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President

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President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

During your predecessor's administration, the American Bar Association adopted a policy opposing, "as contrary to the rule of law and our constitutional system of separation of powers," any President's use of signing statements issued with the stated intention "to disregard or decline to enforce all or part of a law the President has signed." Although during your 2008 Presidential campaign you said you would not use signing statements "as a way to do an end run around Congress," your statement accompanying your signing last week of the Consolidated Appropriations Act for 2012 is reported to be the nearly 20th such signing statement you have made since taking office.

While we acknowledge that the use of Presidential signing statements dates back to the early 19th century, we must again voice the ABA's policy opposing this practice. Where a signing statement is used to nullify a provision of law, the President is effectively usurping the power of the legislative branch by denying Congress the opportunity to override a veto of that law and may be abrogating the power of the judicial branch to make a determination of constitutionality.

Clearly, the original intent of the Framers of the Constitution was to give the President the choice of signing or vetoing a bill presented by the Congress – in its entirety. The Constitution does not contemplate or accommodate a line-item veto, yet that is precisely the effect of a signing statement announcing the President's intent to disregard, for any reason (constitutional or policy), a provision of the legislation that he is signing into law.

We recognize that Congress may insert what the President considers objectionable language into omnibus, must-pass legislation, where a veto could disrupt the operation of government. However, the ABA's commitment to the constitutional principles of "separation of powers" and "checks and balances" leads us to reassert respectfully that a veto, and not a signing statement, is the constitutionally appropriate avenue for any and every President to respond to an objectionable provision inserted in a bill by Congress.

Sincerely,



Wm. T. (Bill) Robinson III