

More on Presidential Signing Statements...

Presidential signing statements are sometimes used to express a President's intent not to enforce parts of legislation that the administration considers unconstitutional. In recent years scholars and jurists have debated whether signing statements are legislative history for purposes of interpreting federal statutes. Generally, the signing statement is considered part of a statute's legislative history, even though it comes from the president and not from Congress, and despite the debate. In a recent example, U.S. Supreme Court Justice Scalia disagreed with his brethren's disregard of a signing statement related to the *Detainee Treatment Act*, [Pub. L. No. 109-148](#), §§ 1005-1006, 119 Stat. 2736 (2005). [Hamdan v. Rumsfeld](#), 548 U.S. ____ (2006) (Scalia dissenting).

In 2007 President Bush issued 7 signing statements. The website [Cohertbabble](#) provides access to the text of the signing statements of George W. Bush 2001-2008, as well as a Frequently Asked Questions column and links to articles and blog posts. <http://www.coherentbabble.com/signingstatements/FAQs.htm>.

President Bush's signing statements are also included in a database of signing statements from 1929 to the present on the web at the American Presidency Project, *Presidential Signing Statements: Hoover to G.W. Bush*. <http://www.presidency.ucsb.edu/signingstatements.php>.

In June 2006 the United States Senate Committee on the Judiciary, held a Hearing on the Use of Presidential Signing Statements. Witnesses included several law professors. In addition to printed versions of testimony, a webcast is available. <http://judiciary.senate.gov/hearing.cfm?id=1969>

The American Bar Association House of Delegates Task Force issued a Report on Presidential Signing Statements in July 2006. <http://www.abavideo.org/ABA373/>

In 1993 Walter Dellinger, Assistant Attorney General to Bernard N. Nussbaum, Counsel to then President Clinton, issued a memorandum, *The Legal Significance of Presidential Signing Statements* (Nov. 3, 1993), reprinted at 48 Ark. L. Rev. 333 (1994). <http://www.usdoj.gov/olc/signing.htm>

Samuel A. Alito, Jr., then Deputy Assistant Attorney General to the Litigation Strategy Working Group, U.S. Department of Justice, during the Reagan administration, wrote an internal memorandum *Using Presidential Signing Statement to Make Fuller Use of the President's Constitutionally Assigned Role in the Process of Enacting Law* (Feb. 5, 1986) <http://www.archives.gov>.

The *Weekly Compilation of Presidential Documents* has been the official source of presidential signing statements and other legally significant materials released by the White House Press Secretary since it began publication in 1965.

The *Public Papers of the President and United States Code Congressional and Administrative News* also include “signing statements” and other presidential communications such as *Executive Orders* and *Presidential Proclamations*, both of which are effective upon publication in the *Federal Register* and are compiled in Title 3 of the *Code of Federal Regulations*. The *Public Papers* begins with the papers of President Hoover, but does not include the papers of Franklin Roosevelt, which were privately printed prior to the start of the series. Since 1977, the *Public Papers* have included everything contained in the *Weekly Compilation*, although beginning in 1989 the *Public Papers* stopped reproducing the full-text of proclamations and executive orders, and now simply includes lists with citations to the *Federal Register*.

These resources are available in print in the Law Library and online. Coverage of the online versions varies.

Weekly Compilation of Presidential Documents

HeinOnline (from 1965 in PDF) (coverage does not include most recent six months)

<http://www.heinonline.org/HOL/Index?collection=presidents>

GPO Access <http://www.gpoaccess.gov/wcomp/index.html> (1993 -).

Public Papers of the Presidents of the United States.

HeinOnline (from 1931- forward).

<http://www.heinonline.org/HOL/Index?collection=presidents>

GPO Access <http://www.gpoaccess.gov/pubpapers/index.html> (1991 forward).

For more information about signing statements, a bibliography of articles and books, links to additional policy reports and to other online resources, see the *Presidential Signing Statements Research Guide*, compiled by the librarians of Georgetown Law Library. This article is based on their guide, with thanks for providing an excellent resource.

<http://www.ll.georgetown.edu/guides/presidentialsigningstatements.cfm#memos>