distinguished Task Force on Presidential Signing Statements and the Separation of Powers Doctrine of the American Bar Association reported. The Task Force unanimously opposed a President's issuance of signing statements to claim the authority to state the intention to disregard or decline to enforce all or part of a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress as "contrary to the rule of law and our constitutional system of separation of powers." The Senate Judiciary Committee held a hearing on the matter last month. I have spoken to the issue on a number of occasions, including this week on the floor of the Senate.

You have produced more signing statements containing challenges to bills you have signed into law than all prior Presidents in our history combined. I understand that you have produced more than 800 challenges to the bills you have signed into law, including many challenges related to your theory of the "unitary executive."

I write to urge you to cease and desist from this practice. I urge you to recognize that our Constitution vests "All legislative Powers" in the Congress and that the President's constitutional responsibility is to "take Care that the Laws be faithfully executed."

I offer the following constructive suggestion. Rather than wait until a bill is passed, why not provide those of us elected to Congress with any constitutional concerns you may have regarding pending legislation at the earliest opportunity. That would allow legislators to consider your concerns during the legislative process.

Respectfully,



PATRICK LEAHY
Ranking Democratic Member

cc: Hon. Alberto Gonzales