

Statement of Congressman Walter B. Jones

**Hearing before the House Committee on the Judiciary
“Executive Power and Its Constitutional Limitations”**

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Mr. Chairman, thank you for the opportunity to testify regarding the use of presidential signing statements. To me, what we’re really talking about today is trust: for our Nation to be free and strong, the people must trust their President to enforce the law. When the President bypasses the will of the people, expressed through Congress, and decides what provisions of law will and will not be enforced, the President goes beyond the Constitutional authority given to him by our Founding Fathers.

Presidential signing statements are official pronouncements that a President may make when signing a bill into law for a variety of purposes: to express thanks to legislators, to acknowledge matters of historical significance, or, to state that the President does not intend to enforce a specific section of the bill when signed into law because he does not believe it to be constitutional. While expressing thanks or making note of an historic piece of legislation is an appropriate use of a presidential signing statement, the increasing use of signing statements to declare the President’s intent to ignore the will of Congress is unacceptable.

While signing statements have been used since the Monroe Administration in the early 19th century, their use to qualify or nullify legislation has grown dramatically in recent history. According to a September 2007 Congressional Research Service report entitled “Presidential Signing Statements: Constitutional and Institutional Implications,” President Clinton issued 381 statements during his presidency, 70 of which, or 18 percent, raised constitutional or legal objections. That report also noted that as of late last year, President George W. Bush had issued 152 signing statements, 118 of which, or 78 percent, stated constitutional or legal objections.

The American Bar Association (ABA) convened a Task Force on Presidential Signing Statements and the Separation of Powers Doctrine in 2006. That Task Force examined the increased use of signing statements by presidents to effectively line-item veto provisions of bills that they do not intend to enforce. The report issued by the Task Force in August of 2006 cited numerous constitutional objections in signing statements by President Bush. I have submitted a copy of that report for the record. Specifically, the report notes signing statements objecting to provisions in a law banning the use of U.S. troops in combat against rebels in Colombia, as well as a law requiring background checks for civilian contractors in Iraq.

The American people deserve to know the truth about these signing statements – what they say and what they mean. That is why I have introduced H.R. 5993, the Presidential Signing Statements Act. This bill addresses the recommendation of the ABA Task Force that the Congress and the public be fully informed about the use of

presidential signing statements by requiring that signing statements be sent to Congressional leadership within 3 days of issuance and published in the Federal Register. H.R. 5993 would also allow the House and Senate Judiciary Committees to request testimony on the meaning and justification for any signing statement. Lastly, H.R. 5993 would provide that if any of the provisions I've mentioned are not complied with, funding of the underlying bill would be denied.

I would like to conclude my statement by expressing my appreciation for Senator McCain's pledge never to use signing statements if elected president. I would encourage Senator Obama to do the same. Our Nation is suffering from a lack of trust: how can our electorate trust their elected officials when the Executive power disregards provisions of bills passed by Congress and signed into law? The use of signing statements must be examined by the public, and it is my belief that my bill and this hearing today will serve that purpose. Mr. Chairman, I thank you for the opportunity to speak to the Committee on this important issue.